§ 4-104. Registration and polling places; designation of. 1. Every board of elections shall, in consultation with each city, town and village, designate the polling places in each election district in which the meetings for the registration of voters, and for any election may be held. The board of trustees of each village in which general and special village elections conducted by the board of elections are held at a time other than the time of a general election shall submit such a list of polling places for such village elections to the board of elections. A polling place may be located in a building owned by a religious organization or used by it as a place of worship. If such a building is designated as a polling place, it shall not be required to be open for voter registration on any Saturday if this is contrary to the religious beliefs of the religious organization. In such a situation, the board of elections shall designate an alternate location to be used for voter registration. Such polling places must be designated by March fifteenth, of each year, and shall be effective for one year thereafter. Such a list required to be submitted by a village board of trustees must be submitted at least four months before each general village election and shall be effective until four months before the subsequent general village election. No place in which a business licensed to sell alcoholic beverages for on premises consumption is conducted on any day of local registration or of voting shall be so designated. If, within the discretion of the board of elections a particular polling place so designated is subsequently found to be unsuitable or unsafe or should circumstances arise that make a designated polling place unsuitable or unsafe, then the board of elections is empowered to select an alternative meeting place. In the city of New York, the board of elections shall designate such polling places and alternate registration places if the polling place cannot be used for voter registration on Saturdays.

1-a. Each polling place shall be accessible to citizens with disabilities and comply with the accessibility guidelines of the Americans with Disabilities Act of 1990. The state board of elections shall publish and distribute to each board of elections with the power to designate poll sites, a concise, non-technical guide describing standards for poll site accessibility, including a polling site access

survey instrument, in accordance with the Americans with Disabilities Act accessibility guidelines (ADAAG) and methods to comply with such standards. Such guide and procedures shall be developed in consultation with persons, groups or entities with knowledge about public access as the state board of elections shall determine appropriate.

1-b. The county board of elections shall cause an access survey to be conducted for every polling site to verify substantial compliance with the accessibility standards cited in this section. Completed surveys shall be submitted to the state board of elections and kept on file as a public record by each county. Each polling site shall be evaluated prior to its designation or upon changes to the facility. A site designated as a polling place prior to the effective date of this subdivision shall be evaluated within two years of the effective date of this subdivision by an individual qualified to determine whether or not such site meets the existing state and federal accessibility standards. Any polling place deemed not to meet the existing accessibility standards must make necessary changes and/or modifications, or be moved to a verified accessible polling place within six months.

1-c. The state board of elections shall promulgate any rules and regulations necessary to implement the provisions of this section.

2. (a) If the board of elections, after designating a polling place, and after sending written notice of such polling place to each registered voter, designates an alternative polling place, it must, at least five days before the next election or day for registration, send by mail a written notice to each registered voter notifying such voter of the changed location of such polling place. If such notice is not possible the board of elections must provide for an alternative form of notice to be given to voters at the location of the previous polling place.

(b) In a city with a population of one million or more, if the board of elections, after designating a polling place, is notified of the need to change the location of such polling place, such board of elections shall, within five days of receiving such notice, notify by mail:

(i) the chairpersons of all state party committees;

(ii) the chairpersons of all county party committees in the county in which such polling place is located;

(iii) the member of the state assembly representing the district in which such polling place is located and any member of the state assembly whose district includes any election district the residents of which are assigned to vote at such polling place;

(iv) the state senator representing the district in which such polling place is located and any state senator whose district includes any election district the residents of which are assigned to vote at such polling place;

(v) the city councilmember representing the district in which such polling place is located and any city councilmember whose district includes any election district the residents of which are assigned to vote at such polling place; and

(vi) in an assembly district in which assembly district leaders are elected to represent an entire assembly district, the assembly district leaders representing the district in which such polling place is located and any assembly district leader whose district includes any election district the residents of which are assigned to vote at such polling place, or, in an assembly district in which district leaders are elected in parts, the district leaders for the part in which the polling place is located and any assembly district leader whose part includes any election district the residents of which are assigned to vote at such polling place.

