

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:

1 Section 1. The election law is amended by adding a new section 8-501
2 to read as follows:

3 § 8-501. Nonpartisan poll monitor. 1. For the purposes of this
4 section, the following terms shall have the following meanings:

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

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

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

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

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

21 (b) "Ballot issue committee" shall mean a political committee formed
22 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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1 2. In addition to the watchers appointed pursuant to section 8-500 of
2 this title, nonpartisan poll monitors may be appointed by a civic organ-
3 ization or a ballot issue committee.

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

7 4. Not less than thirty-two days and not more than forty-five days
8 before the first election for which the organization or committee plans
9 to appoint nonpartisan poll monitors, the state board of elections shall
10 receive a statement from any organization or ballot issue committee
11 desiring to appoint nonpartisan poll monitors setting forth the inten-
12 tion of the organization or committee to appoint nonpartisan poll moni-
13 tors.

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

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

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

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

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

27 (b) Such statement shall also be accompanied by:

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

31 (ii) a copy of the volunteer pledge which the organization or commit-
32 tee requires its poll monitors to sign after receiving the training,
33 which explains what it means to be a nonpartisan poll monitor, acknowl-
34 edges the obligation to strictly maintain nonpartisan status while serv-
35 ing as a poll monitor for the appointing organization or committee, and
36 agrees to abide by the restrictions set forth in subdivision ten of this
37 section;

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

44 (iv) a statement whether the requested approval is for the next imme-
45 diate election or for all elections occurring in the current calendar
46 year subsequent to the date of application.

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

1 5. Not later than two business days after receipt of a statement of
2 intent to appoint nonpartisan poll monitors under subdivision four of
3 this section but in no event later than the twenty-eighth day before the
4 upcoming election, the executive directors of the state board of
5 elections shall approve or deny the organization's or committee's
6 authorization to appoint nonpartisan poll monitors and notify the organ-
7 ization or committee of that approval or denial via email and overnight
8 delivery, which shall be deemed to have been received by the day after
9 transmission. Authorization shall only be denied on the basis that the
10 applying organization or committee fails to satisfy the requirements of
11 paragraphs (a) and (b) of subdivision four of this section. If authori-
12 zation is denied under this subdivision, an organization or committee
13 may appeal the denial with the commissioners of the state board of
14 elections by email or overnight delivery. The appeal of the denial must
15 be received by the state board not later than two days after the date of
16 the issue of the denial, but in no event later than the twenty-fifth day
17 before the upcoming election. Not later than twenty days before the
18 upcoming election, the commissioners shall consider the appeal of any
19 denials. The commissioners' consideration of any appeal shall be made
20 solely by review of the executive directors' denial, the original
21 submission made by the appealing organization and any further written
22 submissions made with the appeal. Based on such review, the commission-
23 ers shall approve or deny the organization's or committee's authori-
24 zation to appoint monitors and notify the organization or committee and
25 the executive directors of that decision by email. Such review may be
26 conducted remotely, subject to the requirements of the open meetings law
27 for remote or hybrid meetings.

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

38 7. All nonpartisan poll monitors shall be required to wear a badge
39 with their name and the name of the civic organization or committee the
40 individual is representing, and to have proper credentials. Such creden-
41 tials shall be issued by and under the facsimile signatures of the rele-
42 vant board of elections and shall be available for distribution by the
43 relevant board of elections at least ten days prior to the election.
44 Such credentials shall be authorized by the real or facsimile signature
45 of the presiding officer of the civic organization or the chair of the
46 ballot issue committee, as the case may be. The presiding officer of the
47 civic organization or the chair of the ballot issue committee shall not
48 be required to submit the names or other information concerning nonpar-
49 tisan poll monitors before making credentials available to such persons
50 or organizations.

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

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

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

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

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

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

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

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

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

19 (i) query, solicit or interview voters.

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

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

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

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

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

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

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

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

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

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

37 (iv) a violation of election law or other prescribed election proce-
38 dure.

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

41 (d) assist any voter upon request.

42 (e) keep records of votes cast.

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

47 POLL MONITOR CREDENTIALS

48 In accordance with the provisions of the Election Law, the undersigned
49 is authorized to appoint _____ (name of poll monitor) who resides
50 at _____ (address) in the county of _____, _____ (town-
51 ship or municipality) of _____ (name), State of New York and
52 who is duly registered to vote from this address, to act as a poll moni-
53 tor, at the polling place(s) located in the (county or city) of
54 _____ at the _____ (special, primary or general) election to
55 be held on (insert date).

1 _____ (Signature of Appointing Authority)
 2 _____ TITLE (civic organization president,
 3 _____ Ballot issue committee chair)

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

8 _____
 9 (Election District & Assembly (Signature of Poll Monitor)
 10 District in
 11 Which Poll Monitor Resides)

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

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

34 § 2. This act shall take effect immediately.