

STATE OF NEW YORK

9655

IN ASSEMBLY

January 31, 2020

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

AN ACT to amend the election law, in relation to designating early polling places

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

1 Section 1. Subdivisions 1 and 3 of section 4-104 of the election law,
2 subdivision 1 as amended by chapter 5 of the laws of 2019 and subdivi-
3 sion 3 as amended by chapter 694 of the laws of 1989, are amended to
4 read as follows:

5 1. Every board of elections shall, in consultation with each city,
6 town and village, designate the polling places in each election district
7 in which the meetings for the registration of voters, and for any
8 election may be held. The board of trustees of each village in which
9 general and special village elections conducted by the board of
10 elections are held at a time other than the time of a general election
11 shall submit such a list of polling places for such village elections to
12 the board of elections. A polling place may be located in a building
13 owned by a religious organization or used by it as a place of worship.
14 If such a building is designated as a polling place, it shall not be
15 required to be open for voter registration on any Saturday if this is
16 contrary to the religious beliefs of the religious organization. In such
17 a situation, the board of elections shall designate an alternate
18 location to be used for voter registration. Such polling places must be
19 designated by March fifteenth, of each year, and shall be effective for
20 one year thereafter. Such a list required to be submitted by a village
21 board of trustees must be submitted at least four months before each
22 general village election and shall be effective until four months before
23 the subsequent general village election. [~~No place in which a business
24 licensed to sell alcoholic beverages for on premises consumption is
25 conducted on any day of local registration or of voting shall be so
26 designated.~~] If, within the discretion of the board of elections a
27 particular polling place so designated is subsequently found to be
28 unsuitable or unsafe or should circumstances arise that make a desig-

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

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1 nated polling place unsuitable or unsafe, then the board of elections is
2 empowered to select an alternative meeting place. In the city of New
3 York, the board of elections shall designate such polling places and
4 alternate registration places if the polling place cannot be used for
5 voter registration on Saturdays.

6 3. A board or body empowered to designate polling places shall design-
7 ate any public building as a polling place to the extent practicable,
8 provided, however, that in no case shall a public school building be
9 designated as an early voting polling location. If additional polling
10 places shall be needed, a building exempt from taxation or owned by an
11 entity receiving more than one million dollars in annual state grant
12 funding shall be used [~~whenever possible~~] as a polling place if it is
13 situated in the same or a contiguous election district, and may contain
14 as many distinctly separate polling places as public convenience may
15 require, unless the owner or operator of such building shall demonstrate
16 that such use is significantly incompatible with the primary function of
17 the entity. The expense, if any, incidental to its use, shall be paid
18 like the expense of other places of registration and voting. If a board
19 or body empowered to designate polling places chooses a public school
20 building for such purpose, the board or agency which controls such
21 building must make available a room or rooms in such building which are
22 suitable for registration and voting and which are as close as possible
23 to a convenient entrance to such building and must make available any
24 such room or rooms which the board or body designating such building
25 determines are accessible to physically disabled voters as provided in
26 subdivision one-a. Notwithstanding the provisions of any general,
27 special or local law, if a board or body empowered to designate polling
28 places chooses a publicly owned or leased building, other than a public
29 school building, for such purposes the board or body which controls such
30 building must make available a room or rooms in such building which are
31 suitable for registration and voting and which are as close as possible
32 to a convenient entrance to such building, and must make available any
33 such room or rooms which the board or body designating such building
34 determines are accessible to physically disabled voters unless, not
35 later than thirty days after notice of its designation as a polling
36 place, the board or body controlling such building, files a written
37 request for a cancellation of such designation with the board or body
38 empowered to designate polling places on such form as shall be provided
39 by the board or body making such designation. The board or body
40 empowered to so designate shall, within twenty days after such request
41 is filed, determine whether the use of such building as a polling place
42 would unreasonably interfere with the usual activities conducted in such
43 building and upon such determination, may cancel such designation.

44 § 2. This act shall take effect immediately.