

# STATE OF NEW YORK

3420--A

2019-2020 Regular Sessions

## IN ASSEMBLY

January 29, 2019

Introduced by M. of A. WALKER, LIFTON, COOK, ORTIZ, LENTOL, JACOBSON, CUSICK, BARRON, HYNDMAN, BLAKE, DE LA ROSA, BICHOTTE, D'URSO, PICHARDO, PERRY, MOSLEY, RAMOS, GALEF, JEAN-PIERRE -- read once and referred to the Committee on Election Law -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Article 8 of the election law is amended by adding a new title 7 to read as follows:

### TITLE VII

#### PRE-CLEARANCE

##### Section 8-700. Pre-clearance.

§ 8-700. Pre-clearance. 1. To ensure that the right of citizens who reside in New York to vote is not denied or abridged on account of race, color, or language minority status through the enforcement of a voting-related regulation, procedure or policy that is enacted or administered after the effective date of this section, the following voting-related regulations, and policies shall be subject to pre-clearance by the attorney general pursuant to this title.

2. Before the state board of elections or any local board of elections enacts or implements any changes in voting qualification, prerequisites to voting, administration, regulations, policies, practices or procedures with respect to voting affecting: (a) a county with a population comprised, in the aggregate, of at least ten percent of members of a protected class over the preceding decade, as determined by the five-year estimates of the United States Census American Community Survey, (b) a county which has been subject to a court order or government enforcement action based upon a finding of a discriminatory practice,

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

LBD05534-05-9

1 denial or abridgment of the right to vote of a member of the protected  
2 class within the past ten years, or (c) a county that was previously  
3 subject to pre-clearance under Section 5 of the Voting Rights Act of  
4 1965 and has not been granted a decree granting exemption from such  
5 pre-clearance requirements, must submit such changes to the state attor-  
6 ney general for approval. This section shall not apply to any changes  
7 made pursuant to law.

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

15 4. For purposes of this section, "protected class" shall mean a class  
16 of voters who are members of a race, color or language minority group,  
17 as this class is referenced and defined in the Voting Rights Act of 1965  
18 (52 U.S.C. Sec. 10101 et seq.).

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