

3813--A

2015-2016 Regular Sessions

I N S E N A T E

February 18, 2015

Introduced by Sens. STEWART-COUSINS, AVELLA, COMRIE, GIANARIS, HOYLMAN, KRUEGER, PERALTA, PERKINS, SANDERS, SERRANO, SQUADRON, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- 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.

11 S 2. Subdivision 1 of section 4-117 of the election law, as amended by  
12 chapter 288 of the laws of 2009, is amended to read as follows:

13 1. The board of elections, between August first and August fifth of  
14 each year, shall send by first class mail on which is endorsed "ADDRESS  
15 CORRECTION REQUESTED" and which contains a request that any such mail  
16 received for persons not residing at the address be dropped back in the  
17 mail, a communication, in a form approved by the state board of  
18 elections, to every registered voter who has been registered without a  
19 change of address since the beginning of such year, except that the  
20 board of elections shall not be required to send such communications to  
21 voters in inactive status. The communication shall notify the voter of  
22 the days and hours of the ensuing primary and general elections, INCLUD-

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

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1 ING THE DAYS AND HOURS FOR EARLY VOTING, the place where he OR SHE  
2 appears by his OR HER registration records to be entitled to vote,  
3 INCLUDING POLLING PLACES FOR EARLY VOTING, the fact that voters who have  
4 moved or will have moved from the address where they were last regis-  
5 tered must re-register or, that if such move was to another address in  
6 the same county or city, that such voter may either notify the board of  
7 elections of his OR HER new address or vote by paper ballot at the poll-  
8 ing place for his OR HER new address even if such voter has not re-re-  
9 gistered, or otherwise notified the board of elections of the change of  
10 address. If the location of the polling place for the voter's election  
11 district has been moved, the communication shall contain the following  
12 legend in bold type: "YOUR POLLING PLACE HAS BEEN CHANGED. YOU NOW VOTE  
13 AT.....". The communication shall also indicate whether the polling  
14 place is accessible to physically disabled voters, that a voter who will  
15 be out of the city or county on the day of the primary or general  
16 election or a voter who is ill or physically disabled may obtain an  
17 absentee ballot, that a physically disabled voter whose polling place is  
18 not accessible may request that his OR HER registration record be moved  
19 to an election district which has a polling place which is accessible,  
20 the phone number to call for applications to move a registration record  
21 or for absentee ballot applications, the phone number to call for the  
22 location of registration and polling places, the phone number to call to  
23 indicate that the voter is willing to serve on election day as an  
24 election inspector, poll clerk, interpreter or in other capacities, the  
25 phone number to call to obtain an application for registration by mail,  
26 and such other information concerning the elections or registration as  
27 the board may include. In lieu of sending such communication to every  
28 registered voter, the board of elections may send a single communication  
29 to a household containing more than one registered voter, provided that  
30 the names of all such voters appear as part of the address on such  
31 communication.

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

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

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

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

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

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

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

55 (K) VOTING AT EACH POLLING PLACE FOR EARLY VOTING SHALL BE CONDUCTED  
56 IN A MANNER CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE, WITH THE

1 EXCEPTION OF THE TABULATION AND PROCLAMATION OF ELECTION RESULTS WHICH  
 2 SHALL BE COMPLETED ACCORDING TO SUBDIVISIONS EIGHT AND NINE OF SECTION  
 3 8-600 OF THIS ARTICLE.

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

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

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

11 (b) The second section of such report shall be reserved for the board  
 12 of inspectors to enter the name, address and registration serial number  
 13 of each person who is challenged on the day of election OR ON ANY DAY IN  
 14 WHICH THERE IS EARLY VOTING PURSUANT TO SECTION 8-600 OF THIS ARTICLE,  
 15 together with the reason for the challenge. If no voters are challenged,  
 16 the board of inspectors shall enter the words "No Challenges" across the  
 17 space reserved for such names. In lieu of preparing section two of the  
 18 challenge report, the board of elections may provide, next to the name  
 19 of each voter on the computer generated registration list, a place for  
 20 the inspectors of election to record the information required to be  
 21 entered in such section two, or provide at the end of such computer  
 22 generated registration list, a place for the inspectors of election to  
 23 enter such information.

