

1 NEW YORK STATE SENATE

2  
3  
4 THE STENOGRAPHIC RECORD

5  
6  
7  
8 ALBANY, NEW YORK

9  
10 February 27, 2014

11 11:27 a.m.

12  
13  
14 REGULAR SESSION

15  
16  
17  
18 SENATOR DAVID CARLUCCI, Acting President

19 FRANCIS W. PATIENCE, Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT CARLUCCI: The  
3 Senate will come to order.

4 I ask everyone present to please  
5 rise and repeat with me the Pledge of Allegiance.

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

8 ACTING PRESIDENT CARLUCCI: In the  
9 absence of clergy, may we please bow our heads in  
10 a moment of silence.

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

13 ACTING PRESIDENT CARLUCCI: The  
14 reading of the Journal.

15 The Secretary will read.

16 THE SECRETARY: In Senate,  
17 Wednesday, February 26, the Senate met pursuant  
18 to adjournment. The Journal of Tuesday,  
19 February 25, was read and approved. On motion,  
20 Senate adjourned.

21 ACTING PRESIDENT CARLUCCI: Without  
22 objection, the Journal stands approved as read.

23 Presentation of petitions.

24 Messages from the Assembly.

25 The Secretary will read.

1           THE SECRETARY:   On page 13, Senator  
2 Perkins moves to discharge, from the Committee on  
3 Health, Assembly Bill Number 8611 and substitute  
4 it for the identical Senate Bill Number 6470,  
5 Third Reading Calendar 103.

6           ACTING PRESIDENT CARLUCCI:  
7 Substitution ordered.

8           Messages from the Governor.

9           Reports of standing committees.

10          Reports of select committees.

11          Communications and reports from  
12 state officers.

13          Motions and resolutions.

14          Senator Libous.

15          SENATOR LIBOUS:   Thank you,  
16 Mr. President.

17          At this time could we please adopt  
18 the Resolution Calendar, with the exception of  
19 Resolution Numbers 3514, 3608, 3615 and 3658.

20          ACTING PRESIDENT CARLUCCI:   All in  
21 favor of adopting the Resolution Calendar, with  
22 the exception of Resolutions 3514, 3608, 3615,  
23 and 3658, signify by saying aye.

24          (Response of "Aye.")

25          ACTING PRESIDENT CARLUCCI:   Opposed,

1     nay.

2                     (No response.)

3                     ACTING PRESIDENT CARLUCCI:     The  
4     Resolution Calendar is adopted.

5                     Senator Libous.

6                     SENATOR LIBOUS:     Thank you,  
7     Mr. President.

8                     Would you call on Senator Gianaris,  
9     please, for a motion.

10                    ACTING PRESIDENT CARLUCCI:     Senator  
11     Gianaris.

12                    SENATOR GIANARIS:     On behalf of  
13     Senator Squadron, I move that the following bill  
14     be discharged from its respective committee and  
15     be recommitted with instructions to strike the  
16     enacting clause:   Senate Bill 5862.

17                    ACTING PRESIDENT CARLUCCI:     So  
18     ordered.

19                    Senator Libous.

20                    SENATOR LIBOUS:     Thank you,  
21     Mr. President.

22                    I believe there's a resolution at  
23     the desk by Senator Klein, Number 3658.   I ask  
24     that it be read in its entirety, and could you  
25     please call on Senator Klein before its adoption.

1                   ACTING PRESIDENT CARLUCCI:    The  
2   Secretary will read.

3                   THE SECRETARY:    Legislative  
4   Resolution Number 3658, by Senator Klein,  
5   commemorating the 100th Anniversary of The Manor  
6   Club in Pelham, New York.

7                   "WHEREAS, It is the sense of this  
8   Legislative Body to recognize that the quality  
9   and character of life in the communities across  
10   New York State are reflective of the concerned  
11   and dedicated efforts of those organizations and  
12   individuals who would devote themselves to the  
13   welfare of the community and its citizenry; and

14                  "WHEREAS, Attendant to such concern,  
15   and in full accord with its long-standing  
16   traditions, this Legislative Body is justly proud  
17   to commemorate the 100th Anniversary of The Manor  
18   Club, to be celebrated at a Centennial Gala on  
19   March 1, 2014, in Pelham, New York; and

20                  "WHEREAS, The Manor Club is a  
21   nonprofit center for cultural, educational and  
22   philanthropic events with a proud history of  
23   community service to Pelham, New York, and the  
24   surrounding areas; and

25                  "WHEREAS, The Manor Club was

1 originally an all-male group incorporated in  
2 1883; after facing declining membership and  
3 financial troubles, the all-female members of the  
4 Tuesday Afternoon Club were asked if they would  
5 be interested in taking over the club; an  
6 agreement was made in 1914, and these very  
7 capable women set the cornerstone for the  
8 ever-growing 300-member cultural venue it is  
9 today; and

10 "WHEREAS, Over the years, The Manor  
11 Club has raised funds for community outreach  
12 through holding fashion shows, bridge parties,  
13 dances, concerts, and white elephant sales; and

14 "WHEREAS, The Manor Club Scholarship  
15 Awards were established in 1944, helping  
16 numerous Pelham Memorial High School students to  
17 further their education; and

18 "WHEREAS, The Manor Club is actively  
19 involved in a number of charitable programs  
20 including a fall coat drive, fundraisers, and the  
21 Manor Club Shares, a program allowing other  
22 philanthropic organizations use of its clubhouse  
23 as a venue for meetings; and

24 "WHEREAS, The club's youth group,  
25 the Do-Its, enlists the services of members'

1 daughters in 5th to 10th grade to assist with  
2 projects such as the Children's Center Benefit,  
3 the Victorian Christmas Party for children, and  
4 the Mary and The Boys Concert, as well as a  
5 planned fundraiser for the New Rochelle Humane  
6 Society; and

