

3465

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Election Law

AN ACT to create a temporary state commission on the electoral process and to provide for the making of grants by the state board of elections to local boards of election for the improvement of the electoral process and making an appropriation therefor; and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. A temporary state commission on the electoral process is
2 hereby created to examine, evaluate, and make recommendations pertaining
3 to the electoral process, with particular focus on the procedures
4 involved in the conduct of the process of voting at polling places. The
5 commission shall direct its attention to the availability, feasibility,
6 and reliability of new technologies for the conduct of voting.
7 S 2. The commission shall consist of 13 members, each to serve for a
8 term of 2 years, to be forthwith appointed as follows: 2 shall be
9 appointed by the temporary president of the senate and 1 by the minority
10 leader of the senate; 2 shall be appointed by the speaker of the assem-
11 bly and 1 by the minority leader of the assembly; 7 shall be appointed
12 by the governor. The appointees shall be broadly representative of the
13 geographic areas of the state. No more than 4 appointees shall be legis-
14 lators. The governor shall designate the chair and vice chair from among
15 his or her appointees. Vacancies in the membership of the commission and
16 among its officers shall be filled in the manner provided for original
17 appointments.
18 S 3. The commission may employ and at pleasure remove such personnel
19 as it may deem necessary for the performance of its functions and fix
20 their compensation within the amounts made available therefor.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD06863-01-9

1 S 4. The commission may meet within and without the state, shall hold
2 public hearings, and shall have all the powers of a legislative commit-
3 tee pursuant to the legislative law.

4 S 5. The members of the commission shall receive no compensation for
5 their services, but shall be allowed their actual and necessary expenses
6 incurred in the performance of their duties hereunder.

7 S 6. To the maximum extent feasible, the commission shall be entitled
8 to request and receive and shall utilize and be provided with such
9 facilities, resources, and data of any court, department, division,
10 board, bureau, commission, or agency of the state or any political
11 subdivision thereof as it may reasonably request to carry out properly
12 its powers and duties hereunder.

13 S 7. The commission shall make a preliminary report to the governor
14 and the legislature of its findings, conclusions, and recommendations
15 not later than July 1, 2010 and a final report of its findings, conclu-
16 sions, and recommendations not later than January 1, 2011, and shall
17 submit with its reports such legislative proposals as it deems necessary
18 to implement its recommendations.

19 S 8. Within the amounts appropriated therefor, the state board of
20 elections shall make grants to local boards of elections for the follow-
21 ing purposes:

22 a. To increase the numbers and improve the training of election
23 inspectors and other poll workers;

24 b. To improve procedures for the testing, maintenance, and repair of
25 voting machines;

26 c. To enhance the implementation of the National Voter Registration
27 Act of 1993;

28 d. To improve compliance with the Americans with Disabilities Act
29 insofar as such act applies to voting; and

30 e. To improve the application and enforcement of laws pertaining to
31 eligibility of students to register and vote in the jurisdictions in
32 which they attend an institution of higher education.

33 In making such grants the state board of elections shall give priority
34 to jurisdictions according to the volume of complaints and known prob-
35 lems.

36 S 9. The sum of twenty-five million dollars (\$25,000,000), or so much
37 thereof as may be necessary, is hereby appropriated to the state board
38 of elections from any moneys in the state treasury in the general fund
39 to the credit of the local assistance account, not otherwise appropri-
40 ated, for the purposes of carrying out the provisions of section eight
41 of this act. Such sum shall be payable on the audit and warrant of the
42 state comptroller on vouchers certified or approved by the state board
43 of elections, or its duly designated representative in the manner
44 provided by law. No expenditure shall be made from this appropriation
45 until a certificate of approval of availability shall have been issued
46 by the director of the budget and filed with the state comptroller and a
47 copy filed with the chair of the senate finance committee and the chair
48 of the assembly ways and means committee. Such certificate may be
49 amended from time to time by the director of the budget and a copy of
50 each such amendment shall be filed with the state comptroller, the chair
51 of the senate finance committee and the chair of the assembly ways and
52 means committee.

53 S 10. This act shall take effect immediately; provided that sections
54 one through seven of this act shall remain in effect until January 1,
55 2011, when upon such date such sections shall expire and shall be deemed
56 repealed.