

STATE OF NEW YORK

657--A

2023-2024 Regular Sessions

IN SENATE

January 5, 2023

Introduced by Sens. MYRIE, WEBB -- 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, 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 academic center 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. This act shall be known and may be cited as the "Doctor
2 John L. Flateau Voting and Elections Database and Academic Center of New
3 York Act".

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

6 § 3-112. State board of elections; uniform standards for processing
7 data requests and duty to send data and information to statewide data-
8 base. 1. For the purposes of this section:

9 (a) the term "election authority" shall mean any local government
10 entity primarily responsible for maintaining the records listed in this
11 section, including, but not limited to, any county or city board of
12 election, or any county, city, town, village, school district, or other
13 district organized pursuant to state or local law that administer their
14 own elections or maintain their own voting and election records.

15 (b) the term "New York voting and elections academic center" shall
16 mean the New York voting and elections academic center established under
17 article one hundred seventeen of the education law.

18 1-a. There is hereby established within the state board of elections
19 the New York voting and elections database. Such database shall be a
20 central repository of certain elections and voting data available to the
21 public from an election authority in the state. The state board of
22 elections shall collect, host, and maintain in an electronic format

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

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1 records provided to the state board of elections pursuant to this
2 section. Such records shall be maintained for at least twelve years.

3 1-b. The state board of elections, in consultation with the co-direc-
4 tors of the New York voting and elections academic center shall promul-
5 gate regulations within one hundred eighty days of the effective date of
6 this section on data standards for the method of processing and trans-
7 mitting records required to be provided pursuant to this section. Such
8 data standards promulgated by the state board of elections pursuant to
9 this subdivision shall:

10 (a) be consistent with any relevant standards, guidelines, or guidance
11 developed by the national institute of standards and technology, the
12 election assistance commission, or the cybersecurity and infrastructure
13 security agency; and

14 (b) apply to every election authority in the state.

15 2. Upon the certification of election results and the completion of
16 the voter history file after every election, each election authority
17 shall, by January first after such election, or within ten business
18 days, whichever is later, transmit to the state board of elections, if
19 such election authority is able to maintain the record, copies of: (a)
20 election results at the election district level for every statewide
21 election and every election in every political subdivision; (b) contem-
22 poraneous voter registration lists; (c) voter history files; (d) maps or
23 other documentation of the configuration of districts in any format or
24 formats as specified by the state board of elections; (e) tabulations of
25 the number of valid and invalid affidavit ballots, the reasons for which
26 affidavit ballots were invalid, and the quantity and disposition of
27 affidavit ballots subject to the cure procedure prescribed by subdivi-
28 sion three of section 9-209 of this chapter; (f) tabulations of the
29 number of valid and invalid absentee ballots, the reasons for which
30 absentee ballots were invalid and the quantity of absentee ballots
31 invalid for each such reason, and the quantity and disposition of absen-
32 tee ballots subject to the cure procedure prescribed by subdivision
33 three of section 9-209 of this chapter; (g) lists of election day poll
34 sites and early voting sites and maps or other documentation of the
35 configuration of districts in any format or formats as specified by the
36 state board of elections of the election districts assigned to each
37 election day poll site or early voting site; (h) adopted districting or
38 redistricting plans for every election in every political subdivision;
39 and (i) any other publicly available data as requested by the state
40 board of elections. Nothing in this section shall be construed to
41 require an election authority to create or otherwise provide a record it
42 is not capable of collecting. Within sixty days of receipt of records
43 pursuant to this section, the New York voting and elections database
44 shall post such records to its public facing website, provided that
45 individual voter registration records shall not be published, but only
46 made available to the public upon request. No cost shall be charged to
47 access such records. The state board of elections shall provide the New
48 York voting and elections academic center with full access to such data-
49 base.

50 3. The state board of elections shall provide the New York voting and
51 elections academic center with read-only access to the non-confidential
52 fields of the statewide voter database or any similar successor state-
53 wide voter registration database.

54 4. Every six months, the state board of elections shall determine
55 which election authorities have failed to transmit records to the state
56 board of elections pursuant to this section and shall publish a list of

such election authorities. The attorney general, the co-directors of the New York voting and elections academic center, the state board of elections, or any person or organization who will make use of the records collected by the New York voting elections and database may file an action against any election authority to enforce compliance with the requirements of this section. An election authority that is included in a list of noncomplying election authorities published by the state board of elections under this subdivision three times within the immediately preceding five-year period shall be considered covered entities within the meaning of subdivision three of section 17-210 of this chapter.

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

ARTICLE 117

NEW YORK VOTING AND ELECTIONS ACADEMIC CENTER

Section 5801. Statement of objectives and legislative findings.

