

STATE OF NEW YORK

5522--A

2017-2018 Regular Sessions

IN SENATE

April 6, 2017

Introduced by Sen. AVELLA -- 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 watchers during election

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 8-500 of the election law, as amended by chapter 9
2 of the laws of 1978, subdivisions 1 and 3 as amended by chapter 373 of
3 the laws of 1978, and subdivision 4 as amended by chapter 254 of the
4 laws of 2014, is amended to read as follows:

5 § 8-500. Watchers; provision for. 1. At any general, special, town or
6 village election, any party committee ~~[or]~~, any independent body whose
7 candidates are upon the ballot, ~~[and at any primary election, any two or~~
8 ~~more candidates and any political committee]~~ or any political committee
9 may have for each election district three watchers at any one time, not
10 more than one of whom may be within the guard rail at any one time.
11 Watchers shall be appointed by the chairman of any such party, committee
12 ~~[or]~~, political committee, independent body or by the candidates.

13 2. At any primary election, any party committee, any two or more
14 candidates on the ballot or any political committee may have for each
15 election district three watchers at any one time, not more than one of
16 whom may be within the guard rail at any one time. Watchers shall be
17 appointed by the chair of any such party, committee, political committee
18 or by any two candidates.

19 3. Watchers may be present at the polling place at least fifteen
20 minutes before the unlocking and examination of any voting machine or
21 ballot box at the opening of the polls, until after the signing of the
22 inspectors' returns and proclamation of the result.

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

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1 ~~[3-]~~ 4. The appointment of watchers for any election shall be by a
2 certificate in writing issued by the chairman or secretary of the poli-
3 tical party or independent body, political committee or by the candi-
4 dates appointing authority. Such certificate shall be ~~[delivered to an~~
5 ~~inspector at the election district]~~ filed with the inspectors in each
6 election district in which such watcher is present. Watcher certificates
7 shall be preserved and returned to the board of elections with elections
8 materials by the inspectors after the close of the polls.

9 ~~[4-]~~ 5. Each watcher must be a qualified voter of the city or county
10 in which he or she is to serve. No person shall be appointed or act as a
11 watcher who is a candidate for any public office to be voted for by the
12 voters of the election district in the same election in which the watch-
13 er is to serve. Nothing in this subdivision shall be construed as
14 prohibiting any such candidate from visiting a polling place in such
15 district on an election day while the polls are open.

16 § 2. This act shall take effect immediately.