7 "WHEREAS, One of the greatest assets  
8 of The Manor Club is its professional-level  
9 theater productions and concerts, which are open  
10 to the public; these productions have played a  
11 key role in enriching the life and culture of the  
12 overall community; and

13 "WHEREAS, To celebrate The Manor  
14 Club's centennial anniversary, playwright and  
15 club member Rosemary Foley is writing a skit  
16 about the club's early history, and director and  
17 actor Paul Romanello will present a musical  
18 production of the story of the club's 100-year  
19 journey from the Silver Age of the Flapper to the  
20 sophistication of the 21st century; and

21 "WHEREAS, It is the custom of this  
22 Legislative Body that when organizations of such  
23 noble aims and accomplishments are brought to  
24 our attention, they should be celebrated and  
25 recognized by all the citizens of this great

1 Empire State; now, therefore, be it

2 "RESOLVED, That this Legislative  
3 Body pause in its deliberations to commemorate  
4 the 100th Anniversary of The Manor Club, to be  
5 celebrated at a Centennial Gala on March 1,  
6 2014, in Pelham, New York; and be it further

7 "RESOLVED, That a copy of this  
8 resolution, suitably engrossed, be transmitted to  
9 The Manor Club, Pelham, New York."

10 ACTING PRESIDENT CARLUCCI: Senator  
11 Klein.

12 SENATOR KLEIN: Thank you,  
13 Mr. President.

14 It's certainly my pleasure to  
15 present this resolution honoring the  
16 100th anniversary of the Pelham Manor Club.

17 I want to acknowledge that we have  
18 with us today in our chamber the club president,  
19 Joan Cornell, as well as distinguished members of  
20 the club with us today. I thank you for joining  
21 us today here in our State Capitol.

22 This is something that's very  
23 important in the Pelham community because this is  
24 certainly a milestone. This Saturday the Pelham  
25 Manor Club will celebrate their Centennial Gala



1 and honor the cultural philosophic and  
2 educational contributions that the club has made  
3 through generations.

4           The Pelham Manor Club has a rich and  
5 notable history, as was outlined previously,  
6 dating back to the early 1870s. Its earliest  
7 members included Tom DeWitt and Henry Taft, the  
8 brother of President Taft.

9           But I think what really sets this  
10 club apart is that back in the 1870s it was  
11 founded by men. And when it went into financial  
12 hardship and potential bankruptcy, the men of  
13 Pelham turned to the women to take over the club  
14 back in 1914, and it prospered. And I think it  
15 proves the old adage that our former First Lady  
16 Eleanor Roosevelt once said, that "If you want  
17 something said, get a man. But if you want  
18 something done, get a woman to do it." So  
19 clearly that's what was accomplished. And this  
20 long history of the Pelham Manor Club is because  
21 of the great work of the great ladies of Pelham.

22           So I thank you. This is a very  
23 important day in our community of Pelham. And I  
24 look forward to seeing everyone this Saturday  
25 night at the gala.

1                   Thank you all.

2                   ACTING PRESIDENT CARLUCCI:    The  
3                   question is on the resolution.  All in favor  
4                   signify by saying aye.

5                   (Response of "Aye.")

6                   ACTING PRESIDENT CARLUCCI:  
7                   Opposed, nay.

8                   (No response.)

9                   ACTING PRESIDENT CARLUCCI:    The  
10                  resolution is adopted.

11                  Senator Libous.

12                  SENATOR LIBOUS:    Thank you,  
13                  Mr. President.

14                  I believe there's a resolution by  
15                  Senator Peralta, Number 3608, at the desk.  I ask  
16                  that the title be read and then we will open it  
17                  up for cosponsorship.

18                  ACTING PRESIDENT CARLUCCI:    The  
19                  Secretary will read.

20                  THE SECRETARY:    Legislative  
21                  Resolution Number 3608, by Senator Peralta,  
22                  commemorating the 170th Anniversary of the  
23                  Dominican Republic Independence, to be celebrated  
24                  on February 27, 2014.

25                  ACTING PRESIDENT CARLUCCI:    All in

1 favor of adopting the resolution signify by  
2 saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT CARLUCCI:

5 Opposed, nay.

6 (No response.)

7 ACTING PRESIDENT CARLUCCI: The  
8 resolution is adopted.

9 Senator Libous.

10 SENATOR LIBOUS: We opened that up,  
11 right, to the membership? And as the policy  
12 goes, Mr. President -- I always like to repeat it  
13 just so the members are clear -- all members will  
14 be put on the resolution. If for some reason you  
15 choose not to be put on the resolution, let the  
16 desk know.

17 ACTING PRESIDENT CARLUCCI: The  
18 resolution is open for cosponsorship. If you do  
19 not wish to be a cosponsor, please notify the  
20 desk.

21 Senator Libous.

22 SENATOR LIBOUS: I believe Senator  
23 Kennedy has a resolution, Number 3615, at the  
24 desk. I ask that the title be read and I believe  
25 that Senator Kennedy would then like to speak on

1 the resolution before its adoption.

2 ACTING PRESIDENT CARLUCCI: The  
3 Secretary will read.

4 THE SECRETARY: Legislative  
5 Resolution Number 3615, by Senator Kennedy,  
6 mourning the death of business leader Lumon Ross,  
7 distinguished citizen and devoted member of his  
8 community.

9 ACTING PRESIDENT CARLUCCI: Senator  
10 Kennedy.

11 SENATOR KENNEDY: Thank you,  
12 Mr. President.

13 I rise today to pay tribute to the  
14 life of Lumon Ross, who passed away on January 7,  
15 2014, at the age of 75.

16 Lumon dedicated his life to  
17 enhancing the quality of life in his beloved  
18 hometown of Buffalo, New York. A native of  
19 Buffalo, Lumon Ross earned a bachelor's degree  
20 from Buff State College. He went to work as a  
21 social worker and later served as a supervisor  
22 with the New York State Division of Youth before  
23 opening the Kensington Experience restaurant on  
24 Kensington Avenue in the early 1990s.

