

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:

1 Section 1. Subdivision 4 of section 3-401 of the election law, as
2 added by chapter 90 of the laws of 1991, is amended to read as follows:
3 4. Any county board of elections appointing election coordinators and
4 in the city of New York, the board of elections of the city of New York,
5 shall prepare a report detailing assignments and duties to be delegated
6 to election coordinators. ANY COUNTY BOARD OF ELECTIONS APPOINTING
7 ELECTION COORDINATORS AND IN THE CITY OF NEW YORK, THE BOARD OF
8 ELECTIONS OF THE CITY OF NEW YORK, SHALL PREPARE A REPORT DETAILING
9 ASSIGNMENTS OF ELECTION INSPECTORS AND POLL CLERKS, AND SHALL SPECIF-
10 ICALLY ENUMERATE THE POLL SITES FOR WHICH ELECTION INSPECTORS OR POLL
11 CLERKS HAVE NOT YET BEEN ASSIGNED, DETAILING THE EFFORTS MADE TO DATE TO
12 FILL THOSE ASSIGNMENTS. Said [report] REPORTS shall be filed with the
13 state board of elections no later than one month prior to the election
14 at which election coordinators, ELECTION INSPECTORS AND POLL CLERKS are
15 to be assigned.
16 S 2. Subdivision 1 of section 3-406 of the election law is amended to
17 read as follows:
18 1. Each board of elections shall establish a list of persons duly
19 qualified to serve as election inspectors, which list shall be known as
20 the "Additional Inspector List", in such number of persons as the board
21 shall determine. Such a list shall be equally divided between the major
22 political parties. Appointments under this section shall be made in the
23 manner provided for the appointment of regular election inspectors and
24 for a like term. EACH BOARD OF ELECTIONS SHALL BE REQUIRED TO APPOINT
25 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.

LBD07748-01-3

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

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

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

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

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

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

1 5. Every person so appointed or named shall take the oath of office,
2 which shall be administered by any person authorized to administer oaths
3 or by one of the inspectors.
4 S 4. This act shall take effect immediately.