

STATE OF NEW YORK

8048

2023-2024 Regular Sessions

IN ASSEMBLY

September 27, 2023

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

AN ACT to amend the election law, in relation to allowing individuals registered with a non-major political party or registered as independent to serve as election inspectors and poll clerks in certain circumstances

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

1 Section 1. Subdivisions 3, 7 and 9 of section 3-400 of the election
2 law, subdivision 3 as renumbered by chapter 9 of the laws of 1978,
3 subdivision 7 as amended by chapter 293 of the laws of 2017, and subdivi-
4 sion 9 as added by chapter 6 of the laws of 2019, are amended to read
5 as follows:

6 3. (a) Appointments to the offices of election inspector or poll clerk
7 in each election district, shall be equally divided between the major
8 political parties.

9 (b) An individual who is registered with a non-major political party
10 or not registered with any political party may be appointed to the
11 offices of election inspector or poll clerk on behalf of one of the
12 major political parties, so long as such individual declares in a clear
13 and concise manner prior to such appointment which major political party
14 they will be working on behalf of.

15 7. The board of elections may employ election inspectors to work split
16 shifts with adjusted compensation, provided, however, that at least one
17 inspector from each of the two major political parties, or an individual
18 working on behalf of one of the two major political parties pursuant to
19 paragraph (b) of subdivision three of this section, is present at the
20 poll site for the entire time that the polls are open. Each county board
21 of elections shall prescribe the necessary rules and procedures to
22 ensure proper poll site operation.

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

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1 9. Notwithstanding any inconsistent provisions of this article,
2 election inspectors or poll clerks, if any, at polling places for early
3 voting, shall consist of either board of elections employees who shall
4 be appointed by the commissioners of such board or duly qualified indi-
5 viduals, appointed in the manner set forth in this section. Appoint-
6 ments to the offices of election inspector or poll clerk in each polling
7 place for early voting shall be equally divided between the major poli-
8 tical parties, provided, however, an individual who is registered with a
9 non-major political party or not registered with any political party may
10 be appointed to the offices of election inspector or poll clerk on
11 behalf of one of the major political parties in each polling place for
12 early voting, so long as such individual declares in a clear and concise
13 manner prior to such appointment which major political party they will
14 be working on behalf of. The board of elections shall assign staff and
15 provide resources to ensure a voter's wait time to vote at an early
16 voting site shall not exceed thirty minutes.

17 § 2. Subdivision 1 of section 3-402 of the election law is amended to
18 read as follows:

19 1. Election inspectors, in performing their duties, shall act as a
20 board and a majority vote thereof shall be required to decide all ques-
21 tions. If, however, any inspector or inspectors shall be temporarily
22 absent for a portion of the meeting, including individuals working on
23 behalf of one of the two major political parties pursuant to paragraph
24 (b) of subdivision three of section 3-400 of this title, the inspectors
25 present shall have and may exercise any power or perform any duty
26 conferred or imposed upon a board of inspectors, provided that they are
27 not all members of or representing on behalf of the same political
28 party.

29 § 3. Subdivisions 5 and 7 of section 3-404 of the election law, subdivi-
30 sion 5 as amended by chapter 263 of the laws of 1991 and subdivision 7
31 as amended by chapter 234 of the laws of 1976, are amended to read as
32 follows:

33 5. If a political party shall fail to submit a list or the list shall
34 be exhausted, the board of elections shall request from the appropriate
35 political party an original or supplemental list. If after ten days no
36 list is filed by that party, the board of elections may appoint quali-
37 fied persons, [~~enrolled members of the political party in default~~]
38 including individuals working on behalf of such political party pursuant
39 to paragraph (b) of subdivision three of section 3-400 of this title, to
40 act as election inspectors, poll clerks or election coordinators.

41 7. Election officers shall be appointed from the lists submitted, by
42 those members of the board who represent the political party which
43 submitted such lists. If such list is not furnished, the members of the
44 board who represent the political party in default, shall designate the
45 persons to be appointed as election officers and may include individuals
46 working on behalf of one of the two major political parties pursuant to
47 paragraph (b) of subdivision three of section 3-400 of this title.

