

# STATE OF NEW YORK

7368

2023-2024 Regular Sessions

## IN SENATE

May 22, 2023

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to poll workers

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

1 Section 1. Subdivisions 3 and 7 of section 3-400 of the election law,  
2 subdivision 3 as renumbered by chapter 9 of the laws of 1978 and subdivi-  
3 sion 7 as amended by chapter 293 of the laws of 2017, are amended to  
4 read as follows:

5 3. [~~Appointments to the offices of election inspector or poll clerk in~~  
6 ~~each election district, shall be equally divided between the major poli-~~  
7 ~~tical parties.~~] The board of elections shall, upon appointing an  
8 election inspector or poll clerk, assign such person as a representative  
9 of one of the two major political parties of the state. The board of  
10 elections shall assign an election inspector or poll clerk who is a duly  
11 enrolled member of either major political party as a representative of  
12 the party in which they are enrolled. If the board of elections appoints  
13 as an election inspector or poll clerk a person who is a duly enrolled  
14 member of any other political party of the state, or who is not enrolled  
15 in any party, the board of elections shall permit such person to elect  
16 which of the two major parties they shall represent.

17 7. The board of elections may employ election inspectors to work split  
18 shifts with adjusted compensation, provided, however, that at least one  
19 inspector [~~from~~] representing each of the two major political parties is  
20 present at the poll site for the entire time that the polls are open.  
21 Each county board of elections shall prescribe the necessary rules and  
22 procedures to ensure proper poll site operation.

23 § 2. Subdivisions 2 and 4 of section 3-401 of the election law, as  
24 added by chapter 90 of the laws of 1991, are amended to read as follows:

25 2. All election coordinators shall be trained in the manner prescribed  
26 by this article for election inspectors and poll clerks. Election coor-

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

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1 dinators shall be appointed by the board of elections. [~~The appointment~~  
2 ~~of election coordinators shall be equally divided between the two major~~  
3 ~~political parties.~~] The board of elections shall, upon appointing an  
4 election coordinator, assign such person as a representative of one of  
5 the two major political parties of the state. The board of elections  
6 shall assign an election coordinator who is a duly enrolled member of  
7 either major political party as a representative of the party in which  
8 they are enrolled. If the board of elections appoints as an election  
9 coordinator a person who is a duly enrolled member of any other poli-  
10 tical party of the state, or who is not enrolled in any party, the board  
11 of elections shall permit such person to elect which of the two major  
12 parties they shall represent.

13 4. Any county board of elections appointing election coordinators and  
14 in the city of New York, the board of elections of the city of New York,  
15 shall prepare a report detailing assignments and duties to be delegated  
16 to election coordinators, including the enrollment status of each  
17 appointee and the party to which each appointee is assigned to  
18 represent. Said report shall be filed with the state board of elections  
19 no later than one month prior to the election at which election coordi-  
20 nators are to be assigned.

21 § 3. Subdivision 1 of section 3-402 of the election law is amended to  
22 read as follows:

23 1. Election inspectors, in performing their duties, shall act as a  
24 board and a majority vote thereof shall be required to decide all ques-  
25 tions. If, however, any inspector or inspectors shall be temporarily  
26 absent for a portion of the meeting, the inspectors present shall have  
27 and may exercise any power or perform any duty conferred or imposed upon  
28 a board of inspectors, provided that they are not all [~~members~~]  
29 appointed as representatives of the same political party.

30 § 4. Subdivisions 2, 5 and 7 of section 3-404 of the election law,  
31 subdivision 5 as amended by chapter 263 of the laws of 1991 and subdivi-  
32 sion 7 as amended by chapter 234 of the laws of 1976, are amended to  
33 read as follows:

34 2. Each political party [~~entitled to representation on any board of~~  
35 ~~elections~~] of the state may, not later than the first day of May in each  
36 year, file with the appropriate board of elections, an original list of  
37 persons recommended to serve. Supplemental lists may be filed at the  
38 same time and at any time before the designation is made and certified  
39 or when a vacancy exists. All designations shall be made first from  
40 those named in the original list filed if those designated are found  
41 qualified.

