

# STATE OF NEW YORK

3130

2025-2026 Regular Sessions

## IN ASSEMBLY

January 23, 2025

Introduced by M. of A. LUNSFORD -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to allowing individuals registered with a non-major political party or registered as independent to serve as election inspectors and poll clerks in certain circumstances

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

1 Section 1. Subdivisions 3, 7 and 9 of section 3-400 of the election  
2 law, subdivision 3 as renumbered by chapter 9 of the laws of 1978,  
3 subdivision 7 as amended by chapter 293 of the laws of 2017, and subdivi-  
4 sion 9 as added by chapter 6 of the laws of 2019, are amended to read  
5 as follows:

6 3. (a) Appointments to the offices of election inspector or poll clerk  
7 in each election district, shall be equally divided between the major  
8 political parties.

9 (b) An individual who is registered with a non-major political party  
10 or not registered with any political party may be appointed to the  
11 offices of election inspector or poll clerk on behalf of one of the  
12 major political parties, so long as such individual declares in a clear  
13 and concise manner prior to such appointment which major political party  
14 they will be working on behalf of.

15 7. The board of elections may employ election inspectors to work split  
16 shifts with adjusted compensation, provided, however, that at least one  
17 inspector from each of the two major political parties, or an individual  
18 working on behalf of one of the two major political parties pursuant to  
19 paragraph (b) of subdivision three of this section, is present at the  
20 poll site for the entire time that the polls are open. Each county board  
21 of elections shall prescribe the necessary rules and procedures to  
22 ensure proper poll site operation.

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

LBD04389-01-5

1 9. Notwithstanding any inconsistent provisions of this article,  
2 election inspectors or poll clerks, if any, at polling places for early  
3 voting, shall consist of either board of elections employees who shall  
4 be appointed by the commissioners of such board or duly qualified indi-  
5 viduals, appointed in the manner set forth in this section. Appoint-  
6 ments to the offices of election inspector or poll clerk in each polling  
7 place for early voting shall be equally divided between the major poli-  
8 tical parties, provided, however, an individual who is registered with a  
9 non-major political party or not registered with any political party may  
10 be appointed to the offices of election inspector or poll clerk on  
11 behalf of one of the major political parties in each polling place for  
12 early voting, so long as such individual declares in a clear and concise  
13 manner prior to such appointment which major political party they will  
14 be working on behalf of. The board of elections shall assign staff and  
15 provide resources to ensure a voter's wait time to vote at an early  
16 voting site shall not exceed thirty minutes.

17 § 2. Subdivision 1 of section 3-402 of the election law is amended to  
18 read as follows:

19 1. Election inspectors, in performing their duties, shall act as a  
20 board and a majority vote thereof shall be required to decide all ques-  
21 tions. If, however, any inspector or inspectors shall be temporarily  
22 absent for a portion of the meeting, including individuals working on  
23 behalf of one of the two major political parties pursuant to paragraph  
24 (b) of subdivision three of section 3-400 of this title, the inspectors  
25 present shall have and may exercise any power or perform any duty  
26 conferred or imposed upon a board of inspectors, provided that they are  
27 not all members of or representing on behalf of the same political  
28 party.

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

33 5. If a political party shall fail to submit a list or the list shall  
34 be exhausted, the board of elections shall request from the appropriate  
35 political party an original or supplemental list. If after ten days no  
36 list is filed by that party, the board of elections may appoint quali-  
37 fied persons, [~~enrolled members of the political party in default~~]  
38 including individuals working on behalf of such political party pursuant  
39 to paragraph (b) of subdivision three of section 3-400 of this title, to  
40 act as election inspectors, poll clerks or election coordinators.

41 7. Election officers shall be appointed from the lists submitted, by  
42 those members of the board who represent the political party which  
43 submitted such lists. If such list is not furnished, the members of the  
44 board who represent the political party in default, shall designate the  
45 persons to be appointed as election officers and may include individuals  
46 working on behalf of one of the two major political parties pursuant to  
47 paragraph (b) of subdivision three of section 3-400 of this title.

