STATE OF NEW YORK

5193--A

2023-2024 Regular Sessions

IN SENATE

February 27, 2023

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- recommitted to the Committee on Elections in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to establishing nonpartisan poll monitors

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 8-501 to read as follows:

§ 8-501. Nonpartisan poll monitor. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Civic organization" shall mean any corporation, unincorporated association, or organization that:

(i) consists of citizens interested in providing voter information and education, the protection of individual voters' rights, and the promotion of free and equal election;

(ii) as part of its written articles of incorporation, bylaws, or charter or by separate written declaration, has among its stated purposes the provision of voter information and education, the protection of individual voters' rights, and the promotion of free, fair, accessible and secure elections;

(iii) is organized or primarily conducts its activities within the state of New York; and

(iv) continuously maintains an office or business location within the state of New York, together with a current listed telephone number for no less than one year prior to filing the statement specified in subdivision four of this section.

(b) "Ballot issue committee" shall mean a political committee formed to promote the success or defeat of any ballot proposal.

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

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2. In addition to the watchers appointed pursuant to section 8-500 of this title, nonpartisan poll monitors may be appointed by a civic organization or a ballot issue committee.

3. Each civic organization and each ballot issue committee shall be entitled to appoint no more than two nonpartisan poll monitors per polling place.

4. Not less than thirty-two days and not more than forty-five days before the first election for which the organization or committee plans to appoint nonpartisan poll monitors, the state board of elections shall receive a statement from any organization or ballot issue committee desiring to appoint nonpartisan poll monitors setting forth the intention of the organization or committee to appoint nonpartisan poll monitors.

(a) The statement shall be signed and sworn to by the chief presiding officer, the secretary, or some other officer of the organization or committee and shall set forth:

(i) the reason why the organization or committee claims the right to appoint nonpartisan poll monitors;

(ii) the names and addresses of its principal officers;

(iii) a statement specifying the civic organization or ballot issue committee's office address, phone number and an email to which all future communications shall be addressed; and

(iv) verification of length of time it has maintained an office and phone in New York, if a civic organization or, if a ballot issue committee, verifying that it has satisfied its filing obligations under section 14-118 of this chapter.

(b) Such statement shall also be accompanied by:

(i) a copy of the instructional materials the organization or committee will use to train poll monitors regarding voters' rights, as well as basic election day and voting procedures under the election law;

(ii) a copy of the volunteer pledge which the organization or committee requires its poll monitors to sign after receiving the training, which explains what it means to be a nonpartisan poll monitor, acknowledges the obligation to strictly maintain nonpartisan status while serving as a poll monitor for the appointing organization or committee, and agrees to abide by the restrictions set forth in subdivision ten of this section;

(iii) a written commitment to train its volunteer poll monitors in accordance with the provided instructional materials and retain a signed copy of each assigned poll monitor's volunteer pledge, executed pursuant subparagraph (ii) of this paragraph, prior to assigning that poll monitor to a polling place, signed under penalty of perjury by a principal officer; and

(iv) a statement whether the requested approval is for the next immediate election or for all elections occurring in the current calendar year subsequent to the date of application.

(c) The board of elections may deny an organization or committee the authorization to appoint nonpartisan poll monitors if that organization or committee fails to furnish evidence satisfactory to the board of elections that the organization or committee is devoted to the purposes enumerated or has maintained an office and a publicized phone number in New York state for no less than one year, for failure of the required instructional materials to adequately outline basic voters' rights and relevant administrative provisions of the election law, or for failing to provide a volunteer pledge form that satisfies the requirements of subparagraph (iii) of paragraph (b) of this subdivision.

5. Not later than two business days after receipt of a statement of intent to appoint nonpartisan poll monitors under subdivision four of this section but in no event later than the twenty-eighth day before the upcoming election, the executive directors of the state board of elections shall approve or deny the organization's or committee's authorization to appoint nonpartisan poll monitors and notify the organization or committee of that approval or denial via email and overnight delivery, which shall be deemed to have been received by the day after transmission. Authorization shall only be denied on the basis that the applying organization or committee fails to satisfy the requirements of paragraphs (a) and (b) of subdivision four of this section. If authorization is denied under this subdivision, an organization or committee may appeal the denial with the commissioners of the state board of elections by email or overnight delivery. The appeal of the denial must be received by the state board not later than two days after the date of the issue of the denial, but in no event later than the twenty-fifth day before the upcoming election. Not later than twenty days before the upcoming election, the commissioners shall consider the appeal of any denials. The commissioners' consideration of any appeal shall be made solely by review of the executive directors' denial, the original submission made by the appealing organization and any further written submissions made with the appeal. Based on such review, the commissioners shall approve or deny the organization's or committee's authorization to appoint monitors and notify the organization or committee and the executive directors of that decision by email. Such review may be conducted remotely, subject to the requirements of the open meetings law for remote or hybrid meetings.