25 A long-time champion of black-owned

1 businesses, Lumon understood firsthand the value  
2 of small businesses in rebuilding Buffalo's East  
3 Side community and creating job opportunities for  
4 the neighborhood.

5 In the 1990s, Lumon Ross cofounded  
6 the Black Chamber of Commerce, serving as its  
7 president and proudly representing the  
8 organization throughout the business community.  
9 He made sure the Black Chamber of Commerce was  
10 accessible to all and was at the forefront of  
11 teaching the principles of business to members of  
12 the community.

13 Additionally, Mr. Ross was the  
14 chairman of the Millions More Movement's Ministry  
15 of Trade and Commerce.

16 Mr. Ross lived his life with dignity  
17 and grace, always demonstrating a deep and  
18 genuine concern for his fellow human beings and  
19 inspiring others around him to do the same.  
20 Polite, pleasant and always persistent,  
21 Lumon Ross was devoted to his faith, his family,  
22 and to his community. His passing leaves a void  
23 in the City of Buffalo that can never be filled.

24 On behalf of a grateful community  
25 that is better because of his life and his many

1 contributions, I rise to honor Lumon Ross, who  
2 was a true pillar in the City of Buffalo and in  
3 the State of New York. Our thoughts and prayers  
4 continue to be with the Ross family and to all  
5 who mourn him.

6 Thank you, Mr. President.

7 ACTING PRESIDENT CARLUCCI: Thank  
8 you, Senator Kennedy.

9 The question is on the resolution.  
10 All in favor signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT CARLUCCI:  
13 Opposed, nay.

14 (No response.)

15 ACTING PRESIDENT CARLUCCI: The  
16 resolution is adopted.

17 Senator Libous.

18 SENATOR LIBOUS: Thank you,  
19 Mr. President.

20 I believe there's another  
21 resolution, I believe by Senator Parker,  
22 Resolution Number 3514, at the desk. I ask that  
23 the title be read and that Senator Tkaczyk be  
24 allowed to speak on the resolution before its  
25 adoption.

1                   ACTING PRESIDENT CARLUCCI:    The  
2   Secretary will read.

3                   THE SECRETARY:    Legislative  
4   Resolution Number 3514, by Senator Parker,  
5   memorializing Governor Andrew M. Cuomo to  
6   proclaim March 2014 as Early Intervention Month  
7   in the State of New York.

8                   ACTING PRESIDENT CARLUCCI:    Senator  
9   Tkaczyk.

10                  SENATOR TKACZYK:    Thank you,  
11   Mr. President.

12                  I rise in support of this  
13   resolution, and I want to thank Senator Parker  
14   for bringing it to the floor.  This is a  
15   resolution that recognizes March as Early  
16   Intervention Month.

17                  And as the resolution states, the  
18   early years of a child's life are critical to  
19   development.  And during their infant and toddler  
20   years, children grow quickly and have much to  
21   learn.  Some children and families face  
22   challenges and need extra help.  And it's  
23   acknowledged that early help makes a tremendous  
24   difference.

25                  Some children are born with

1 developmental delays and disabilities. It is  
2 crucial that these children receive immediate and  
3 therapeutic intervention based upon acceptable  
4 norms and proper treatment upon diagnosis.

5           The New York State Department of  
6 Health Bureau of Early Intervention is authorized  
7 to provide early intervention services for more  
8 than 75,000 infants and toddlers with  
9 developmental delays and disabilities, and their  
10 families, throughout the state. Research  
11 reflects that for every dollar we invest in early  
12 intervention, \$7 is saved in future costs in  
13 special education. We are getting kids ready for  
14 life and ready for school.

15           However, because of a snafu that  
16 happened in last year's budget, we've changed how  
17 early intervention providers are paid. And it's  
18 caused tremendous difficulty to those providers  
19 in their ability to provide services to this very  
20 vulnerable population.

21           Early intervention providers are,  
22 frankly, not getting paid timely and they're  
23 going out of business. Why do I care? Because  
24 so many of these providers are working in my  
25 communities, in my district, and in rural areas



1 where I have providers who are typically  
2 one-person businesses, typically women working  
3 out of their homes providing this service.  
4 They're going out of business because they can't  
5 get paid.

6                   We think this is an important  
7 service. We need to continue to provide it. And  
8 as we recognize this Early Intervention Program,  
9 we also have to recognize that we need a  
10 legislative fix to resolve this problem. It's  
11 been brought up in hearings. I introduced  
12 legislation last October. It was discussed a lot  
13 in the budget hearing.

14                   I'm waiting every day for that  
15 legislative fix to come to the floor.

16                   Please get this legislative fix to  
17 the floor so we can continue to provide early  
18 intervention services to our very vulnerable  
19 New York residents.

20                   Thank you.

21                   ACTING PRESIDENT CARLUCCI: Thank  
22 you, Senator Tkaczyk.

23                   Senator Stavisky.

24                   SENATOR STAVISKY: Yes, I too thank  
25 Senator Parker for introducing this resolution,

1 but I particularly thank Senator Tkaczyk for her  
2 comments.

3 Because I have worked with many of  
4 the EI, the early intervention providers, and  
5 they are not getting paid. And they do save us  
6 so much money. It's a lot cheaper for us to  
7 provide the intervention services now than the  
8 remediation services at a later date.

9 There are institutions in the county  
10 where I live, Queens County, one in particular, a  
11 large hospital for chronically ill children,  
12 St. Mary's, that had to discontinue their early  
13 intervention service because of the funding or  
14 the lack of reimbursement that they have  
15 received.

16 This is a critical issue for young  
17 people, and I hope that as we resolve budget  
18 issues that this issue is also resolved by  
19 April 1st.

20 Thank you, Mr. President.

21 ACTING PRESIDENT CARLUCCI: Thank  
22 you, Senator Stavisky.

23 The question is on the resolution.  
24 All in favor signify by saying aye.

25 (Response of "Aye.")

