

STATE OF NEW YORK

9608

IN ASSEMBLY

January 26, 2018

Introduced by M. of A. LAVINE, CUSICK, BLAKE, SIMON, PAULIN, SEPULVEDA, DINOWITZ, L. ROSENTHAL, LIFTON, FAHY, LUPARDO, ABINANTI, ROZIC, GALEF, COOK, RAMOS, SKOUFIS, CYMBROWITZ, JAFFEE -- Multi-Sponsored by -- M. of A. BUCHWALD, LENTOL, MAGEE, THIELE -- read once and referred to the Committee on Election Law

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 § 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
17 and primary election. The board of elections may satisfy the notice
18 requirement of this subdivision by providing in the notice instructions
19 to obtain the required early voting information from a website of the
20 board of elections and providing a phone number to call for such infor-
21 mation.

22 § 3. Subdivision 2 of section 8-100 of the election law, as amended by
23 chapter 367 of the laws of 2017, is amended to read as follows:

24 2. Polls shall be open for voting during the following hours: a prima-
25 ry election from twelve o'clock noon until nine o'clock in the evening,
26 except in the city of New York and the counties of Nassau, Suffolk,

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

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1 Westchester, Rockland, Orange, Putnam, Dutchess and Erie, and in such
2 city or county from [~~six~~] seven o'clock in the morning until nine
3 o'clock in the evening; the general election from six o'clock in the
4 morning until nine o'clock in the evening; a special election called by
5 the governor pursuant to the public officers law, and, except as other-
6 wise provided by law, every other election, from [~~six~~] seven o'clock in
7 the morning until nine o'clock in the evening; early voting hours shall
8 be as provided in section 8-600 of this article.

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

11 (k) Voting at each polling place for early voting shall be conducted
12 in a manner consistent with the provisions of this article, with the
13 exception of the tabulation and proclamation of election results which
14 shall be completed according to subdivisions eight and nine of section
15 8-600 of this article.

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

18 7. This section shall apply on all early voting days as provided for
19 in section 8-600 of this article.

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

23 (b) The second section of such report shall be reserved for the board
24 of inspectors to enter the name, address and registration serial number
25 of each person who is challenged on the day of election or on any day in
26 which there is early voting pursuant to section 8-600 of this article,
27 together with the reason for the challenge. If no voters are chal-
28 lenged, the board of inspectors shall enter the words "No Challenges"
29 across the space reserved for such names. In lieu of preparing section
30 two of the challenge report, the board of elections may provide, next to
31 the name of each voter on the computer generated registration list, a
32 place for the inspectors of election to record the information required
33 to be entered in such section two, or provide at the end of such comput-
34 er generated registration list, a place for the inspectors of election
35 to enter such information.

36 § 7. Article 8 of the election law is amended by adding a new title 6
37 to read as follows:

38 TITLE VI
39 EARLY VOTING

40 Section 8-600. Early voting.

41 8-602. State board of elections; powers and duties for early
42 voting.

43 § 8-600. Early voting. 1. Beginning the eighth day prior to any gener-
44 al, primary or special election for any public or party office, and
45 ending on and including the second day prior to such general, primary or
46 special election for such public or party office, persons duly regis-
47 tered and eligible to vote at such election shall be permitted to vote
48 as provided in this title. The board of elections of each county and
49 the city of New York shall establish procedures, subject to approval of
50 the state board of elections, to ensure that persons who vote during the
51 early voting period shall not be permitted to vote subsequently in the
52 same election.

53 2. (a) The board of elections of each county or the city of New York
54 shall designate polling places for early voting in each county, which
55 may include the offices of the board of elections, for persons to vote
56 early pursuant to this section. There shall be so designated at least

1 one early voting polling place for every full increment of fifty thou-
2 sand registered voters in each county; provided, however, the number of
3 early voting polling places in a county shall not be required to be
4 greater than seven, and a county with fewer than fifty thousand voters
5 shall have at least one early voting polling place.

6 (b) The board of elections of each county or the city of New York may
7 establish additional polling places for early voting in excess of the
8 minimum number required by this subdivision for the convenience of
9 eligible voters wishing to vote during the early voting period.

10 (c) Notwithstanding the minimum number of early voting poll sites
11 otherwise required by this subdivision, for any primary or special
12 election, upon majority vote of the board of elections, the number of
13 early voting sites may be reduced if the board of elections reasonably
14 determines a lesser number of sites is sufficient to meet the needs of
15 early voters.

16 (d) Polling places for early voting shall be located to ensure, to the
17 extent practicable, that eligible voters have adequate equitable access,
18 taking into consideration population density, travel time to the polling
19 place, proximity to other locations or commonly used transportation
20 routes and such other factors the board of elections of the county or
21 the city of New York deems appropriate. The provisions of section 4-104
22 of this chapter, except subdivisions four and five of such section,
23 shall apply to the designation of polling places for early voting except
24 to the extent such provisions are inconsistent with this section.

25 3. Any person permitted to vote early may do so at any polling place
26 for early voting established pursuant to subdivision two of this section
27 in the county where such voter is registered to vote. Provided, however,
28 (a) if it is impractical to provide each polling place for early voting
29 all appropriate ballots for each election to be voted on in the county,
30 or (b) if permitting such persons to vote early at any polling place
31 established for early voting would make it impractical to ensure that
32 such voter has not previously voted early during such election, the
33 board of elections may designate each polling place for early voting
34 only for those voters registered to vote in a portion of the county to
35 be served by such polling place for early voting, provided that all
36 voters in each county shall have one or more polling places at which
37 they are eligible to vote throughout the early voting period on a
38 substantially equal basis.

