

# STATE OF NEW YORK

4505

2021-2022 Regular Sessions

## IN ASSEMBLY

February 4, 2021

Introduced by M. of A. EPSTEIN -- read once and referred to the Committee on Transportation

AN ACT to amend the highway law, in relation to authorizing variable message signs placed within the right of way of highways to display certain voting related communications

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

1 Section 1. The highway law is amended by adding a new section 332 to  
2 read as follows:

3 § 332. Variable message signs; voting related communications. (a) The  
4 commissioner is authorized to place, cause to be placed, or permit to be  
5 placed permanent or portable variable message signs within the right of  
6 way of any highway over which he or she has jurisdiction, displaying  
7 voting related communications including without limitation:

8 (i) notice of the deadline to register to vote beginning the fifth day  
9 prior to the respective deadline for a statewide primary or general  
10 election; and

11 (ii) notice of any statewide general, primary, or special election for  
12 any statewide public office, beginning three days prior to and including  
13 election day.

14 (b) Provided that it does not interfere with state or federal law or  
15 regulation, any political subdivision of the state having jurisdiction  
16 over any highway is authorized to place, cause to be placed, or permit  
17 to be placed permanent or portable variable message signs displaying  
18 voting related communications within the right of way of such highway,  
19 including without limitation:

20 (i) notice of the deadline to register to vote beginning the fifth day  
21 prior to the respective deadline for a statewide primary or general  
22 election; and

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

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1 (ii) notice of any statewide general, primary, or special election for  
2 any statewide public office, beginning three days prior to and including  
3 election day.

4 (c) The commissioner shall consult the state board of elections prior  
5 to displaying voting related communications to ensure that such communi-  
6 cations are uniform and accurate. Any political subdivision of the state  
7 having jurisdiction over any highway shall consult the state board of  
8 elections prior to displaying voting related communications to ensure  
9 that such communications are uniform and accurate.

10 (d) For purposes of this section, the term "variable message signs"  
11 shall include changeable message signs as adopted by the federal highway  
12 safety administration's manual on uniform traffic control devices,  
13 dynamic message signs developed as part of the national transportation  
14 communication for ITS protocol, and variable message signs as defined by  
15 the commissioner.

16 (e) The commissioner may give priority to other appropriate variable  
17 message sign communications, including, but not limited to, the display  
18 of emergency alerts, amber alerts, missing vulnerable adult alerts,  
19 missing or exploited children alerts and other transportation related  
20 messages, over the communications authorized pursuant to this section.

21 § 2. No information authorized to be displayed on a variable message  
22 sign pursuant to section 332 of the highway law as added by this act  
23 shall be displayed if advised by the United States Department of Trans-  
24 portation or any of its agencies that the display of such information  
25 will interfere with federal law or regulation or result in the reduction  
26 of federal aid highway funds.

27 § 3. This act shall take effect on the sixtieth day after it shall  
28 have become a law. The department of transportation and state board of  
29 elections are authorized to promulgate any rules and regulations neces-  
30 sary to implement the provisions of this act on its effective date on or  
31 before such date.