1                   ACTING PRESIDENT CARLUCCI:

2   Opposed, nay.

3                   (No response.)

4                   ACTING PRESIDENT CARLUCCI:    The  
5   resolution is adopted.

6                   Senator Libous.

7                   SENATOR LIBOUS:    Thank you,  
8   Mr. President.

9                   At this time could we please move to  
10   the noncontroversial reading of the calendar,  
11   please.

12                  ACTING PRESIDENT CARLUCCI:    The  
13   Secretary will read.

14                  THE SECRETARY:    Calendar Number  
15   103, substituted earlier by Member of the  
16   Assembly Glick, Assembly Print Number 8611, an  
17   act to amend Chapter 192 of the Laws of 2011.

18                  ACTING PRESIDENT CARLUCCI:    Read  
19   the last section.

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

22                  ACTING PRESIDENT CARLUCCI:    Call  
23   the roll.

24                  (The Secretary called the roll.)

25                  ACTING PRESIDENT CARLUCCI:

1     Announce the results.

2                   THE SECRETARY:    Ayes, 58.

3                   ACTING PRESIDENT CARLUCCI:    The  
4     bill is passed.

5                   THE SECRETARY:    Calendar Number  
6     124, by Senator Martins, Senate Print 6409, an  
7     act to amend the Local Finance Law.

8                   ACTING PRESIDENT CARLUCCI:    Read  
9     the last section.

10                  THE SECRETARY:    Section 3.  This  
11     act shall take effect immediately.

12                  ACTING PRESIDENT CARLUCCI:    Call  
13     the roll.

14                                 (The Secretary called the roll.)

15                  ACTING PRESIDENT CARLUCCI:  
16     Announce the results.

17                  THE SECRETARY:    Ayes, 57.  Nays, 1.  
18     Senator Maziarz recorded in the negative.

19                  ACTING PRESIDENT CARLUCCI:    The  
20     bill is passed.

21                  THE SECRETARY:    Calendar Number  
22     132, by Senator Maziarz, Senate Print 1058, an  
23     act to amend the Penal Law.

24                  ACTING PRESIDENT CARLUCCI:    Read  
25     the last section.

1 THE SECRETARY: Section 2. This  
2 act shall take effect on the first of November.

3 ACTING PRESIDENT CARLUCCI: Call  
4 the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT CARLUCCI:  
7 Announce the results.

8 THE SECRETARY: Ayes, 58.

9 ACTING PRESIDENT CARLUCCI: The  
10 bill is passed.

11 THE SECRETARY: Calendar Number  
12 151, by Senator Ball, Senate Print 2801, an act  
13 to amend the Election Law.

14 SENATOR GIANARIS: Lay it aside.

15 ACTING PRESIDENT CARLUCCI: The  
16 bill is laid aside.

17 Senator Libous, that completes the  
18 noncontroversial reading of the calendar.

19 SENATOR LIBOUS: Mr. President,  
20 since we've done that, we will go to the  
21 controversial reading of the calendar.

22 ACTING PRESIDENT CARLUCCI: The  
23 Secretary will ring the bell.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 151, by Senator Ball, Senate Print 2801, an act  
2 to amend the Election Law.

3 SENATOR KRUEGER: Explanation.

4 ACTING PRESIDENT CARLUCCI: There  
5 is an explanation requested.

6 Senator Ball.

7 SENATOR BALL: So this piece of  
8 legislation will allow individuals the  
9 opportunity to register to vote --

10 SENATOR LIBOUS: Excuse me,  
11 Mr. President, I'm having a difficult time  
12 hearing.

13 ACTING PRESIDENT CARLUCCI: Senator  
14 Ball.

15 SENATOR BALL: This bill will allow  
16 those the opportunity to register to vote at the  
17 same time as they apply for a hunting license,  
18 fishing license, or a combination of both.

19 SENATOR LIBOUS: Excuse me,  
20 Mr. President, I can't hear the Senator.

21 ACTING PRESIDENT CARLUCCI: Senator  
22 Libous.

23 SENATOR LIBOUS: If we could just,  
24 the next time the Senator speaks, check the  
25 audio. I had a very hard time. And I know that

1 I am getting older, and I know that the hearing  
2 isn't what it was when I was a spry 30 like  
3 yourself.

4 (Laughter.)

5 SENATOR LIBOUS: However, if they  
6 could just check that the next time Senator Ball  
7 gets up. Because I do want to hear the inspiring  
8 debate between Senator Krueger and Senator Ball.

9 ACTING PRESIDENT CARLUCCI: So  
10 ordered.

11 Senator Krueger.

12 SENATOR KRUEGER: If the sponsor  
13 would please yield to an inspiring question.

14 (Laughter.)

15 ACTING PRESIDENT CARLUCCI: Will  
16 the sponsor yield to questions?

17 SENATOR BALL: Sure.

18 SENATOR KRUEGER: Thank you.

19 In this bill it clarifies that it's  
20 expanding the offices that will be accepting  
21 voter registration with fishing and hunting  
22 licenses to private businesses. Could the  
23 sponsor please explain to me what these  
24 offices are and where they are and how many there  
25 are?

1                   ACTING PRESIDENT CARLUCCI:    Senator  
2 Ball.

3                   SENATOR BALL:     So I don't know the  
4 exact number, but DEC supplies forms to local  
5 businesses, you know, throughout the state.

6                   SENATOR KRUEGER:   Through you,  
7 Mr. President, if the sponsor would continue to  
8 yield.

9                   SENATOR BALL:     Sure.

10                  ACTING PRESIDENT CARLUCCI:   The  
11 sponsor yields.

12                  SENATOR KRUEGER:   Thank you.

13                  Would the sponsor confirm that this  
14 would include sporting good stores, gun and  
15 archery stores, fishing supply stores, bait and  
16 tackle shops?

