NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 17, 2009

3:20 p.m.

REGULAR SESSION

SENATOR DAVID J. VALESKY, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT VALESKY: The Senate will please come to order.

I ask everyone present to please rise and recite with me the Pledge of Allegiance.

(Whereupon, the assemblage recited the Pledge of Allegiance to the Flag.)

ACTING PRESIDENT VALESKY: In the absence of clergy, may we bow our heads in a moment of silence.

(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT VALESKY: Reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Monday, March 16, the Senate met pursuant to adjournment. The Journal of Friday, March 13, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT VALESKY: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Klein.

SENATOR KLEIN: Mr. President, may we at this time adopt the Resolution Calendar in its entirety, with the exception of Legislative Resolutions 791 and 812.

ACTING PRESIDENT VALESKY: Senator Klein, did we want to do the amendments first before the Resolution Calendar?

SENATOR KLEIN: We have two amendments.

On behalf of Senator Schneiderman, on page 5 I offer the following amendment to Calendar Number 23, Print Number 1647, and ask that said bill retain its place on the third reading of the calendar.

ACTING PRESIDENT VALESKY: So ordered.

SENATOR KLEIN: The second, on page 6, I offer the following amendments to Calendar Number 25, Senate Print 1755, and ask that the said bill retain its place on the Third Reading Calendar. And that's also by Senator Schneiderman.

ACTING PRESIDENT VALESKY: So ordered.

Now, with respect with the Senate Resolution Calendar, all those in favor of adopting that calendar in its entirety, with the exception of Legislative Resolutions 791 and 812, please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The Resolution Calendar is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, can we take up Senate Legislative Resolution

Number 791. I ask that the resolution be read in its entirety and move for its immediate adoption and have Senator Maziarz speak on the said resolution.

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: By Senators Onorato and Maziarz, Legislative Resolution Number 791, commemorating the 98th Anniversary of the Triangle Shirtwaist Factory Fire on --

ACTING PRESIDENT VALESKY: Can we have some order, please, in the Senate.

Thank you.

THE SECRETARY: -- on March 25, 2009.

"WHEREAS, It is the sense of this Legislative Body to commemorate the 98th Anniversary of the Triangle Shirtwaist Factory Fire on March 25, 2009; and

"WHEREAS, On Tuesday, March 24, 2009, at 1:00 p.m., a special memorial ceremony, including an exhibit and a legislative resolution honoring the memory of those who were lost, will be held by the

New York State Commissioner of Labor, M. Patricia Smith, and the New York State Senate, commemorating the Triangle Shirtwaist Factory Fire, following in the footsteps of former Labor Commissioner Frances Perkins, who said: "They did not die in vain, and we will not forget them"; and

"WHEREAS, It is the further intent of this Legislative Body to recognize the ongoing efforts of UNITE HERE, the Union of Needletrades, Industrial and Textile Employees, in striving to make working conditions for the American people the safest in the world; and

"WHEREAS, Each year, UNITE HERE, together with the New York City Fire Department, commemorates the anniversary of the Triangle Shirtwaist Factory Fire at the original site of the tragedy with a wreath and speeches, and members of Ladder Company 20, the first to respond to the fire, toll their bell and raise their ladder to the sixth floor. This year the ceremony will take place on Wednesday, March 25, 2009, at the corner of

Washington Place and Greene Street; and

"WHEREAS, With the terrible attack of our nation on September 11, 2001, still so painfully fresh in our hearts and minds, it is more important than ever that we reflect on the strength and heritage of our great country. We owe a debt of gratitude and remembrance to our immigrant forebears and, while the Triangle toll was a grievous wound for our Jewish and Italian grandparents and ancestors, all should join together to record, remember and memorialize the sacrifices and courage of all the immigrants who built this nation so that their children and descendants would reap the rewards of their achievements and enjoy the benefits of life and liberty in America, the greatest country in the world; and

"WHEREAS, At the turn of the century, urban working conditions in the United States were appalling. Noplace else were these conditions more deplorable than in New York's garment industry. Here, young women, mostly recent immigrants, toiled from

dawn to dusk. In the winter of 1909, a strike was organized; the union believed that if it could get 3,000 workers to go out on strike, the strike would be successful. Amazingly, 20,000 women, including workers from the Triangle Shirtwaist Factory, joined the strike, but despite their courageous efforts, the conditions did not improve; and

"WHEREAS, The shirtwaist was the uniform of the new woman. The first women to go out to work as 'typewriters' wore it; so did the 'Gibson Girls' that Charles Dana Gibson drew playing golf or croquet. It was the first civilian garment simple and loosely fitted enough to be made in factories by the dozens, instead of custom-made one at a time by dressmakers or tailors; and

"WHEREAS, By the early 1890s, shirtwaists were being made in modern factories, at long rows of sewing machines powered by electricity. Max Blanck and Isaac Harris, owners of the million-dollar Triangle Shirtwaist Company, with operations in New York and Philadelphia, were the

'shirtwaist kings.' Their biggest factory occupied the top three floors of a new, fireproof building a block from Washington Square in New York and employed approximately 600 people; and

"WHEREAS, The employees were putting on their hats and coats at quitting time on Saturday, March 25, 1911, when someone noticed smoke curling from the long rag bin under the under the cutting tables along the windows on the eighth floor. The month's accumulation of linen and muslin scraps caught fire, then the fabric that was laid out on the tables, then the paper patterns strung open on the wire above them, then the big wicker baskets full of bundled work that stood by each sewing machine; and

"WHEREAS, There were no sprinklers; only three weeks before, an association of property owners had met to oppose the fire department's campaign to require them; and

"WHEREAS, In the Triangle fire, all but one of the terrified seamstresses and cutters on the eighth floor escaped, whether

by one of the two small elevators or down one of the building's two narrow stairways, each wide enough for only one person to descend at a time. Somebody telephoned a warning to the executives on the 10th floor, where the fire quickly spread, and many from the offices and the pressing and shipping rooms on the 10th floor, including the shirtwaist factory owners themselves, caught an elevator or escaped over the roof; and