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

26 TITLE VI  
 27 EARLY VOTING

28 SECTION 8-600. EARLY VOTING.

29 8-602. STATE BOARD OF ELECTIONS; POWERS AND DUTIES FOR EARLY  
 30 VOTING.

31 S 8-600. EARLY VOTING. 1. BEGINNING THE FOURTEENTH DAY PRIOR TO ANY  
 32 GENERAL, PRIMARY OR SPECIAL ELECTION FOR ANY PUBLIC OR PARTY OFFICE, AND  
 33 ENDING THE SECOND DAY PRIOR TO SUCH GENERAL, PRIMARY OR SPECIAL ELECTION  
 34 FOR SUCH PUBLIC OR PARTY OFFICE, PERSONS DULY REGISTERED AND ELIGIBLE TO  
 35 VOTE FOR CANDIDATES FOR SUCH OFFICE SHALL BE PERMITTED TO VOTE IN PERSON  
 36 BY BALLOT FOR A CANDIDATE FOR SUCH OFFICE. THE BOARD OF ELECTIONS OF  
 37 EACH COUNTY AND THE CITY OF NEW YORK SHALL ESTABLISH PROCEDURES, SUBJECT  
 38 TO APPROVAL OF THE STATE BOARD OF ELECTIONS, TO ENSURE THAT PERSONS WHO  
 39 VOTE DURING THE EARLY VOTING PERIOD SHALL NOT BE PERMITTED TO VOTE  
 40 SUBSEQUENTLY IN THE SAME ELECTION.

41 2. (A) THE BOARD OF ELECTIONS OF EACH COUNTY OR THE CITY OF NEW YORK  
 42 SHALL DESIGNATE ONE OR MORE POLLING PLACES FOR EARLY VOTING IN EACH  
 43 COUNTY, WHICH MAY INCLUDE THE OFFICES OF THE BOARD OF ELECTIONS, FOR  
 44 PERSONS TO VOTE EARLY PURSUANT TO THIS SECTION.

45 (B) A COUNTY WITH A POPULATION OF LESS THAN ONE HUNDRED FIFTY THOUSAND  
 46 SHALL HAVE ONE POLLING PLACE FOR EARLY VOTING DESIGNATED IN THE COUNTY.

47 (C) A COUNTY WITH A POPULATION OF ONE HUNDRED FIFTY THOUSAND OR MORE  
 48 AND LESS THAN THREE HUNDRED FIFTY THOUSAND SHALL HAVE THREE POLLING  
 49 PLACES FOR EARLY VOTING DESIGNATED IN THE COUNTY.

50 (D) A COUNTY WITH A POPULATION OF THREE HUNDRED FIFTY THOUSAND OR MORE  
 51 AND LESS THAN FIVE HUNDRED FIFTY THOUSAND SHALL HAVE FIVE POLLING PLACES  
 52 FOR EARLY VOTING DESIGNATED IN THE COUNTY.

53 (E) A COUNTY WITH A POPULATION OF FIVE HUNDRED FIFTY THOUSAND OR MORE  
 54 SHALL HAVE SEVEN POLLING PLACES FOR EARLY VOTING DESIGNATED IN THE COUN-  
 55 TY.

1 (F) IN ADDITION TO THE POLLING PLACES FOR EARLY VOTING REQUIRED IN  
2 THIS SUBDIVISION, THE BOARD OF ELECTIONS OF EACH COUNTY OR THE CITY OF  
3 NEW YORK MAY ESTABLISH ADDITIONAL POLLING PLACES FOR EARLY VOTING FOR  
4 THE CONVENIENCE OF ELIGIBLE VOTERS WISHING TO VOTE DURING THE EARLY  
5 VOTING PERIOD.

