STATE OF NEW YORK

2408

2023-2024 Regular Sessions

IN ASSEMBLY

January 26, 2023

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:

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

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

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

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

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

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

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

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

2. In addition to the watchers appointed pursuant to section 8-500 of this title, nonpartisan poll monitors may be appointed by a civics 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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3. Each civic organization and each ballot issue committee shall be entitled to appoint no more than two nonpartisan poll monitors per polling place.

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

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

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

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

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

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

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

5. Not later than two business days after receipt of a statement of intent to appoint nonpartisan poll monitors under subdivision four of this section, the executive directors of the state board of elections shall approve or deny the organization's or committee's authorization to appoint nonpartisan poll monitors and notify the organization or committee of that approval or denial. Authorization shall only be denied on the basis that the applying organization or committee fails to satisfy the requirements of paragraph (a) of subdivision four of this section. If authorization is denied under this subdivision, an organization or committee may appeal the denial with the commissioners of the state board of elections not later than two business days after receipt of the denial. Not later than two business days after receipt of an appeal of a denial under this subdivision, the commissioners shall review the executive directors denial and approve or deny the organization's or committee's authorization to appoint monitors and notify the organization or committee and the executive directors of that decision.

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

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

be required to submit the names or other information concerning nonpartisan poll monitors before making credentials available to such persons or organizations.

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

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

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

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

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

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

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

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

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

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

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

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

(iv) a violation of election law or other prescribed election procedure.

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

(d) assist any voter upon request.

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

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

POLL MONITOR CREDENTIALS

In accordance with the provisions of the Election Law, the undersigned is authorized to appoint (name of poll monitor) who resides at (address) in the county of , (township or municipality) of (name), State of New York and who is duly registered to vote from this address, to act as a poll monitor in election district # of Assembly District # {or, alternatively, at the polling place located at } of the (township or municipality) of at the (special, primary or general) election to be held on (insert date).

(Signature of Appointing Authority)
TITLE (civic organization president, Ballot issue committee chair)

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

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

_____ _____
(Election District & Assembly District in Which Poll Monitor Resides) (Signature of Poll Monitor)

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

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

§ 2. This act shall take effect immediately.