## STATE OF NEW YORK

8333

## IN SENATE

February 15, 2022

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:

Section 1. Section $3-400$ of the election law, subdivisions 3, 4 and 5 as renumbered by chapter 9 of the laws of 1978, subdivision 6 as amended and subdivision 8 as renumbered by chapter 133 of the laws of 2011, subdivision 8 as added by chapter 76 of the laws of 2010 , subdivision 7 as amended by chapter 293 of the laws of 2017 and subdivision 9 as added by chapter 6 of the laws of 2019 , is amended to read as follows:
$\S 3-400$. Election inspectors and poll clerks; provision for. 1. There shall be for each election district of the state four election inspectors.
2. At every general election in each election district where two voting machines are used, there shall be two clerks in addition to the four inspectors of election, except that in an election district located in a town, where one voting machine is used, the town board may direct the board of elections to appoint not more than two clerks in such district if in the discretion of such board the service of such clerk or clerks is reasonably necessary for the proper conduct of the election. In each election district where paper ballots, in addition to one voting machine, are used at a general election, there shall be two clerks in addition to the four inspectors of election. In each election district where paper ballots, in addition to more than one voting machine are used at a general election there shall be four clerks in addition to the four inspectors. The duties of such clerks shall be such as shall be prescribed by the board of elections and they shall serve at the general election only. When deemed necessary in any election or primary, the board of election may require additional poll clerks to be designated in any election district.

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EXPLANATION--Matter in italics (underscored) is new; matter in brackets
    [-] is old law to be omitted.
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    3. [Appointments to the offiees of eleotion incpeetor or poll olerk in each election distriet, shall be equally divided between the majox politieal 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 oity of New York in eaeh odd numbered election dictriet a ehairman shall be designated who shall be an incpeetor named by the political party whieh polled the higheot number of voteg for governor at the laot preeeding election for oueh offieex and in eaeh even numbered election diotriet a ehairman ohall be designated whe shall be an inopeetox named by the political party which polled the seeond highest numbex of votes for governor at the last preceding election for sueh 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 incpector from eaeh of the two major politieal partiec 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. [Appointmento to the offiees of election inopector or poll elerk in each polling place for early voting shall be equally divided between the majox 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 ef election eoerdinatoxe ohall be equally divided between the two majox political parties.] To the extent practicable there shall be coordinators at each poll site from the two major political parties and non-affiliated coordinators.
§ 3. Subdivision 1 of section $3-402$ of the election law is amended to read as follows:

1. Election inspectors, in performing their duties, shall act as a board and a majority vote thereof shall be required to decide all questions. If, however, any inspector or inspectors shall be temporarily absent for a portion of the meeting, the inspectors present shall have and may exercise any power or perform any duty conferred or imposed upon a board of inspectors[, provided that they are not all members of the same politieal paxty].
§ 4. Subdivisions 2, 5 and 7 of section $3-404$ of the election law, subdivision 5 as amended by chapter 263 of the laws of 1991 and subdivision 7 as amended by chapter 234 of the laws of 1976, are amended to read as follows:
2. Each political party entitled to representation on any board of elections may, not later than the first day of May in each year, file with the appropriate board of elections, an original list of persons recommended to serve. Supplemental lists may be filed at the same time and at any time before the designation is made and certified or when a vacancy exists. [All designations chall] Designations may be made first from those named in the original list filed if those designated are found qualified.
3. If a political party shall fail to submit a list or the list shall be exhausted, the board of elections shall request from the appropriate political party an original or supplemental list. If after ten days no list is filed by that party, the board of elections may appoint qualified persons[, enrolled members of the politieal party in default,] to act as election inspectors, poll clerks or election coordinators.
4. Election officers [shall] may be appointed from the lists submitted, by those members of the board who represent the political party which submitted such lists. If such list is not furnished, the members of the board who represent the political party in default, shall designate the persons to be appointed as election officers.
$\S 5$. Subdivisions 1 and 4 of section $3-406$ of the election law are amended to read as follows:
5. Each board of elections shall establish a list of persons duly qualified to serve as election inspectors, which list shall be known as the "Additional Inspector List", in such number of persons as the board shall determine. [Sueh a list shall be equally divided between the majox politieal parties-] To the extent practicable there shall be additional inspectors from the two major political parties and non-affiliated inspectors. Appointments under this section shall be made in the manner provided for the appointment of regular election inspectors and for a like term.
6. If the board of elections shall determine that a vacancy exists upon any board of inspectors or that any election inspector or poll clerk is absent, and that no qualified voter has been appointed pursuant to this chapter to act in place of such election inspector or poll clerk, or to relieve any qualified voter who has been so appointed, it shall forthwith direct a person appointed pursuant to this section to act in place of the absent election inspector or poll clerk or qualified voter so appointed until such absent election inspector or his appointed successor shall appear[, provided, howewer, that the additional eleetion inopector so appointed shall be a designee of the same politieal party as the election inspector in whose place he shall aet]. The board of elections shall provide suitable identification for every additional
election inspector to present to the chairman of the board before entering upon the duties of such office.
§ 6. Section 3-418 of the election law, the section heading and subdivision 4 as amended by chapter 373 of the laws of 1978, is amended to read as follows:
§ 3-418. Election inspectors and poll clerks; emergency provisions for filling vacancies or absences. 1. If, at the time of a meeting of the inspectors, there shall be a vacancy, or if any inspector shall be absent, [the] an inspector present [who is the designee of the same paxty as the absent inepectox] shall appoint a qualified voter of the same city or town to act in place of the absent inspector. If, however, any inspectors shall be temporarily absent for a portion of the meeting, the inspectors present[, provided that they are not all membere of the eame politieal party,] shall have and may exercise any power or perform any duty conferred or imposed upon a board of inspectors.
7. If at the time of any such meeting two inspectors [who are members of the same party] shall be absent, or their places shall be vacant, the poll clerk or poll clerks present, if any, [ef the same party] shall act as inspectors and shall appoint qualified voters of the same city or town [whe are members of the same party as the absent inepectors], to act in place of such clerks.
8. If at the time of any such meeting two inspectors and the poll clerk or clerks, if any, [whe aremembere of the same paxty] shall be absent, or their places shall be vacant, the inspector or inspectors present, or in their absence the poll clerk or clerks present, if any, shall appoint qualified voters of the same city or town [, whe are members of the same party as such absent inspectors, to act as such inspectors and clerks, until the inspectors or clerks duly appointed by the original appointing authority, shall appear.
9. If at the time of any such meeting, there shall be a vacancy in the office of poll clerk, or if a poll clerk shall be absent, the inspectors [who are designees of the same party, or in their aboenee, any pell elerk of the same paxty whe is present,] shall appoint a qualified voter of the same city or town [whe io a member of the same partyr] to act in place of the absent poll clerk.
10. Every person so appointed or named shall take the oath of office, which shall be administered by any person authorized to administer oaths or by one of the inspectors.
§ 7. Subdivision 1 of section $8-302$ of the election law is amended to read as follows:
11. At all elections held pursuant to the provisions of this chapter two inspectors [xepresenting different politieal parties] shall act together at all times in supervising the use of the registration records and in verifying the rights of persons to vote on the basis of such records.
§ 8. This act shall take effect immediately.
