

# STATE OF NEW YORK

5389

2021-2022 Regular Sessions

## IN ASSEMBLY

February 16, 2021

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to establishing nonpartisan poll monitors

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

1 Section 1. The election law is amended by adding a new section 8-501  
2 to read as follows:

3 § 8-501. Nonpartisan poll monitor. 1. For the purposes of this  
4 section, the following terms shall have the following meanings:

5 (a) "Civic organization" shall mean any corporation, unincorporated  
6 association, or organization that:

7 (i) consists of citizens interested in providing voter information and  
8 education, the protection of individual voters' rights, and the  
9 promotion of free and equal election;

10 (ii) as part of its written articles of incorporation, bylaws, or  
11 charter or by separate written declaration, has among its stated  
12 purposes the provision of voter information and education, the  
13 protection of individual voters' rights, and the promotion of free,  
14 fair, accessible and secure elections;

15 (iii) is organized or primarily conducts its activities within the  
16 state of New York; and

17 (iv) continuously maintains an office or business location within the  
18 state of New York, together with a current listed telephone number for  
19 no less than one year prior to filing the statement specified in subdi-  
20 vision four of this section.

21 (b) "Ballot issue committee" shall mean a political committee formed  
22 to promote the success or defeat of any ballot proposal.

23 2. In addition to the watchers appointed pursuant to section 8-500 of  
24 this title, nonpartisan poll monitors may be appointed by a civics  
25 organization or a ballot issue committee.

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

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1 3. Each civic organization and each ballot issue committee shall be  
2 entitled to appoint no more than two nonpartisan poll monitors per poll-  
3 ing place.

4 4. Not less than thirty days and not more than forty-five days before  
5 an election, a civic organization or ballot issue committee, desiring to  
6 appoint nonpartisan poll monitors shall file with the state board of  
7 elections a statement setting forth the intention of the organization or  
8 committee to appoint nonpartisan poll monitors.

9 (a) The statement shall be signed and sworn to by the chief presiding  
10 officer, the secretary, or some other officer of the organization or  
11 committee and shall set forth:

12 (i) the reason why the organization or committee claims the right to  
13 appoint nonpartisan poll monitors;

14 (ii) provide the names and addresses of its principal officers;

15 (iii) a statement specifying the civic organization or ballot issue  
16 committee's office address and phone number; and

17 (iv) verification of length of time it has maintained an office and  
18 phone in New York, if a civic organization or, if a ballot issue commit-  
19 tee, verifying that it has satisfied its filing obligations under  
20 section 14-118 of this chapter.

21 (b) The board of elections may deny an organization or committee the  
22 authorization to appoint nonpartisan poll monitors if that organization  
23 or committee fails to furnish evidence satisfactory to the board of  
24 elections that the organization or committee is devoted to the purposes  
25 enumerated or has maintained an office and a publicized phone number in  
26 New York state for no less than one year.

27 5. Not later than two business days after receipt of a statement of  
28 intent to appoint nonpartisan poll monitors under subdivision four of  
29 this section, the executive directors of the state board of elections  
30 shall approve or deny the organization's or committee's authorization to  
31 appoint nonpartisan poll monitors and notify the organization or commit-  
32 tee of that approval or denial. Authorization shall only be denied on  
33 the basis that the applying organization or committee fails to satisfy  
34 the requirements of paragraph (a) of subdivision four of this section.  
35 If authorization is denied under this subdivision, an organization or  
36 committee may appeal the denial with the commissioners of the state  
37 board of elections not later than two business days after receipt of the  
38 denial. Not later than two business days after receipt of an appeal of a  
39 denial under this subdivision, the commissioners shall review the execu-  
40 tive directors denial and approve or deny the organization's or commit-  
41 tee's authorization to appoint monitors and notify the organization or  
42 committee and the executive directors of that decision.

43 6. No later than fifteen days before an election, the state board of  
44 elections shall send a list of all organizations or committees that have  
45 been approved to appoint nonpartisan poll monitors to all county boards  
46 of elections.

47 7. All nonpartisan poll monitors shall be required to wear a badge  
48 with their name and the name of the civic organization or committee the  
49 individual is representing, and to have proper credentials. Such creden-  
50 tials shall be issued by and under the facsimile signatures of the rele-  
51 vant board of elections and shall be available for distribution by the  
52 relevant board of elections at least ten days prior to the election.  
53 Such credentials shall be authorized by the real or facsimile signature  
54 of the presiding officer of the civic organization or the chair of the  
55 ballot issue committee, as the case may be. The presiding officer of the  
56 civic organization or the chair of the ballot issue committee shall not

1 be required to submit the names or other information concerning nonpar-  
 2 tisan poll monitors before making credentials available to such persons  
 3 or organizations.

