S T A T E O F N E W Y O R K

8692--C

Cal. No. 765

2009-2010 Regular Sessions

I N A S S E M B L Y

June 3, 2009

Introduced by M. of A. MILLMAN, BENJAMIN -- read once and referred to the Committee on Election Law -- recommitted to the Committee on Election Law in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the election law, in relation to the alteration of election districts by the board of elections; and to repeal certain provisions of such law relating thereto

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

Section 1. Subdivision 2 of section 4-100 of the election law is amended to read as follows:

2. The creation, consolidation, division or alteration of election districts shall be done by the [legislative body of the city or town within which the election district is contained except in the cities of Buffalo and New York and the counties of Monroe, Nassau, and Suffolk. In the cities of Buffalo and New York, and the counties of Monroe, Nassau and Suffolk, and for any other town or city, upon the request of its legislative body, the creation, consolidation, division or alteration of election districts shall be done by the] board of elections.

S 2. Subdivision 5 of section 4-104 of the election law is amended by adding a new paragraph (d) to read as follows:

(D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, POLLING PLACES DESIGNATED FOR ANY ONE SUCH ELECTION DISTRICT THAT WILL BE UTILIZING ANY VOTING MACHINE OR SYSTEM CERTIFIED FOR USE IN NEW YORK STATE PURSUANT TO CHAPTER ONE HUNDRED EIGHTY-ONE OF THE LAWS OF TWO THOUSAND FIVE, MAY BE THE POLLING PLACE OF ANY OTHER CONTIGUOUS DISTRICT OR DISTRICTS, PROVIDED THE VOTING SYSTEM USED IN SUCH POLLING PLACE PRODUCES SEPARATE

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

LBD09410-12-0

AND DISTINCT VOTE TOTALS FOR EACH ELECTION DISTRICT VOTING IN SUCH POLLING PLACE ON SUCH VOTING MACHINE OR SYSTEM.

S 3. Subdivision 6 of section 4-104 of the election law is amended to read as follows:

6. Each polling place designated, whenever practicable, shall be situated on the main or ground floor of the premises selected. It shall be of sufficient area to admit and comfortably accommodate [at least ten] voters [at one time and to allow for the placement in such meeting place, of booths, furniture and equipment, as provided by law] IN NUMBERS CONSISTENT WITH THE DEPLOYMENT OF VOTING SYSTEMS AND PRIVACY BOOTHS, PURSUANT TO 9 NYCRR 6210.19. SUCH DEPLOYMENT OF VOTING SYSTEMS, ELECTION WORKERS AND ELECTION RESOURCES SHALL BE IN A SUFFICIENT NUMBER TO ACCOMMODATE THE NUMBERS OF VOTERS ELIGIBLE TO VOTE IN SUCH POLLING PLACE.

S 4. Subdivision 6 of section 4-100 of the election law is REPEALED.

S 5. This act shall take effect immediately.