

# STATE OF NEW YORK

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8333

## IN SENATE

February 15, 2022

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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 removing provisions of such law requiring election inspectors, poll clerks, and election coordinators to be appointed in a bipartisan manner

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

1 Section 1. Section 3-400 of the election law, subdivisions 3, 4 and 5  
2 as renumbered by chapter 9 of the laws of 1978, subdivision 6 as amended  
3 and subdivision 8 as renumbered by chapter 133 of the laws of 2011,  
4 subdivision 8 as added by chapter 76 of the laws of 2010, subdivision 7  
5 as amended by chapter 293 of the laws of 2017 and subdivision 9 as added  
6 by chapter 6 of the laws of 2019, is amended to read as follows:

7 § 3-400. Election inspectors and poll clerks; provision for. 1. There  
8 shall be for each election district of the state four election inspec-  
9 tors.

10 2. At every general election in each election district where two  
11 voting machines are used, there shall be two clerks in addition to the  
12 four inspectors of election, except that in an election district located  
13 in a town, where one voting machine is used, the town board may direct  
14 the board of elections to appoint not more than two clerks in such  
15 district if in the discretion of such board the service of such clerk or  
16 clerks is reasonably necessary for the proper conduct of the election.  
17 In each election district where paper ballots, in addition to one voting  
18 machine, are used at a general election, there shall be two clerks in  
19 addition to the four inspectors of election. In each election district  
20 where paper ballots, in addition to more than one voting machine are  
21 used at a general election there shall be four clerks in addition to the  
22 four inspectors. The duties of such clerks shall be such as shall be  
23 prescribed by the board of elections and they shall serve at the general  
24 election only. When deemed necessary in any election or primary, the  
25 board of election may require additional poll clerks to be designated in  
26 any election district.

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

LBD13328-02-2

3. ~~[Appointments to the offices of election inspector or poll clerk in each election district, shall be equally divided between the major political parties.]~~

4.] To the extent practicable there shall be election inspectors and poll clerks at each poll site from the two major political parties and non-affiliated inspectors and poll clerks. Before entering on their duties, the election inspectors of each election district outside the city of New York shall appoint one of their number chairman, to serve as such during his term of office. If a majority shall not agree upon such an appointment, they shall draw lots for that position.

~~[5. In the city of New York in each odd numbered election district a chairman shall be designated who shall be an inspector named by the political party which polled the highest number of votes for governor at the last preceding election for such officer and in each even numbered election district a chairman shall be designated who shall be an inspector named by the political party which polled the second highest number of votes for governor at the last preceding election for such officer.]~~

6.] 4. No person shall be certified or act as an election inspector or poll clerk who is not a registered voter (unless such person is duly qualified under subdivision eight of this section) and a resident of the county in which he or she serves, or within the city of New York, of such city, who holds any elective public office, or who is a candidate for any public office to be voted for by the voters of the district in which he or she is to serve, or the spouse, parent, or child of such a candidate, or who is not able to speak and read the English language and write it legibly.

7.] 5. The board of elections may employ election inspectors to work split shifts with adjusted compensation~~[, provided, however, that at least one inspector from each of the two major political parties is present at the poll site for the entire time that the polls are open]~~. Each county board of elections shall prescribe the necessary rules and procedures to ensure proper poll site operation.

8.] 6. A person seventeen years of age who is enrolled in a school district and fulfilling the requirements of section thirty-two hundred seven-a of the education law shall be eligible to be appointed as, and to perform the duties of, an election inspector or poll clerk as provided in this chapter.

9.] 7. Notwithstanding any inconsistent provisions of this article, election inspectors or poll clerks, if any, at polling places for early voting, shall consist of either board of elections employees who shall be appointed by the commissioners of such board or duly qualified individuals, appointed in the manner set forth in this section. ~~[Appointments to the offices of election inspector or poll clerk in each polling place for early voting shall be equally divided between the major political parties.]~~ The board of elections shall assign staff and provide resources to ensure a voter's wait time to vote at an early voting site shall not exceed thirty minutes.

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

2. All election coordinators shall be trained in the manner prescribed by this article for election inspectors and poll clerks. Election coordinators shall be appointed by the board of elections. ~~[The appointment of election coordinators shall be equally divided between the two major political parties.]~~ To the extent practicable there shall be coordinators at each poll site from the two major political parties and non-affiliated coordinators.

1 § 3. Subdivision 1 of section 3-402 of the election law is amended to  
2 read as follows:

3 1. Election inspectors, in performing their duties, shall act as a  
4 board and a majority vote thereof shall be required to decide all ques-  
5 tions. If, however, any inspector or inspectors shall be temporarily  
6 absent for a portion of the meeting, the inspectors present shall have  
7 and may exercise any power or perform any duty conferred or imposed upon  
8 a board of inspectors[~~, provided that they are not all members of the~~  
9 ~~same political party~~].