"WHEREAS, Tragically, nobody told the ninth floor. By the time they knew, they were caught between fires above and below them. Some ran for the elevators, others for the doors to the stairs. One set of doors was locked to keep girls from leaving early. The doors to the other stairway opened inward, and almost immediately the terrified crush made it impossible to open them. Soon the stairs were cut off by the fire; and

"WHEREAS, The elevator operators did their best, each making seven or eight trips through smoke and flames. But as the fire grew, it forced one after another of the

desperate waiting crowds of girls and young women to leap into the open shaft, until finally the elevators could not rise because they were jammed by bodies; and

"WHEREAS, The rest of the ninth-floor workers were forced to the windows. They stood on the ledges as long as they could, waiting for the fire ladders, but the city's longest ladder reached only to the sixth floor. And as the fire reached out the windows after them, they began to jump, many holding hands, to their deaths on the sidewalks and fences below; and

"WHEREAS, The date March 25th holds a special significance for all working people because of this tragic Triangle Shirtwaist Factory Fire in New York City that took the lives of 146 garment workers, a tragedy that occurred on March 25, 1911; and

"WHEREAS, Among those lost were many sisters, mothers, daughters and family groups, including Mrs. Caterina Maltese and her daughters, Lucia and Rosaria; and

"WHEREAS, This tragedy became the

most vivid signal of the need for workplace safety and spawned the labor movement. The Factory Investigating Commission was formed following the fire to study and make recommendations on working conditions. This marked the beginning of auspicious political careers for both the chairman, Robert T. Wagner, Sr., who went on to become a U.S. Senator, and its vice chairman, Alfred E. Smith, who became New York State Governor. In addition, among the investigating inspectors were Frances Perkins and Rose Schneiderman, women who were pivotal in the history of American labor. The findings of the commission became the basis for far-reaching safety laws across the nation and forged the New York State Department of Labor. The Triangle Shirtwaist Factory Fire started a movement to fight sweatshops which continues to this day; and

"WHEREAS, For the first time ever, thanks largely to the efforts of architect Marianne DiPalermo McCauly, historian Jeff Gottlieb, and the Calandria Italian American

Institute, a list of names of 135 of the 146 victims has been compiled. As a result, it has been determined that the tragic victims were almost entirely Jewish and Italian immigrants; and

"WHEREAS, The Triangle Shirtwaist Factory Fire serves as a sad reminder that worker safety laws are necessary to ensure a safe working place for all Americans. We honor the memory of the 146 immigrant victims of this calamity, and their loved ones, by remaining vigilant to ensure that a similar tragedy never happens again; and

"WHEREAS, Upon the occasion of the 98th Anniversary of the Triangle Shirtwaist Factory Fire, it is the sense of this Legislative Body to join with UNITE HERE, the New York State Department of Labor, and the New York State Legislature in commemoration of a tragic event of such meaningful significance to the history and purpose of the American labor movement; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commemorate

the 98th Anniversary of the Triangle Shirtwaist Factory Fire at a special ceremony to be held March 24, 2009, and to acknowledge the efforts of UNITE HERE, Governor David A. Paterson, Senator Malcolm A. Smith, Senator Dean Skelos, the Commissioner of Labor, M. Patricia Smith, and the New York State Legislature; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to Bruce Rayner, general president, UNITE HERE; John W. Wilhelm, president hospitality industry, UNITE HERE; David Melman, vice president, UNITE HERE; Edgar Romney, international executive vice president, UNITE HERE; Ed Vargas, assistant to the president, UNITE HERE; Zachary S. Weiss, chair of the New York State Workers' Compensation Board; Nicholas Scoppetta, New York City Fire Commissioner; Vincent C. Maltese, president, Triangle Shirtwaist Factory Fire Memorial Society; Serphin Maltese; and New York State Commissioner of Labor M. Patricia Smith."

ACTING PRESIDENT VALESKY:

Senator Maziarz, on the resolution.

SENATOR MAZIARZ: Thank you very much, Mr. President.

Thank you very much, Mr. Testo, for reading this history of this tragic event.

As many of us know, I join with my colleague Senator George Onorato, the chairman of the Senate Labor Committee, in introducing this resolution yet once again, a resolution that was introduced in this body I think every year of the 20-plus years that our former colleague Senator Serph Maltese served here.

This was a special resolution for the labor movement in the State of New York. March 25, 1911, was a tragic, tragic day where these young, mostly female, mostly Italian and Jewish immigrant women working at the Triangle Shirtwaist Factory were forced to choose not between life and death, but the method that they would die. Most of them held hands and jumped from the upper floors of the Triangle Shirtwaist Factory building.

But from this tragedy came some good to working men and women, not just in the

City of New York but throughout the State of New York. The investigations of the reasons for this fire really led to the beginning of the safe workplace movement in the State of New York. And those safe workplace movements and those types of investigations continue today.

We all know, of course, from having heard this resolution so many times from Senator Maltese that both his grandmother and two of his aunts perished in this fire.

On Tuesday, March 24th, next Tuesday, at 1:00 p.m. in the concourse, a special commemoration ceremony will be held to commemorate the tragedy of March 25, 1911, but also to celebrate how far we have come in this state for worker safety.

Thank you very much, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Maziarz.

Senator Onorato, on the resolution.

SENATOR ONORATO: Thank you, Mr. President.

I join my colleague Senator Maziarz

in supporting this resolution. Ninety-eight years ago next Wednesday, March the 25th, one of the most horrifying industrial disasters in the history of New York State claimed the lives of 146 workers in the Triangle Shirtwaist Factory Fire in Greenwich Village.

At 4:30 in the afternoon, when the fire broke out on the eighth floor of the 10-story building and quickly spread to the ninth and 10th floors, frantic young immigrant workers either perished in the flames, suffocated, or jumped out of the factory windows to their deaths.

Of the 500 workers in the factory that day, almost 150 were lost. Even the fire trucks that responded to the scene were of little help. Their ladders and hoses only reached to the sixth floor.

And all this happened in a building that had been locked from the outside to keep the sweatshop humming along and keep the workers from leaving the factory during their shifts.

These workers began their long

factory shifts that day underpaid, exploited, unprotected from employer abuse, and they ended their shifts in agony and in tragedy.