5802. Establishment of the New York voting and elections academic center.

5803. Function of the New York voting and elections academic center.

5804. Co-directors on voting and elections.

5805. Annual report.

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

§ 5802. Establishment of the New York voting and elections academic center. There is hereby established jointly within the state university of New York and city university of New York the New York voting and elections academic center, referred to in this article as the center, to foster, pursue, and sponsor research on existing laws and best practices in voting and elections. For the purposes of this section, "political subdivision" shall mean a geographic area of representation created for the provision of government services, including, but not limited to, a county, city, town, village, school district, or any other district organized pursuant to state or local law. The state board of elections and its members may advise and consult but shall not interfere with the academic activities of such center. Such center shall not: (a) engage in qualifying voters; (b) distribute ballots to voters; (c) receive, record, or count votes at election; or (d) perform any other activities subject to section eight of article two of the New York state constitution.

§ 5803. Function of the New York voting and elections academic center.

1. The New York voting and elections academic center shall provide a

1 center for research, and research methodologies for election and demo-
2 graphic data. The center is hereby empowered to:

- 3 (a) conduct classes both for credit and non-credit;
4 (b) organize interdisciplinary groups of scholars to research voting
5 and elections in the state;
6 (c) conduct seminars involving voting and elections;
7 (d) assist in the dissemination of data from the New York voting and
8 elections database established pursuant to section 3-112 of the election
9 law to the public;
10 (e) publish such books and periodicals as it shall deem appropriate on
11 voting and elections in the state; and
12 (f) provide nonpartisan technical assistance to political subdivi-
13 sions, scholars, and the general public seeking to use the resources of
14 the New York voting and elections database established pursuant to
15 section 3-112 of the election law.

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

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

26 (ii) Estimates of voter turnout by race or Hispanic origin, or any
27 other minimum reporting category as that term is defined by the United
28 States census bureau, or age for every election conducted by an election
29 authority in the state, including without limitation boards of
30 elections, political subdivisions that conduct elections under the
31 election law, political subdivisions that conduct their elections under
32 this chapter, or any assessing units as defined by section one hundred
33 two of the real property tax law. The center shall prioritize producing
34 turnout estimates in elections for state or county office.

35 (iii) For purposes of enabling compliance with the requirements for
36 providing assistance to language-minority groups in section 17-208 of
37 the election law, estimates of citizens of voting age who speak a
38 language other than English and are limited English proficient, based on
39 data from the United States census bureau, American community survey, or
40 data of comparable quality collected by a public office, at the poli-
41 tical subdivision level for every political subdivision that conduct
42 elections under the election law or political subdivisions that conduct
43 their elections under this chapter. To the extent possible, the center
44 shall also generate such estimates for any assessing units as defined by
45 section one hundred two of the real property tax law.

46 (iv) Any other estimates or analytical data products that a director
47 deems advisable in furtherance of the purposes of such center.

48 (v) The state board of elections or office of the attorney general may
49 request additional estimates or analytical data products.

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

54 (c) Data on race, color, and language-minority groups. The statewide
55 database and center shall prepare any estimates made pursuant to this

1 section by applying advanced, peer-reviewed, and validated methodol-
2 ogies.

3 (d) To the extent practical, the center shall provide regular updates
4 to their estimates and analytical data products, provided that such
5 updates shall occur no less frequently than once each year, with the
6 exception of the estimates produced for the purpose of enabling compli-
7 ance with the requirements for providing assistance to language-minority
8 groups in section 17-208 of the election law, which shall be first
9 published at least six months prior to the effective date of that
10 section and published at five year intervals thereafter.

11 § 5804. Co-directors on voting and elections. 1. Two co-directors are
12 hereby established in the New York voting and elections academic center.
13 One co-director shall be within Binghamton University. One co-director
14 shall be within the graduate school and university center of the city
15 university of New York, provided that the co-director may have a primary
16 appointment at another institution of the city university of New York.
17 The leadership of the center shall also include two deputy directors,
18 one from Binghamton University and one from Medgar Evers College.

19 2. The roles and responsibilities of each leadership position shall be
20 as follows:

21 (a) The co-directors shall be responsible for overall leadership,
22 strategic direction, and coordination of such academic center's activ-
23 ities. The co-director shall be appointed by the provost of their
24 respective institutions and shall serve a term of no longer than five
25 years, with the possibility of reappointment.

26 (b) The deputy directors shall support the co-directors in managing
27 the center's programs and projects. The deputy directors shall be
28 appointed by the provosts of their respective institutions and shall
29 serve a term of no longer than five years. Upon the suggestion of the
30 appointing provost, a co-director or deputy director may be removed for
31 cause prior to the expiration of their term by a vote of at least five
32 members of the center's advisory panel.

33 3. (a) There shall be an advisory panel for the center consisting of
34 seven voting members. The co-directors of the center shall serve as ex
35 officio members of the panel. The panel shall meet at least annually to
36 review the progress and plans of the center and provide guidance to the
37 co-directors. The panel shall also review and approve the proposed allo-
38 cation of funds within the center.

