

3813--C

2015-2016 Regular Sessions

I N   S E N A T E

February 18, 2015

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Introduced by Sens. STEWART-COUSINS, ADDABBO, AVELLA, COMRIE, DILAN, ESPAILLAT, GIANARIS, HAMILTON, HOYLMAN, KRUEGER, PARKER, 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 -- recommitted to the Committee on Elections in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Local Government -- 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

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

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

LBD02563-04-6

1 AND PRIMARY ELECTION. THE BOARD OF ELECTIONS MAY SATISFY THE NOTICE  
2 REQUIREMENT OF THIS SUBDIVISION BY PROVIDING IN THE NOTICE INSTRUCTIONS  
3 TO OBTAIN THE REQUIRED EARLY VOTING INFORMATION FROM A WEBSITE OF THE  
4 BOARD OF ELECTIONS AND PROVIDING A PHONE NUMBER TO CALL FOR SUCH INFOR-  
5 MATION.

6 S 3. Subdivision 2 of section 8-100 of the election law, as amended by  
7 chapter 335 of the laws of 2000, is amended to read as follows:

8 2. Polls shall be open for voting during the following hours: a prima-  
9 ry election from twelve o'clock noon until nine o'clock in the evening,  
10 except in the city of New York and the counties of Nassau, Suffolk,  
11 Westchester, Rockland, Orange, Putnam and Erie, and in such city or  
12 county from [six] SEVEN o'clock in the morning until nine o'clock in the  
13 evening; the general election from six o'clock in the morning until nine  
14 o'clock in the evening; a special election called by the governor pursu-  
15 ant to the public officers law, and, except as otherwise provided by  
16 law, every other election, from [six] SEVEN o'clock in the morning until  
17 nine o'clock in the evening; EARLY VOTING HOURS SHALL BE AS PROVIDED IN  
18 SECTION 8-600 OF THIS ARTICLE.

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

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

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

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

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

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

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

48 TITLE VI  
49 EARLY VOTING

50 SECTION 8-600. EARLY VOTING.

51 8-602. STATE BOARD OF ELECTIONS; POWERS AND DUTIES FOR EARLY  
52 VOTING.

53 S 8-600. EARLY VOTING. 1. BEGINNING THE EIGHTH DAY PRIOR TO ANY GENER-  
54 AL, PRIMARY OR SPECIAL ELECTION FOR ANY PUBLIC OR PARTY OFFICE, AND  
55 ENDING ON AND INCLUDING THE SECOND DAY PRIOR TO SUCH GENERAL, PRIMARY OR  
56 SPECIAL ELECTION FOR SUCH PUBLIC OR PARTY OFFICE, PERSONS DULY REGIS-

TERED AND ELIGIBLE TO VOTE AT SUCH ELECTION SHALL BE PERMITTED TO VOTE AS PROVIDED IN THIS TITLE. THE BOARD OF ELECTIONS OF EACH COUNTY AND THE CITY OF NEW YORK SHALL ESTABLISH PROCEDURES, SUBJECT TO APPROVAL OF THE STATE BOARD OF ELECTIONS, TO ENSURE THAT PERSONS WHO VOTE DURING THE EARLY VOTING PERIOD SHALL NOT BE PERMITTED TO VOTE SUBSEQUENTLY IN THE SAME ELECTION.

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

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

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

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

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

4. (A) POLLS SHALL BE OPEN FOR EARLY VOTING FOR AT LEAST EIGHT HOURS BETWEEN SEVEN O'CLOCK IN THE MORNING AND EIGHT O'CLOCK IN THE EVENING 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

1 EIGHT O'CLOCK SHALL BE DESIGNATED SUCH THAT ANY PERSON ENTITLED TO VOTE  
2 EARLY MAY VOTE UNTIL EIGHT O'CLOCK IN THE EVENING ON AT LEAST TWO WEEK  
3 DAYS DURING THE EARLY VOTING PERIOD.

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

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

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

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

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

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

44 8. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS CHAPTER, AT THE END OF  
45 EACH DAY OF EARLY VOTING, ANY EARLY VOTING BALLOTS THAT HAVE NOT BEEN  
46 SCANNED BECAUSE A BALLOT SCANNER WAS NOT AVAILABLE OR BECAUSE THE BALLOT  
47 HAS BEEN ABANDONED BY THE VOTER AT THE BALLOT SCANNER SHALL BE CAST IN A  
48 MANNER CONSISTENT WITH SECTION 9-110 OF THIS CHAPTER, EXCEPT THAT SUCH  
49 BALLOTS WHICH CANNOT THEN BE CAST ON A BALLOT SCANNER SHALL BE HELD  
50 INVIOLE AND UNEXAMINED AND SHALL BE DULY SECURED UNTIL AFTER THE CLOSE  
51 OF POLLS ON ELECTION DAY WHEN SUCH BALLOTS SHALL BE EXAMINED AND  
52 CANVASSED IN A MANNER CONSISTENT WITH SUBDIVISION TWO OF SECTION 9-110  
53 OF THIS CHAPTER.

