

# STATE OF NEW YORK

5193--B

2023-2024 Regular Sessions

## IN SENATE

February 27, 2023

Introduced by Sens. SKOUFIS, BAILEY, BROUK, COMRIE, COONEY, JACKSON, MAY, MAYER -- 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 -- 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49 (c) The state board of elections may deny an organization or committee  
50 the authorization to appoint nonpartisan poll monitors if that organiza-  
51 tion or committee fails to furnish evidence satisfactory to the state  
52 board of elections that the organization or committee is devoted to the  
53 purposes enumerated or has maintained an office and a publicized phone  
54 number in New York state for no less than one year, for failure of the  
55 required instructional materials to adequately outline basic voters'  
56 rights and relevant administrative provisions of the election law, or

1 for failing to provide a volunteer pledge form that satisfies the  
2 requirements of subparagraph (iii) of paragraph (b) of this subdivision.

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

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

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

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

1 currently residing and enrolled in school in such county or city may  
2 serve as poll monitors.

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

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

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

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

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

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

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

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

21 (i) query, solicit or interview voters.

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

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

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

27 (b) Nothing in this section shall prohibit a nonpartisan poll monitor  
28 from assisting a voter upon personal request of such voter and upon the  
29 nonpartisan poll monitor taking the oath required by section 8-306 of  
30 this article; provided however, a nonpartisan poll monitor shall not be  
31 required to take such oath unless such monitor will be assisting a  
32 voter, and provided further, nothing in this section shall be construed  
33 to otherwise prevent non-electioneering communication with voters that  
34 occurs outside of a polling place.

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

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

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

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

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

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

44 (iv) a violation of election law or other prescribed election proce-  
45 dure.

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

48 (d) assist any voter upon request.

49 (e) keep records of votes cast.

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

54 POLL MONITOR CREDENTIALS

1 In accordance with the provisions of the Election Law, the undersigned  
 2 is authorized to appoint \_\_\_\_\_ (name of poll monitor) who resides  
 3 at \_\_\_\_\_ (address) in the county of \_\_\_\_\_, \_\_\_\_\_ (town-  
 4 ship or municipality) of \_\_\_\_\_ (name), State of New York and  
 5 who is duly registered to vote from this address, to act as a poll moni-  
 6 tor, at the polling place(s) located in the (county or city) of  
 7 \_\_\_\_\_ at the \_\_\_\_\_ (special, primary or general) election to  
 8 be held on (insert date).

9 \_\_\_\_\_ (Signature of Appointing Authority)  
 10 \_\_\_\_\_ TITLE (civic organization president,  
 11 \_\_\_\_\_ Ballot issue committee chair)

12 Under penalty of perjury, the undersigned poll monitor certifies that  
 13 such poll monitor resides at \_\_\_\_\_ (address) in the county of  
 14 \_\_\_\_\_ (township or municipality) of \_\_\_\_\_ (name), State of New  
 15 York, and is duly registered to vote in New York.

16 \_\_\_\_\_  
 17 (Election District & Assembly \_\_\_\_\_ (Signature of Poll Monitor)  
 18 District in  
 19 Which Poll Monitor Resides)

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

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

41 § 2. This act shall take effect immediately.