39 (b) Such voting members shall be appointed as follows:

40 (i) The provost at Binghamton University shall appoint two members of
41 the panel from among the faculty of the state university of New York. At
42 least one panelist appointed by the Binghamton University provost shall
43 have a primary appointment that is not at Binghamton University. Both
44 panelists appointed under this provision shall hold the rank of assist-
45 ant professor or higher.

46 (ii) The provost at the graduate school and university center of the
47 city university of New York shall appoint two members of the panel from
48 among the faculty of the city university of New York. At least one
49 panelist appointed by the provost of the graduate school and university
50 center at the city university of New York shall have a primary appoint-
51 ment at the Medgar Evers College. Both panelists appointed under this
52 provision shall hold the rank of assistant professor or higher.

53 (iii) The state board of elections shall appoint two members of the
54 panel, one each filled by the designees of the two political parties
55 represented in the leadership of the state board of elections.

56 (iv) The attorney general shall appoint one member of the panel.

(c) Each panelist shall serve a term of three years with the possibility of reappointment. Panelists shall be eligible for reimbursements for reasonable costs incurred in performing their duties. The appointing authority for each panelist seat shall have the authority to fill vacancies or to remove a panelist for cause prior to the expiration of their term. Such vacancies shall be filled for the remainder of such term.

§ 5805. Annual report. Not later than ninety days following the end of the state fiscal year the New York voting and elections academic center shall annually submit to the governor, the temporary president of the senate and the speaker of the assembly a report on the priorities and finances of the New York voting and elections academic center. The report shall summarize the activities of the center during the preceding state fiscal year and shall address topics including, but not limited to: (a) the collection, maintenance, and dissemination of relevant records; (b) educational, scholarly, or academic activities of the center; (c) compliance by political subdivisions with the requirements of section 3-112 of the election law and any enforcement actions; and (d) any outstanding challenges to the achievement of the objectives of the center under this article.

§ 4. The civil practice law and rules is amended by adding a new rule 4551 to read as follows:

Rule 4551. New York voting and elections database and the New York voting and elections academic center. The data, information, and/or estimates maintained by the New York voting and elections database and/or New York voting and elections academic center shall be granted a rebuttable presumption of validity by any court concerning any claim brought.

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

§ 2614. Transmission of publicly available data to the New York voting and elections database. Upon the certification of election results and the completion of the voter history file after each election, each school district that holds elections pursuant to this article shall transmit copies of records required to be transmitted pursuant to section 3-112 of the election law in a manner and time provided for in such section.

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

§ 2038. Transmission of publicly available data to the New York voting and elections database. Upon the certification of election results and the completion of the voter history file after each election, each school district that holds school board elections pursuant to this article shall transmit copies of the records required to be transmitted pursuant to section 3-112 of the election law in a manner and time provided for in such section.

§ 7. Section 2553 of the education law is amended by adding a new subdivision 2-a to read as follows:

2-a. Upon the certification of election results and the completion of the voter history file after each election, each school district that holds school board elections pursuant to this article shall transmit copies of the records required to be transmitted pursuant to section 3-112 of the election law in a manner and time provided for in such section.

§ 8. The election law is amended by adding a new section 15-140 to read as follows:

§ 15-140. Transmission of publicly available data to the New York voting and elections database. Upon the certification of election results and the completion of the voter history file after each election, each village that holds an election not conducted by a board of elections pursuant to this article shall transmit to the state board of elections copies of the records required to be transmitted pursuant to section 3-112 of this chapter in a manner and time provided for in such section.

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

§ 97-ss. New York voting and elections academic center fund. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a fund to be known as the New York voting and elections academic center fund.

2. The New York voting and elections academic center fund shall consist of all moneys credited or transferred thereto from any other fund or source, including any federal, state, or private funds, pursuant to law for the maintenance of the voting and elections database repository and for research conducted by such center.

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

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

5. Moneys in the New York voting and elections academic center fund, following appropriation by the legislature, shall be available to the New York state board of election for maintenance of the New York voting and elections database as set forth in section 3-112 of the election law and the New York voting and elections academic center for research and education programs as set forth in article one hundred seventeen of the education law.

§ 10. Section 17-208 of the election law is amended by adding three new subdivisions 6, 7, and 8 to read as follows:

6. Not later than six months before the effective date of this section and every five years thereafter, the co-directors of the New York voting and elections academic center established pursuant to article one hundred seventeen of the education law shall publish a list of:

(a) each board of elections or political subdivision that is required to provide language-related assistance in voting and elections under that section; and

(b) each language in which such assistance shall be provided in each such political subdivision.

7. The attorney general shall adopt each such list by regulation and shall provide the information contained therein to each affected board of elections or political subdivision.

8. The attorney general shall promulgate such rules and regulations as are necessary to effectuate the purposes of this section.

§ 11. This act shall take effect April 1, 2026 and shall apply to any election on or after such date. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.