

8582--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

November 18, 2015

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Introduced by M. of A. KAVANAGH, CUSICK, BLAKE -- 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

AN ACT to amend the election law, in relation to early voting; 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:

1     Section 1. Section 3-400 of the election law is amended by adding a  
2     new subdivision 9 to read as follows:  
3     9. NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF THIS ARTICLE,  
4     ELECTION INSPECTORS OR POLL CLERKS, IF ANY, AT POLLING PLACES FOR EARLY  
5     VOTING, SHALL CONSIST OF EITHER BOARD OF ELECTIONS EMPLOYEES WHO SHALL  
6     BE APPOINTED BY THE COMMISSIONERS OF SUCH BOARD OR DULY QUALIFIED INDI-  
7     VIDUALS, APPOINTED IN THE MANNER SET FORTH IN THIS SECTION. APPOINTMENTS  
8     TO THE OFFICES OF ELECTION INSPECTOR OR POLL CLERK IN EACH POLLING PLACE  
9     FOR EARLY VOTING SHALL BE EQUALLY DIVIDED BETWEEN THE MAJOR POLITICAL  
10    PARTIES. THE BOARD OF ELECTIONS SHALL ASSIGN STAFF AND PROVIDE THE  
11    RESOURCES THEY REQUIRE TO ENSURE WAIT TIMES AT EARLY VOTING SITES DO NOT  
12    EXCEED THIRTY MINUTES.  
13    S 2. Section 4-117 of the election law is amended by adding a new  
14    subdivision 1-a to read as follows:  
15    1-A. THE NOTICE REQUIRED BY SUBDIVISION ONE OF THIS SECTION SHALL  
16    INCLUDE THE DATES, HOURS AND LOCATIONS OF EARLY VOTING FOR THE GENERAL  
17    AND PRIMARY ELECTION. THE BOARD OF ELECTIONS MAY SATISFY THE NOTICE  
18    REQUIREMENT OF THIS SUBDIVISION BY PROVIDING IN THE NOTICE INSTRUCTIONS  
19    TO OBTAIN THE REQUIRED EARLY VOTING INFORMATION FROM A WEBSITE OF THE  
20    BOARD OF ELECTIONS AND PROVIDING A PHONE NUMBER TO CALL FOR SUCH INFOR-  
21    MATION.

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

LBD13193-02-6

1 S 3. Subdivision 2 of section 8-100 of the election law is REPEALED  
2 and a new subdivision 2 is added to read as follows:

3 2. (A) THE BOARD OF ELECTIONS OF EACH COUNTY AND OF THE CITY OF NEW  
4 YORK SHALL DESIGNATE HOURS POLLS SHALL BE OPEN FOR VOTING, SUBJECT TO  
5 THE REQUIREMENTS OF THIS SUBDIVISION.

6 (B) IN THE CITY OF NEW YORK OR IN THE COUNTY OF NASSAU, SUFFOLK, WEST-  
7 CHESTER, ROCKLAND, ORANGE, PUTNAM OR ERIE, FOR A PRIMARY ELECTION, THE  
8 DESIGNATED TIME POLLS SHALL OPEN SHALL BE NO EARLIER THAN SIX O'CLOCK  
9 AND NO LATER THAN SEVEN O'CLOCK IN THE MORNING.

10 (C) IN ANY COUNTY OTHER THAN IN THE CITY OF NEW YORK OR THE COUNTIES  
11 OF NASSAU, SUFFOLK, WESTCHESTER, ROCKLAND, ORANGE, PUTNAM OR ERIE, FOR A  
12 PRIMARY ELECTION THE DESIGNATED TIME POLLS SHALL OPEN SHALL BE NO EARLI-  
13 ER THAN ELEVEN O'CLOCK IN THE MORNING AND NO LATER THAN TWELVE O'CLOCK  
14 NOON.

15 (D) FOR A GENERAL, SPECIAL, OR OTHER ELECTION, EXCEPT AS OTHERWISE  
16 PROVIDED BY LAW, THE DESIGNATED TIME POLLS SHALL OPEN SHALL BE NO EARLI-  
17 ER THAN SIX O'CLOCK AND NO LATER THAN SEVEN O'CLOCK IN THE MORNING.

