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

4601

2013-2014 Regular Sessions

I N A S S E M B L Y

February 6, 2013

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

AN ACT to amend the election law, in relation to the appointment of election inspectors and poll clerks

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

Section 1. Subdivision 4 of section 3-401 of the election law, as added by chapter 90 of the laws of 1991, is amended to read as follows:

4. Any county board of elections appointing election coordinators and in the city of New York, the board of elections of the city of New York, shall prepare a report detailing assignments and duties to be delegated to election coordinators. ANY COUNTY BOARD OF ELECTIONS APPOINTING ELECTION COORDINATORS AND IN THE CITY OF NEW YORK, THE BOARD OF ELECTIONS OF THE CITY OF NEW YORK, SHALL PREPARE A REPORT DETAILING ASSIGNMENTS OF ELECTION INSPECTORS AND POLL CLERKS, AND SHALL SPECIFICALLY ENUMERATE THE POLL SITES FOR WHICH ELECTION INSPECTORS OR POLL CLERKS HAVE NOT YET BEEN ASSIGNED, DETAILING THE EFFORTS MADE TO DATE TO FILL THOSE ASSIGNMENTS. Said [report] REPORTS shall be filed with the state board of elections no later than one month prior to the election at which election coordinators, ELECTION INSPECTORS AND POLL CLERKS are to be assigned.

S 2. Subdivision 1 of section 3-406 of the election law is amended to read as follows:

1. Each board of elections shall establish a list of persons duly qualified to serve as election inspectors, which list shall be known as the "Additional Inspector List", in such number of persons as the board shall determine. Such a list shall be equally divided between the major political parties. Appointments under this section shall be made in the manner provided for the appointment of regular election inspectors and for a like term. EACH BOARD OF ELECTIONS SHALL BE REQUIRED TO APPOINT ELECTION INSPECTORS, POLL CLERKS AND ELECTION COORDINATORS FROM THE

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

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ADDITIONAL INSPECTOR LIST FOR EACH VACANCY LISTED ON THE REPORT PROVIDED TO THE STATE BOARD OF ELECTIONS PURSUANT TO SUBDIVISION FOUR OF SECTION 3-401 OF THIS TITLE NO LATER THAN TWENTY DAYS PRIOR TO THE ELECTION AT WHICH ELECTION COORDINATORS, ELECTION INSPECTORS AND POLL CLERKS ARE TO BE ASSIGNED.

S 3. Section 3-418 of the election law, the section heading and subdivision 4 as amended by chapter 373 of the laws of 1978, is amended to read as follows:

S 3-418. Election inspectors and poll clerks; emergency provisions for filling vacancies or absences. 1. If, at the time of a meeting of the inspectors, there shall be a vacancy, or if any inspector shall be absent, the inspector present who is the designee of the same party as the absent inspector shall appoint A QUALIFIED INSPECTOR FROM THE ADDITIONAL INSPECTOR LIST ESTABLISHED PURSUANT TO SECTION 3-406 OF THIS TITLE UNTIL SUCH ADDITIONAL INSPECTOR LIST IS EXHAUSTED. ONCE THE ADDITIONAL INSPECTOR LIST IS EXHAUSTED, THE INSPECTOR PRESENT WHO IS THE DESIGNEE OF THE SAME PARTY AS THE ABSENT INSPECTOR SHALL APPOINT a qualified voter of the same city or town to act in place of the absent inspector. If, however, any inspectors shall be temporarily absent for a portion of the meeting, the inspectors present, provided that they are not all members of the same political party, shall have and may exercise any power or perform any duty conferred or imposed upon a board of inspectors.

2. If at the time of any such meeting two inspectors who are members of the same party shall be absent, or their places shall be vacant, the poll clerk or poll clerks present, if any, of the same party shall act as inspectors and shall appoint QUALIFIED INSPECTORS FROM THE ADDITIONAL INSPECTOR LIST ESTABLISHED PURSUANT TO SECTION 3-406 OF THIS TITLE UNTIL SUCH SUPPLEMENTAL LIST IS EXHAUSTED. ONCE THE ADDITIONAL INSPECTOR LIST IS EXHAUSTED, THE POLL CLERK OR POLL CLERKS PRESENT, IF ANY, OF THE SAME PARTY AS THE ABSENT INSPECTORS SHALL ACT AS INSPECTORS AND SHALL APPOINT qualified voters of the same city or town who are members of the same party as the absent inspectors, to act in place of such clerks.

3. If at the time of any such meeting two inspectors and the poll clerk or clerks, if any, who are members of the same party shall be absent, or their places shall be vacant, the inspector or inspectors present, or in their absence the poll clerk or clerks present, if any, shall appoint QUALIFIED INSPECTORS OR POLL CLERKS FROM THE ADDITIONAL INSPECTOR LIST ESTABLISHED PURSUANT TO SECTION 3-406 OF THIS TITLE UNTIL SUCH ADDITIONAL INSPECTOR LIST IS EXHAUSTED. ONCE THE ADDITIONAL INSPECTOR LIST IS EXHAUSTED, THE INSPECTOR OR INSPECTORS PRESENT, OR IN THEIR ABSENCE THE POLL CLERK OR CLERKS PRESENT, IF ANY, SHALL APPOINT qualified voters of the same city or town, who are members of the same party as such absent inspectors, to act as such inspectors and clerks, until the inspectors or clerks duly appointed by the original appointing authority, shall appear.

4. If at the time of any such meeting, there shall be a vacancy in the office of poll clerk, or if a poll clerk shall be absent, the inspectors who are designees of the same party, or in their absence, any poll clerk of the same party who is present, shall appoint QUALIFIED POLL CLERKS FROM THE ADDITIONAL INSPECTOR LIST ESTABLISHED PURSUANT TO SECTION 3-406 OF THIS TITLE UNTIL SUCH ADDITIONAL INSPECTOR LIST IS EXHAUSTED. ONCE THE ADDITIONAL INSPECTOR LIST IS EXHAUSTED, THE INSPECTOR OR INSPECTORS PRESENT, OR IN THEIR ABSENCE THE POLL CLERK OR CLERKS PRESENT, IF ANY, SHALL APPOINT a qualified voter of the same city or town who is a member of the same party, to act in place of the absent poll clerk.

5. Every person so appointed or named shall take the oath of office, which shall be administered by any person authorized to administer oaths or by one of the inspectors.

S 4. This act shall take effect immediately.