

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:

1 Section 1. Subdivisions 1, 1-a and 2 of section 3-412 of the election
2 law, subdivision 1 as amended by chapter 310 of the laws of 2021, subdivi-
3 sion 1-a as added by chapter 181 of the laws of 2005 and subdivision 2
4 as amended by chapter 180 of the laws of 2005, are amended and three new
5 subdivisions 1-b, 1-c and 1-d are added to read as follows:
6 1. Each board of elections shall, at least once every year, conduct a
7 mandatory school for the instruction of election inspectors, poll clerks
8 and election coordinators. Such instruction may be given in person or
9 online at various times throughout the year, provided that online
10 instruction shall be offered over a two week period that includes the
11 date for in-person instruction. Such training shall be offered no less
12 frequently than on a quarterly basis. Certain online participants may be
13 required to supplement online instruction with in-person instruction
14 that includes the use of voting machines or other matters requiring
15 specialized training. Written notice shall be given to participants
16 stating the time and place at which such in-person instruction shall be
17 held, the option to obtain instruction online with direction on how to
18 access the online option, and identifying the participants that must
19 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 1-a. The state board of elections shall establish a mandatory core
2 curriculum for poll worker training which includes the requirements in
3 subdivision two of this section, [~~as amended by a chapter of the laws of~~
4 ~~2005,~~] and the rights of voters at the polls and obligation of election
5 workers to protect those rights while maintaining the integrity of the
6 franchise, including assisting voters with disabilities or with limited
7 or no proficiency in the English language, handling, processing and
8 entitlement to ballots, including affidavit and emergency ballots, proper
9 identification requirements, procedures to be followed with respect
10 to voters whose names are not on the list of registered voters or whose
11 identities have not been verified, electioneering and other violations
12 of the elective franchise as defined in this chapter, solicitation by
13 individuals and groups at the polling place and procedures to be
14 followed after the polls close. Each board of elections shall augment
15 the core curriculum with local procedures not inconsistent with the core
16 curriculum adopted by the state board of elections and which includes
17 procedures relating to proper operation of, and remedying problems with,
18 the voting machine or system in use in that jurisdiction.

19 1-b. The state board of elections shall establish and host an educa-
20 tion and training institute which shall be responsible for the develop-
21 ment and implementation of a statewide program wherein persons can
22 become certified poll worker trainers. This institute shall also create
23 a train-the-trainer program, in order for county boards of elections to
24 implement an effective training program at their respective local level
25 of program delivery. The state board's trainers shall include in the
26 trainer curriculum to be developed, attention to, inter alia, poll work-
27 er ability to serve a diverse electorate with complete confidence and
28 respect; professionalizing the delivery of all election day services;
29 providing assistance to voters with disabilities and those with limited
30 English language proficiency, ensuring the dignity and privacy of such
31 individuals; and to individuals who are members of racial or ethnic
32 minorities, complete familiarity and comfort with all voting systems in
33 use in poll sites, including ballot marking devices or other
34 systems/services available to voters with disabilities; and poll worker
35 ability to recognize and resolve a variety of issues which may arise in
36 poll sites. The state board's trainers and all certified poll worker
37 instructors shall utilize industry-proven training techniques aimed at
38 adult learners including role-based training and hands-on training
39 opportunities using official election day forms and poll site voting
40 systems and may further include a web-based component and companion
41 video.

42 1-c. County boards shall enroll trainers in the program in such quan-
43 tities to ensure that an adequate contingent of fully trained and certi-
44 fied poll worker trainers are available to meet the training needs of
45 such county. Each county board of elections shall enroll not less than
46 two persons designated by the county board on a bipartisan basis, in the
47 state board of elections training institute. Certified trainers must
48 maintain their certification by attending once every two years, a
49 continuing education program, to ensure the professionalism of the poll
50 worker training agenda set by the state board of elections. Enrollees
51 who have successfully completed the state board's training program and
52 been awarded a "certified poll worker instructor" certificate may serve
53 at the county board as a trainer of poll workers as well as a trainer of
54 other bi-partisan designees of the county board, however the conferring
55 of the title "certified poll worker instructor" may be made only by the
56 state board of elections.

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

8 2. Election inspectors, poll clerks and election coordinators shall be
9 instructed concerning, but not limited to, the following topics: the
10 election law and any relevant statutory updates, the taking of registra-
11 tions, the use of voting machines, disability etiquette, affidavit and
12 emergency voting processes, use of electronic poll books, providing
13 assistance to voters with limited English language proficiency and their
14 duties in connection therewith as soon as possible after their desig-
15 nation.

16 § 2. This act shall take effect on the one hundred eightieth day after
17 it shall have become a law. Effective immediately, the addition, amend-
18 ment and/or repeal of any rule or regulation necessary for the implemen-
19 tation of this act on its effective date are authorized and directed to
20 be made and completed on or before such effective date.