42 5. If a political party shall fail to submit a list or the list shall  
43 be exhausted, the board of elections shall request from the appropriate  
44 political party an original or supplemental list. If after ten days no  
45 list is filed by that party, the board of elections may appoint quali-  
46 fied persons[~~, enrolled members of the political party in default,~~] to  
47 act as election inspectors, poll clerks or election coordinators. The  
48 board of elections shall assign such persons to represent the interests  
49 of the major political parties in the manner prescribed in section 3-400  
50 or 3-401 of this title.

51 7. Election officers shall be appointed from the lists submitted, by  
52 those members of the board who represent the political party which  
53 submitted such lists. If such list is not furnished, the members of the  
54 board who represent the political party in default, shall designate the  
55 persons to be appointed as election officers. A member of a board of  
56 election who represents a political party in default may designate a

1 member of another political party or an unenrolled person to represent  
2 the defaulting party's interests, provided that such appointee has  
3 elected to represent such party pursuant to section 3-400 or 3-401 of  
4 this title.

5 § 5. Subdivision 1 of section 3-406 of the election law is amended to  
6 read as follows:

7 1. Each board of elections shall establish a list of persons duly  
8 qualified to serve as election inspectors, which list shall be known as  
9 the "Additional Inspector List", in such number of persons as the board  
10 shall determine. Such a list shall be equally divided between designated  
11 representatives of the major political parties. Appointments under this  
12 section shall be made in the manner provided for the appointment of  
13 regular election inspectors and for a like term.

14 § 6. Subdivisions 1, 2, 3 and 4 of section 3-418 of the election law,  
15 subdivision 4 as amended by chapter 373 of the laws of 1978, are amended  
16 to read as follows:

17 1. If, at the time of a meeting of the inspectors, there shall be a  
18 vacancy, or if any inspector shall be absent, the inspector present who  
19 is [~~the designee~~] a designated representative of the same party as the  
20 absent inspector shall appoint a qualified voter of the same city or  
21 town to act in place of the absent inspector. If, however, any inspec-  
22 tors shall be temporarily absent for a portion of the meeting, the  
23 inspectors present, provided that they are not all [~~members~~] designated  
24 representatives of the same political party, shall have and may exercise  
25 any power or perform any duty conferred or imposed upon a board of  
26 inspectors.

27 2. If at the time of any such meeting two inspectors who are [~~members~~]  
28 designated representatives of the same party shall be absent, or their  
29 places shall be vacant, the poll clerk or poll clerks present, if any,  
30 [~~of~~] designated to represent the same party shall act as inspectors and  
31 shall appoint qualified voters of the same city or town who are members  
32 of the same party [~~as~~] to which the absent inspectors were appointed to  
33 represent, to act in place of such clerks.

34 3. If at the time of any such meeting two inspectors and the poll  
35 clerk or clerks, if any, who are [~~members~~] representatives of the same  
36 party shall be absent, or their places shall be vacant, the inspector or  
37 inspectors present, or in their absence the poll clerk or clerks pres-  
38 ent, if any, shall appoint qualified voters of the same city or town,  
39 who are members of the same party [~~as~~] to which such absent inspectors  
40 were appointed to represent, to act as such inspectors and clerks, until  
41 the inspectors or clerks duly appointed by the original appointing  
42 authority, shall appear.

43 4. If at the time of any such meeting, there shall be a vacancy in the  
44 office of poll clerk, or if a poll clerk shall be absent, the inspectors  
45 who are [~~designees~~] representatives of the same party, or in their  
46 absence, any poll clerk [~~of~~] appointed to represent the same party who  
47 is present, shall appoint a qualified voter of the same city or town who  
48 is a member of the same party, to act in place of the absent poll clerk.

49 § 7. This act shall take effect on the thirtieth day after it shall  
50 have become a law.