

STATE OF NEW YORK

2346

2023-2024 Regular Sessions

IN SENATE

January 20, 2023

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 ensuring that voting systems testing requirements do not make it impractical to provide each polling place for early voting all of the election district ballots

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

1 Section 1. Subdivisions 2 and 3 of section 8-600 of the election law,
2 subdivision 2 as amended by chapter 781 of the laws of 2021 and subdivi-
3 sion 3 as added by chapter 6 of the laws of 2019, are amended to read as
4 follows:

5 2. (a) The board of elections shall designate polling places for early
6 voting, which may include the offices of the board of elections, for
7 persons to vote early pursuant to this title.

8 (b) The largest city in the county or, if there is no city in the
9 county, the municipality with the highest population in each county
10 based on the latest federal decennial census, or the county seat in
11 Washington county, shall have at least one polling place designated for
12 early voting, and to the extent practicable if such city or municipality
13 has public transportation routes, such polling place shall be situated
14 along such transportation routes.

15 (c) In counties with at least five hundred thousand registered voters,
16 there shall be so designated at least one early voting polling place for
17 every full increment of forty thousand registered voters.

18 (d) In all other counties with less than five hundred thousand regis-
19 tered voters, there shall be so designated at least one early voting
20 polling place for every full increment of thirty thousand registered
21 voters; provided, however, the number of early voting polling places in
22 counties with less than five hundred thousand registered voters shall
23 not be [~~required to be greater than ten nor~~] less than one.

24 (e) For any special, primary or run-off primary election at which no
25 voters of the municipality with the highest population within the county
26 are eligible to vote, the board of elections may, in lieu of having an

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

LBD04109-01-3

1 early voting polling place in such municipality, designate a polling
2 place for early voting in the municipality with the highest population
3 within the county within which the voters are eligible to vote at such
4 special, primary, or run-off primary election.

5 (f) The board of elections of each county or the city of New York may
6 establish additional polling places for early voting in excess of the
7 minimum number required by this subdivision for the convenience of
8 eligible voters.

9 (g) Notwithstanding the minimum number of early voting poll sites
10 otherwise required by this subdivision, for any ~~[primary or]~~ special
11 election, upon majority vote of the board of elections, the number of
12 early voting sites may be reduced when the board of elections determines
13 a lesser number of sites is sufficient to meet the needs of early
14 voters.

15 (h) Polling places for early voting shall be located so that voters in
16 the county have adequate and equitable access, taking into consideration
17 population density, travel time to the polling place, proximity to other
18 early voting poll sites, public transportation routes, commuter traffic
19 patterns and such other factors the board of elections deems appropri-
20 ate. The provisions of section 4-104 of this chapter, except subdivi-
21 sions four and five of such section, shall apply to the designation of
22 polling places for early voting except to the extent such provisions are
23 inconsistent with this section. 3. Any voter may vote at any polling
24 place for early voting established pursuant to subdivision two of this
25 section in the county where such voter is registered to vote; provided,
26 however, if it is impractical to provide each polling place for early
27 voting all of the election district ballots ~~[or if early voting at any
28 such polling place makes ensuring that no voter has not previously voted
29 early during such election]~~, the board of elections may assign election
30 districts to a particular early voting poll site. All voters in each
31 county shall have one or more polling places at which they are eligible
32 to vote throughout the early voting period on a substantially equal
33 basis. If the board of elections does not agree by majority vote to plan
34 to assign election districts to early voting poll sites, all voters in
35 the county must be able to vote at any poll site for early voting in the
36 county.

37 § 2. Section 8-602 of the election law, as added by chapter 6 of the
38 laws of 2019, is amended to read as follows:

39 § 8-602. State board of elections; powers and duties for early voting.
40 The state board of elections shall promulgate rules or regulations
41 necessary for the implementation of the provisions of this title. Such
42 rules and regulations shall include, but not be limited to, provisions
43 to: (i) ensure that ballots cast early, by any method allowed under law,
44 are counted and canvassed as if cast on election day~~[,]~~; (ii) ensure an
45 efficient and fair early voting process that respects the privacy of the
46 voter~~[, and]~~; (iii) require that the voting history record for each
47 voter be continually updated to reflect each instance of early voting by
48 such voter; and (iv) ensure that voting systems testing requirements do
49 not make it impractical to provide each polling place for early voting
50 all of the election district ballots.

51 § 3. This act shall take effect on the ninetieth day after it shall
52 have become a law and shall apply to any general, primary, run-off
53 primary or special election held thereafter as provided for in the
54 election law.