STATE OF NEW YORK

4323--A

2021-2022 Regular Sessions

IN ASSEMBLY

February 1, 2021

Introduced by M. of A. WALKER, GALEF, PERRY, L. ROSENTHAL, SIMON, COLTON, PRETLOW, PAULIN, STECK, ZEBROWSKI, CARROLL, JEAN-PIERRE, DICKENS, HUNTER, GLICK, GOTTFRIED, COOK, WEPRIN, HYNDMAN, BRONSON, LUPARDO, ZINERMAN -- read once and referred to the Committee on Election Law -- recommitted to the Committee on Election Law in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to mandatory training curriculum for poll workers

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

Section 1. Subdivisions 1, 1-a and 2 of section 3-412 of the election law, subdivision 1 as amended by chapter 310 of the laws of 2021, subdivision 1-a as added by chapter 181 of the laws of 2005 and subdivision 2 as amended by chapter 180 of the laws of 2005, are amended and three new subdivisions 1-b, 1-c and 1-d are added to read as follows:

1. Each board of elections shall, at least once every year, conduct a mandatory school for the instruction of election inspectors, poll clerks and election coordinators. Such instruction may be given in person or online **at various times throughout the year**, provided that online instruction shall be offered over a two week period that includes the date for in-person instruction. **Such training shall be offered no less frequently than on a quarterly basis.** Certain online participants may be required to supplement online instruction with in-person instruction that includes the use of voting machines or other matters requiring specialized training. Written notice shall be given to participants stating the time and place at which such in-person instruction shall be held, the option to obtain instruction online with direction on how to access the online option, and identifying the participants that must attend in-person instruction in addition to online instruction.

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

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1-a. The state board of elections shall establish a mandatory core curriculum for poll worker training which includes the requirements in subdivision two of this section, [~~as amended by a chapter of the laws of 2005,~~] and the rights of voters at the polls and obligation of election workers to protect those rights while maintaining the integrity of the franchise, including assisting voters with disabilities or with limited or no proficiency in the English language, handling, processing and entitlement to ballots, including affidavit and emergency ballots, proper identification requirements, procedures to be followed with respect to voters whose names are not on the list of registered voters or whose identities have not been verified, electioneering and other violations of the elective franchise as defined in this chapter, solicitation by individuals and groups at the polling place and procedures to be followed after the polls close. Each board of elections shall augment the core curriculum with local procedures not inconsistent with the core curriculum adopted by the state board of elections and which includes procedures relating to proper operation of, and remedying problems with, the voting machine or system in use in that jurisdiction.

1-b. The state board of elections shall establish and host an education and training institute which shall be responsible for the development and implementation of a statewide program wherein persons can become certified poll worker trainers. This institute shall also create a train-the-trainer program, in order for county boards of elections to implement an effective training program at their respective local level of program delivery. The state board's trainers shall include in the trainer curriculum to be developed, attention to, inter alia, poll worker ability to serve a diverse electorate with complete confidence and respect; professionalizing the delivery of all election day services; providing assistance to voters with disabilities and those with limited English language proficiency, ensuring the dignity and privacy of such individuals; and to individuals who are members of racial or ethnic minorities, complete familiarity and comfort with all voting systems in use in poll sites, including ballot marking devices or other systems/services available to voters with disabilities; and poll worker ability to recognize and resolve a variety of issues which may arise in poll sites. The state board's trainers and all certified poll worker instructors shall utilize industry-proven training techniques aimed at adult learners including role-based training and hands-on training opportunities using official election day forms and poll site voting systems and may further include a web-based component and companion video.

1-c. County boards shall enroll trainers in the program in such quantities to ensure that an adequate contingent of fully trained and certified poll worker trainers are available to meet the training needs of such county. Each county board of elections shall enroll not less than two persons designated by the county board on a bipartisan basis, in the state board of elections training institute. Certified trainers must maintain their certification by attending once every two years, a continuing education program, to ensure the professionalism of the poll worker training agenda set by the state board of elections. Enrollees who have successfully completed the state board's training program and been awarded a "certified poll worker instructor" certificate may serve at the county board as a trainer of poll workers as well as a trainer of other bi-partisan designees of the county board, however the conferring of the title "certified poll worker instructor" may be made only by the state board of elections.

1-d. The state board of elections shall adopt such rules and regulations which may be necessary to create the training institute and associated curricula provided for in subdivisions one-a, one-b and one-c of this section, including a process whereby attendees who successfully complete a state board-sponsored training program shall be awarded a certificate conferring upon him or her, the title of "certified poll worker instructor".

2. Election inspectors, poll clerks and election coordinators shall be instructed concerning**, but not limited to, the following topics:** the election law **and any relevant statutory updates**, the taking of registrations, the use of voting machines, disability etiquette**, affidavit and emergency voting processes, use of electronic poll books, providing assistance to voters with limited English language proficiency** and their duties in connection therewith as soon as possible after their designation.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.