6. No later than fifteen days before an election, the state board of elections shall send a list of all organizations or committee that have been approved to appoint nonpartisan poll monitors to all county boards of elections. Each organization or committee so approved shall provide the board of elections for each county in which the organization or committee plans to place nonpartisan poll monitors with a list of the individuals it has trained and will deploy no later than two days before the start of early voting for the relevant election. Such list may be amended no later than noon on the Monday before the relevant election day.

7. All nonpartisan poll monitors shall be required to wear a badge with their name and the name of the civic organization or committee the individual is representing, and to have proper credentials. Such credentials shall be issued by and under the facsimile signatures of the relevant board of elections and shall be available for distribution by the relevant board of elections at least ten days prior to the election. Such credentials shall be authorized by the real or facsimile signature of the presiding officer of the civic organization or the chair of the ballot issue committee, as the case may be. The presiding officer of the civic organization or the chair of the ballot issue committee shall not be required to submit the names or other information concerning nonpartisan poll monitors before making credentials available to such persons or organizations.

8. For all elections, appointed nonpartisan poll monitors pursuant to this section shall be registered to vote in the county or city in which the polling place to which they are assigned as a nonpartisan poll monitor is located, except that residents aged sixteen and seventeen who are currently residing and enrolled in school in such county or city may serve as poll monitors.

9. No person shall be qualified for appointment as a nonpartisan poll monitor:

(a) who is not a registered voter in the county or city in which the poll site or sites they will monitor is located, except for residents aged sixteen and seventeen who are currently enrolled in school in such county or city;

(b) who is a candidate for any office to be voted for at the election;

(c) who is a spouse, parent, child, brother or sister of any candidate to be voted for at the election;

(d) who is married to a parent, child, brother or sister of any candidate to be voted for at the election or who is the parent of the spouse of any candidate to be voted for at the election;

(e) who is a sheriff, deputy sheriff, marshal, deputy marshal or state or municipal police officer; or

(f) who has failed to sign the volunteer pledge required pursuant to subparagraph (ii) of paragraph (b) of subdivision four of this section.

10. (a) A nonpartisan poll monitor appointed pursuant to this section is not permitted to do any of the following while inside a polling site:

(i) query, solicit or interview voters.

(ii) make audio or video recordings of any voter or ballot.

(iii) in any manner intervene or interfere with the administration of the election.

(iv) fail to comply with all instructions given to them by election officials even if they disagree with those instructions.

(b) Nothing in this section shall prohibit nonpartisan poll monitors from responding to inquiries from a voter or assisting any voter upon the voter's request.

11. A nonpartisan poll monitor appointed pursuant to this section may do one or more of the following:

(a) observe the manner in which the duties of the election inspectors are being performed.

(b) bring to an election inspector's attention any of the following:

(i) improper handling of a ballot by an elector or election inspector.

(ii) campaigning or electioneering being performed by an election inspector or other person in violation of this chapter.

(iii) an election procedure that is not being properly performed.

(iv) a violation of election law or other prescribed election procedure.

(c) remain during the canvass of votes and until the statement of returns is duly signed and made.

(d) assist any voter upon request.

(e) keep records of votes cast.

12. Nonpartisan poll monitors shall present their credentials to an election inspector upon entering any polling place to which they may be assigned, which credentials shall be in substantially the following form:

POLL MONITOR CREDENTIALS

In accordance with the provisions of the Election Law, the undersigned is authorized to appoint (name of poll monitor) who resides at (address) in the county of , (township or municipality) of (name), State of New York and who is duly registered to vote from this address, to act as a poll monitor, at the polling place(s) located in the (county or city) of at the (special, primary or general) election to be held on (insert date).

(Signature of Appointing Authority)
TITLE (civic organization president, Ballot issue committee chair)

Under penalty of perjury, the undersigned poll monitor certifies that he or she resides at (address) in the county of (township or municipality) of (name), State of New York, and is duly registered to vote in New York.

(Election District & Assembly District in Which Poll Monitor Resides)

(Signature of Poll Monitor)

13. Nonpartisan poll monitor credentials properly executed and signed shall be proof of the qualifications of the nonpartisan poll monitor authorized thereby. After presenting such credentials to an election inspector, the credentials are retained by the monitor but turned in to an election inspector at the final polling location which a monitor visits and returned to the relevant board of elections at the end of the day of election with the other election materials. A nonpartisan poll monitor may leave and reenter the polling place provided that such continuing action does not disrupt the conduct of the election. Nonpartisan poll monitors may be substituted during the course of the day, but qualified civic organizations can have only as many nonpartisan poll monitors at any given time as are authorized in this section. A substitute shall present his or her signed credential to the inspectors of election upon entering the polling place and shall wear the required badge.

14. There shall be no more than two nonpartisan poll monitors from any organization or committee at any polling place at the same time. If more than one organization or committee assigns nonpartisan poll monitors to the same polling place, then election inspectors may limit the number of nonpartisan poll monitors, with only one monitor from each organization or committee within the polling place at the same time, up to a limit of four separate organizations or committees.

§ 2. This act shall take effect immediately.