39 4. (a) Polls shall be open for early voting for at least eight hours
40 between seven o'clock in the morning and eight o'clock in the evening
41 each week day during the early voting period.

42 (b) At least one polling place for early voting shall remain open
43 until eight o'clock in the evening on at least two week days in each
44 calendar week during the early voting period. If polling places for
45 early voting are limited to voters from certain areas pursuant to subdi-
46 vision three of this section, polling places that remain open until
47 eight o'clock shall be designated such that any person entitled to vote
48 early may vote until eight o'clock in the evening on at least two week
49 days during the early voting period.

50 (c) Polls shall be open for early voting for at least five hours
51 between nine o'clock in the morning and six o'clock in the evening on
52 each Saturday, Sunday and legal holiday during the early voting period.

53 (d) Nothing in this section shall be construed to prohibit any board
54 of elections from establishing a greater number of hours for voting
55 during the early voting period beyond the number of hours required in
56 this subdivision.

1 (e) Early voting polling places and their hours of operation for early
2 voting at a general election shall be designated by May first of each
3 year pursuant to subdivision one of section 4-104 of this chapter.
4 Notwithstanding the provisions of subdivision one of section 4-104 of
5 this chapter requiring poll site designation by May first, early voting
6 polling places and their hours of operation for early voting for a
7 primary or special election shall be made not later than forty-five days
8 before such primary or special election.

9 5. Each board of elections shall create a communication plan to inform
10 eligible voters of the opportunity to vote early. Such plan may utilize
11 any and all media outlets, including social media, and shall publicize:
12 the location and dates and hours of operation of all polling places for
13 early voting; an indication of whether each polling place is accessible
14 to voters with physical disabilities; a clear and unambiguous notice to
15 voters that if they cast a ballot during the early voting period they
16 will not be allowed to vote election day; and if polling places for
17 early voting are limited to voters from certain areas pursuant to subdi-
18 vision three of this section, the location of the polling places for
19 early voting serving the voters of each particular city, town or other
20 political subdivision.

21 6. The form of paper ballots used in early voting shall comply with
22 the provisions of article seven of this chapter that are applicable to
23 voting by paper ballot on election day and such ballot shall be cast in
24 the same manner as provided for in section 8-312 of this article,
25 provided, however, that ballots cast during the early voting period
26 shall be secured in the manner of voted ballots cast on election day and
27 such ballots shall not be canvassed or examined until after the close of
28 the polls on election day, and no unofficial tabulations of election
29 results shall be printed or viewed in any manner until after the close
30 of polls on election day.

31 7. Voters casting ballots pursuant to this title shall be subject to
32 challenge as provided in sections 8-500, 8-502 and 8-504 of this arti-
33 cle.

34 8. Notwithstanding any other provisions of this chapter, at the end of
35 each day of early voting, any early voting ballots that have not been
36 scanned because a ballot scanner was not available or because the ballot
37 has been abandoned by the voter at the ballot scanner shall be cast in a
38 manner consistent with section 9-110 of this chapter, except that such
39 ballots which cannot then be cast on a ballot scanner shall be held
40 inviolate and unexamined and shall be duly secured until after the close
41 of polls on election day when such ballots shall be examined and
42 canvassed in a manner consistent with subdivision two of section 9-110
43 of this chapter.

44 9. The board of elections shall secure all ballots and scanners used
45 for early voting from the beginning of the early voting period through
46 the close of the polls on election day; provided, however, the state
47 board of elections may by regulation duly adopted by a majority of such
48 board establish a procedure whereby ballot scanners used for early
49 voting may also be used on election day if the portable memory devices
50 used during early voting containing the early voting election informa-
51 tion and vote tabulations are properly secured apart from the scanners,
52 and the results therefrom shall be duly canvassed after the close of
53 polls on election day.

54 10. After the close of polls on election day, inspectors or board of
55 elections employees appointed to canvass ballots cast during early
56 voting shall follow all relevant provisions of article nine of this

1 chapter that are not inconsistent with this section, for canvassing,
2 processing, recording, and announcing results of voting at polling plac-
3 es for early voting, and securing ballots, scanners, and other election
4 materials. Such canvass may occur at the offices of the board of
5 elections, at the early voting polling place or such other location
6 designated by the board of elections.

7 11. Notwithstanding the requirements of this title requiring the
8 canvass of ballots cast during early voting after the close of polls on
9 election day, such canvass may begin one hour before the scheduled close
10 of polls on election day provided the board of elections adopts proce-
11 dures to prevent the public release of election results prior to the
12 close of polls on election day and such procedures shall be consistent
13 with the regulations of the state board of elections and shall be filed
14 with the state board of elections at least thirty days before they shall
15 be effective.

16 § 8-602. State board of elections; powers and duties for early voting.
17 Any rule or regulation necessary for the implementation of the
18 provisions of this title shall be promulgated by the state board of
19 elections provided that such rules and regulations shall include
20 provisions to ensure that ballots cast early, by any method allowed
21 under law, are counted and canvassed as if cast on election day. The
22 state board of elections shall promulgate any other rules and regu-
23 lations necessary to ensure an efficient and fair early voting process
24 that respects the privacy of the voter. Provided, further, that such
25 rules and regulations shall require that the voting history record for
26 each voter be continually updated to reflect each instance of early
27 voting by such voter.

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