While it may be close to impossible to imagine the horror of that day, it is vitally important that we never forget the victims of the Triangle Shirtwaist Factory Fire. And that is what we are doing here today in the New York State Senate.

While government action came too late to help the 146 who perished, new laws were passed in New York State to provide needed protections for workers and new safety standards in the factories. The deaths of the Triangle Shirtwaist Factory workers, while horrific, surely helped to save the lives of many workers of their generation and workers of the future.

The Triangle Shirtwaist Factory tragedy also helped spur the growth of the International Ladies' Garment Workers Union, helping to provide a strong voice for those whose pleas for safety, fair wages and reasonable work hours and other basic worker

rights had too long fallen on deaf ears.

Today we join together to remember those who died in the fire, and we pledge to renew and expand our commitment to workers' rights and safety. This is the best and most appropriate way that we can honor the memory of the Triangle Shirtwaist Factory victims on this, the 98th anniversary of their death.

I also want to take note of Senator Maltese's prior introduction of this resolution and also share with him the loss of members of his family.

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Onorato.

Are there any other Senators who wish to be heard?

Seeing none, the question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

At the request of the sponsor, the resolution is open for multisponsorship. Anyone wishing not to cosponsor the resolution should inform the desk.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time can we take up Legislative Resolution 812. I ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: By Senator Sampson, Legislative Resolution Number 812, honoring Dr. Jean G. Leon upon the occasion of her retirement as the Senior Vice President of the Central Brooklyn Family Health Network.

ACTING PRESIDENT VALESKY: On the resolution, all in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

This resolution is also open to sponsorship by any member of the Senate.

Senator Klein.

SENATOR KLEIN: Mr. President, can we at this time take up the reading of Senate Calendar Number 21.

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: Calendar Number 51, by Senator Breslin, Senate Print 2092, an act to amend the Insurance Law, in relation to service contracts.

SENATOR KLEIN: Would you lay this bill aside for the day, please.

ACTING PRESIDENT VALESKY: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 91, by Member of the Assembly Glick, Assembly Print Number 2714, an act to amend the Education Law, in relation to requiring.

ACTING PRESIDENT VALESKY: Read

the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Senator Maziarz, to explain his vote.

SENATOR MAZIARZ: Thank you, Mr. President, to explain my vote on Calendar Number 91, Senate Bill 2296, sponsored by my colleague Senator Stavisky, of which I am a proud cosponsor of this legislation.

I think this is very important. Information about domestic violence and stalking prevention at SUNY campuses is important. I quite frankly would like to see and am sponsoring legislation to extend this even to lower levels of education, in high school.

There was a tragic incident that I told Senator Stavisky about in my district where a young boy just out of high school, on his way to college, murdered a young girl and

then committed suicide himself. And I think, if legislation like this had been in place at that level, that this tragedy may have been prevented.

So I join my colleague in sponsoring it and supporting this legislation. Thank you.

ACTING PRESIDENT VALESKY: Senator Maziarz to be recorded in the affirmative.

Senator Stavisky, to explain her vote.

SENATOR STAVISKY: Thank you, Mr. President. Thank you, Senator Maziarz.

This legislation requires campuses to provide information to incoming students about domestic violence and stalking prevention. This is, unfortunately, an increasingly common occurrence on not only college campuses but in society in general. And I agree that we should even think in terms of providing information for high school students.

But I'm delighted to support this

legislation. It passed the Assembly, and hopefully the Governor will sign it. Because it's another tool in the arsenal, so to speak, to providing information to college students where increasingly we've had occurrences such as what occurred in Senator Maziarz's district.

So I vote aye, Mr. President.

ACTING PRESIDENT VALESKY: Senator Stavisky to be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 61. Nays, 1. Senator Lanza recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 98, by Member of the Assembly Jeffries, Assembly Print Number 5365, an act to amend the Public Buildings Law, in relation to designating.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 102, by Senator Stewart-Cousins, Senate Print 2810 --

SENATOR MORAHAN: Lay the bill aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

Senator Klein, that completes the noncontroversial reading of the calendar.

SENATOR KLEIN: Can we now move a controversial reading of the calendar.

ACTING PRESIDENT VALESKY: The Secretary will ring the bells.

The Secretary will proceed with the controversial reading of Calendar Number 102.

THE SECRETARY: Calendar Number

102, by Senator Stewart-Cousins, Senate Print 2810, an act to amend the Election Law.

SENATOR MORAHAN: Explanation.

ACTING PRESIDENT VALESKY: Senator Stewart-Cousins, an explanation has been requested.

SENATOR STEWART-COUSINS: Yes, thank you, Mr. President.

This bill would really work towards removing yet another barrier in terms of voters actually participating in the election process. What this bill will do is create the same standards for absentee ballots as is accepted on petitions.

Right now, you can sign a petition and you can use your name, your middle initial, and your last name, and it will be considered valid. When it comes to absentee ballots, however, even though that signature was accepted by law, by New York State law on the petition, it will be challenged, possibly, and can be thrown out.

So in the case, for example, of Susan Brenner-Morton, who in 2005 cast an

absentee ballot, she had a hyphenated name, like I do, and instead of filling out Susan and the whole hyphenated name, she put Susan B. Morton. And because the law did not allow for her name to be shown only by the initial B, her vote was thrown out.

The petition was not thrown out and could never have been challenged, because it's acceptable on the petition.

So again, what this law would do would be to make the standard on the absentee ballot the same as it is in the petition and allow for people who are indeed registered, qualified, verified voters to be able to use an initial as their middle name, or whatever commonly acceptable title is, again, acceptable, and have their absentee ballot counted and not disposed of.

ACTING PRESIDENT VALESKY: Senator Morahan.

SENATOR MORAHAN: Mr. President, will Senator Stewart-Cousins yield.

ACTING PRESIDENT VALESKY: Senator Stewart-Cousins, will you yield?

SENATOR STEWART-COUSINS: I will yield.

ACTING PRESIDENT VALESKY: The Senator yields.

SENATOR MORAHAN: Senator, do you see a difference between a petition and an absentee ballot?

SENATOR STEWART-COUSINS: I see a difference in terms of process, yes.

One, obviously, the petition process is the very first step to the electoral process. If you do not manage to get through the petition process, then you never get a chance to vote or to be voted for. So the petition process is the first step. It's the gateway to the election process.