48 § 4. Subdivisions 1 and 4 of section 3-406 of the election law are
49 amended to read as follows:

50 1. Each board of elections shall establish a list of persons duly
51 qualified to serve as election inspectors, which list shall be known as
52 the "Additional Inspector List", in such number of persons as the board
53 shall determine. Such a list shall be equally divided between the major
54 political parties, provided, however, that such list may also include
55 individuals working on behalf of a major political party pursuant to
56 paragraph (b) of subdivision three of section 3-400 of this title.

1 Appointments under this section shall be made in the manner provided for
2 the appointment of regular election inspectors and for a like term.

3 4. If the board of elections shall determine that a vacancy exists
4 upon any board of inspectors or that any election inspector or poll
5 clerk is absent, and that no qualified voter has been appointed pursuant
6 to this chapter to act in place of such election inspector or poll
7 clerk, or to relieve any qualified voter who has been so appointed, it
8 shall forthwith direct a person appointed pursuant to this section to
9 act in place of the absent election inspector or poll clerk or qualified
10 voter so appointed until such absent election inspector or his appointed
11 successor shall appear; provided, however, that the additional election
12 inspector so appointed shall be a designee of the same political party,
13 or working on behalf of the same political party pursuant to paragraph
14 (b) of subdivision three of section 3-400 of this title as the election
15 inspector in whose place he shall act. The board of elections shall
16 provide suitable identification for every additional election inspector
17 to present to the chairman of the board before entering upon the duties
18 of such office.

19 § 5. Section 3-418 of the election law, the section heading and subdi-
20 vision 4 as amended by chapter 373 of the laws of 1978, is amended to
21 read as follows:

22 § 3-418. Election inspectors and poll clerks; emergency provisions for
23 filling vacancies or absences. 1. If, at the time of a meeting of the
24 inspectors, there shall be a vacancy, or if any inspector shall be
25 absent, the inspector present who is the designee of the same party as
26 the absent inspector shall appoint a qualified voter of the same city or
27 town to act in place of the absent inspector. Such qualified voter
28 appointed may be an individual working on behalf of one of the major
29 political parties pursuant to paragraph (b) of subdivision three of
30 section 3-400 of this title. If, however, any inspectors shall be tempo-
31 rarily absent for a portion of the meeting, the inspectors present,
32 provided that they are not all members of the same political party,
33 shall have and may exercise any power or perform any duty conferred or
34 imposed upon a board of inspectors.

35 2. If at the time of any such meeting two inspectors who are members
36 of the same party shall be absent, or their places shall be vacant, the
37 poll clerk or poll clerks present, if any, of the same party or working
38 on behalf of the same party pursuant to paragraph (b) of subdivision
39 three of section 3-400 of this title shall act as inspectors and shall
40 appoint qualified voters of the same city or town who are members of the
41 same party or working on behalf of the same party pursuant to paragraph
42 (b) of subdivision three of section 3-400 of this title as the absent
43 inspectors, to act in place of such clerks.

44 3. If at the time of any such meeting two inspectors and the poll
45 clerk or clerks, if any, who are members of the same party shall be
46 absent, or their places shall be vacant, the inspector or inspectors
47 present, or in their absence the poll clerk or clerks present, if any,
48 shall appoint qualified voters of the same city or town, who are members
49 of the same party or working on behalf of the same party pursuant to
50 paragraph (b) of subdivision three of section 3-400 of this title as
51 such absent inspectors, to act as such inspectors and clerks, until the
52 inspectors or clerks duly appointed by the original appointing authori-
53 ty, shall appear.

54 4. If at the time of any such meeting, there shall be a vacancy in the
55 office of poll clerk, or if a poll clerk shall be absent, the inspectors
56 who are designees of the same party, or in their absence, any poll clerk

1 of the same party who is present, shall appoint a qualified voter of the
2 same city or town who is a member of the same party or working on behalf
3 of the same party pursuant to paragraph (b) of subdivision three of
4 section 3-400 of this title, to act in place of the absent poll clerk.

5 5. Every person so appointed or named shall take the oath of office,
6 which shall be administered by any person authorized to administer oaths
7 or by one of the inspectors.

8 § 6. This act shall take effect immediately.