

1829

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

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

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:

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

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

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

22 4. No person shall be appointed as election commissioner or continue  
23 to hold office who is not a registered voter in the county and not an  
24 enrolled member of the party recommending his appointment, or who holds

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

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1 any other public office, except that of commissioner of deeds, notary  
2 public, village officer, city or town justice, [member of a community  
3 board within the city of New York] or trustee or officer of a school  
4 district outside of a city. NO PERSON SHALL BE APPOINTED AS ELECTION  
5 COMMISSIONER IN THE CITY OF NEW YORK WHO IS AN OFFICER IN A POLITICAL  
6 PARTY, EMPLOYEE OF THE CITY OF NEW YORK OR AN AGENCY THEREOF, IS A  
7 LOBBYIST REQUIRED TO FILE A STATEMENT OF REGISTRATION OR BE EMPLOYED BY  
8 A LOBBYIST.

9 8. AN ELECTION COMMISSIONER IN THE CITY OF NEW YORK SHALL NOT PARTIC-  
10 IPATE IN ANY CAPACITY IN A CAMPAIGN BY A CANDIDATE FOR NOMINATION FOR  
11 ELECTION OR ELECTION TO THE OFFICE OF MAYOR, COMPTROLLER, BOROUGH PRESI-  
12 DENT OR MEMBER OF THE CITY COUNCIL.

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

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

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

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

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

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

40 4. Commissioners of election shall be appointed by the county legisla-  
41 tive body, or in the city of New York, by the SPEAKER OF THE city coun-  
42 cil AND THE NEW YORK CITY MAYOR. Provided, however, that if a legisla-  
43 tive body shall fail to appoint any person recommended by a party for  
44 appointment as a commissioner pursuant to this section, within thirty  
45 days after the filing of a certificate of recommendation with such  
46 legislative body, then the members of such legislative body who are  
47 members of the political party which filed such certificate may appoint  
48 such person. And further provided, if there are no members of the legis-  
49 lative body who are members of the political party which filed such  
50 certificate, the appointment shall take effect upon the expiration of  
51 thirty days from the date that the certificate was filed. If none of the  
52 persons named in any of the certificates filed by a party are so  
53 appointed within sixty days after the filing of any such certificate,  
54 then such party may file another certificate within thirty days after  
55 the expiration of any such sixty day period recommending a different  
56 person for such appointment. If a party fails to file a certificate

1 within the time prescribed by this section, the members of the legisla-  
2 tive body who are members of such party may appoint any eligible person  
3 to such office.

4 6. IF AT ANY TIME A VACANCY OCCURS IN THE NEW YORK CITY BOARD OF  
5 ELECTIONS, THE POSITION SHALL BE FILLED IN THE SAME MANNER AS THE  
6 ORIGINAL APPOINTMENT, AS ESTABLISHED IN SUBDIVISION THREE OF SECTION  
7 3-200 OF THIS ARTICLE.

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

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

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

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

33 S 7. This act shall take effect January 1, 2014.