

# STATE OF NEW YORK

6164

2017-2018 Regular Sessions

## IN SENATE

May 11, 2017

Introduced by Sen. HAMILTON -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to pre-clearance of voting-related regulations and policies

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

1 Section 1. Article 8 of the election law is amended by adding a new  
2 title 6 to read as follows:

### TITLE VI

#### PRE-CLEARANCE

#### Section 8-600. Pre-clearance.

6 § 8-600. Pre-clearance. 1. To ensure that the right of citizens who  
7 reside in New York to vote is not denied or abridged on account of race,  
8 color, or language minority status through the enforcement of a voting-  
9 related regulation, procedure or policy that is enacted or administered  
10 after the effective date of this section, the following voting-related  
11 regulations, and policies shall be subject to pre-clearance by the  
12 attorney general pursuant to this title.

13 2. Before the state board of elections or any local board of elections  
14 enacts or implements any changes in voting qualification, prerequisites  
15 to voting, administration, regulations, policies, practices or proce-  
16 dures with respect to voting affecting: (a) a county with a population  
17 comprised, in the aggregate, of at least ten percent of members of a  
18 protected class over the preceding decade, as determined by the five-  
19 year estimates of the United States Census American Community Survey,  
20 (b) a county which has been subject to a court order or government  
21 enforcement action based upon a finding of a discriminatory practice,  
22 denial or abridgment of the right to vote of a member of the protected  
23 class within the past ten years, or (c) a county that was previously  
24 subject to pre-clearance under Section 5 of the Voting Rights Act of  
25 1965 and has not been granted a decree granting exemption from such

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

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1 pre-clearance requirements, must submit such changes to the state attor-  
2 ney general for approval. This section shall not apply to any changes  
3 made pursuant to law.

4 3. The submission seeking pre-clearance approval of such changes shall  
5 be made, in writing, to the civil rights bureau of the attorney gener-  
6 al's office, with a copy provided contemporaneously to the state board  
7 of elections if made by a county board of elections. The attorney gener-  
8 al shall, based on the criteria stated in subdivision one of this  
9 section, indicate objections or approval of such submission, in writing,  
10 within sixty days following the receipt of such submission.

11 4. For purposes of this section, "protected class" shall mean a class  
12 of voters who are members of a race, color or language minority group,  
13 as this class is referenced and defined in the Voting Rights Act of 1965  
14 (52 U.S.C. Sec. 10101 et seq.).

15 § 2. This act shall take effect on the one hundred eightieth day after  
16 it shall have become a law.