3. A building exempt from taxation shall be used whenever possible as a polling place if it is situated in the same or a contiguous election district, and may contain as many distinctly separate polling places as public convenience may require. The expense, if any, incidental to its use, shall be paid like the expense of other places of registration and voting. If a board or body empowered to designate polling places chooses a public school building for such purpose, the board or agency which controls such building must make available a room or rooms in such building which are suitable for registration and voting and which are as close as possible to a convenient entrance to such building and must make available any such room or rooms which the board or body designating such building determines are accessible to physically

disabled voters as provided in subdivision one-a. Notwithstanding the provisions of any general, special or local law, if a board or body empowered to designate polling places chooses a publicly owned or leased building, other than a public school building, for such purposes the board or body which controls such building must make available a room or rooms in such building which are suitable for registration and voting and which are as close as possible to a convenient entrance to such building, and must make available any such room or rooms which the board or body designating such building determines are accessible to physically disabled voters unless, not later than thirty days after notice of its designation as a polling place, the board or body controlling such building, files a written request for a cancellation of such designation with the board or body empowered to designate polling places on such form as shall be provided by the board or body making such designation. The board or body empowered to so designate shall, within twenty days after such request is filed, determine whether the use of such building as a polling place would unreasonably interfere with the usual activities conducted in such building and upon such determination, may cancel such designation.

3-a. Any person or entity which controls a building for which a tax exemption, tax abatement, subsidy, grant or loan for construction, renovation, rehabilitation or operation has been provided by any agency of the state or any political subdivision thereof on or after the effective date of this subdivision shall agree to make available for registration and voting purposes the room or rooms in such building which the board or body empowered to designate polling places determines are suitable for registration and voting, are accessible to physically disabled voters and are as close as possible to a convenient entrance to such building. Notwithstanding any other provision of law, any agency of the state or any political subdivision thereof may deny a tax exemption, tax abatement, subsidy, grant or loan for construction, renovation, rehabilitation or operation to a building which is otherwise eligible for such exemption, abatement, subsidy, grant or loan if the person or entity which controls such building refuses to agree to make available for registration and voting purposes the room or rooms in such building which the board or body empowered to designate polling places determines

are suitable for registration and voting, are accessible to physically disabled voters and are as close as possible to a convenient entrance to such building. The provisions of this subdivision shall not apply to buildings used solely for residential purposes which contain twenty-five dwelling units or less.

3-b. Any person or entity conducting any program, activity or service for which a loan, grant, contract, subsidy or reimbursement has been provided by any agency of the state or a political subdivision thereof on or after the effective date of this subdivision shall make available for registration and voting purposes the room or rooms under the control of such person or entity in a building in which such program, activity or service is conducted which the board or body empowered to designate polling places determines are suitable for registration and voting, are accessible to physically disabled voters and are as close as possible to a convenient entrance to such building. Any such person, organization or entity shall agree to facilitate the use of such room or rooms, to the maximum extent possible, by making efforts to obtain the permission and cooperation of any person or entity which controls the building in which such room or rooms are located. Notwithstanding any other provision of law, any agency of the state or any political subdivision thereof may deny a loan, grant, contract, subsidy or reimbursement to any such person or entity otherwise eligible for such loan, grant, contract, subsidy or reimbursement unless such person or entity agrees to make available for registration and voting purposes the room or rooms in such building which the board or body empowered to designate polling places determines are suitable for registration and voting, are accessible to physically disabled voters as provided in subdivision one-a of this section and are as close as possible to a convenient entrance to such building and agrees to facilitate the use of such room or rooms, to the maximum extent possible, by making efforts to obtain the permission and cooperation of any person or entity which controls the building in which such room or rooms are located.

3-c. Notwithstanding the provisions of subdivisions three-a and three-b of this section, no person, board, agency, body or entity shall be required to make available for registration or voting by persons

other than the residents of such building, any room or rooms in a building, other than a publicly owned building, which contains correctional, health, mental hygiene, day care, drug or addiction treatment, or emergency services or other services for the public safety, or in a building used for religious services.

3-d. Notwithstanding any inconsistent provision of section 3-506 or section 4-134 of this chapter, and in the absence of a specific written agreement to the contrary, if the board or body empowered to designate polling places has authorized the use of a portable ramp, or ramp and platform, at a polling site for purposes of compliance with subdivision one-a of this section, the person or entity in control of a building or portion thereof in which such polling site is designated shall install, remove, store, and safeguard each such ramp, or ramp and platform, at such times and dates as may be required by the board or body empowered to designate polling places.

4. Where an election district is so situated or the only facilities available therein are such that public convenience would be served by establishing a polling place outside such district, the board or body empowered by this chapter to establish election districts may designate a polling place in a contiguous district.

4-a. Notwithstanding any conflicting provisions of this section, the common council of the city of Little Falls may adopt a resolution determining that there is no building within an election district within such city available and suitable for the meetings for the registration of voters or for any election, or that for reasons of efficiency or economy it is desirable to consolidate the polling places for two or more, or all districts, in such city, in one place, regardless of whether or not such district adjoins the district to which such meeting or polling place is moved, and there may be as many distinctly separate election districts lawfully located in the same building as public convenience may require. Such a resolution shall be subject to the approval of the county board of elections. Every such building chosen shall meet all other requirements of this section and all federal requirements for accessibility for the elderly and the disabled.