6 (G) IN THE CITY OF NEW YORK THE BOARD OF ELECTIONS MAY DESIGNATE, WITH  
7 THE UNANIMOUS APPROVAL OF THE COMMISSIONERS FOR THE FIVE COUNTIES THERE-  
8 OF, POLLING PLACES FOR EARLY VOTING ON A CITYWIDE BASIS, SUCH THAT THE  
9 AGGREGATE NUMBER OF SUCH POLLING PLACES EQUALS OR EXCEEDS THE SUM OF THE  
10 SITES OTHERWISE REQUIRED BY THIS SECTION FOR THE FIVE COUNTIES, WITHOUT  
11 DESIGNATING THE NUMBER OTHERWISE REQUIRED TO BE DESIGNATED IN EACH COUN-  
12 TY.

13 (H) POLLING PLACES FOR EARLY VOTING SHALL BE LOCATED TO ENSURE, TO THE  
14 EXTENT PRACTICABLE, THAT ELIGIBLE VOTERS HAVE ADEQUATE EQUITABLE ACCESS,  
15 TAKING INTO CONSIDERATION POPULATION DENSITY, TRAVEL TIME TO THE POLLING  
16 PLACE, PROXIMITY TO OTHER LOCATIONS OR COMMONLY USED TRANSPORTATION  
17 ROUTES AND SUCH OTHER FACTORS THE BOARD OF ELECTIONS OF THE COUNTY OR  
18 THE CITY OF NEW YORK DEEMS APPROPRIATE. THE PROVISIONS OF SECTION 4-104  
19 OF THIS CHAPTER, EXCEPT SUBDIVISIONS FOUR AND FIVE OF SUCH SECTION,  
20 SHALL APPLY TO THE DESIGNATION OF POLLING PLACES FOR EARLY VOTING EXCEPT  
21 TO THE EXTENT SUCH PROVISIONS ARE INCONSISTENT WITH THIS SECTION.

22 3. ANY PERSON ENTITLED TO VOTE EARLY MAY DO SO AT ANY POLLING PLACE  
23 FOR EARLY VOTING ESTABLISHED PURSUANT TO SUBDIVISION TWO OF THIS SECTION  
24 IN THE COUNTY WHERE SUCH VOTER IS REGISTERED TO VOTE PROVIDED, HOWEVER,  
25 IF IT IS IMPRACTICAL TO PROVIDE EACH POLLING PLACE FOR EARLY VOTING ALL  
26 APPROPRIATE BALLOTS FOR EACH ELECTION TO BE VOTED ON IN THE COUNTY OR TO  
27 ENSURE THAT SUCH VOTER HAS NOT PREVIOUSLY VOTED EARLY DURING SUCH  
28 ELECTION, THE BOARD OF ELECTIONS MAY DESIGNATE EACH POLLING PLACE FOR  
29 EARLY VOTING ONLY FOR THOSE VOTERS REGISTERED TO VOTE IN A PORTION OF  
30 THE COUNTY SERVED BY SUCH POLLING PLACE, PROVIDED THAT ALL VOTERS IN  
31 EACH COUNTY SHALL HAVE ONE OR MORE POLLING PLACES AT WHICH THEY ARE  
32 ELIGIBLE TO VOTE THROUGHOUT THE EARLY VOTING PERIOD.

33 4. (A) POLLS SHALL BE OPEN FOR EARLY VOTING FOR AT LEAST EIGHT HOURS  
34 BETWEEN SIX O'CLOCK IN THE MORNING AND NINE O'CLOCK IN THE EVENING EACH  
35 WEEK DAY DURING THE EARLY VOTING PERIOD.

36 (B) AT LEAST ONE POLLING PLACE FOR EARLY VOTING SHALL REMAIN OPEN  
37 UNTIL NO EARLIER THAN EIGHT O'CLOCK IN THE EVENING ON AT LEAST TWO WEEK  
38 DAYS IN EACH CALENDAR WEEK DURING THE EARLY VOTING PERIOD. IF POLLING  
39 PLACES FOR EARLY VOTING ARE LIMITED TO VOTERS FROM CERTAIN AREAS PURSU-  
40 ANT TO SUBDIVISION THREE OF THIS SECTION, POLLING PLACES THAT REMAIN  
41 OPEN UNTIL NO EARLIER THAN EIGHT O'CLOCK SHALL BE DESIGNATED SUCH THAT  
42 ANY PERSON ENTITLED TO VOTE EARLY MAY VOTE UNTIL NO EARLIER THAN EIGHT  
43 O'CLOCK IN THE EVENING ON AT LEAST TWO WEEK DAYS DURING THE EARLY VOTING  
44 PERIOD.