18 (E) FOR ANY PRIMARY, GENERAL, SPECIAL, OR OTHER ELECTION, EXCEPT AS  
19 OTHERWISE PROVIDED BY LAW, THE DESIGNATED TIME POLLS SHALL CLOSE SHALL  
20 BE NO EARLIER THAN EIGHT O'CLOCK AND NO LATER THAN NINE O'CLOCK IN THE  
21 EVENING.

22 S 4. Subdivision 1 of section 8-102 of the election law is amended by  
23 adding a new paragraph (k) to read as follows:

24 (K) VOTING AT EACH POLLING PLACE FOR EARLY VOTING SHALL BE CONDUCTED  
25 IN A MANNER CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE, WITH THE  
26 EXCEPTION OF THE TABULATION AND PROCLAMATION OF ELECTION RESULTS WHICH  
27 SHALL BE COMPLETED ACCORDING TO SUBDIVISIONS EIGHT AND NINE OF SECTION  
28 8-600 OF THIS ARTICLE.

29 S 5. Section 8-104 of the election law is amended by adding a new  
30 subdivision 7 to read as follows:

31 7. THIS SECTION SHALL APPLY ON ALL EARLY VOTING DAYS AS PROVIDED FOR  
32 IN SECTION 8-600 OF THIS ARTICLE.

33 S 6. Paragraph (b) of subdivision 2 of section 8-508 of the election  
34 law, as amended by chapter 200 of the laws of 1996, is amended to read  
35 as follows:

36 (b) The second section of such report shall be reserved for the board  
37 of inspectors to enter the name, address and registration serial number  
38 of each person who is challenged on the day of election OR ON ANY DAY IN  
39 WHICH THERE IS EARLY VOTING PURSUANT TO SECTION 8-600 OF THIS ARTICLE,  
40 together with the reason for the challenge. If no voters are chal-  
41 lenged, the board of inspectors shall enter the words "No Challenges"  
42 across the space reserved for such names. In lieu of preparing section  
43 two of the challenge report, the board of elections may provide, next to  
44 the name of each voter on the computer generated registration list, a  
45 place for the inspectors of election to record the information required  
46 to be entered in such section two, or provide at the end of such comput-  
47 er generated registration list, a place for the inspectors of election  
48 to enter such information.

49 S 7. Article 8 of the election law is amended by adding a new title 6  
50 to read as follows:

51 TITLE VI  
52 EARLY VOTING

53 SECTION 8-600. EARLY VOTING.

54 8-602. STATE BOARD OF ELECTIONS; POWERS AND DUTIES FOR EARLY  
55 VOTING.

1 S 8-600. EARLY VOTING. 1. BEGINNING THE THIRTEENTH DAY PRIOR TO ANY  
2 GENERAL, PRIMARY OR SPECIAL ELECTION FOR ANY PUBLIC OR PARTY OFFICE, AND  
3 ENDING ON AND INCLUDING THE SECOND DAY PRIOR TO SUCH GENERAL, PRIMARY OR  
4 SPECIAL ELECTION FOR SUCH PUBLIC OR PARTY OFFICE, PERSONS DULY REGIS-  
5 TERED AND ELIGIBLE TO VOTE AT SUCH ELECTION SHALL BE PERMITTED TO VOTE  
6 AS PROVIDED IN THIS TITLE. THE BOARD OF ELECTIONS OF EACH COUNTY AND  
7 THE CITY OF NEW YORK SHALL ESTABLISH PROCEDURES, SUBJECT TO APPROVAL OF  
8 THE STATE BOARD OF ELECTIONS, TO ENSURE THAT PERSONS WHO VOTE DURING THE  
9 EARLY VOTING PERIOD SHALL NOT BE PERMITTED TO VOTE SUBSEQUENTLY IN THE  
10 SAME ELECTION.

11 2. (A) THE BOARD OF ELECTIONS OF EACH COUNTY OR THE CITY OF NEW YORK  
12 SHALL DESIGNATE POLLING PLACES FOR EARLY VOTING IN EACH COUNTY, WHICH  
13 MAY INCLUDE THE OFFICES OF THE BOARD OF ELECTIONS, FOR PERSONS TO VOTE  
14 EARLY PURSUANT TO THIS SECTION. THERE SHALL BE SO DESIGNATED AT LEAST  
15 ONE EARLY VOTING POLLING PLACE FOR EVERY FULL INCREMENT OF FIFTY THOU-  
16 SAND REGISTERED VOTERS IN EACH COUNTY; PROVIDED, HOWEVER, THE NUMBER OF  
17 EARLY VOTING POLLING PLACES IN A COUNTY SHALL NOT BE REQUIRED TO BE  
18 GREATER THAN SEVEN, AND A COUNTY WITH FEWER THAN FIFTY THOUSAND VOTERS  
19 SHALL HAVE AT LEAST ONE EARLY VOTING POLLING PLACE.

