STATE OF NEW YORK

1047

2021-2022 Regular Sessions

IN SENATE

January 6, 2021

Introduced by Sen. MYRIE -- 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 ensuring that voting systems testing requirements do not make it impractical to provide each polling place for early voting all of the election district ballots

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

Section 1. Subdivisions 2 and 3 of section 8-600 of the election law, as added by chapter 6 of the laws of 2019, paragraph (a) of subdivision 2 as amended by chapter 344 of the laws of 2020, are amended to read as follows:

2. (a) The board of elections shall designate polling places for early voting, which may include the offices of the board of elections, for persons to vote early pursuant to this title; provided, however, that the municipality with the highest population in each county based on the latest federal decennial census shall have at least one polling place designated for early voting, and to the extent practicable if such municipality has public transportation routes, such polling place shall be situated along such transportation routes. There shall be so designated at least one early voting polling place for every full increment of fifty thousand registered voters in each county; provided, however, [~~the number of early voting polling places in a county shall not be required to be greater than ten unless required by any other provision of law, and~~] a county with fewer than fifty thousand voters shall have at least one early voting polling place.

(b) The board of elections of each county or the city of New York may establish additional polling places for early voting in excess of the minimum number required by this subdivision for the convenience of eligible voters.

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

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(c) Notwithstanding the minimum number of early voting poll sites otherwise required by this subdivision, for any [~~primary or~~] special election, upon majority vote of the board of elections, the number of early voting sites may be reduced when the board of elections determines a lesser number of sites is sufficient to meet the needs of early voters.

(d) Polling places for early voting shall be located so that voters in the county have adequate and equitable access, taking into consideration population density, travel time to the polling place, proximity to other early voting poll sites, public transportation routes, commuter traffic patterns and such other factors the board of elections deems appropriate. The provisions of section 4-104 of this chapter, except subdivisions four and five of such section, shall apply to the designation of polling places for early voting except to the extent such provisions are inconsistent with this section.

3. Any voter may vote at any polling place for early voting established pursuant to subdivision two of this section in the county where such voter is registered to vote; provided, however, if it is impractical to provide each polling place for early voting all of the election district ballots [~~or if early voting at any such polling place makes ensuring that no voter has not previously voted early during such election~~], the board of elections may assign election districts to a particular early voting poll site. All voters in each county shall have one or more polling places at which they are eligible to vote throughout the early voting period on a substantially equal basis. If the board of elections does not agree by majority vote to plan to assign election districts to early voting poll sites, all voters in the county must be able to vote at any poll site for early voting in the county.

§ 2. Section 8-602 of the election law, as added by chapter 6 of the laws of 2019, is amended to read as follows:

§ 8-602. State board of elections; powers and duties for early voting. The state board of elections shall promulgate rules or regulations necessary for the implementation of the provisions of this title. Such rules and regulations shall include, but not be limited to, provisions to**:** (i) ensure that ballots cast early, by any method allowed under law, are counted and canvassed as if cast on election day[~~,~~]**;** (ii) ensure an efficient and fair early voting process that respects the privacy of the voter[~~, and~~]**;** (iii) require that the voting history record for each voter be continually updated to reflect each instance of early voting by such voter**; and (iv) ensure that voting systems testing requirements do not make it impractical to provide each polling place for early voting all of the election district ballots**.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law and shall apply to any general, primary, run-off primary or special election held thereafter as provided for in the election law, provided, however, that the amendments to paragraph (a) of subdivision 2 of section 8-600 of the election law made by section one of this act shall take effect on the same date and in the same manner as section 1 of chapter 344 of the laws of 2020, takes effect.