17                  SENATOR BALL:     Yup.

18                  SENATOR KRUEGER:   If the sponsor  
19 would continue to yield.

20                  SENATOR BALL:     Sure.

21                  ACTING PRESIDENT CARLUCCI:   The  
22 sponsor yields.

23                  SENATOR KRUEGER:   And would this  
24 also include things like Walmart, Dick's Sporting  
25 Goods, other big box stores?



1                   SENATOR BALL:    If they have those  
2   DEC forms, sure.

3                   SENATOR KRUEGER:   Through you,  
4   Mr. President, if the sponsor would continue to  
5   allow me to ask inspiring questions.

6                   SENATOR BALL:    Sure.

7                   ACTING PRESIDENT CARLUCCI:   The  
8   sponsor yields.

9                   SENATOR KRUEGER:   Thank you.

10                   So I believe I already asked if we  
11   knew how many new locations this would expand  
12   accepting voter registration through DEC  
13   licensing. Would the sponsor be surprised if I  
14   told him it appears to be 1500 additional  
15   locations, mostly in private stores?

16                   ACTING PRESIDENT CARLUCCI:   And  
17   will the sponsor direct the answers to the chair.

18                   Continue.

19                   SENATOR KRUEGER:   I'm sorry, I  
20   didn't hear the answer.

21                   ACTING PRESIDENT CARLUCCI:   Will  
22   the sponsor direct the answers to the chair.

23                   SENATOR BALL:    Whether it be 1500  
24   new opportunities to register to vote or whether  
25   it be 2,000 or 3,000, it's allowing every

1 opportunity for citizens to register to vote and  
2 engage in civic discourse and their civic duty.  
3 These are all great opportunities. The more  
4 people that register to vote would be our goal.  
5 And I would hope it's yours.

6 SENATOR KRUEGER: Through you,  
7 Mr. President, if the sponsor would continue to  
8 yield.

9 ACTING PRESIDENT CARLUCCI: Does  
10 the sponsor yield?

11 SENATOR BALL: Sure.

12 ACTING PRESIDENT CARLUCCI: The  
13 sponsor yields.

14 SENATOR KRUEGER: Would the  
15 up-to-1500 potential stores have the right to say  
16 "No, we don't want to do this, we just want to do  
17 the hunting and fishing licenses, we don't want  
18 to get involved with handling voter  
19 registration"?

20 SENATOR BALL: So these forms that  
21 are provided, this would actually be part of that  
22 form. So, you know, it's up to the individual  
23 who wants the right to vote -- who has the right  
24 to vote to exercise that right to fill out that  
25 form.

1           I think you're making it a little  
2 more complicated than it is. Which isn't  
3 surprising.

4           ACTING PRESIDENT CARLUCCI: Will  
5 the sponsor please direct the answers to the  
6 chair.

7           SENATOR KRUEGER: Through you,  
8 Mr. President, just to clarify my question.

9           So right now I am a store and I have  
10 an arrangement with DEC that I'm assuming I  
11 voluntarily went into, as opposed to being  
12 mandated to accept the paperwork for hunting and  
13 fishing licenses. I believe that's the current  
14 law. If Senator Ball's bill were to become law,  
15 then those license documents would also include  
16 voter registration material.

17           So my question was, would these  
18 private stores have to agree to handle the voter  
19 registration documents as well as the hunting or  
20 fishing license?

21           SENATOR BALL: So the form right  
22 now, if you go and you're going to get a fishing  
23 or hunting license, what we're saying is that on  
24 that form you can check a box that you also want  
25 to register to vote. And it's that simple.

1                   SENATOR KRUEGER:    Through you,  
2   Mr. President.

3                   ACTING PRESIDENT CARLUCCI:   Does  
4   the sponsor continue to yield?

5                   SENATOR BALL:    I will.

6                   ACTING PRESIDENT CARLUCCI:   Senator  
7   Krueger.

8                   SENATOR KRUEGER:   Thank you.

9                   So if I understand correctly, the  
10   stores, having accepted taking hunting and  
11   fishing licenses, would have to now also agree to  
12   handle voter registration forms or get out of the  
13   business of handling any licenses. It would be  
14   all or nothing; is that correct?

15                  ACTING PRESIDENT CARLUCCI:   Senator  
16   Ball.

17                  SENATOR BALL:    That is not  
18   correct --

19                  ACTING PRESIDENT CARLUCCI:   Hold  
20   on. Can we get Senator Ball's mic on?

21                  SENATOR BALL:    -- shutting mine  
22   off.

23                  (Laughter.)

24                  SENATOR KRUEGER:   I certainly  
25   didn't.

1                   ACTING PRESIDENT CARLUCCI:    Senator  
2 Ball, if you continue, your mic is on.

3                   SENATOR BALL:    Okay.  No, that's  
4 not the purpose of the bill.  This is to simply  
5 allow on the form for fishing and hunting  
6 licenses for you to check off and say that you'd  
7 also like to register to vote.

8                   So this doesn't create an undue  
9 burden upon businesses in any way.  We're just  
10 allowing, at the time of registration, for a  
11 fishing or a hunting license or a combination  
12 thereof to also exercise your right as a citizen  
13 to register to vote.  It's that simple.

14                   This is not complicated.  And it's  
15 simply allowing people another opportunity to  
16 register to vote, which I think everybody can  
17 agree is a good thing and is not dissimilar to  
18 efforts instituted by President Bill Clinton in  
19 1993 as part of the National Voter Registration  
20 Act, the Motor Voter Act that we all know about.  
21 So pretty simple stuff.

22                   ACTING PRESIDENT CARLUCCI:    Senator  
23 Krueger.

24                   SENATOR KRUEGER:    Through you,  
25 Mr. President, I love helping people register to

1 vote. That's not the reason for my questions on  
2 this bill.

