

10407

I N A S S E M B L Y

May 25, 2016

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

AN ACT to amend the election law, in relation to mandatory training
curriculum for election commissioners, key staff of boards of
elections and poll workers

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

- 1 Section 1. The election law is amended by adding a new section 3-213
2 to read as follows:
3 S 3-213. BOARDS OF ELECTIONS; MANDATORY TRAINING CURRICULUM. 1.
4 ELECTION COMMISSIONERS AND SUCH OTHER BOARD OF ELECTIONS EMPLOYEES AS
5 DETERMINED BY THE STATE BOARD OF ELECTIONS SHALL WITHIN SIX MONTHS AFTER
6 THEIR FIRST APPOINTMENT COMPLETE A COURSE OF INSTRUCTION ON THE OPERA-
7 TION OF A BOARD OF ELECTIONS WHICH SHALL BE PROVIDED BY THE STATE BOARD
8 OF ELECTIONS. THE CURRICULUM SHALL BE ESTABLISHED BY THE STATE BOARD OF
9 ELECTIONS IN CONSULTATION WITH ELECTION COMMISSIONERS AND SHALL NOT
10 EXCEED THIRTY HOURS OF INSTRUCTION.
11 2. ANNUALLY, ELECTION COMMISSIONERS AND OTHER BOARD OF ELECTIONS
12 EMPLOYEES AS DETERMINED BY THE STATE BOARD OF ELECTIONS, SHALL COMPLETE
13 BEFORE JUNE FIRST A CONTINUING COURSE OF INSTRUCTION ON THE OPERATION OF
14 A BOARD OF ELECTIONS WHICH SHALL BE PROVIDED BY THE STATE BOARD OF
15 ELECTIONS. THE CURRICULUM SHALL BE ESTABLISHED BY THE STATE BOARD OF
16 ELECTIONS IN CONSULTATION WITH THE ELECTION COMMISSIONERS AND SHALL NOT
17 EXCEED THREE HOURS OF INSTRUCTION.
18 3. THE STATE BOARD OF ELECTIONS SHALL PROVIDE THE TRAINING REQUIRED BY
19 SUBDIVISION TWO OF THIS SECTION THROUGH, IN ADDITION TO OTHER METHODS IT
20 MAY CHOOSE, A WEB-BASED RECORDED FORMAT.
21 4. UPON THE FAILURE OF A COMMISSIONER OR OTHER EMPLOYEE TO COMPLETE
22 THE INSTRUCTION WITHIN THE TIME REQUIRED BY THIS SECTION, THE STATE
23 BOARD OF ELECTIONS SHALL SEND A LETTER TO THE COUNTY LEGISLATURE OR CITY
24 COUNCIL AND THE RESPECTIVE COUNTY PARTY CHAIR OF THE JURISDICTION OF THE
25 COMMISSIONER STATING THE DELINQUENCY.

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

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1 S 2. Subdivision 1-a of section 3-412 of the election law, as added
2 by chapter 181 of the laws of 2005, is amended and three new subdivi-
3 sions 1-b, 1-c and 1-d are added to read as follows:

4 1-a. The state board of elections shall establish a mandatory core
5 curriculum for poll worker training which includes the requirements in
6 subdivision two of this section, [as amended by a chapter of the laws of
7 2005,] and the rights of voters at the polls and obligation of election
8 workers to protect those rights while maintaining the integrity of the
9 franchise, including assisting voters with disabilities or with limited
10 or no proficiency in the English language, handling, processing and
11 entitlement to ballots, including affidavit and emergency ballots, prop-
12 er identification requirements, procedures to be followed with respect
13 to voters whose names are not on the list of registered voters or whose
14 identities have not been verified, electioneering and other violations
15 of the elective franchise as defined in this chapter, solicitation by
16 individuals and groups at the polling place and procedures to be
17 followed after the polls close. Each board of elections shall augment
18 the core curriculum with local procedures not inconsistent with the core
19 curriculum adopted by the state board of elections and which includes
20 procedures relating to proper operation of, and remedying problems with,
21 the voting machine or system in use in that jurisdiction.

