

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:

1 Section 1. The election law is amended by adding a new section 3-112
2 to read as follows:

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

10 2. Upon the certification of election results and the completion of
11 the voter history file after every election, each board of elections
12 shall within ten business days transmit copies of: (a) election results
13 at the election district level; (b) contemporaneous voter registration
14 lists; (c) voter history files; (d) maps or other documentation of the
15 configuration of districts in any format or formats as specified by the
16 state board of elections; and (e) lists of election day poll sites and
17 early voting sites and maps or other documentation of the configuration
18 of districts in any format or formats as specified by the state board of
19 elections of the election districts assigned to each election day poll
20 site or early voting site. For the purposes of this subdivision, the
21 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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1 maintaining the records listed in this subdivision and includes any
2 board of election, as well as general purpose local governments or
3 special purpose local governments that administer their own elections or
4 maintain their own voting and election records.

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

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

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

13 ARTICLE 117

14 NEW YORK VOTING AND ELECTIONS DATABASE AND INSTITUTE

15 Section 5801. Statement of objectives and legislative findings.

16 5802. Establishment of the New York voting and elections data-
17 base and institute.

18 5803. Function of the New York voting and elections database and
19 institute.

20 5804. Co-directors and chairs on voting and elections.

21 5805. Annual report.

22 § 5801. Statement of objectives and legislative findings. New York's
23 existing system of voting and election administration has developed over
24 the course of two centuries and has evolved in response to changing
25 understandings of civil rights and the importance of equitable partic-
26 ipation in government. The legislature hereby finds that equitable,
27 efficient, and accountable elections require transparency and reliable
28 data to better inform the public and the legislative process in decision
29 making regarding election administration and voting rights in the state.
30 Therefore, the legislature finds that it is in the public interest to
31 establish a central institution to reduce the burden on boards of
32 elections, local governments and school districts with regard to storing
33 and sharing election data, provide a nonpartisan and accurate set of
34 data that the public can rely upon, encourage the enactment of
35 evidence-based election policies and legislation, and improve transpar-
36 ency and allow voters to detect inequitable election policies and racial
37 discrimination.

38 § 5802. Establishment of the New York voting and elections database
39 and institute. There is hereby established jointly within the state
40 university of New York and city university of New York the "New York
41 voting and elections database and institute", referred to in this arti-
42 cle as the "database and institute", to maintain and administer a
43 central repository of elections and voting data available to the public
44 from all political subdivisions in the state of New York and to foster,
45 pursue, and sponsor research on existing laws and best practices in
46 voting and elections. For the purposes of this section, "political
47 subdivision" shall mean a geographic area of representation created for
48 the provision of government services, including, but not limited to, a
49 county, city, town, village, school district, or any other district
50 organized pursuant to state or local law.

51 § 5803. Function of the New York voting and elections database and
52 institute. 1. The database and institute shall provide a center for
53 research, training and information on voting systems and election admin-
54 istration. The database and institute is hereby empowered:

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

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

3 (c) to conduct seminars involving voting and elections;

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

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

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

11 (g) to provide nonpartisan technical assistance to political subdivi-
12 sions, scholars, and the general public seeking to use the resources of
13 the statewide database.

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

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

24 (ii) Election results at the election district level for every state-
25 wide election and every election in every political subdivision.

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

29 (iv) Contemporaneous maps or other documentation of the configuration
30 of election districts in any format or formats specified by the direc-
31 tors for election districts.

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

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

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

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

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

47 § 5804. Co-directors and chairs on voting and elections. Two chairs
48 are hereby established in the New York voting and elections database and
49 institute. One chair shall be within the state university of New York.
50 One chair shall be within the city university of New York. The chairs
51 shall also act as co-directors of the database and institute.

52 § 5805. Annual report. Not later than ninety days following the end of
53 the state fiscal year the New York voting and elections database and
54 institute shall annually submit to the governor, the majority leader of
55 the senate and the speaker of the assembly a report on the priorities

1 and finances of the New York voting and elections database and insti-
2 tute.

3 § 3. The civil practice law and rules is amended by adding a new rule
4 4550 to read as follows:

5 Rule 4550. New York voting and elections database and institute. The
6 data, information, and estimates maintained by the New York voting and
7 elections database and institute shall be granted a rebuttable presump-
8 tion of validity by any court concerning any claim brought.

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

11 § 2614. Transmission of publicly available data to the New York voting
12 and elections database and institute. Upon the certification of election
13 results and the completion of the voter history file after each
14 election, each school district that holds elections pursuant to this
15 article shall transmit copies of the following to the New York voting
16 and elections database and institute within ninety days after such
17 election: (a) school board election results; (b) contemporaneous voter
18 registration lists; (c) voter history files; (d) maps or other documen-
19 tation of the configuration of districts in any format or formats speci-
20 fied by the director; (e) lists of election day poll sites, maps or
21 other documentation of the configuration of districts in any format or
22 formats specified by the director assigned to each election day poll
23 site; and (f) any other publicly available data as requested by such
24 database and institute.

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

27 § 2038. Transmission of publicly available data to the New York voting
28 and elections database and institute. 1. Upon the certification of
29 election results and the completion of the voter history file after each
30 election, each school district that holds school board elections pursu-
31 ant to this article shall transmit copies of the following to the New
32 York voting and elections database and institute within ninety days
33 after such election: (a) school board election results; (b) contempora-
34 neous voter registration lists; (c) voter history files; (d) maps,
35 descriptions, and shapefiles for election districts; (e) lists of
36 election day poll sites, shapefiles, or descriptions of the election
37 districts assigned to each election day poll site; and (f) any other
38 publicly available data as requested by such database and institute.

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

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

44 2-a. Upon the certification of election results and the completion of
45 the voter history file after each election, each school district that
46 holds school board elections pursuant to this article shall transmit
47 copies of the following to the New York voting and elections database
48 and institute within ninety days after such election: (a) school board
49 election results; (b) contemporaneous voter registration lists; (c)
50 voter history files; (d) maps or other documentation of the configura-
51 tion of districts in any format or formats specified by the director;
52 (e) lists of election day poll sites, shapefiles, or descriptions of the
53 election districts assigned to each election day poll site; and (f) any
54 other publicly available data as requested by such database and insti-
55 tute.

1 2-b. The attorney general, the co-directors of the database and insti-
2 tute, or their designees may file an action to enforce compliance with
3 the requirements of this section.

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

6 § 97-ss. New York voting and elections database and institute fund. 1.
7 There is hereby established in the joint custody of the state comp-
8 troller and the commissioner of taxation and finance a fund to be known
9 as the New York voting and elections database and institute fund.

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

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

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

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

29 § 8. This act shall take effect immediately.