3 ACTING PRESIDENT CARLUCCI: Does  
4 the sponsor continue to yield?

5 SENATOR BALL: Yes.

6 SENATOR KRUEGER: Thank you.

7 ACTING PRESIDENT CARLUCCI: The  
8 sponsor yields.

9 SENATOR KRUEGER: So again, if this  
10 bill became law, if you were a private store that  
11 was handling the licenses for hunting and  
12 fishing, you must also handle the voter  
13 registration documents, as I read the bill.

14 The law existing says that you are  
15 supposed to help people with their voter  
16 registration if they have any questions or  
17 confusion. So under this bill, would we be  
18 requiring private stores to assist people with  
19 the filling out of their voter registration  
20 forms?

21 ACTING PRESIDENT CARLUCCI: Senator  
22 Ball.

23 SENATOR BALL: So all this does is  
24 right now these same businesses, entities, have  
25 these license forms. All this is doing is

1 changing that license form so you can also  
2 register to vote. That's what this does.

3 And I understand that it's suggested  
4 that we all support allowing for greater voter  
5 registration, and that's what this does. And I  
6 hope that there isn't a concern that hunters and  
7 fishermen and sportsmen would be registering to  
8 vote. I hope that that's not the basis of any  
9 concern here.

10 ACTING PRESIDENT CARLUCCI: Senator  
11 Krueger.

12 SENATOR KRUEGER: Through you,  
13 Mr. President, that's not my concern at all. I'm  
14 perfectly delighted to have sportsmen register --

15 ACTING PRESIDENT CARLUCCI: Does  
16 the sponsor continue to yield?

17 SENATOR KRUEGER: Well, I haven't  
18 gotten to the question yet. I'm sorry, I was  
19 just clarifying that no, I am not opposed to  
20 hunters or fishermen voting. I think everybody  
21 should register to vote.

22 My questions are more in the path of  
23 the new responsibilities being applied, perhaps  
24 for the first time in state law, to private  
25 entities to handle voter registration. And the

1 fact that we do have a precedent in law of things  
2 you must do if you're handling voter  
3 registration, including assist people in the  
4 process.

5 The next question, if the sponsor  
6 will yield.

7 ACTING PRESIDENT CARLUCCI: Will  
8 the sponsor yield?

9 SENATOR BALL: Yes.

10 ACTING PRESIDENT CARLUCCI: The  
11 sponsor yields.

12 Senator Krueger.

13 SENATOR KRUEGER: Thank you.

14 Will the store understand the  
15 responsibilities -- and how will we make sure  
16 they do -- to in a timely fashion move the voter  
17 registration applications to the correct  
18 location?

19 Because there's a time limit of how  
20 long you have to move a voter registration form  
21 to the Board of Election. Will that all be --  
22 it's not clear it's in the law. But will that  
23 all be laid out and ensure that private  
24 companies, perhaps up to 1500 sites, will  
25 understand there's new protocols that may require



1 training to make sure they meet the obligations  
2 under our Election Law to assist people with  
3 their voter registration and ensure the proper  
4 transfer of the papers in a timely manner to the  
5 Board of Election?

6 ACTING PRESIDENT CARLUCCI: Senator  
7 Ball.

8 SENATOR BALL: One of my greatest  
9 attributes, I believe, is that I'm not an  
10 attorney. And this conversation reminds me of  
11 why I didn't become an attorney.

12 This is very simple. These forms  
13 right now, these businesses right now allow men  
14 and women to register for a fishing or hunting  
15 license. We are going to change that application  
16 so you can also register to vote. Those forms  
17 then go to the DEC. And the DEC, according to  
18 Subdivision 7, states "The completed application  
19 forms received by the DEC are then transmitted by  
20 such department to the appropriate Board of  
21 Elections."

22 So it's the DEC, in coordination  
23 with the State Board of Elections. And then  
24 Subdivision 9 states: "The Board of Elections  
25 processes the application and sends appropriate

1 notice of approval or rejection."

2           So there seems to be a clear  
3 misunderstanding and trying to create a debate  
4 where there is no debate. The State Board of  
5 Elections will do their job. The DEC will  
6 process and do their job. And there will be  
7 forms at these entities, as there are now. The  
8 only difference is that the forms will also allow  
9 somebody the right to register to vote.

10           The very concept of trying to create  
11 the illusion that this somehow ensnares these  
12 entities into a role of the State Board of  
13 Elections is not only spurious, it's absolutely  
14 incorrect and, in my opinion, is being portrayed  
15 here today for no other reason than to throw an  
16 illusion and to thwart efforts to allow sportsmen  
17 the right to register to vote. And that's what's  
18 really happening today.

19           So unless there's a deeper question,  
20 I think it's time now to let this debate rest.  
21 Unless there's a deeper question there.

22           ACTING PRESIDENT CARLUCCI: Senator  
23 Krueger.

24           SENATOR KRUEGER: Through you,  
25 Mr. President, I don't think anything spurious is

1     happening. I didn't go to law school either, but  
2     I have figured out we're in the business of  
3     making laws, making sure people can follow the  
4     laws, and we need to understand the laws we pass.

5             Paragraph 8 of the Senator's bill  
6     affirms that "Disclosure of voter registration  
7     information by the DEC, its agent or employees  
8     for other than voter registration purposes shall  
9     be deemed an unwarranted invasion of personal  
10    privacy under the Public Officers Law."

11            Can the Public Officers Law apply to  
12    employees of private businesses in this manner?  
13    Because in fact in this bill we would be applying  
14    those requirements to private company employees.  
15    And there's a whole chain of command -- excuse  
16    me, chain of custody issue in privacy rights with  
17    voter registration.

18            So the Senator does seem to  
19    recognize that in paragraph 8 of his bill. But I  
20    just don't know whether it actually does apply to  
21    private businesses and private employees of  
22    private businesses, so I'm not sure our laws  
23    would jibe would each other.

24            Can the Senator answer that, please?

25            ACTING PRESIDENT CARLUCCI:     Does

1 the sponsor yield?

