STATE OF NEW YORK

885--A

2023-2024 Regular Sessions

IN ASSEMBLY

January 11, 2023

Introduced by M. of A. WALKER -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, the education law, the civil practice law and rules, and the state finance law, in relation to regulating public data maintained by county and city boards of elections and establishing the New York voting and elections database and institute to maintain a statewide database of voting and election data

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 3-112 to read as follows:

§ 3-112. State board of elections; uniform standards for processing data requests and duty to send data and information to statewide database. 1. The state board of elections shall promulgate regulations within one hundred eighty days of the effective date of this section standardizing across each county and city boards of elections the method of processing freedom of information law requests and providing for timely distribution of such data to the public.

2. Upon the certification of election results and the completion of the voter history file after every election, each board of elections shall within ten business days transmit copies of: (a) election results at the election district level; (b) contemporaneous voter registration lists; (c) voter history files; (d) maps or other documentation of the configuration of districts in any format or formats as specified by the state board of elections; and (e) lists of election day poll sites and early voting sites and maps or other documentation of the configuration of districts in any format or formats as specified by the state board of elections of the election districts assigned to each election day poll site or early voting site. For the purposes of this subdivision, the term "election authority" refers to the agency primarily responsible for

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

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maintaining the records listed in this subdivision and includes any board of election, as well as general purpose local governments or special purpose local governments that administer their own elections or maintain their own voting and election records.

3. The state board of elections shall upload the data received to its public facing website within five business days of its receipt. No cost shall be charged to access the data.

4. The attorney general, the co-directors of the database and institute, or their designees may file an action to enforce compliance with the requirements of this section.

§ 2. The education law is amended by adding a new article 117 to read as follows:

ARTICLE 117

NEW YORK VOTING AND ELECTIONS DATABASE AND INSTITUTE

Section 5801. Statement of objectives and legislative findings.
5802. Establishment of the New York voting and elections database and institute.
5803. Function of the New York voting and elections database and institute.
5804. Co-directors and chairs on voting and elections.
5805. Annual report.

§ 5801. Statement of objectives and legislative findings. New York's existing system of voting and election administration has developed over the course of two centuries and has evolved in response to changing understandings of civil rights and the importance of equitable participation in government. The legislature hereby finds that equitable, efficient, and accountable elections require transparency and reliable data to better inform the public and the legislative process in decision making regarding election administration and voting rights in the state. Therefore, the legislature finds that it is in the public interest to establish a central institution to reduce the burden on boards of elections, local governments and school districts with regard to storing and sharing election data, provide a nonpartisan and accurate set of data that the public can rely upon, encourage the enactment of evidence-based election policies and legislation, and improve transparency and allow voters to detect inequitable election policies and racial discrimination.

§ 5802. Establishment of the New York voting and elections database and institute. There is hereby established jointly within the state university of New York and city university of New York the "New York voting and elections database and institute", referred to in this article as the "database and institute", to maintain and administer a central repository of elections and voting data available to the public from all political subdivisions in the state of New York and to foster, pursue, and sponsor research on existing laws and best practices in voting and elections. For the purposes of this section, "political subdivision" shall mean a geographic area of representation created for the provision of government services, including, but not limited to, a county, city, town, village, school district, or any other district organized pursuant to state or local law.

§ 5803. Function of the New York voting and elections database and institute. 1. The database and institute shall provide a center for research, training and information on voting systems and election administration. The database and institute is hereby empowered:

(a) to conduct classes both for credit and non-credit;

(b) to organize interdisciplinary groups of scholars to research voting and elections in the state;

(c) to conduct seminars involving voting and elections;

(d) to establish a nonpartisan centralized database in order to collect, archive, and make publicly available at no cost an accessible database pertaining to elections, voter registration, and ballot access in the state;

(e) to assist in the dissemination of such data to the public;

(f) to publish such books and periodicals as it shall deem appropriate on voting and elections in the state; and

(g) to provide nonpartisan technical assistance to political subdivisions, scholars, and the general public seeking to use the resources of the statewide database.

2. (a) Data to maintain. The database and institute shall maintain in electronic format and make available to the public online at no cost at minimum the following data and records for at least the previous twelve year period:

(i) Estimates of the total population, voting age population, and citizen voting age population by race, color, and language-minority group, broken down to the election district level on a year-by-year basis for every political subdivision in the state, based on data from the United States census bureau, American community survey, or data of comparable quality collected by a public office.

(ii) Election results at the election district level for every statewide election and every election in every political subdivision.

(iii) Contemporaneous voter registration lists, voter history files, election day poll site locations, and early voting site locations, for every election in every political subdivision.