SENATOR MORAHAN: I understand that.

Through you, Mr. President, if the Senator would continue to yield.

ACTING PRESIDENT VALESKY: Senator Stewart-Cousins, do you yield?

SENATOR STEWART-COUSINS: I do.

ACTING PRESIDENT VALESKY: The

sponsor yields.

SENATOR MORAHAN: Senator, it's my understanding and I think we all recognize that when you circulate a petition, the witness attests to the identity of the person signing the petition, as opposed to when they sign at the Board of Elections or wherever on an affidavit or on an absentee ballot.

Do you recognize that difference?

SENATOR STEWART-COUSINS: Is that a question?

No. No, that's absolutely correct.

SENATOR MORAHAN: I know it's correct, but do you see it's more valid?

In other words, when you collect a -- through you, Mr. President, if the Senator will continue to yield.

ACTING PRESIDENT VALESKY: Do you yield, Senator Stewart-Cousins?

SENATOR STEWART-COUSINS: Yes, I yield.

SENATOR MORAHAN: Senator, when we circulate petitions, the witness certifies the identity of the person signing the

petition. So there is -- notwithstanding the use of initials, there is an identification process.

As opposed to the ballot, the absentee ballot, where it's handed in or mailed in and there's no one there to attest to the identity of the signer other than by comparing the signature on the ballot to what's on the registration rolls.

SENATOR STEWART-COUSINS: That's right.

SENATOR MORAHAN: So therefore, to relate this -- through you, Mr. President.

ACTING PRESIDENT VALESKY: Senator, do you continue to yield?

SENATOR STEWART-COUSINS: I do.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR MORAHAN: So to relate this as equal to the petition process really is not germane or accurate.

SENATOR STEWART-COUSINS: I disagree.

I understand that the particular

process that you outlined is different. But through you, Mr. President, when one signs the absentee ballot, that signature will be compared to the signature that already exists on the record.

So whereas in the petition the person who witnesses may not have a comparable signature, when you use the absentee ballot process that process allows for you to be able to compare the signature to a signature that's already existing on file. So there is verifiability.

The question is whether or not your signature or my signature, which is verifiable and verified, should be deemed inappropriate or illegal because instead of using, say, a middle initial, you spelled it out, and possibly when you signed the registration card 30 or 40 years ago you only used an initial.

The reality -- go ahead.

SENATOR MORAHAN: Through you, Mr. President, will the Senator continue to yield.

ACTING PRESIDENT VALESKY:

Senator Stewart-Cousins, do you continue to yield?

SENATOR STEWART-COUSINS: I do.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR MORAHAN: Senator, is it possible that within the same household that several members of that household could have the same name -- or initials, rather? In other words, George and Georgia.

SENATOR STEWART-COUSINS: It could. That certainly could be the possibility.

I doubt, however, that they would all have the same signature.

SENATOR MORAHAN: Well, the signature is one thing. But if it's not full, if you don't have the first name and the last name, doesn't this water down the identification process if more than one person has the same initials?

I know of households where virtually everyone in the household has the same three initials.

SENATOR STEWART-COUSINS: Through you, Mr. President.

Again, I would never, never dispute what you say. Obviously there are Jr.'s and Sr.'s and Is and IIs and IIIs, we know that.

SENATOR MORAHAN: We have George Foreman, four Georges.

SENATOR STEWART-COUSINS: Exactly. And it even transcends gender many times.

But the reality is we are talking about the actual signature. And this bill allows that comparison.

So even if everybody has the same initial -- for example, even using your analogy, if it were George B. Foreman, George B. Foreman, George B. Foreman, you would still have to rely on the actual evidence of what the signature looks like, should that be the case, to determine which George B. Foreman was actually voting in the election.

So all I'm saying is that there are things by which this signature can be compared, and we need to allow for that to

happen.

SENATOR MORAHAN: Thank you.

Mr. President, will the Senator continue to yield?

ACTING PRESIDENT VALESKY: Senator Stewart-Cousins, do you yield?

SENATOR STEWART-COUSINS: I do.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR MORAHAN: Senator, your position really is, as I understand it, that the people at the Board of Elections are qualified, if you will, to attest to the validity of a signature. I don't know that they're expert, you know, handwriting specialists or whatever that would allow them to make that analysis.

I also know -- and maybe you'll enlighten me -- that on any given day when I scribble out my name, it may not look the same as it was the day before or 20 minutes before, depending on how I approach the signature process.

So I think it would be, if you

would agree, an unfair burden to put on those collecting up the absentee ballots to really, in a court or wherever, to attest to the validity of this signature.

SENATOR STEWART-COUSINS: Well, through you, Mr. President, I would say that our employees at the Board of Elections are certainly qualified and probably as competent as someone who witnessed a petition in terms of a signature.

But the reality is that should there be a question as to the validity of the signature, then there are processes which, beyond whether or not someone thinks that this is right or not, they can indeed have a handwriting analyst take a look at it. There are things that can happen.

What I'm suggesting, though, as we look at those barriers to people actually participating in the election process, is that we shouldn't create new barriers. That we should allow for reasonable people to do reasonable things.

That if indeed, again, when I

registered to vote X number of years ago, I decide to spell out my middle name and now I only use an A, I think it's reasonable to say that I'm still the same person and that I should be able to cast my vote without being afraid that it will be disposed of.

So I think in this way you save a lot of money, in terms of a whole court process, saying, "Oh, no, this is really me, that's my maiden name and it's a hyphenated name, but I only use the initial." I think that -- and women in particular, because of the hyphenated names, run into this over and over again.

So it is, to me, just a common-sense approach which mirrors the petition process which indeed, should it become a very sticky situation, has other opportunities in order to really confirm the validity of the signature.

SENATOR MORAHAN: Mr. President, will the Senator continue to yield.

ACTING PRESIDENT VALESKY: Senator Stewart-Cousins, do you yield?

SENATOR STEWART-COUSINS: Yes, I do.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR MORAHAN: Senator, you mentioned the cost of the process or if it's challenged.