20 (B) THE BOARD OF ELECTIONS OF EACH COUNTY OR THE CITY OF NEW YORK MAY  
21 ESTABLISH ADDITIONAL POLLING PLACES FOR EARLY VOTING IN EXCESS OF THE  
22 MINIMUM NUMBER REQUIRED BY THIS SUBDIVISION FOR THE CONVENIENCE OF  
23 ELIGIBLE VOTERS WISHING TO VOTE DURING THE EARLY VOTING PERIOD.

24 (C) NOTWITHSTANDING THE MINIMUM NUMBER OF EARLY VOTING POLL SITES  
25 OTHERWISE REQUIRED BY THIS SUBDIVISION, FOR ANY PRIMARY OR SPECIAL  
26 ELECTION, UPON MAJORITY VOTE OF THE BOARD OF ELECTIONS, THE NUMBER OF  
27 EARLY VOTING SITES MAY BE REDUCED IF THE BOARD OF ELECTIONS REASONABLY  
28 DETERMINES A LESSER NUMBER OF SITES IS SUFFICIENT TO MEET THE NEEDS OF  
29 EARLY VOTERS.

30 (D) POLLING PLACES FOR EARLY VOTING SHALL BE LOCATED TO ENSURE, TO THE  
31 EXTENT PRACTICABLE, THAT ELIGIBLE VOTERS HAVE ADEQUATE EQUITABLE ACCESS,  
32 TAKING INTO CONSIDERATION POPULATION DENSITY, TRAVEL TIME TO THE POLLING  
33 PLACE, PROXIMITY TO OTHER LOCATIONS OR COMMONLY USED TRANSPORTATION  
34 ROUTES AND SUCH OTHER FACTORS THE BOARD OF ELECTIONS OF THE COUNTY OR  
35 THE CITY OF NEW YORK DEEMS APPROPRIATE. THE PROVISIONS OF SECTION 4-104  
36 OF THIS CHAPTER, EXCEPT SUBDIVISIONS FOUR AND FIVE OF SUCH SECTION,  
37 SHALL APPLY TO THE DESIGNATION OF POLLING PLACES FOR EARLY VOTING EXCEPT  
38 TO THE EXTENT SUCH PROVISIONS ARE INCONSISTENT WITH THIS SECTION.

39 3. ANY PERSON PERMITTED TO VOTE EARLY MAY DO SO AT ANY POLLING PLACE  
40 FOR EARLY VOTING ESTABLISHED PURSUANT TO SUBDIVISION TWO OF THIS SECTION  
41 IN THE COUNTY WHERE SUCH VOTER IS REGISTERED TO VOTE. PROVIDED, HOWEVER,  
42 (A) IF IT IS IMPRACTICAL TO PROVIDE EACH POLLING PLACE FOR EARLY VOTING  
43 ALL APPROPRIATE BALLOTS FOR EACH ELECTION TO BE VOTED ON IN THE COUNTY,  
44 OR (B) IF PERMITTING SUCH PERSONS TO VOTE EARLY AT ANY POLLING PLACE  
45 ESTABLISHED FOR EARLY VOTING WOULD MAKE IT IMPRACTICAL TO ENSURE THAT  
46 SUCH VOTER HAS NOT PREVIOUSLY VOTED EARLY DURING SUCH ELECTION, THE  
47 BOARD OF ELECTIONS MAY DESIGNATE EACH POLLING PLACE FOR EARLY VOTING  
48 ONLY FOR THOSE VOTERS REGISTERED TO VOTE IN A PORTION OF THE COUNTY TO  
49 BE SERVED BY SUCH POLLING PLACE FOR EARLY VOTING, PROVIDED THAT ALL  
50 VOTERS IN EACH COUNTY SHALL HAVE ONE OR MORE POLLING PLACES AT WHICH  
51 THEY ARE ELIGIBLE TO VOTE THROUGHOUT THE EARLY VOTING PERIOD ON A  
52 SUBSTANTIALLY EQUAL BASIS.