22 1-B. THE STATE BOARD OF ELECTIONS SHALL ESTABLISH AND HOST AN EDUCA-
23 TION AND TRAINING INSTITUTE WHICH SHALL BE RESPONSIBLE FOR THE DEVELOP-
24 MENT AND IMPLEMENTATION OF A STATEWIDE PROGRAM WHEREIN PERSONS CAN
25 BECOME CERTIFIED POLL WORKER TRAINERS. THIS INSTITUTE SHALL ALSO CREATE
26 A TRAIN-THE-TRAINER PROGRAM, IN ORDER FOR COUNTY BOARDS OF ELECTIONS TO
27 IMPLEMENT AN EFFECTIVE TRAINING PROGRAM AT THEIR RESPECTIVE LOCAL LEVEL
28 OF PROGRAM DELIVERY. THE STATE BOARD'S TRAINERS SHALL INCLUDE IN THE
29 TRAINER CURRICULUM TO BE DEVELOPED, ATTENTION TO, INTER ALIA, POLL WORK-
30 ER ABILITY TO SERVE A DIVERSE ELECTORATE WITH COMPLETE CONFIDENCE AND
31 RESPECT; PROFESSIONALIZING THE DELIVERY OF ALL ELECTION DAY SERVICES;
32 PROVIDING ASSISTANCE TO VOTERS WITH DISABILITIES AND THOSE WITH LIMITED
33 ENGLISH LANGUAGE PROFICIENCY, ENSURING THE DIGNITY AND PRIVACY OF SUCH
34 INDIVIDUALS; AND TO INDIVIDUALS WHO ARE MEMBERS OF RACIAL OR ETHNIC
35 MINORITIES, COMPLETE FAMILIARITY AND COMFORT WITH ALL VOTING SYSTEMS IN
36 USE IN POLL SITES, INCLUDING BALLOT MARKING DEVICES OR OTHER
37 SYSTEMS/SERVICES AVAILABLE TO VOTERS WITH DISABILITIES; AND POLL WORKER
38 ABILITY TO RECOGNIZE AND RESOLVE A VARIETY OF ISSUES WHICH MAY ARISE IN
39 POLL SITES. THE STATE BOARD'S TRAINERS AND ALL CERTIFIED POLL WORKER
40 INSTRUCTORS SHALL UTILIZE INDUSTRY-PROVEN TRAINING TECHNIQUES AIMED AT
41 ADULT LEARNERS INCLUDING ROLE-BASED TRAINING AND HANDS-ON TRAINING
42 OPPORTUNITIES USING OFFICIAL ELECTION DAY FORMS AND POLL SITE VOTING
43 SYSTEMS AND MAY FURTHER INCLUDE A WEB-BASED COMPONENT AND COMPANION
44 VIDEO.

45 1-C. COUNTY BOARDS SHALL ENROLL TRAINERS IN THE PROGRAM IN SUCH QUAN-
46 TITIES TO ENSURE THAT AN ADEQUATE CONTINGENT OF FULLY TRAINED AND CERTI-
47 FIED POLL WORKER TRAINERS ARE AVAILABLE TO MEET THE TRAINING NEEDS OF
48 SUCH COUNTY. EACH COUNTY BOARD OF ELECTIONS SHALL ENROLL NOT LESS THAN
49 TWO PERSONS DESIGNATED BY THE COUNTY BOARD ON A BIPARTISAN BASIS, IN THE
50 STATE BOARD OF ELECTIONS TRAINING INSTITUTE. CERTIFIED TRAINERS MUST
51 MAINTAIN THEIR CERTIFICATION BY ATTENDING ONCE EVERY TWO YEARS, A
52 CONTINUING EDUCATION PROGRAM, TO ENSURE THE PROFESSIONALISM OF THE POLL
53 WORKER TRAINING AGENDA SET BY THE STATE BOARD OF ELECTIONS. ENROLLEES
54 WHO HAVE SUCCESSFULLY COMPLETED THE STATE BOARD'S TRAINING PROGRAM AND
55 BEEN AWARDED A "CERTIFIED POLL WORKER INSTRUCTOR" CERTIFICATE MAY SERVE
56 AT THE COUNTY BOARD AS A TRAINER OF POLL WORKERS AS WELL AS A TRAINER OF

1 OTHER BI-PARTISAN DESIGNEES OF THE COUNTY BOARD, HOWEVER THE CONFERRING
2 OF THE TITLE "CERTIFIED POLL WORKER INSTRUCTOR" MAY BE MADE ONLY BY THE
3 STATE BOARD OF ELECTIONS.

4 1-D. THE STATE BOARD OF ELECTIONS SHALL ADOPT SUCH RULES AND REGU-
5 LATIONS WHICH MAY BE NECESSARY TO CREATE THE TRAINING INSTITUTE AND
6 ASSOCIATED CURRICULA PROVIDED FOR IN SUBDIVISIONS ONE-A, ONE-B AND ONE-C
7 OF THIS SECTION, INCLUDING A PROCESS WHEREBY ATTENDEES WHO SUCCESSFULLY
8 COMPLETE A STATE BOARD-SPONSORED TRAINING PROGRAM SHALL BE AWARDED A
9 CERTIFICATE CONFERRING UPON HIM OR HER, THE TITLE OF "CERTIFIED POLL
10 WORKER INSTRUCTOR".

11 S 3. This act shall take effect on the one hundred eightieth day after
12 it shall have become a law; provided, however, that effective immediate-
13 ly, the addition, amendment and/or repeal of any rule or regulation
14 necessary for the implementation of this act on its effective date are
15 authorized and directed to be made and completed on or before such
16 effective date.