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

7847

I N S E N A T E

September 14, 2012

Introduced by Sen. ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the election law, in relation to creating the "Help New York Vote act" for reforming the New York city board of elections

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

Section 1. This act may be known as and may be cited as the "Help New York Vote act".

S 2. Subdivisions 3 and 4 of section 3-200 of the election law, subdivision 4 as amended by chapter 195 of the laws of 2003, are amended and three new subdivisions 8, 9 and 10 are added to read as follows:

3. In the city of New York the board shall consist of [ten] FIVE commissioners of election who shall be registered voters in the county for which they are appointed [and they]. TWO shall be appointed by the SPEAKER OF THE city council of the city of New York, TWO SHALL BE APPOINTED BY THE NEW YORK CITY MAYOR AND ONE SHALL BE APPOINTED JOINTLY BY THE SPEAKER OF THE CITY COUNCIL OF THE CITY OF NEW YORK AND THE NEW YORK CITY MAYOR. [Not more than two commissioners shall be registered voters of the same county.] THE TWO MEMBERS APPOINTED BY THE SPEAKER OF THE CITY COUNCIL OF THE CITY OF NEW YORK SHALL NOT BE REGISTERED IN THE SAME POLITICAL PARTY. THE TWO MEMBERS APPOINTED BY THE NEW YORK CITY MAYOR SHALL NOT BE REGISTERED IN THE SAME POLITICAL PARTY. THE MEMBER APPOINTED JOINTLY BY THE SPEAKER OF THE CITY COUNCIL OF THE CITY OF NEW YORK AND THE NEW YORK CITY MAYOR SHALL SERVE AS THE CHAIRPERSON, AND SHALL BE REGISTERED TO A DIFFERENT POLITICAL PARTY THAN THE MEMBER PREVIOUSLY APPOINTED JOINTLY BY THE SPEAKER OF THE CITY COUNCIL OF THE CITY OF NEW YORK AND THE NEW YORK CITY MAYOR.

4. No person shall be appointed as election commissioner or continue to hold office who is not a registered voter in the county and not an enrolled member of the party recommending his appointment, or who holds any other public office, except that of commissioner of deeds, notary public, village officer, city or town justice, [member of a community board within the city of New York] or trustee or officer of a school district outside of a city. NO PERSON SHALL BE APPOINTED AS ELECTION

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

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COMMISSIONER IN THE CITY OF NEW YORK WHO IS AN OFFICER IN A POLITICAL PARTY, EMPLOYEE OF THE CITY OF NEW YORK OR AN AGENCY THEREOF, IS A LOBBYIST REQUIRED TO FILE A STATEMENT OF REGISTRATION OR BE EMPLOYED BY A LOBBYIST.

8. AN ELECTION COMMISSIONER IN THE CITY OF NEW YORK SHALL NOT PARTICIPATE IN ANY CAPACITY IN A CAMPAIGN BY A CANDIDATE FOR NOMINATION FOR ELECTION OR ELECTION TO THE OFFICE OF MAYOR, COMPTROLLER, BOROUGH PRESIDENT OR MEMBER OF THE CITY COUNCIL.

9. AN ELECTION COMMISSIONER IN THE CITY OF NEW YORK SHALL NOT MAKE FINANCIAL CONTRIBUTIONS TO ANY CANDIDATE FOR ANY PUBLIC OFFICE IN THE CITY OF NEW YORK.

10. AN ELECTION COMMISSIONER IN THE CITY OF NEW YORK SHALL BE REMOVED FOR CAUSE AND UPON NOTICE AND HEARING.

S 3. Subdivision 1 of section 3-202 of the election law is amended to read as follows:

1. The term of office of an election commissioner shall be two years beginning January first of each odd numbered year except that in the city of New York THE TERM SHALL BE THREE YEARS and the county of Schenectady the term shall be four years beginning on January first of each alternate odd numbered year. The county legislative body of any other county may determine that the commissioners of elections thereafter appointed shall serve for a term of four years. Such determination may be rescinded by a subsequent action of the county legislative body which shall take effect at the expiration of the terms of the commissioners then in office. ELECTION COMMISSIONERS IN THE CITY OF NEW YORK SHALL NOT SERVE MORE THAN FOUR TERMS.

S 4. Subdivisions 1 and 4 of section 3-204 of the election law, subdivision 4 as amended by chapter 116 of the laws of 2010, are amended and a new subdivision 6 is added to read as follows:

1. At least thirty days before the first day of January of any year in which a commissioner of elections is to be appointed, the chairman or secretary of the appropriate party county committee shall file a certificate of party recommendation with the clerk of the appropriate local legislative body. THIS SUBDIVISION SHALL NOT APPLY TO THE CITY OF NEW YORK.

4. Commissioners of election shall be appointed by the county legislative body, or in the city of New York, by the SPEAKER OF THE city council AND THE NEW YORK CITY MAYOR. Provided, however, that if a legislative body shall fail to appoint any person recommended by a party for appointment as a commissioner pursuant to this section, within thirty days after the filing of a certificate of recommendation with such legislative body, then the members of such legislative body who are members of the political party which filed such certificate may appoint such person. And further provided, if there are no members of the legislative body who are members of the political party which filed such certificate, the appointment shall take effect upon the expiration of thirty days from the date that the certificate was filed. If none of the persons named in any of the certificates filed by a party are so appointed within sixty days after the filing of any such certificate, then such party may file another certificate within thirty days after the expiration of any such sixty day period recommending a different person for such appointment. If a party fails to file a certificate within the time prescribed by this section, the members of the legislative body who are members of such party may appoint any eligible person to such office.

6. IF AT ANY TIME A VACANCY OCCURS IN THE NEW YORK CITY BOARD OF ELECTIONS, THE POSITION SHALL BE FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT, AS ESTABLISHED IN SUBDIVISION THREE OF SECTION 3-200 OF THIS ARTICLE.

S 5. Subdivision 5 of section 3-212 of the election law is amended to read as follows:

5. The board of elections of the city of New York[, upon the affirmative vote of six commissioners, may adopt rules authorizing a number of commissioners less than the total membership of the board to act on behalf of the board on matters required to be performed by boards of election pursuant to the provisions of this chapter, provided that such number shall be comprised of commissioners representing equally the two political parties entitled to representation on the board] SHALL DEVELOP A COMPUTER DATABASE TO BE ACCESSIBLE TO THE PUBLIC WHICH SHALL CONTAIN THE NAMES, LEGAL ADDRESSES AND VOTING LOCATIONS OF ALL ELIGIBLE VOTING RESIDENTS IN AN ELECTION DISTRICT.

S 6. Subdivision 3 of section 4-120 of the election law, as amended by chapter 359 of the laws of 1989, is amended to read as follows:

3. The board of elections of the city of New York shall publish on the [eighth] THIRTIETH day before and the day before each general election, in at least two newspapers in such city, a notice, at least one-half page in size, in English and such other languages as such board deems appropriate, which sets forth the dates and hours of the election and the phone number to call for information about the location of polling places, their accessibility to the handicapped, applications for absentee ballots and any other subjects which such board deems appropriate. THE BOARD OF ELECTIONS OF THE CITY OF NEW YORK SHALL ELECTRONICALLY NOTIFY VOTERS OF SUCH INFORMATION WHERE ELECTRONIC MAIL ADDRESSES ARE AVAILABLE.

S 7. This act shall take effect January 1, 2013.