

# STATE OF NEW YORK

1039

2021-2022 Regular Sessions

## IN SENATE

January 6, 2021

Introduced by Sens. KRUEGER, KAMINSKY, BIAGGI, GAUGHRAN, HOYLMAN, KAPLAN  
-- read twice and ordered printed, and when printed to be committed to  
the Committee on Elections

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~~]

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

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1 ~~conducted on any day of local registration or of voting shall be so~~  
2 ~~designated.~~] If, within the discretion of the board of elections a  
3 particular polling place so designated is subsequently found to be  
4 unsuitable or unsafe or should circumstances arise that make a desig-  
5 nated polling place unsuitable or unsafe, then the board of elections is  
6 empowered to select an alternative meeting place. In the city of New  
7 York, the board of elections shall designate such polling places and  
8 alternate registration places if the polling place cannot be used for  
9 voter registration on Saturdays.

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

48 § 2. This act shall take effect immediately.