But wouldn't this, you know, by sheer dint of reducing the qualification or the need to put the whole name in, wouldn't this encourage even more questions by just sheer dint of less to examine? Wouldn't it cost more in the long run and open up the process even more than it is now?

SENATOR STEWART-COUSINS: Well, you know, I guess probably we look at this process a little bit differently.

I honestly believe, again, that people hold this electoral process for the most part as sacred as you and I do. And when they are going to cast their vote, I don't think that they're saying, Well, if I use "D" instead of Daisy, it's because I really want to defraud the system.

I think that they use "D" instead of Daisy because, as you were saying, that's who they felt -- that's what they did that day. But it doesn't, it doesn't invalidate the process, the vote, the legitimacy of the vote.

And again, I mean, I would imagine most elections go through without having to even get down to the absentee ballot. But when it does get down to the absentee ballot and it does get that close, I, like you, probably assume that most of these people are legitimate voters who for whatever reason could not appear at the polling site and wanted more than anything to have their voice heard.

So I know there's a process to question beyond that, and I trust that process. But I don't think that we should create barriers with the assumption that people are, you know, not trying to just vote.

SENATOR MORAHAN: Thank you, Senator.

SENATOR STEWART-COUSINS: You're

welcome.

SENATOR MORAHAN: Mr. President, on the bill.

ACTING PRESIDENT VALESKY: Senator Morahan, on the bill.

SENATOR MORAHAN: Senator Stewart-Cousins mentions barriers and taking the trouble or making it difficult.

I don't know what's so tough about signing your name. I really don't. It seems to me that if I put down "Thomas P. Morahan," it's no big deal if indeed I agree that my right to vote is sacred and it's very, very important. And most people take it as very, very important activity and are proud to sign their name. So I really don't see that it presents any great barrier for me to sign it "Thomas P. Morahan" versus "T.P. Morahan." I really don't know.

Now, I don't have any Jr.'s, I had all daughters. But one was Theresa, and she had the first name "T." So I don't know if that would -- I think she had a better handwriting.

However, on any given day, I think anything we add to the process to verify who it is that is voting -- and I also want to make a point on the petition that the person is standing in front of you, and when you sign as a witness you're saying that "I know that this person is the person signing this." So there's that extra edge.

So with all due respect, I will be voting no. Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Morahan.

Are there any other Senators who wish to be heard?

Senator Ranzenhofer.

SENATOR RANZENHOFER: Yes, will Senator Stewart-Cousins yield for a question?

ACTING PRESIDENT VALESKY: Senator Stewart-Cousins, do you yield?

SENATOR STEWART-COUSINS: I do.

ACTING PRESIDENT VALESKY: The Senator yields.

SENATOR RANZENHOFER: Through you, Mr. President.

As I understand, you made a couple of references to your friend and women with hyphenated names. And do I understand that's one of the motivating factors behind this particular bill?

SENATOR STEWART-COUSINS: Well, it's certainly one of the motivating factors, that in this world where there are very often hyphenated names, it doesn't mean that you're not that person if -- for example, I'm somebody with a hyphenated name. And I won't say that -- you shouldn't misconstrue this as being the motivating factor, but it is just an illustrative factor.

So when I, Andrea Stewart Cousins -- sometimes I get mail "Andrea Stewart-Cousins"; sometimes I get mail "Andrea S. Cousins." Sometimes the computer wouldn't take everything, so therefore it has to in some way be abbreviated. However, when I get this, I realize it is indeed addressed to me, that they are talking to me, and I don't send it back because it's not "Stewart-Cousins." I recognize that that "S" means "Stewart" and

that's probably me.

SENATOR RANZENHOFER: Will the Senator continue to yield?

ACTING PRESIDENT VALESKY: Senator Stewart-Cousins, do you yield?

SENATOR STEWART-COUSINS: I do.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR RANZENHOFER: Would you agree with me, Senator Stewart-Cousins, that this particular bill doesn't really address the problem of women with hyphenated names because this only applies to given names, isn't that correct?

SENATOR STEWART-COUSINS: No. The purpose of the bill, it provides that a voter who uses an initial, title, or common abbreviation in signing the absentee ballot.

So it would allow for the approach, whether it be to use an initial or to use an hyphen, to be included in this particular piece of legislation.

SENATOR RANZENHOFER: Another question, if the Senator will continue to

yield.

ACTING PRESIDENT VALESKY: Senator Stewart-Cousins, do you continue to yield?

SENATOR STEWART-COUSINS: I do.

ACTING PRESIDENT VALESKY: The sponsor yields.

SENATOR RANZENHOFER: In looking at your bill that you just read, doesn't it actually say that "for purposes of this section the use of titles, initials or customary abbreviations of given names"? So doesn't it really only apply to first names?

If you were to use the letter "A" for "Andrea," it really doesn't apply to the situation that you talked about for people using hyphenated names. This only applies to first names. Isn't that correct, doesn't it just say "given names"?

SENATOR STEWART-COUSINS: You know, I suppose that when we talk about "given names" it would not only be the first name, but it indeed would be the last name and --

SENATOR RANZENHOFER: Well, the

last name -- excuse me.

SENATOR STEWART-COUSINS: And it certainly is -- this particular legislation is applicable to the individual whose name, given name, title, initial, would possibly be used in a signature.

SENATOR RANZENHOFER: On the bill.

ACTING PRESIDENT VALESKY: Senator Ranzenhofer, on the bill.

SENATOR RANZENHOFER: I really don't think that this particular bill, based on the exact language in the bill, really addresses the problem that's trying to be addressed here, because I think it only applies to first names. It doesn't mention anything about hyphenated names, it doesn't mention last names, it doesn't mention maiden names. So I know that the problem that you're trying to address is really not solved in this particular bill just by the language of the bill.

So I think that this is going to create some confusion because you're trying to

accomplish something, but I don't believe that the language of this bill actually accomplishes that.

Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Ranzenhofer.

Senator Montgomery, why do you rise?

SENATOR MONTGOMERY: Mr. President, I would like to speak on the bill.

ACTING PRESIDENT VALESKY: Senator Montgomery, on the bill.

SENATOR MONTGOMERY: Thank you.

I'm looking at the language in here, and indeed Senator Cousins' legislation does refer to the signature of a voter or a witness. And so I believe that "signature" includes the first and last names. So I just wanted to be clear about that. It says that in the legislation.