(iv) Contemporaneous maps or other documentation of the configuration of election districts in any format or formats specified by the directors for election districts.

(v) Election day or early voting poll sites including, but not limited to, lists of election districts assigned to each polling place, if applicable.

(vi) Adopted districting or redistricting plans for every election in every political subdivision.

(vii) Any other data that the director deems advisable to maintain in furtherance of the purposes of this title.

(b) Public availability of data. Except for any data, information, or estimates that identifies individual voters, the data, information, and estimates maintained by the statewide database shall be posted online and made available to the public at no cost.

(c) Data on race, color, and language-minority groups. The statewide database and institute shall prepare any estimates made pursuant to this section by applying the most advanced, peer-reviewed, and validated methodologies.

§ 5804. Co-directors and chairs on voting and elections. Two chairs are hereby established in the New York voting and elections database and institute. One chair shall be within the state university of New York. One chair shall be within the city university of New York. The chairs shall also act as co-directors of the database and institute.

§ 5805. Annual report. Not later than ninety days following the end of the state fiscal year the New York voting and elections database and institute shall annually submit to the governor, the majority leader of the senate and the speaker of the assembly a report on the priorities

and finances of the New York voting and elections database and institute.

§ 3. The civil practice law and rules is amended by adding a new rule 4550 to read as follows:

Rule 4550. New York voting and elections database and institute. The data, information, and estimates maintained by the New York voting and elections database and institute shall be granted a rebuttable presumption of validity by any court concerning any claim brought.

§ 4. The education law is amended by adding a new section 2614 to read as follows:

§ 2614. Transmission of publicly available data to the New York voting and elections database and institute. Upon the certification of election results and the completion of the voter history file after each election, each school district that holds elections pursuant to this article shall transmit copies of the following to the New York voting and elections database and institute within ninety days after such election: (a) school board election results; (b) contemporaneous voter registration lists; (c) voter history files; (d) maps or other documentation of the configuration of districts in any format or formats specified by the director; (e) lists of election day poll sites, maps or other documentation of the configuration of districts in any format or formats specified by the director assigned to each election day poll site; and (f) any other publicly available data as requested by such database and institute.

§ 5. Section 2038 of the education law is renumbered section 2039 and a new section 2038 is added to read as follows:

§ 2038. Transmission of publicly available data to the New York voting and elections database and institute. 1. Upon the certification of election results and the completion of the voter history file after each election, each school district that holds school board elections pursuant to this article shall transmit copies of the following to the New York voting and elections database and institute within ninety days after such election: (a) school board election results; (b) contemporaneous voter registration lists; (c) voter history files; (d) maps, descriptions, and shapefiles for election districts; (e) lists of election day poll sites, shapefiles, or descriptions of the election districts assigned to each election day poll site; and (f) any other publicly available data as requested by such database and institute.

2. The attorney general, the co-directors of the database and institute, or their designees may file an action to enforce compliance with the requirements of this section.

§ 6. Section 2553 of the education law is amended by adding two new subdivisions 2-a and 2-b to read as follows:

2-a. Upon the certification of election results and the completion of the voter history file after each election, each school district that holds school board elections pursuant to this article shall transmit copies of the following to the New York voting and elections database and institute within ninety days after such election: (a) school board election results; (b) contemporaneous voter registration lists; (c) voter history files; (d) maps or other documentation of the configuration of districts in any format or formats specified by the director; (e) lists of election day poll sites, shapefiles, or descriptions of the election districts assigned to each election day poll site; and (f) any other publicly available data as requested by such database and institute.

2-b. The attorney general, the co-directors of the database and institute, or their designees may file an action to enforce compliance with the requirements of this section.

§ 7. The state finance law is amended by adding a new section 97-ss to read as follows:

§ 97-ss. New York voting and elections database and institute fund. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a fund to be known as the New York voting and elections database and institute fund.

2. The New York voting and elections database and institute fund shall consist of all moneys credited or transferred thereto from any other fund or source, including any federal, state, or private funds, pursuant to law for the maintenance of the voting and elections database repository and for research conducted by such database and institute.

3. Moneys in the New York voting and elections database and institute fund may be invested by the comptroller pursuant to section ninety-eight-a of this article, and any income received by the comptroller shall be used for the purposes of such fund.

4. The moneys held in or credited to the New York voting and elections database and institute fund shall be expended for the purposes set forth in this section, and may not be interchanged or commingled with any other account or fund but may be commingled with any other fund or account for investment purposes.

5. Moneys in the New York voting and elections database and institute fund, following appropriation by the legislature, shall be available to the New York voting and elections database and institute for maintenance of the database and research and education programs as set forth in article one hundred seventeen of title seven of the education law.

§ 8. This act shall take effect immediately.