

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:

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

1. Every board of elections shall, in consultation with each city, town and village, designate the polling places in each election district in which the meetings for the registration of voters, and for any election may be held. The board of trustees of each village in which general and special village elections conducted by the board of elections are held at a time other than the time of a general election shall submit such a list of polling places for such village elections to the board of elections. A polling place may be located in a building owned by a religious organization or used by it as a place of worship. If such a building is designated as a polling place, it shall not be required to be open for voter registration on any Saturday if this is contrary to the religious beliefs of the religious organization. In such a situation, the board of elections shall designate an alternate location to be used for voter registration. Such polling places must be designated by March fifteenth, of each year, and shall be effective for one year thereafter. Such a list required to be submitted by a village board of trustees must be submitted at least four months before each general village election and shall be effective until four months before the subsequent general village election. ~~[No place in which a business licensed to sell alcoholic beverages for on premises consumption is conducted on any day of local registration or of voting shall be so designated.]~~ If, within the discretion of the board of elections a particular polling place so designated is subsequently found to be 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 designate any public building as a polling place to the extent practicable, provided, however, that in no case shall a public school building be designated as an early voting polling location. If additional polling places shall be needed, a building exempt from taxation or owned by an entity receiving more than one million dollars in annual state grant funding shall be used [~~whenever possible~~] as a polling place if it is
12 situated in the same or a contiguous election district, and may contain
13 as many distinctly separate polling places as public convenience may
14 require, unless the owner or operator of such building shall demonstrate that such use is significantly incompatible with the primary function of the entity. The expense, if any, incidental to its use, shall be paid
17 like the expense of other places of registration and voting. If a board
18 or body empowered to designate polling places chooses a public school
19 building for such purpose, the board or agency which controls such
20 building must make available a room or rooms in such building which are
21 suitable for registration and voting and which are as close as possible
22 to a convenient entrance to such building and must make available any
23 such room or rooms which the board or body designating such building
24 determines are accessible to physically disabled voters as provided in
25 subdivision one-a. Notwithstanding the provisions of any general,
26 special or local law, if a board or body empowered to designate polling
27 places chooses a publicly owned or leased building, other than a public
28 school building, for such purposes the board or body which controls such
29 building must make available a room or rooms in such building which are
30 suitable for registration and voting and which are as close as possible
31 to a convenient entrance to such building, and must make available any
32 such room or rooms which the board or body designating such building
33 determines are accessible to physically disabled voters unless, not
34 later than thirty days after notice of its designation as a polling
35 place, the board or body controlling such building, files a written
36 request for a cancellation of such designation with the board or body
37 empowered to designate polling places on such form as shall be provided
38 by the board or body making such designation. The board or body
39 empowered to so designate shall, within twenty days after such request
40 is filed, determine whether the use of such building as a polling place
41 would unreasonably interfere with the usual activities conducted in such
42 building and upon such determination, may cancel such designation.

43 § 2. This act shall take effect immediately.
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