The other thing that I want to do is say thank you to Senator Cousins because, Mr. President, I have a hyphenated name. Now, I never use the last of the hyphenation, but I

do have one. So sometimes I sign my entire name, hyphenated included, and other times I just sign with my first and the first part of my hyphenated name, which is Montgomery.

My son is -- he has a middle name, William Montgomery Walker. Sometimes he gets mail with just an "M." I believe his voter registration card was William Montgomery Walker, because that's how he signs his name on official documents. But it does not mean that William Montgomery Walker and William M. Walker are not the same.

And I would be very, very distressed if he went to vote and could not vote because he didn't use the "M," didn't use "Montgomery" or use the "M" or some other thing that -- as people do that.

So I think that Senator Cousins, Stewart-Cousins -- sometimes I call her Cousins, sometimes I call her Stewart-Cousins. She is still Senator Stewart-Cousins. And so especially for women, but for all citizens, all of those people who have middle names -- and some people just use an initial for their

first name. And in my culture, at one point in time, there were people who just had an initial for their first name.

So there are all these different combinations of how people write their names, what they're named, how they're named and so forth.

So I thank Senator Stewart-Cousins, because what's in a name? It's the person. And we certainly don't want to have anyone be refused their right to vote because of an initial or a name that represents the person, but they are not allowed to be that person based on someone's decision.

I glady vote aye, and I encourage my colleagues to support this legislation.

Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Montgomery.

Senator Marcellino, why do you rise?

SENATOR MARCELLINO: To speak on the bill.

ACTING PRESIDENT VALESKY:

Senator Marcellino, on the bill.

SENATOR MARCELLINO: I understand what Senator Cousins, Senator Stewart-Cousins, Andrea Stewart-Cousins, Senator Andrea Stewart-Cousins -- we could go on -- is trying to do. I really do. And I appreciate it. But I don't think this bill does it.

I think what's going to happen here is this bill is going to go on. If it passes, it's going to be around for a long time. The language is going to go into law a long time. And somewhere down the road there's going to be an election, which we all hold pretty sacred here. We understand the significance of elections, and we understand that elections mean something and they have consequences.

And down the road, people reading this legislation are going to interpret it. They're not going to listen to this debate, they're not going to have heard it, they're going to look at the words in the bill.

Now, the words in the bill clearly talk about given names. They mention given names more than once. This is a short piece

of legislation. It mentions given names several -- well, twice, that I could count.

And the use of the term "signature" is used in the broadest of sense only to the refer to the fact that you sign. It doesn't mean -- or I interpret it that it doesn't mean that the last name is okay also. Because that means, according to this bill, I could simply go and sign a ballot "CLM" and you're supposed to know who I am.

Now, does anybody really consider that legitimate? Do you think a handwriting analyst down the road is going to be able to analyze three initials and determine that Carl Louis Marcellino signed that affidavit ballot and that it was a legitimate signature on the basis of three initials? Because if Senator Montgomery's interpretation is correct, I could do that by this bill.

So what I would suggest, in the interests of clarity, is that we take the bill, just lay it aside and write it correctly and write it down so that it does what you actually want it to do. Because right now

it's an ambiguous bill. And it's only going to open up more trouble -- going to make a lot of money for a lot of lawyers, which may make some people in this room very happy. Not being one of them, I'm not going to go there.

But I would be very cautious about a bill like this, because it's going to impact or it could impact one of us down the road quite seriously. And I don't think you really want to do that in a negative way.

I suggest that the bill be amended, it be rewritten to accomplish the task that you truly wish it to accomplish. And that can be done carefully and it can be done credibly, and then we can come back and all agree and pass the bill.

But as the bill is worded now and today, I'm going to have to vote nay.

ACTING PRESIDENT VALESKY: Thank you, Senator Marcellino.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

I rise in support of this excellent

and essentially American piece of legislation. And I would urge my colleagues who have concerns about this to consider that what we are really trying to do in the State of New York, and it's been going on now for a number of years, is to remove barriers for participation in the political process.

And that at various points in time New York has been unfortunately at the forefront of states that imposed barriers, that created obstacles to people wishing to vote or to run for office or to support candidates for office. And this bill today, along with some others we're moving now and others that we hope to move in the future, is a recognition of the fact that for far too long in the United States people eligible to vote have been denied their right to vote.

This is not something that is an isolated instance of technicalities. This is something that is an unfortunate strain of American thought that has manifest itself in public policy. There is a movement in this country that really thinks we should prevent

people from voting. Fewer voters is better; barriers are okay.

And I think what Senator Stewart-Cousins' bill here, which is in and of itself totally straightforward, says to us is that all those eligible to vote must be allowed to vote. We must not elevate form over substance, and we must not, in the guise of form over substance, empower those who really would seek to restrict the franchise.

This is essential American patriotism. And I would urge all of you that there's no one who wants to come and sign an absentee ballot who's going to deliberately just sign it in a way that makes it harder for them to tell it's you. This is something that honestly, say it was a year or two since you signed your voter registration form, you may not remember. This is a completely legitimate and extremely common occurrence.

So, ladies and gentlemen, I do believe that the technical objections to this bill really are insufficient, in my mind, to cast any doubt on its merit.

And I would also urge all of us to thank Senator Stewart-Cousins for this fundamental act of American patriotism in bringing this bill to the floor today. I'm very proud to vote for it, and I hope everyone here will vote in support of this bill.

Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Schneiderman.

Senator Savino.

SENATOR SAVINO: Thank you, Mr. President.

First, I've been listening to the debate and find it actually rather interesting.

And first let me thank Senator Stewart-Cousins for putting forth what I think is a bill that solves a simple problem. And while I'm sensitive to some of the concerns that were raised particularly by Senator Marcellino, I don't think that what we think -- that what we're concerned could happen will actually happen.

The bill says clearly it would

address the use of titles, initials, or customary abbreviations of given names, which is your first name. So unless you, Senator Marcellino, had signed the registration card and your name appeared in the buff card as CLM, the "M" as an initial would not be acceptable by the Board of Elections in any event.