54 9. THE BOARD OF ELECTIONS SHALL SECURE ALL BALLOTS AND SCANNERS USED  
55 FOR EARLY VOTING FROM THE BEGINNING OF THE EARLY VOTING PERIOD THROUGH  
56 THE CLOSE OF THE POLLS ON ELECTION DAY; PROVIDED, HOWEVER, THE STATE

1 BOARD OF ELECTIONS MAY BY REGULATION DULY ADOPTED BY A MAJORITY OF SUCH  
2 BOARD ESTABLISH A PROCEDURE WHEREBY BALLOT SCANNERS USED FOR EARLY  
3 VOTING MAY ALSO BE USED ON ELECTION DAY IF THE PORTABLE MEMORY DEVICES  
4 USED DURING EARLY VOTING CONTAINING THE EARLY VOTING ELECTION INFORMA-  
5 TION AND VOTE TABULATIONS ARE PROPERLY SECURED APART FROM THE SCANNERS,  
6 AND THE RESULTS THEREFROM SHALL BE DULY CANVASSED AFTER THE CLOSE OF  
7 POLLS ON ELECTION DAY.

8 10. AFTER THE CLOSE OF POLLS ON ELECTION DAY, INSPECTORS OR BOARD OF  
9 ELECTIONS EMPLOYEES APPOINTED TO CANVASS BALLOTS CAST DURING EARLY  
10 VOTING SHALL FOLLOW ALL RELEVANT PROVISIONS OF ARTICLE NINE OF THIS  
11 CHAPTER THAT ARE NOT INCONSISTENT WITH THIS SECTION, FOR CANVASSING,  
12 PROCESSING, RECORDING, AND ANNOUNCING RESULTS OF VOTING AT POLLING PLAC-  
13 ES FOR EARLY VOTING, AND SECURING BALLOTS, SCANNERS, AND OTHER ELECTION  
14 MATERIALS. SUCH CANVASS MAY OCCUR AT THE OFFICES OF THE BOARD OF  
15 ELECTIONS, AT THE EARLY VOTING POLLING PLACE OR SUCH OTHER LOCATION  
16 DESIGNATED BY THE BOARD OF ELECTIONS.

17 11. NOTWITHSTANDING THE REQUIREMENTS OF THIS TITLE REQUIRING THE  
18 CANVASS OF BALLOTS CAST DURING EARLY VOTING AFTER THE CLOSE OF POLLS ON  
19 ELECTION DAY, SUCH CANVASS MAY BEGIN ONE HOUR BEFORE THE SCHEDULED CLOSE  
20 OF POLLS ON ELECTION DAY PROVIDED THE BOARD OF ELECTIONS ADOPTS PROCE-  
21 DURES TO PREVENT THE PUBLIC RELEASE OF ELECTION RESULTS PRIOR TO THE  
22 CLOSE OF POLLS ON ELECTION DAY AND SUCH PROCEDURES SHALL BE CONSISTENT  
23 WITH THE REGULATIONS OF THE STATE BOARD OF ELECTIONS AND SHALL BE FILED  
24 WITH THE STATE BOARD OF ELECTIONS AT LEAST THIRTY DAYS BEFORE THEY SHALL  
25 BE EFFECTIVE.

26 S 8-602. STATE BOARD OF ELECTIONS; POWERS AND DUTIES FOR EARLY VOTING.  
27 ANY RULE OR REGULATION NECESSARY FOR THE IMPLEMENTATION OF THE  
28 PROVISIONS OF THIS TITLE SHALL BE PROMULGATED BY THE STATE BOARD OF  
29 ELECTIONS PROVIDED THAT SUCH RULES AND REGULATIONS SHALL INCLUDE  
30 PROVISIONS TO ENSURE THAT BALLOTS CAST EARLY, BY ANY METHOD ALLOWED  
31 UNDER LAW, ARE COUNTED AND CANVASSED AS IF CAST ON ELECTION DAY. THE  
32 STATE BOARD OF ELECTIONS SHALL PROMULGATE ANY OTHER RULES AND REGU-  
33 LATIONS NECESSARY TO ENSURE AN EFFICIENT AND FAIR EARLY VOTING PROCESS  
34 THAT RESPECTS THE PRIVACY OF THE VOTER. PROVIDED, FURTHER, THAT SUCH  
35 RULES AND REGULATIONS SHALL REQUIRE THAT THE VOTING HISTORY RECORD FOR  
36 EACH VOTER BE CONTINUALLY UPDATED TO REFLECT EACH INSTANCE OF EARLY  
37 VOTING BY SUCH VOTER.

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