48 § 4. Subdivisions 1 and 4 of section 3-406 of the election law are  
49 amended to read as follows:

50 1. Each board of elections shall establish a list of persons duly  
51 qualified to serve as election inspectors, which list shall be known as  
52 the "Additional Inspector List", in such number of persons as the board  
53 shall determine. Such a list shall be equally divided between the major  
54 political parties, provided, however, that such list may also include  
55 individuals working on behalf of a major political party pursuant to  
56 paragraph (b) of subdivision three of section 3-400 of this title.

1 Appointments under this section shall be made in the manner provided for  
2 the appointment of regular election inspectors and for a like term.

3 4. If the board of elections shall determine that a vacancy exists  
4 upon any board of inspectors or that any election inspector or poll  
5 clerk is absent, and that no qualified voter has been appointed pursuant  
6 to this chapter to act in place of such election inspector or poll  
7 clerk, or to relieve any qualified voter who has been so appointed, it  
8 shall forthwith direct a person appointed pursuant to this section to  
9 act in place of the absent election inspector or poll clerk or qualified  
10 voter so appointed until such absent election inspector or [~~his~~] such  
11 absent election inspector's appointed successor shall appear; provided,  
12 however, that the additional election inspector so appointed shall be a  
13 designee of the same political party, or working on behalf of the same  
14 political party pursuant to paragraph (b) of subdivision three of  
15 section 3-400 of this title as the election inspector in whose place  
16 [~~he~~] such additional election inspector shall act. The board of  
17 elections shall provide suitable identification for every additional  
18 election inspector to present to the [~~chairman~~] chairperson of the board  
19 before entering upon the duties of such office.

20 § 5. Section 3-418 of the election law, the section heading and subdivi-  
21 sion 4 as amended by chapter 373 of the laws of 1978, is amended to  
22 read as follows:

23 § 3-418. Election inspectors and poll clerks; emergency provisions for  
24 filling vacancies or absences. 1. If, at the time of a meeting of the  
25 inspectors, there shall be a vacancy, or if any inspector shall be  
26 absent, the inspector present who is the designee of the same party as  
27 the absent inspector shall appoint a qualified voter of the same city or  
28 town to act in place of the absent inspector. Such qualified voter  
29 appointed may be an individual working on behalf of one of the major  
30 political parties pursuant to paragraph (b) of subdivision three of  
31 section 3-400 of this title. If, however, any inspectors shall be tempo-  
32 rarily absent for a portion of the meeting, the inspectors present,  
33 provided that they are not all members of the same political party,  
34 shall have and may exercise any power or perform any duty conferred or  
35 imposed upon a board of inspectors.

36 2. If at the time of any such meeting two inspectors who are members  
37 of the same party shall be absent, or their places shall be vacant, the  
38 poll clerk or poll clerks present, if any, of the same party or working  
39 on behalf of the same party pursuant to paragraph (b) of subdivision  
40 three of section 3-400 of this title shall act as inspectors and shall  
41 appoint qualified voters of the same city or town who are members of the  
42 same party or working on behalf of the same party pursuant to paragraph  
43 (b) of subdivision three of section 3-400 of this title as the absent  
44 inspectors, to act in place of such clerks.

45 3. If at the time of any such meeting two inspectors and the poll  
46 clerk or clerks, if any, who are members of the same party shall be  
47 absent, or their places shall be vacant, the inspector or inspectors  
48 present, or in their absence the poll clerk or clerks present, if any,  
49 shall appoint qualified voters of the same city or town, who are members  
50 of the same party or working on behalf of the same party pursuant to  
51 paragraph (b) of subdivision three of section 3-400 of this title as  
52 such absent inspectors, to act as such inspectors and clerks, until the  
53 inspectors or clerks duly appointed by the original appointing authori-  
54 ty, shall appear.

55 4. If at the time of any such meeting, there shall be a vacancy in the  
56 office of poll clerk, or if a poll clerk shall be absent, the inspectors

1 who are designees of the same party, or in their absence, any poll clerk  
2 of the same party who is present, shall appoint a qualified voter of the  
3 same city or town who is a member of the same party or working on behalf  
4 of the same party pursuant to paragraph (b) of subdivision three of  
5 section 3-400 of this title, to act in place of the absent poll clerk.

6 5. Every person so appointed or named shall take the oath of office,  
7 which shall be administered by any person authorized to administer oaths  
8 or by one of the inspectors.

9 § 6. This act shall take effect immediately.