STATE OF NEW YORK

4254

2017-2018 Regular Sessions

IN ASSEMBLY

February 2, 2017

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

AN ACT to amend the election law, in relation to requiring each county board of elections to provide pens at polling sites

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

Section 1. Legislative intent. The legislature hereby declares that in order to have a well-functioning democracy, it is necessary that boards of elections successfully supply every poll site in the state with the required materials to conduct an election. Voters whose poll sites lack these basic necessities are, in practice, disenfranchised because their poll site in unprepared.

The legislature further finds that many poll sites in counties that use electronic voting systems require a ballot to be marked using a pen before being scanned and counted. However, each election day, legislators hear complaints from constituents about poll sites without pens. When voters arrive at these poll sites to discover that the board of elections has not provided enough working pens, many are deterred from voting at all. A lack of the most basic of supplies at poll sites is unacceptable.

Clearly, boards of elections are either unable or unwilling to predict and provide an adequate supply of working pens for poll sites. Thus, it falls to the legislature to ensure that boards of elections implement procedures to ensure that every eligible voter who goes to the polls has access to the tools needed to cast a ballot.

§ 2. The election law is amended by adding a new section 8-108 to read as follows:

§ 8-108. Supplies requirement. 1. As used in this section, the term "pen" shall mean an instrument used to apply ink to a surface for the purpose of writing. To qualify as a pen for the purposes of this section, such instrument must be filled with ink.

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

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2. Each county board of elections shall supply each polling site with a minimum of one pen for every ten registered voters assigned to that polling site.

§ 3. This act shall take effect immediately.