

STATE OF NEW YORK

4725

2021-2022 Regular Sessions

IN SENATE

February 10, 2021

Introduced by Sen. SKOUFIS -- 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 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.

LBD09090-01-1

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:

39 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.