

STATE OF NEW YORK

10298

IN ASSEMBLY

May 13, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Walker) --
read once and referred to the Committee on Election Law

AN ACT to amend the election law, the education law, the civil practice law and rules, and the state finance law, in relation to regulating public data maintained by county and city boards of elections and establishing the New York voting and elections database and institute to maintain a statewide database of voting and election data

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

1 Section 1. The election law is amended by adding a new section 3-112
2 to read as follows:

3 § 3-112. State board of elections; uniform standards for processing
4 data requests and duty to send data and information to statewide data-
5 base. 1. The state board of elections shall promulgate regulations
6 within one hundred eighty days of the effective date of this section
7 standardizing across each county and city boards of elections the method
8 of processing freedom of information law requests and providing for
9 timely distribution of such data to the public.

10 2. Upon the certification of election results and the completion of
11 the voter history file after every election, each board of elections
12 shall transmit copies of: (a) election results at the election district
13 level; (b) contemporaneous voter registration lists; (c) voter history
14 files; (d) maps or other documentation of the configuration of districts
15 in any format or formats as specified by the state board of elections;
16 and (e) lists of election day poll sites and early voting sites and maps
17 or other documentation of the configuration of districts in any format
18 or formats as specified by the state board of elections of the election
19 districts assigned to each election day poll site or early voting site.
20 For the purposes of this subdivision, the term "election authority"
21 refers to the agency primarily responsible for maintaining the records
22 listed in this subdivision and includes any board of election, as well
23 as general purpose local governments or special purpose local govern-
24 ments that administer their own elections or maintain their own voting
25 and election records.

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

LBD14148-05-2

1 § 2. Title 7 of the education law is amended by adding a new article
2 117 to read as follows:

3 ARTICLE 117

4 NEW YORK VOTING AND ELECTIONS DATABASE AND INSTITUTE

5 Section 5801. Statement of objectives and legislative findings.

6 5802. Establishment of the New York voting and elections data-
7 base and institute.

8 5803. Function of the New York voting and elections database and
9 institute.

10 5804. Co-directors and chairs on voting and elections.

11 5805. Annual report.

12 § 5801. Statement of objectives and legislative findings. New York's
13 existing system of voting and election administration has developed over
14 the course of two centuries and has evolved in response to changing
15 understandings of civil rights and the importance of equitable partic-
16 ipation in government. The legislature hereby finds that equitable,
17 efficient, and accountable elections require transparency and reliable
18 data to better inform the public and the legislative process in decision
19 making regarding election administration and voting rights in the state.
20 Therefore, the legislature finds that it is in the public interest to
21 establish a central institution to reduce the burden on boards of
22 elections, local governments and school districts with regard to storing
23 and sharing election data, provide a nonpartisan and accurate set of
24 data that the public can rely upon, encourage the enactment of
25 evidence-based election policies and legislation, and improve transpar-
26 ency and allow voters to detect inequitable election policies and racial
27 discrimination.

28 § 5802. Establishment of the New York voting and elections database
29 and institute. There is hereby established jointly within the state
30 university of New York and city university of New York the "New York
31 voting and elections database and institute", referred to in this arti-
32 cle as the "database and institute", to maintain and administer a
33 central repository of elections and voting data available to the public
34 from all political subdivisions in the state of New York and to foster,
35 pursue, and sponsor research on existing laws and best practices in
36 voting and elections. For the purposes of this section, "political
37 subdivision" shall mean a geographic area of representation created for
38 the provision of government services, including, but not limited to, a
39 county, city, town, village, school district, or any other district
40 organized pursuant to state or local law.

41 § 5803. Function of the New York voting and elections database and
42 institute. 1. The database and institute shall provide a center for
43 research, training and information on voting systems and election admin-
44 istration. The database and institute is hereby empowered:

45 (a) to conduct classes both for credit and non-credit;

46 (b) to organize interdisciplinary groups of scholars to research
47 voting and elections in the state;

48 (c) to conduct seminars involving voting and elections;

49 (d) to establish a nonpartisan centralized database in order to
50 collect, archive, and make publicly available at no cost an accessible
51 database pertaining to elections, registered voters, and ballot access
52 in the state;

53 (e) to assist in the dissemination of such data to the public;

54 (f) to publish such books and periodicals as it shall deem appropriate
55 on voting and elections in the state; and

1 (g) to provide nonpartisan technical assistance to political subdivi-
2 sions, scholars, and the general public seeking to use the resources of
3 the statewide database.

4 2. (a) Data to maintain. The database and institute shall maintain in
5 electronic format and make available to the public online at no cost at
6 minimum the following data and records for at least the previous twelve
7 year period:

8 (i) Estimates of the total population, voting age population, and
9 citizen voting age population by race, color, and language-minority
10 group, broken down to the election district level on a year-by-year
11 basis for every political subdivision in the state, based on data from
12 the United States census bureau, American community survey, or data of
13 comparable quality collected by a public office.

14 (ii) Election results at the election district level for every state-
15 wide election and every election in every political subdivision.

16 (iii) Contemporaneous voter registration lists, voter history files,
17 election day poll site locations, and early voting site locations, for
18 every election in every political subdivision.