53 4. (A) POLLS SHALL BE OPEN FOR EARLY VOTING FOR AT LEAST EIGHT HOURS  
54 BETWEEN SEVEN O'CLOCK IN THE MORNING AND EIGHT O'CLOCK IN THE EVENING  
55 EACH WEEK DAY DURING THE EARLY VOTING PERIOD.

(B) AT LEAST ONE POLLING PLACE FOR EARLY VOTING SHALL REMAIN OPEN UNTIL EIGHT O'CLOCK IN THE EVENING ON AT LEAST TWO WEEK DAYS IN EACH CALENDAR WEEK DURING THE EARLY VOTING PERIOD. IF POLLING PLACES FOR EARLY VOTING ARE LIMITED TO VOTERS FROM CERTAIN AREAS PURSUANT TO SUBDIVISION THREE OF THIS SECTION, POLLING PLACES THAT REMAIN OPEN UNTIL EIGHT O'CLOCK SHALL BE DESIGNATED SUCH THAT ANY PERSON ENTITLED TO VOTE EARLY MAY VOTE UNTIL EIGHT O'CLOCK IN THE EVENING ON AT LEAST TWO WEEK DAYS DURING THE EARLY VOTING PERIOD.

(C) POLLS SHALL BE OPEN FOR EARLY VOTING FOR AT LEAST FIVE HOURS BETWEEN NINE O'CLOCK IN THE MORNING AND SIX O'CLOCK IN THE EVENING ON EACH SATURDAY, SUNDAY AND LEGAL HOLIDAY DURING THE EARLY VOTING PERIOD.

(D) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT ANY BOARD OF ELECTIONS FROM ESTABLISHING A GREATER NUMBER OF HOURS FOR VOTING DURING THE EARLY VOTING PERIOD BEYOND THE NUMBER OF HOURS REQUIRED IN THIS SUBDIVISION.

(E) EARLY VOTING POLLING PLACES AND THEIR HOURS OF OPERATION FOR EARLY VOTING AT A GENERAL ELECTION SHALL BE DESIGNATED BY MAY FIRST OF EACH YEAR PURSUANT TO SUBDIVISION ONE OF SECTION 4-104 OF THIS CHAPTER. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF SECTION 4-104 OF THIS CHAPTER REQUIRING POLL SITE DESIGNATION BY MAY FIRST, EARLY VOTING POLLING PLACES AND THEIR HOURS OF OPERATION FOR EARLY VOTING FOR A PRIMARY OR SPECIAL ELECTION SHALL BE MADE NOT LATER THAN FORTY-FIVE DAYS BEFORE SUCH PRIMARY OR SPECIAL ELECTION.

5. EACH BOARD OF ELECTIONS SHALL CREATE A COMMUNICATION PLAN TO INFORM ELIGIBLE VOTERS OF THE OPPORTUNITY TO VOTE EARLY. SUCH PLAN MAY UTILIZE ANY AND ALL MEDIA OUTLETS, INCLUDING SOCIAL MEDIA, AND SHALL PUBLICIZE: THE LOCATION AND DATES AND HOURS OF OPERATION OF ALL POLLING PLACES FOR EARLY VOTING; AN INDICATION OF WHETHER EACH POLLING PLACE IS ACCESSIBLE TO VOTERS WITH PHYSICAL DISABILITIES; A CLEAR AND UNAMBIGUOUS NOTICE TO VOTERS THAT IF THEY CAST A BALLOT DURING THE EARLY VOTING PERIOD THEY WILL NOT BE ALLOWED TO VOTE ELECTION DAY; AND IF POLLING PLACES FOR EARLY VOTING ARE LIMITED TO VOTERS FROM CERTAIN AREAS PURSUANT TO SUBDIVISION THREE OF THIS SECTION, THE LOCATION OF THE POLLING PLACES FOR EARLY VOTING SERVING THE VOTERS OF EACH PARTICULAR CITY, TOWN OR OTHER POLITICAL SUBDIVISION.