But what this bill really does or attempts to do is recognize that many people utilize their names in different ways. And the best example I can think of is my Assemblywoman, Janele Hyer-Spencer.

Her legal name is Donna Janele Hyer-Spencer. She has never used the name Donna in her life; it just appears on her birth certificate. And in fact, that is how she registered to vote when she registered. She registered as Donna J. Hyer-Spencer. Probably never uses the name any other time except for that.

And when she ran for office the first time, she built an entire campaign around Janele Hyer-Spencer. Everywhere she

went, all of her campaign literature said Janele Hyer-Spencer. That is the only name she answers to. But right before Election Day, she realized that because she had signed her registration card she appeared as Donna J. Hyer-Spencer. And that is how her name appeared on the ballot, and there was nothing she could do to correct it, even though she had spent thousands and thousands of dollars trying to develop name recognition for Janele Hyer-Spencer.

Now, if the Board of Elections had allowed her to correct that, she would have appeared on the ballot as Janele Hyer-Spencer. But she didn't. It probably cost her a few votes.

So all this would do is correct simple things. Many people do not use their given name. It may be a family name. Maybe they don't like that name. Maybe their mother had the same name and they use their middle name. All we're saying is if the signature predominantly matches the buff card, the Board of Elections should correct that if you choose

to use an initial for your first name as opposed to writing out the whole thing.

So I think it's a common-sense approach to what is not really a complicated problem. And I think, Senator Stewart-Cousins, that you should be commended for trying to address this and broadening opportunity for people to vote.

Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Savino.

Senator Squadron.

SENATOR SQUADRON: Thank you very much, Mr. President. I rise on the bill.

I'd like to first of all commend Senator Stewart-Cousins for putting this bill forward. It's the second time in this session I've had the opportunity to rise in support of a bill like this. It was just a few weeks ago I rose in support of Senator Dilan's bill that also expanded voting rights.

I'm really proud and honored to be a part of the Senate that is expanding voting rights, is expanding the ability of folks who

want to vote to have their vote counted. I think that Senator Addabbo, who chairs the Elections Committee, also deserves real commendation today for having moved these bills forward.

You know, so much is going on this year, and it is such a big and such a difficult year; I think we all know that. The issues of great moment are coming faster than I ever could have imagined. But even while that's happening, we are continuing to deal with these issues of voting rights and voting access, of getting more votes counted. And I think that that is a great value and says something about what this body, what this Senate is doing right now, what we hold dear and care so much about.

So it's a very proud day for me. I, when I rise on these bills, do tend to make a little bit of a personal -- I need to admit something personally. I don't know whether my voting card says "Daniel Squadron" or "Daniel L. Squadron." And I have voted absentee and always done it in the best of faith. And I

hope that whether I write "Daniel" or "Daniel L.," my vote gets counted -- and all others who frankly don't remember, who registered right after their 18th birthdays.

The other interesting thing about today's debate is it seems to be a microcosm of the issue we're discussing. Today a technical excuse on the language of the bill is being used as a justification for not supporting the expansion of voting rights, just as a technical problem with the signature on absentee ballots in this state is too often used not to count the votes that are rightfully cast by citizens. And I think too often that has happened.

Too often it's happened in our legislatures, where technical excuses are put forth that at the end of the day prevent participation by the citizens of a state or a city or a nation. And too often at the voting booth, at the polling place, people are turned way or people's votes are thrown in the garbage on technical grounds that in effect say to a whole lot of folks in a whole lot of

communities across this state and across the nation: We don't want your vote.

So I do hope that others join me today in supporting this bill, in saying, you know what, sometimes there's always a technical issue, there's always a technical question, but when it comes to voting we say yes. When it comes to counting votes, we say yes. Because we believe that in a democracy the citizens should have a right to vote and their vote should be counted.

So thank you very much.

ACTING PRESIDENT VALESKY: Thank you, Senator Squadron.

Senator Saland.

SENATOR SALAND: Thank you, Mr. President. On the bill.

ACTING PRESIDENT VALESKY: Senator Saland, on the bill.

SENATOR SALAND: Mr. President, there's nobody in this chamber who is not aware of the fact that despite everybody's best efforts, nobody has managed to cure the problem of voter fraud. And all kinds of

studies will tell you that certainly disproportionately it tends to occur in most of our major urban areas, or where it occurs is mostly in our larger urban areas.

There are obviously exceptions. I'm sure many are familiar with the historic example of Lyndon Johnson winning his first United States Senate primary, where 240 votes came in from an outlying district and they all somehow or other were in his favor and they all voted alphabetically in order. So this country certainly has had its experiences with voter fraud.

Now, we very much all cherish our democracy and everybody, regardless of whose party they may belong to, certainly cannot singularly claim that they somehow or other are the protectors of democracy. The simple fact of the matter is is that fraud does not benefit democracy. Fraud in fact undermines democracy.

And while we know there are countries in this world in which voter fraud is endemic, in which voter fraud determines

the outcome, from time to time, of elections, we have not managed to rid ourselves of that potentially ugly scenario.

So when I hear Senator Morahan in his questions, which I thought were very appropriate, raise the distinctions between a petition in which there is somebody who is going to be a notary public or somebody who is going to affirm under penalties of perjury that the person whose signature they took was the person who they said they would be -- and if I signed something "S. Saland" and the notary took my signature, or the petition carrier affirmed who I was, that certainly could be disputed, but they could readily claim that I was the person and prove that I was the person.

What we're doing here is we are opening another door for the potential for fraud. There is nobody at the Board of Elections who has the ability to negate a signature based upon a difference, what they perceive to be a difference in signatures. They are not qualified, they are not experts.

It would be up to somebody else to bring in a handwriting expert to make that qualification.

So effectively we're now saying that anybody who signs an absentee ballot, however woefully they sign it -- and I have signed numbers of absentee ballots. I'm rarely home for a school board election, so I sign an absentee ballot. I rarely use "Stephen M. Saland," but I sign it "Stephen M. Saland." I sign the application "Stephen M. Saland," and I sign the envelope "Stephen M. Saland."

I would assume that the vast majority of us do that very same thing -- not sign "Stephen M. Saland," but sign in the form of the name in which you registered. So I don't find it to be an onerous task. I've done it in elections where I've been out of the state or out of the country during an election day. So it's not that difficult. It's absolutely not that difficult.