4 8. For all elections, appointed nonpartisan poll monitors pursuant to  
 5 this section shall be registered to vote in the county or city in which  
 6 the polling place to which they are assigned as a nonpartisan poll moni-  
 7 tor is located. No person shall be qualified for appointment as a  
 8 nonpartisan poll monitor:

9 (a) who is not a registered voter in the county in which the poll site  
 10 they will monitor is located;

11 (b) who is a candidate for any office to be voted for at the election;

12 (c) who is a spouse, parent, child, brother or sister of any candidate  
 13 to be voted for at the election;

14 (d) who is married to a parent, child, brother or sister of any candi-  
 15 date to be voted for at the election or who is the parent of the spouse  
 16 of any candidate to be voted for at the election; or

17 (e) who is a sheriff, deputy sheriff, marshal, deputy marshal or state  
 18 or municipal police officer.

19 9. A nonpartisan poll monitor appointed pursuant to this section may  
 20 do one or more of the following:

21 (a) observe the manner in which the duties of the election inspectors  
 22 are being performed.

23 (b) bring to an election inspector's attention any of the following:

24 (i) improper handling of a ballot by an elector or election inspector.

25 (ii) campaigning or electioneering being performed by an election  
 26 inspector or other person in violation of this chapter.

27 (iii) an election procedure that is not being properly performed.

28 (iv) a violation of election law or other prescribed election proce-  
 29 dure.

30 (c) remain during the canvass of votes and until the statement of  
 31 returns is duly signed and made.

32 (d) assist any voter upon request.

33 (e) keep records of votes cast and other election procedures as the  
 34 nonpartisan poll monitor desires.

35 10. Nonpartisan poll monitors shall present their credentials to an  
 36 election inspector upon entering any polling place to which they may be  
 37 assigned, which credentials shall be in substantially the following  
 38 form:

#### POLL MONITOR CREDENTIALS

40 In accordance with the provisions of the Election Law, the undersigned  
 41 is authorized to appoint \_\_\_\_\_ (name of poll monitor) who resides  
 42 at \_\_\_\_\_ (address) in the county of \_\_\_\_\_, \_\_\_\_\_ (town-  
 43 ship or municipality) of \_\_\_\_\_ (name), State of New York and  
 44 who is duly registered to vote from this address, to act as a poll moni-  
 45 tor in election district # \_\_\_\_\_ of Assembly District # \_\_\_\_\_ {or, alterna-  
 46 tively, at the polling place located at \_\_\_\_\_} of the \_\_\_\_\_ (township  
 47 or municipality) of \_\_\_\_\_ at the \_\_\_\_\_ (special, primary or  
 48 general) election to be held on (insert date).

49 \_\_\_\_\_ (Signature of Appointing Authority)

50 \_\_\_\_\_ TITLE ( civic organization president,

51 \_\_\_\_\_ Ballot issue committee chair)

52 Under penalty of perjury, the undersigned poll monitor certifies that he  
 53 or she resides at \_\_\_\_\_ (address) in the county of \_\_\_\_\_

1 (township or municipality) of \_\_\_\_\_ (name), State of New York, and  
2 is duly registered to vote in New York.

3 \_\_\_\_\_  
4 (Election District & Assembly (Signature of Poll Monitor)  
5 District in  
6 Which Poll Monitor Resides)

7 11. Nonpartisan poll monitor credentials properly executed and signed  
8 shall be proof of the qualifications of the nonpartisan poll monitor  
9 authorized thereby. After presenting such credentials to an election  
10 inspector, the credentials are retained by the monitor but turned in to  
11 an election inspector at the final polling location which a monitor  
12 visits and returned to the relevant board of elections at the end of the  
13 day of election with the other election materials. A nonpartisan poll  
14 monitor may leave and reenter the polling place provided that such  
15 continuing action does not disrupt the conduct of the election. Nonpar-  
16 tisan poll monitors may be substituted during the course of the day, but  
17 qualified civic organizations can have only as many nonpartisan poll  
18 monitors at any given time as are authorized in this section. A substi-  
19 tute shall present his or her signed credential to the inspectors of  
20 election upon entering the polling place and shall wear the required  
21 badge.

22 12. There shall be no more than two nonpartisan poll monitors from any  
23 organization or committee at any polling place at the same time. If more  
24 than one organization or committee assigns nonpartisan poll monitors to  
25 the same polling place, then election inspectors may limit the number of  
26 nonpartisan poll monitors, with only one monitor from each organization  
27 or committee within the polling place at the same time, up to a limit of  
28 four separate organizations or committees.

29 § 2. This act shall take effect immediately.