2 SENATOR BALL: Yes.

3 ACTING PRESIDENT CARLUCCI: The  
4 Senator yields.

5 SENATOR BALL: Subdivision 8  
6 specifically applies to employees and the DEC,  
7 and it prohibits the disclosure of voter  
8 registration information for any other purpose  
9 than voter registration by DEC or its employees.

10 ACTING PRESIDENT CARLUCCI: Senator  
11 Krueger.

12 SENATOR KRUEGER: Through you,  
13 Mr. President, if the sponsor will continue to  
14 yield.

15 ACTING PRESIDENT CARLUCCI: Does  
16 the sponsor yield?

17 SENATOR BALL: Sure.

18 ACTING PRESIDENT CARLUCCI: The  
19 sponsor yields.

20 SENATOR KRUEGER: Thank you.

21 Yes, I understand that part. But  
22 the Public Officers Law, I don't know if that  
23 applies to a Walmart clerk. But this law appears  
24 that it would require it of the Walmart clerk, so  
25 I'm trying to get a clarification. Have we

1     figured out whether the standards and laws that  
2     apply under the Public Officers Law would apply  
3     now, if this became law, to all employees who  
4     might be handling voter registration in any one  
5     of these 1500 stores?

6                   ACTING PRESIDENT CARLUCCI:     Senator  
7     Ball.

8                   SENATOR BALL:     Okay, so to say this  
9     once again on this point.   Subdivision 8  
10    specifically applies to the DEC or its employees.  
11    It prohibits the disclosure of voter registration  
12    information for any other purpose than voter  
13    registration by the DEC and its employees.

14                   Walmart is not listed in there,  
15    Dick's Sporting Goods is not listed in there, my  
16    uncle's Shot Shop in Dutchess County is not  
17    listed there.   It's the DEC or its employees.

18                   ACTING PRESIDENT CARLUCCI:     Senator  
19    Krueger.

20                   SENATOR KRUEGER:     Thank you,  
21    Mr. President.   If the sponsor would continue to  
22    yield.

23                   ACTING PRESIDENT CARLUCCI:     Does  
24    the sponsor yield?

25                   SENATOR BALL:     Yes.

1                   ACTING PRESIDENT CARLUCCI:    Yes,  
2   the sponsor yields.

3                   Senator Krueger.

4                   SENATOR KRUEGER:    So the sponsor  
5   and I have both agreed we are big supporters of  
6   expanded voter registration.  If I'm a customer  
7   at any of these stores but I don't wish a  
8   hunting/fishing license but I would like to  
9   register to vote, will his bill require they  
10   assist me to register to vote even if I'm not  
11   looking for the hunting or fishing license?

12                  ACTING PRESIDENT CARLUCCI:    Senator  
13   Ball.

14                  SENATOR BALL:    These separate  
15   questions you are reading and trying to create a  
16   problem where there is none.  This is a piece of  
17   legislation that will allow those individuals who  
18   are registering to get a fishing or hunting  
19   license or a combination to also register to  
20   vote.  That's specifically what it does.  It's  
21   simply what it does.  And it will simply allow  
22   more people the right to register to vote and to  
23   engage in the civic process.

24                  ACTING PRESIDENT CARLUCCI:    Senator  
25   Krueger.

1                   SENATOR KRUEGER:    Mr. President, if  
2     the sponsor would continue to yield.

3                   ACTING PRESIDENT CARLUCCI:   Does  
4     the sponsor yield?

5                   SENATOR KRUEGER:    So the sponsor  
6     has argued he wants to make sure that people who  
7     are registering for hunting and fishing licenses  
8     to be able to register to vote at the same time.  
9     I have told him I agree, everybody who's a hunter  
10    or fisherman should be encouraged and supported  
11    to register to vote.

12                   I don't understand why all the other  
13    clients of these 1500 stores shouldn't have equal  
14    rights to take advantage of the right to register  
15    to vote at these locations. Is the sponsor  
16    actually opposed to non-hunters-and-fishermen  
17    being able to register to vote?

18                   ACTING PRESIDENT CARLUCCI:   Senator  
19    Ball.

20                   SENATOR BALL:    So I guess by that  
21    suggestion we could say that the Motor Voter Act  
22    of 1993, that those people that did not have a  
23    driver's license or do not go to the Motor  
24    Vehicles, that in some way that we tried to  
25    infringe upon their rights.

1                   So that's not -- that's not the  
2                   intent in any way. And I can continue to repeat  
3                   myself, but I'm not going to. I think my  
4                   previous points stand.

5                   ACTING PRESIDENT CARLUCCI:    Senator  
6                   Krueger.

7                   SENATOR KRUEGER:    Through you,  
8                   Mr. President, I will speak on the bill because  
9                   my colleague doesn't wish to answer more  
10                  questions.

11                  ACTING PRESIDENT CARLUCCI:    Senator  
12                  Krueger on the bill.

13                  SENATOR KRUEGER:    Thank you.

14                  I want people to be able to register  
15                  to vote. I want them to get help where they  
16                  register to vote when they need it; it can be  
17                  confusing. I would like more access to voter  
18                  registration. I think that's a good thing for  
19                  every citizen of the state to be able to easily  
20                  register to vote.

21                  I am fundamentally concerned with  
22                  our mandating this activity onto private  
23                  businesses without requiring training or even  
24                  specific criteria of making sure they understand  
25                  what new legal obligations they would be taking



1 on upon themselves if they handled voter  
2 registration.

3 I in fact don't know, if we were to  
4 ask any of these 1500 stores if they want to be  
5 responsible for the voter registration of the  
6 citizens of New York, whether they would say  
7 "Yes, I want to do that."

8 I still don't have an answer that I  
9 understand to the question of if I'm a store that  
10 currently handles DEC licenses, can I say "No,  
11 thank you, I think it's a step too far to handle  
12 the voter registration"? So why would I actually  
13 have to give up my right to handle hunting and  
14 fish license because I don't want to take on the  
15 responsibility, under Public Officers Law, and  
16 the liability of handling voter registration?

