

# STATE OF NEW YORK

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508

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

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Introduced by Sens. KRUEGER, LIU -- 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 the appointment of  
election inspectors and poll clerks

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

1 Section 1. Subdivision 4 of section 3-401 of the election law, as  
2 added by chapter 90 of the laws of 1991, is amended to read as follows:

3 4. Any county board of elections appointing election coordinators and  
4 in the city of New York, the board of elections of the city of New York,  
5 shall prepare a report detailing assignments and duties to be delegated  
6 to election coordinators. Any county board of elections appointing  
7 election coordinators and in the city of New York, the board of  
8 elections of the city of New York, shall prepare a report detailing  
9 assignments of election inspectors and poll clerks, and shall specif-  
10 ically enumerate the poll sites for which election inspectors or poll  
11 clerks have not yet been assigned, detailing the efforts made to date to  
12 fill those assignments. Said [~~report~~] reports shall be filed with the  
13 state board of elections no later than one month prior to the election  
14 at which election coordinators, election inspectors and poll clerks are  
15 to be assigned.

16 § 2. Subdivision 1 of section 3-406 of the election law is amended to  
17 read as follows:

18 1. Each board of elections shall establish a list of persons duly  
19 qualified to serve as election inspectors, which list shall be known as  
20 the "Additional Inspector List", in such number of persons as the board  
21 shall determine. Such a list shall be equally divided between the major  
22 political parties. Appointments under this section shall be made in the  
23 manner provided for the appointment of regular election inspectors and  
24 for a like term. Each board of elections shall be required to appoint

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

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1 election inspectors, poll clerks and election coordinators from the  
2 additional inspector list for each vacancy listed on the report provided  
3 to the state board of elections pursuant to subdivision four of section  
4 3-401 of this title no later than twenty days prior to the election at  
5 which election coordinators, election inspectors and poll clerks are to  
6 be assigned.

7 § 3. Section 3-418 of the election law, the section heading and subdi-  
8 vision 4 as amended by chapter 373 of the laws of 1978, is amended to  
9 read as follows:

10 § 3-418. Election inspectors and poll clerks; emergency provisions for  
11 filling vacancies or absences. 1. If, at the time of a meeting of the  
12 inspectors, there shall be a vacancy, or if any inspector shall be  
13 absent, the inspector present who is the designee of the same party as  
14 the absent inspector shall appoint a qualified inspector from the addi-  
15 tional inspector list established pursuant to section 3-406 of this  
16 title until such additional inspector list is exhausted. Once the addi-  
17 tional inspector list is exhausted, the inspector present who is the  
18 designee of the same party as the absent inspector shall appoint a qual-  
19 ified voter of the same city or town to act in place of the absent  
20 inspector. If, however, any inspectors shall be temporarily absent for a  
21 portion of the meeting, the inspectors present, provided that they are  
22 not all members of the same political party, shall have and may exercise  
23 any power or perform any duty conferred or imposed upon a board of  
24 inspectors.

25 2. If at the time of any such meeting two inspectors who are members  
26 of the same party shall be absent, or their places shall be vacant, the  
27 poll clerk or poll clerks present, if any, of the same party shall act  
28 as inspectors and shall appoint qualified inspectors from the additional  
29 inspector list established pursuant to section 3-406 of this title until  
30 such supplemental list is exhausted. Once the additional inspector list  
31 is exhausted, the poll clerk or poll clerks present, if any, of the same  
32 party as the absent inspectors shall act as inspectors and shall appoint  
33 qualified voters of the same city or town who are members of the same  
34 party as the absent inspectors, to act in place of such clerks.

35 3. If at the time of any such meeting two inspectors and the poll  
36 clerk or clerks, if any, who are members of the same party shall be  
37 absent, or their places shall be vacant, the inspector or inspectors  
38 present, or in their absence the poll clerk or clerks present, if any,  
39 shall appoint qualified inspectors or poll clerks from the additional  
40 inspector list established pursuant to section 3-406 of this title until  
41 such additional inspector list is exhausted. Once the additional inspec-  
42 tor list is exhausted, the inspector or inspectors present, or in their  
43 absence the poll clerk or clerks present, if any, shall appoint quali-  
44 fied voters of the same city or town, who are members of the same party  
45 as such absent inspectors, to act as such inspectors and clerks, until  
46 the inspectors or clerks duly appointed by the original appointing  
47 authority, shall appear.

48 4. If at the time of any such meeting, there shall be a vacancy in the  
49 office of poll clerk, or if a poll clerk shall be absent, the inspectors  
50 who are designees of the same party, or in their absence, any poll clerk  
51 of the same party who is present, shall appoint qualified poll clerks  
52 from the additional inspector list established pursuant to section 3-406  
53 of this title until such additional inspector list is exhausted. Once  
54 the additional inspector list is exhausted, the inspector or inspectors  
55 present, or in their absence the poll clerk or clerks present, if any,

1 shall appoint a qualified voter of the same city or town who is a member  
2 of the same party, to act in place of the absent poll clerk.  
3 5. Every person so appointed or named shall take the oath of office,  
4 which shall be administered by any person authorized to administer oaths  
5 or by one of the inspectors.  
6 § 4. This act shall take effect immediately.