6. THE FORM OF PAPER BALLOTS USED IN EARLY VOTING SHALL COMPLY WITH THE PROVISIONS OF ARTICLE SEVEN OF THIS CHAPTER THAT ARE APPLICABLE TO VOTING BY PAPER BALLOT ON ELECTION DAY AND SUCH BALLOT SHALL BE CAST IN THE SAME MANNER AS PROVIDED FOR IN SECTION 8-312 OF THIS ARTICLE, PROVIDED, HOWEVER, THAT BALLOTS CAST DURING THE EARLY VOTING PERIOD SHALL BE SECURED IN THE MANNER OF VOTED BALLOTS CAST ON ELECTION DAY AND SUCH BALLOTS SHALL NOT BE CANVASSED OR EXAMINED UNTIL AFTER THE CLOSE OF THE POLLS ON ELECTION DAY, AND NO UNOFFICIAL TABULATIONS OF ELECTION RESULTS SHALL BE PRINTED OR VIEWED IN ANY MANNER UNTIL AFTER THE CLOSE OF POLLS ON ELECTION DAY.

7. VOTERS CASTING BALLOTS PURSUANT TO THIS TITLE SHALL BE SUBJECT TO CHALLENGE AS PROVIDED IN SECTIONS 8-500, 8-502 AND 8-504 OF THIS ARTICLE.

8. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS CHAPTER, AT THE END OF EACH DAY OF EARLY VOTING, ANY EARLY VOTING BALLOTS THAT HAVE NOT BEEN SCANNED BECAUSE A BALLOT SCANNER WAS NOT AVAILABLE OR BECAUSE THE BALLOT HAS BEEN ABANDONED BY THE VOTER AT THE BALLOT SCANNER SHALL BE CAST IN A MANNER CONSISTENT WITH SECTION 9-110 OF THIS CHAPTER, EXCEPT THAT ANY BALLOTS THAT WOULD OTHERWISE BE SCANNED AT THE CLOSE OF THE POLLS PURSUANT TO SUCH SECTION SHALL BE SCANNED AT THE CLOSE OF EACH DAY'S EARLY VOTING.

1 9. THE BOARD OF ELECTIONS SHALL SECURE ALL BALLOTS AND SCANNERS USED  
2 FOR EARLY VOTING FROM THE BEGINNING OF THE EARLY VOTING PERIOD THROUGH  
3 THE CLOSE OF THE POLLS OF THE ELECTION ON ELECTION DAY. AS SOON AS THE  
4 POLLS OF THE ELECTION ARE CLOSED ON ELECTION DAY, AND NOT BEFORE,  
5 INSPECTORS OR BOARD OF ELECTIONS EMPLOYEES SHALL FOLLOW ALL RELEVANT  
6 PROVISIONS OF ARTICLE NINE OF THIS CHAPTER THAT ARE NOT INCONSISTENT  
7 WITH THIS SECTION, FOR CANVASSING, PROCESSING, RECORDING, AND ANNOUNCING  
8 RESULTS OF VOTING AT POLLING PLACES FOR EARLY VOTING, AND SECURING  
9 BALLOTS, SCANNERS, AND OTHER ELECTION MATERIALS.

10 S 8-602. STATE BOARD OF ELECTIONS; POWERS AND DUTIES FOR EARLY VOTING.  
11 ANY RULE OR REGULATION NECESSARY FOR THE IMPLEMENTATION OF THE  
12 PROVISIONS OF THIS TITLE SHALL BE PROMULGATED BY THE STATE BOARD OF  
13 ELECTIONS PROVIDED THAT SUCH RULES AND REGULATIONS SHALL INCLUDE  
14 PROVISIONS TO ENSURE THAT BALLOTS CAST EARLY, BY ANY METHOD ALLOWED  
15 UNDER LAW, ARE COUNTED AND CANVASSED AS IF CAST ON ELECTION DAY. THE  
16 STATE BOARD OF ELECTIONS SHALL PROMULGATE ANY OTHER RULES AND REGU-  
17 LATIONS NECESSARY TO ENSURE AN EFFICIENT AND FAIR EARLY VOTING PROCESS  
18 THAT RESPECTS THE PRIVACY OF THE VOTER. PROVIDED, FURTHER, THAT SUCH  
19 RULES AND REGULATIONS SHALL REQUIRE THAT THE VOTING HISTORY RECORD FOR  
20 EACH VOTER BE CONTINUALLY UPDATED TO REFLECT EACH INSTANCE OF EARLY  
21 VOTING BY SUCH VOTER.

22 S 8. This act shall take effect on the first of January next succeed-  
23 ing the date on which it shall have become a law and shall apply to any  
24 election held 120 days or more after it shall have taken effect.