# STATE OF NEW YORK

2388

2023-2024 Regular Sessions

# IN SENATE

January 20, 2023

Introduced by Sens. MYRIE, ADDABBO, BRESLIN, PERSAUD -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the highway law, in relation to authorizing variable message signs placed within the right of way of highways to display certain voting related communications

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

Section 1. The highway law is amended by adding a new section 333 to read as follows:

**§ 333. Variable message signs; voting related communications. (a) The commissioner is authorized to place, cause to be placed, or permit to be placed permanent or portable variable message signs within the right of way of any highway over which he or she has jurisdiction, displaying voting related communications including without limitation:**

**(i) notice of the deadline to register to vote beginning the fifth day prior to the respective deadline for a statewide primary or general election; and**

**(ii) notice of any statewide general, primary, or special election for any statewide public office, beginning three days prior to and including election day.**

**(b) Provided that it does not interfere with state or federal law or regulation, any political subdivision of the state having jurisdiction over any highway is authorized to place, cause to be placed, or permit to be placed permanent or portable variable message signs displaying voting related communications within the right of way of such highway, including without limitation:**

**(i) notice of the deadline to register to vote beginning the fifth day prior to the respective deadline for a statewide primary or general election; and**

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

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(ii) notice of any statewide general, primary, or special election for any statewide public office, beginning three days prior to and including election day.

(c) The commissioner shall consult the state board of elections prior to displaying voting related communications to ensure that such communications are uniform and accurate. Any political subdivision of the state having jurisdiction over any highway shall consult the state board of elections prior to displaying voting related communications to ensure that such communications are uniform and accurate.

(d) For purposes of this section, the term "variable message signs" shall include changeable message signs as adopted by the federal highway safety administration's manual on uniform traffic control devices, dynamic message signs developed as part of the national transportation communication for ITS protocol, and variable message signs as defined by the commissioner.

(e) The commissioner may give priority to other appropriate variable message sign communications, including, but not limited to, the display of emergency alerts, amber alerts, missing vulnerable adult alerts, missing or exploited children alerts and other transportation related messages, over the communications authorized pursuant to this section.

§ 2. No information authorized to be displayed on a variable message sign pursuant to section 333 of the highway law as added by this act shall be displayed if advised by the United States Department of Transportation or any of its agencies that the display of such information will interfere with federal law or regulation or result in the reduction of federal aid highway funds.

§ 3. This act shall take effect on the sixtieth day after it shall have become a law. The department of transportation and state board of elections are authorized to promulgate any rules and regulations necessary to implement the provisions of this act on its effective date on or before such date.