19 (iv) Contemporaneous maps or other documentation of the configuration
20 of districts in any format or formats specified by the director for
21 election districts.

22 (v) Election day or early voting poll sites including, but not limited
23 to, lists of election districts assigned to each polling place, if
24 applicable.

25 (vi) Districting or redistricting plans for every election in every
26 political subdivision.

27 (vii) Any other data that the director deems advisable to maintain in
28 furtherance of the purposes of this title.

29 (b) Public availability of data. Except for any data, information, or
30 estimates that identifies individual voters, the data, information, and
31 estimates maintained by the statewide database shall be posted online
32 and made available to the public at no cost.

33 (c) Data on race, color, and language-minority groups. The statewide
34 database and institute shall prepare any estimates made pursuant to this
35 section by applying the most advanced, peer-reviewed, and validated
36 methodologies.

37 § 5804. Co-directors and chairs on voting and elections. Two chairs
38 are hereby established in the New York voting and elections database and
39 institute. One chair shall be within the state university of New York.
40 One chair shall be within the city university of New York. The chairs
41 shall also act as co-directors of the database and institute.

42 § 5805. Annual report. Not later than ninety days following the end of
43 the state fiscal year the New York voting and elections database and
44 institute shall annually submit to the governor, the majority leader of
45 the senate and the speaker of the assembly a report on the priorities
46 and finances of the New York voting and elections database and insti-
47 tute.

48 § 3. The civil practice law and rules is amended by adding a new rule
49 4550 to read as follows:

50 Rule 4550. New York voting and elections database and institute. The
51 data, information, and estimates maintained by the New York voting and
52 elections database and institute shall be granted a rebuttable presump-
53 tion of validity by any court concerning any claim brought.

54 § 4. The education law is amended by adding a new section 2614 to read
55 as follows:

1 § 2614. Transmission of publicly available data to the New York voting
2 and elections database and institute. Upon the certification of election
3 results and the completion of the voter history file after each
4 election, each school district that holds elections pursuant to this
5 article shall transmit copies of the following to the New York voting
6 and elections database and institute within ninety days after such
7 election: (a) school board election results; (b) contemporaneous voter
8 registration lists; (c) voter history files; (d) maps or other documen-
9 tation of the configuration of districts in any format or formats speci-
10 fied by the director; (e) lists of election day poll sites, maps or
11 other documentation of the configuration of districts in any format or
12 formats specified by the director assigned to each election day poll
13 site; and (f) any other publicly available data as requested by such
14 database and institute.

15 § 5. Section 2038 of the education law is renumbered section 2039 and
16 a new section 2038 is added to read as follows:

17 § 2038. Transmission of publicly available data to the New York voting
18 and elections database and institute. Upon the certification of election
19 results and the completion of the voter history file after each
20 election, each school district that holds school board elections pursu-
21 ant to this article shall transmit copies of the following to the New
22 York voting and elections database and institute within ninety days
23 after such election: (a) school board election results; (b) contempora-
24 neous voter registration lists; (c) voter history files; (d) maps,
25 descriptions, and shapefiles for election districts; (e) lists of
26 election day poll sites, shapefiles, or descriptions of the election
27 districts assigned to each election day poll site; and (f) any other
28 publicly available data as requested by such database and institute.

29 § 6. Section 2553 of the education law is amended by adding a new
30 subdivision 2-a to read as follows:

31 2-a. Upon the certification of election results and the completion of
32 the voter history file after each election, each school district that
33 holds school board elections pursuant to this article shall transmit
34 copies of the following to the New York voting and elections database
35 and institute within ninety days after such election: (a) school board
36 election results; (b) contemporaneous voter registration lists; (c)
37 voter history files; (d) maps or other documentation of the configura-
38 tion of districts in any format or formats specified by the director;
39 (e) lists of election day poll sites, shapefiles, or descriptions of the
40 election districts assigned to each election day poll site; and (f) any
41 other publicly available data as requested by such database and insti-
42 tute.

43 § 7. The state finance law is amended by adding a new section 97-k to
44 read as follows:

45 § 97-k. New York voting and elections database and institute fund. 1.
46 There is hereby established in the joint custody of the state comp-
47 troller and the commissioner of taxation and finance a fund to be known
48 as the New York voting and elections database and institute fund.

49 2. The New York voting and elections database and institute fund shall
50 consist of all moneys credited or transferred thereto from any other
51 fund or source, including any federal, state, or private funds, pursuant
52 to law for the maintenance of the voting and elections database reposi-
53 tory and for research conducted by such database and institute.

54 3. Moneys in the New York voting and elections database and institute
55 fund may be invested by the comptroller pursuant to section ninety-

1 eight-a of this article, and any income received by the comptroller
2 shall be used for the purposes of such fund.

3 4. The moneys held in or credited to the New York voting and elections
4 database and institute fund shall be expended for the purposes set forth
5 in this section, and may not be interchanged or commingled with any
6 other account or fund but may be commingled with any other fund or
7 account for investment purposes.

8 5. Moneys in the New York voting and elections database and institute
9 fund, following appropriation by the legislature, shall be available to
10 the New York voting and elections database and institute for maintenance
11 of the database and research and education programs as set forth in
12 article one hundred seventeen of title seven of the education law.

13 § 8. This act shall take effect immediately.