If we want to invite fraud, then we are just creating another window for that. This is not form over substance. This is

protecting something that we cherish, the right of franchise. It may be inconvenient, but nonetheless, why would we want to invite fraud?

The bottom line here is you're flipping the system on its tail and you're now saying that something that may well be fraudulent is given the presumption of validity, and it's now incumbent upon whomever might want to challenge that to prove that it's invalid.

I think this is, in effect, a bill that has the best of intentions, notwithstanding some of the questions that have proceeded during the course of this debate. I certainly could not support the bill in this form. Whether I could support it in another form would be another question.

But I value the right of franchise no less than anybody else in this chamber, but I also know the history of this country when it comes to still the relative ease with which fraud can be perpetuated. It's generally only the goodwill of people that prevents it. And

we don't have to provide more avenues with which to defraud and cause, in effect, electoral results to be tinted, slanted, or determined by way of inappropriate votes.

Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Saland.

Are there any other Senators who wish to be heard on the legislation?

Seeing none, the Secretary will ring the bells.

I ask all members to come to the chamber so that their vote may be recorded. We are on the controversial calendar.

The Secretary will read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of January next succeeding.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Yes. Every piece of legislation, people balance the various arguments and kind of come up on the right side of the balance, at least in their point of view.

It's always nice to say that we want every vote to count, but we also say and I think we should mean that we want only those legitimate voters to vote and only the legitimate votes to be counted. Otherwise, the election --

ACTING PRESIDENT VALESKY: Excuse me, Senator DeFrancisco. I apologize for the interruption.

Can we have some quiet, please, while we continue with the roll call.

Thank you.

SENATOR DeFRANCISCO: Otherwise, the election will not be a legitimate election.

And it seems to me if someone is requesting a special way to vote, not going to the polls for whatever reason, and is going to vote by absentee ballot and therefore is using

a separate section of the law allowing them to vote, they could at least know how they're supposed to sign their own name and sign their own name so that the Board of Election is not inundated with more and more different issues that have to be resolved before an election is finalized.

I think Senator Morahan said it best: I think I know how to sign my name. And if you want to vote in a way other than going to the polls and be identified at the polls, then you should be able to sign your name and not dumb down the process and make sure the election is legitimate.

So I vote no.

ACTING PRESIDENT VALESKY: Senator DeFrancisco to be recorded in the he negative.

Senator Hassell-Thompson, to explain her vote.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President.

I wasn't going to speak until the last comment was made.

I'd like to believe I know how to sign my name as well. But I also know that the Board of Elections, because of its computerization, as well as the Department of Motor Vehicles -- the Department of Motor Vehicles made me change the way I write my name because they said they did not have enough boxes on the computer to compute "Hassell-Thompson" as a full name. So I had to write "Ruth H. Thompson" to satisfy the DMV. Ruth Hassell-Thompson is my legal name, but I sign it "Ruth H. Thompson" because of the DMV.

So we have to be very careful about how we say that we know how to sign our names. I do. But I also have difficulty every time I get ready to fly, because if I don't write my name exactly the way it's written on my driver's license, they hold me over and search me because of it.

So how you sign your name becomes very different depending upon what agency and who you are dealing with. My name is hyphenated, but it is legally Ruth

Hassell-Thompson. And I sign it "Ruth H. Thompson" to satisfy the Motor Vehicles. And that's the way they require that I sign it.

ACTING PRESIDENT VALESKY: Senator Hassell-Thompson, how do you vote?

SENATOR HASSELL-THOMPSON: In the affirmative.

ACTING PRESIDENT VALESKY: Senator Hassell-Thompson to be recorded in the affirmative.

Senator Owen Johnson, to explain his vote.

SENATOR O. JOHNSON: You know, this is a very dangerous bill, and people should not support it.

Anyone with a recollection of the recent national election knows there are many states where the votes were not announced immediately because there were absentee ballots and so forth. Many states. As a matter of fact, as far as I know, Minnesota isn't settled yet. Because people come in with truckloads of absentee ballots and they dump them down and they change the effect of

the election.

That's really dangerous. We shouldn't permit anything like that. Everything should be accurate, and you should not be able to bring in anything and -- someone said here that, just for example, that, well, they can always look in the book. Well, they don't look in the book when somebody -- they bring in the votes and they count them and they announce them. If the announcement is made, that's it. If there's a question, then they go to the book. That takes months and months of lawyers and arguments.

So we shouldn't open the door to any conflict like that. We should have voting done properly, according to the law, and announce it that way, no other way.

I vote against this bill.

ACTING PRESIDENT VALESKY: Senator O. Johnson to be recorded in the negative.

Are there any other Senators who wishing to explain their vote?

Seeing none, the Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 102 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Griffo, Hannon, O. Johnson, Lanza, Larkin, LaValle, Leibell, Libous, Little, Marcellino, Maziarz, McDonald, Morahan, Nozzolio, Padavan, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker, Winner and Young.

Absent from voting: Senator Golden.

Ayes 32. Nays, 29.

ACTING PRESIDENT VALESKY: The bill is passed.

Senator Klein, that completes the reading of the calendar.

SENATOR KLEIN: Mr. President, could you please recognize Senator Hassell-Thompson and then Senator Libous for brief announcements.

ACTING PRESIDENT VALESKY: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President.

Immediately following our session, there will be a conference, in the Majority Conference Room, of the Majority. 332.

ACTING PRESIDENT VALESKY: Majority conference in Room 332 of the Capitol.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Immediately after session, the Republican Conference will meet in Room 315.

ACTING PRESIDENT VALESKY: Senate Minority Conference in Room 315.

Senator Klein.

SENATOR KLEIN: Mr. President, is there any further business at this desk?

ACTING PRESIDENT VALESKY: There is none.

SENATOR KLEIN: There being none, I move that we adjourn until Wednesday, March 18th, at 3:00 p.m.

ACTING PRESIDENT VALESKY: On a

motion by Senator Klein, the Senate stands adjourned until Wednesday, March 18th, at 3:00 p.m.

(Whereupon, at 4:31 p.m., the Senate adjourned.)