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

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

52 (E) HOURS OF OPERATION FOR POLLING PLACES FOR EARLY VOTING SHALL BE  
53 DESIGNATED BY MAY FIRST OF EACH YEAR, ALONG WITH THE DESIGNATION OF  
54 POLLING PLACES PURSUANT TO SUBDIVISION ONE OF SECTION 4-104 OF THIS  
55 CHAPTER, AND SHALL BE EFFECTIVE FOR ONE YEAR THEREAFTER.

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

13 6. THE FORM OF PAPER BALLOTS, IF USED IN EARLY VOTING, SHALL COMPLY  
14 WITH THE PROVISIONS OF ARTICLE SEVEN OF THIS CHAPTER THAT ARE APPLICABLE  
15 TO VOTING BY PAPER BALLOT ON ELECTION DAY AND SUCH BALLOT SHALL BE CAST  
16 IN THE SAME MANNER AS PROVIDED FOR IN SECTION 8-312 OF THIS ARTICLE,  
17 PROVIDED HOWEVER THAT BALLOTS CAST DURING THE EARLY VOTING PERIOD SHALL  
18 NOT BE CANVASSED UNTIL AFTER THE CLOSE OF THE POLLS ON ELECTION DAY.

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

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

30 9. THE BOARD OF ELECTIONS SHALL SECURE ALL BALLOTS AND SCANNERS USED  
31 FOR EARLY VOTING FROM THE BEGINNING OF THE EARLY VOTING PERIOD THROUGH  
32 THE CLOSE OF THE POLLS OF THE ELECTION ON ELECTION DAY. AS SOON AS THE  
33 POLLS OF THE ELECTION ARE CLOSED ON ELECTION DAY, AND NOT BEFORE,  
34 INSPECTORS OR BOARD OF ELECTIONS EMPLOYEES SHALL FOLLOW ALL RELEVANT  
35 PROVISIONS OF ARTICLE NINE OF THIS CHAPTER THAT ARE NOT INCONSISTENT  
36 WITH THIS SECTION, FOR CANVASSING, PROCESSING, RECORDING, AND ANNOUNCING  
37 RESULTS OF VOTING AT POLLING PLACES FOR EARLY VOTING, AND SECURING  
38 BALLOTS, SCANNERS, AND OTHER ELECTION MATERIALS.

39 S 8-602. STATE BOARD OF ELECTIONS; POWERS AND DUTIES FOR EARLY VOTING.  
40 ANY RULE OR REGULATION NECESSARY FOR THE IMPLEMENTATION OF THE  
41 PROVISIONS OF THIS TITLE SHALL BE PROMULGATED BY THE STATE BOARD OF  
42 ELECTIONS PROVIDED THAT SUCH RULES AND REGULATIONS SHALL INCLUDE  
43 PROVISIONS TO ENSURE THAT BALLOTS CAST EARLY, BY ANY METHOD ALLOWED  
44 UNDER LAW, ARE COUNTED AND CANVASSED AS IF CAST ON ELECTION DAY. THE  
45 STATE BOARD OF ELECTIONS SHALL PROMULGATE ANY OTHER RULES AND REGU-  
46 LATIONS NECESSARY TO ENSURE AN EFFICIENT AND FAIR EARLY VOTING PROCESS  
47 THAT RESPECTS THE PRIVACY OF THE VOTER. PROVIDED FURTHER THAT SUCH RULES  
48 AND REGULATIONS SHALL REQUIRE THAT THE VOTING HISTORY RECORD FOR EACH  
49 VOTER BE CONTINUALLY UPDATED TO REFLECT EACH INSTANCE OF EARLY VOTING BY  
50 SUCH VOTER.

51 S 8. This act shall take effect on the first of January next succeed-  
52 ing the date on which it shall have become a law and shall apply to any  
53 election held one hundred twenty days or more after it shall have taken  
54 effect.