10 § 4. Subdivisions 2, 5 and 7 of section 3-404 of the election law,  
11 subdivision 5 as amended by chapter 263 of the laws of 1991 and subdivi-  
12 sion 7 as amended by chapter 234 of the laws of 1976, are amended to  
13 read as follows:

14 2. Each political party entitled to representation on any board of  
15 elections may, not later than the first day of May in each year, file  
16 with the appropriate board of elections, an original list of persons  
17 recommended to serve. Supplemental lists may be filed at the same time  
18 and at any time before the designation is made and certified or when a  
19 vacancy exists. [~~All designations shall~~] Designations may be made first  
20 from those named in the original list filed if those designated are  
21 found qualified.

22 5. If a political party shall fail to submit a list or the list shall  
23 be exhausted, the board of elections shall request from the appropriate  
24 political party an original or supplemental list. If after ten days no  
25 list is filed by that party, the board of elections may appoint quali-  
26 fied persons[~~, enrolled members of the political party in default,~~] to  
27 act as election inspectors, poll clerks or election coordinators.

28 7. Election officers [~~shall~~] may be appointed from the lists submit-  
29 ted, by those members of the board who represent the political party  
30 which submitted such lists. If such list is not furnished, the members  
31 of the board who represent the political party in default, shall design-  
32 ate the persons to be appointed as election officers.

33 § 5. Subdivisions 1 and 4 of section 3-406 of the election law are  
34 amended to read as follows:

35 1. Each board of elections shall establish a list of persons duly  
36 qualified to serve as election inspectors, which list shall be known as  
37 the "Additional Inspector List", in such number of persons as the board  
38 shall determine. [~~Such a list shall be equally divided between the major~~  
39 ~~political parties.~~] To the extent practicable there shall be additional  
40 inspectors from the two major political parties and non-affiliated  
41 inspectors. Appointments under this section shall be made in the manner  
42 provided for the appointment of regular election inspectors and for a  
43 like term.

44 4. If the board of elections shall determine that a vacancy exists  
45 upon any board of inspectors or that any election inspector or poll  
46 clerk is absent, and that no qualified voter has been appointed pursuant  
47 to this chapter to act in place of such election inspector or poll  
48 clerk, or to relieve any qualified voter who has been so appointed, it  
49 shall forthwith direct a person appointed pursuant to this section to  
50 act in place of the absent election inspector or poll clerk or qualified  
51 voter so appointed until such absent election inspector or his appointed  
52 successor shall appear[~~, provided, however, that the additional election~~  
53 ~~inspector so appointed shall be a designee of the same political party~~  
54 ~~as the election inspector in whose place he shall act~~]. The board of  
55 elections shall provide suitable identification for every additional

1 election inspector to present to the chairman of the board before enter-  
2 ing upon the duties of such office.

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

6 § 3-418. Election inspectors and poll clerks; emergency provisions for  
7 filling vacancies or absences. 1. If, at the time of a meeting of the  
8 inspectors, there shall be a vacancy, or if any inspector shall be  
9 absent, [~~the~~] an inspector present [~~who is the designee of the same~~  
10 ~~party as the absent inspector~~] shall appoint a qualified voter of the  
11 same city or town to act in place of the absent inspector. If, however,  
12 any inspectors shall be temporarily absent for a portion of the meeting,  
13 the inspectors present[~~, provided that they are not all members of the~~  
14 ~~same political party,~~] shall have and may exercise any power or perform  
15 any duty conferred or imposed upon a board of inspectors.

16 2. If at the time of any such meeting two inspectors [~~who are members~~  
17 ~~of the same party~~] shall be absent, or their places shall be vacant, the  
18 poll clerk or poll clerks present, if any, [~~of the same party~~] shall act  
19 as inspectors and shall appoint qualified voters of the same city or  
20 town [~~who are members of the same party as the absent inspectors~~], to  
21 act in place of such clerks.

22 3. If at the time of any such meeting two inspectors and the poll  
23 clerk or clerks, if any, [~~who are members of the same party~~] shall be  
24 absent, or their places shall be vacant, the inspector or inspectors  
25 present, or in their absence the poll clerk or clerks present, if any,  
26 shall appoint qualified voters of the same city or town[~~, who are~~  
27 ~~members of the same party as such absent inspectors,~~] to act as such  
28 inspectors and clerks, until the inspectors or clerks duly appointed by  
29 the original appointing authority, shall appear.

30 4. If at the time of any such meeting, there shall be a vacancy in the  
31 office of poll clerk, or if a poll clerk shall be absent, the inspectors  
32 [~~who are designees of the same party, or in their absence, any poll~~  
33 ~~clerk of the same party who is present,~~] shall appoint a qualified voter  
34 of the same city or town [~~who is a member of the same party,~~] to act in  
35 place of the absent poll clerk.

36 5. Every person so appointed or named shall take the oath of office,  
37 which shall be administered by any person authorized to administer oaths  
38 or by one of the inspectors.

39 § 7. Subdivision 1 of section 8-302 of the election law is amended to  
40 read as follows:

41 1. At all elections held pursuant to the provisions of this chapter  
42 two inspectors [~~representing different political parties~~] shall act  
43 together at all times in supervising the use of the registration records  
44 and in verifying the rights of persons to vote on the basis of such  
45 records.

46 § 8. This act shall take effect immediately.