5. (a) Whenever the number of voters eligible to vote in an election in any election district is less than one hundred, the polling place designated for such district may be the polling place of any other district which could properly be designated as the polling place of the first mentioned district pursuant to the provisions of this chapter, except that the polling place designated for any such district may be the polling place of any other district in such city or town provided that the distance from such first mentioned district to the polling place for such other district is not unreasonable pursuant to rules or regulations prescribed by the state board of elections and provided that the total number of persons eligible to vote in such other district in such election, including the persons eligible to vote in such first mentioned districts, is not more than five hundred. The inspectors of election and poll clerks, if any, of such other election district shall also act in all respects as the election officers for such first mentioned districts and no other inspectors shall be appointed to serve in or for such first mentioned districts. A separate poll ledger or computer generated registration list, separate voting machine or ballots and separate canvass of results shall be provided for such first mentioned districts, except that if the candidates and ballot proposals to be voted on by the voters of such districts are the same, the election districts shall be combined and shall constitute a single election district for that election. However, if the first mentioned district contains fewer than ten voters eligible to vote in such election, there shall be no limitation on the total number of persons eligible to vote in such combined district. If the polling place for any election district is moved for any election, pursuant to the provisions of this subdivision, the board of elections shall, not later than ten nor more than fifteen days before such election, mail, by first class mail, to each voter eligible to vote in such election district at such election, a notice setting forth the location of the polling place for such election and specifying that such location is for such election only.

(b) Whenever the total number of voters eligible to vote in any primary or special election, in any two election districts whose polling places are regularly located in the same building, is less than four

hundred, the board of elections may assign the inspectors of election of the election district which contains the greater number of such voters, to act also, in all respects, as the election officers of the other such election district and no other election officers shall be appointed to serve in or for such other election district at such primary or special election. A separate poll ledger or computer generated registration list, separate voting machine or ballots and separate canvass of results shall be provided for each such election district.

(c) Whenever all the candidates to be voted upon at a primary election, except a primary election in the city of New York, or all the candidates and ballot proposals to be voted upon at a special election, or at a school board election conducted by the board of elections, or at a general election in the city of New York in a year in which there is no election for electors of president and vice-president of the United States or governor of the state or mayor of such city, by the voters of any two or more election districts whose polling places are regularly located in the same building are identical, the board of elections may combine such election districts for that election, provided that the total number of voters eligible to vote in any such combined election district does not exceed one thousand two hundred in a primary election or does not exceed two thousand in a special election or a general election in the city of New York.

(d) Notwithstanding any other provision of this section, polling places designated for any one such election district that will be utilizing any voting machine or system certified for use in New York state pursuant to chapter one hundred eighty-one of the laws of two thousand five, may be the polling place of any other contiguous district or districts, provided the voting system used in such polling place produces separate and distinct vote totals for each election district voting in such polling place on such voting machine or system.

5-a. Whenever a contiguous property of a college or university contains three hundred or more registrants who are registered to vote at any address on such contiguous property, the polling place designated for such registrants shall be on such contiguous property or at a nearby location recommended by the college or university and agreed to by the board of elections.

6. Each polling place designated, whenever practicable, shall be situated on the main or ground floor of the premises selected. It shall be of sufficient area to admit and comfortably accommodate voters in numbers consistent with the deployment of voting systems and privacy booths, pursuant to 9 NYCRR 6210.19. Such deployment of voting systems, election workers and election resources shall be in a sufficient number to accommodate the numbers of voters eligible to vote in such polling place.

6-a. Each polling place designated, whenever practicable, shall be situated directly on a public transportation route.

7. No polling place shall be located on premises owned or leased by a person holding public office or who is a candidate for public office at a primary or general election.

8. Whenever the board of elections shall determine that there is no building within an election district available and suitable for the meetings for the registration of voters or for any election, or that for reasons of efficiency or economy it is desirable to consolidate such meetings of one or more districts in one place, such board may designate a building for such purpose in an adjoining district in the same village, city or town and there may be as many distinctly separate meetings or polling places lawfully located in the same building as public convenience may require. Wherever possible, public schools, fire houses, municipal buildings or other buildings exempt from taxation shall be designated for such meetings and polling places. Such a determination shall be made only after notice to the chairpersons of the county committees of all political parties and reasonable opportunity for them to be heard.