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:

Section 1. Subdivisions 3, 7 and 9 of section 3-400 of the election law, subdivision 3 as renumbered by chapter 9 of the laws of 1978, 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, are amended to read as follows:

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

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

7. The board of elections may employ election inspectors to work split shifts with adjusted compensation, provided, however, that at least one inspector from each of the two major political parties**, or an individual working on behalf of one of the two major political parties pursuant to paragraph (b) of subdivision three of this section,** 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.

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

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9. 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. Appointments to the offices of election inspector or poll clerk in each polling place for early voting shall be equally divided between the major political parties**, provided, however, an individual who is registered with a non-major political party or not registered with any political party may be appointed to the offices of election inspector or poll clerk on behalf of one of the major political parties in each polling place for early voting, so long as such individual declares in a clear and concise manner prior to such appointment which major political party they will be working on behalf of**. 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 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, **including individuals working on behalf of one of the two major political parties pursuant to paragraph (b) of subdivision three of section 3-400 of this title,** 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 **or representing on behalf of** the same political party.

§ 3. Subdivisions 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:

5. 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 political party in default~~] **including individuals working on behalf of such political party pursuant to paragraph (b) of subdivision three of section 3-400 of this title**, to act as election inspectors, poll clerks or election coordinators.

7. Election officers shall 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 **and may include individuals working on behalf of one of the two major political parties pursuant to paragraph (b) of subdivision three of section 3-400 of this title**.

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

1. 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. Such a list shall be equally divided between the major political parties**, provided, however, that such list may also include individuals working on behalf of a major political party pursuant to paragraph (b) of subdivision three of section 3-400 of this title**.

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

4. 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, however, that the additional election inspector so appointed shall be a designee of the same political party**, or working on behalf of the same political party pursuant to paragraph (b) of subdivision three of section 3-400 of this title** as the election inspector in whose place he shall act. 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.

§ 5. 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 inspector present who is the designee of the same party as the absent inspector shall appoint a qualified voter of the same city or town to act in place of the absent inspector. **Such qualified voter appointed may be an individual working on behalf of one of the major political parties pursuant to paragraph (b) of subdivision three of section 3-400 of this title.** If, however, any inspectors shall be temporarily absent for a portion of the meeting, the inspectors present, provided that they are not all members of the same political party, shall have and may exercise any power or perform any duty conferred or imposed upon a board of inspectors.

2. 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, of the same party **or working on behalf of the same party pursuant to paragraph (b) of subdivision three of section 3-400 of this title** shall act as inspectors and shall appoint qualified voters of the same city or town who are members of the same party **or working on behalf of the same party pursuant to paragraph (b) of subdivision three of section 3-400 of this title** as the absent inspectors, to act in place of such clerks.

3. If at the time of any such meeting two inspectors and the poll clerk or clerks, if any, who are members of the same party 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, who are members of the same party **or working on behalf of the same party pursuant to paragraph (b) of subdivision three of section 3-400 of this title** 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.

4. 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 absence, any poll clerk

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

5. 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.

§ 6. This act shall take effect immediately.