17 I am concerned that an unintended  
18 consequence of this bill could be hundreds of  
19 stores saying "No, we're not in the voter  
20 registration business, I guess we just won't be  
21 able to do hunting and fishing licenses." I  
22 don't think that is the sponsor's intent, but I  
23 think that is open to debate as to whether that  
24 would happen.

25 I also feel fundamentally that if

1     you're going to agree to take on the  
2     responsibility of voter registration, you  
3     shouldn't be able to say no to someone because  
4     they don't wish a hunting and fishing license.

5                 Right now other places where voter  
6     registration forms are attached to other kinds of  
7     applications for other activities -- and it's  
8     absolutely true, there's lots of models like  
9     that. If you apply for social services, if you  
10    go to DMV, if you go online with DMV. But  
11    there's nothing that says unless you are going to  
12    also do this you can't voter register.

13                And so I'm very concerned that  
14    there's not a clarification that if I'm just the  
15    mom going to Walmart to buy my groceries, that I  
16    might not have the right to register to vote in  
17    this store, even though other people have the  
18    right because they choose to get a hunting/  
19    fishing license -- which has a cost, as I  
20    believe. They're not free.

21                So I am very concerned that we would  
22    be setting up a two-tiered model not discouraging  
23    hunting/fishing licenses from those people from  
24    voting -- excuse me, not trying to discourage  
25    people who hunt and fish from registering to

1 vote, but rather putting up a new wall preventing  
2 people who don't hunt and fish from being able to  
3 register to vote at the same locations as their  
4 neighbors.

5           So I have many concerns about this  
6 bill that have not been answered today. I don't  
7 think this is something we should be rushing  
8 through. I think we should be having discussions  
9 with the stores, in particular, because they're  
10 the ones being handed all this new  
11 responsibility, and I haven't heard from any of  
12 them they're rushing to take on this  
13 responsibility.

14           I know that DEC is in the process of  
15 computerizing many of their licenses, I believe  
16 including hunting/fishing. I don't know what the  
17 impact would be on that program if we were to  
18 open up paper registration in 1500  
19 nongovernmental facilities.

20           I'm actually not convinced that this  
21 bill wouldn't have the reverse outcome of what I  
22 believe the sponsor and I both want: more  
23 ability to register to vote in more locations in  
24 an easier, fair way throughout the state.

25           I urge my colleagues to vote no.

1 Thank you.

2 ACTING PRESIDENT CARLUCCI: Thank  
3 you, Senator Krueger.

4 Senator Gianaris.

5 SENATOR GIANARIS: Would the  
6 sponsor yield for a few questions, Mr. President?

7 ACTING PRESIDENT CARLUCCI: Does  
8 the sponsor yield?

9 SENATOR BALL: Yes. How are you?

10 ACTING PRESIDENT CARLUCCI: The  
11 sponsor yields.

12 Senator Gianaris.

13 SENATOR GIANARIS: Thank you,  
14 Mr. President.

15 I'm curious if the sponsor thinks  
16 that hunters and fishermen in particular have  
17 been disenfranchised in this state as a group, as  
18 opposed to other residents or the state.

19 ACTING PRESIDENT CARLUCCI: Senator  
20 Ball.

21 SENATOR BALL: So 1993, that  
22 ultraconservative Bill Clinton passed the Motor  
23 Voter Act allowing more people to engage in the  
24 process. This simply follows up on that. And we  
25 have 700,000 folks, sportsmen, fishing licenses,

1 hunting licenses, and we want to provide them the  
2 opportunity to also register to vote similar to  
3 what was done at the federal level in 1993 by  
4 President Clinton. So that's what we're doing  
5 here.

6 SENATOR GIANARIS: Would the  
7 sponsor continue to yield, Mr. President.

8 SENATOR BALL: Sure.

9 ACTING PRESIDENT CARLUCCI: Senator  
10 Gianaris.

11 SENATOR GIANARIS: I think there's  
12 a distinction between the Motor Voter Law, which  
13 applied to millions of people and dealt with  
14 people applying for driver's licenses, or even  
15 non-driver IDs, which covers millions and  
16 millions of people throughout this state, and  
17 what might be called a niche group in terms of  
18 hunters and fishermen -- that's not my term,  
19 that's Citizens Union's term. And I'm curious  
20 why the sponsor is focused on hunters and  
21 fishermen only among the many people that  
22 interact with state agencies that might benefit  
23 from the ability to register to vote.

24 ACTING PRESIDENT CARLUCCI: Senator  
25 Ball.

1                   SENATOR BALL:     So what I think  
2     should happen is some of the members that have  
3     concerns on the piece of legislation but suggest  
4     that they also support enhanced voter  
5     registration, they should join me, cosponsor the  
6     bill, and let's expand the categories in the  
7     future. I don't see any problem with having  
8     input into this to even expand the efforts.

9                   But this is a very specific piece of  
10    legislation. We have people that are currently  
11    filling out hunting and fishing licenses, and  
12    it's an easy way, a quick way to allow those same  
13    people the right to register to vote.

14                  ACTING PRESIDENT CARLUCCI:     Senator  
15    Gianaris.

16                  SENATOR GIANARIS:     Would the  
17    sponsor yield, Mr. President?

18                  ACTING PRESIDENT CARLUCCI:     The  
19    sponsor yields, Senator Gianaris.

20                  SENATOR GIANARIS:     I think the  
21    sponsor pointed out correctly this is a very  
22    specific piece of legislation and it applies to a  
23    very specific group of people. And I'll ask my  
24    original question again. Is it his position that  
25    the universe of people addressed in this

1     legislation is particularly disenfranchised, as  
2     opposed to people who don't fall within that  
3     category?

4                     SENATOR BALL:     I answered that  
5     question previously.

6                     ACTING PRESIDENT CARLUCCI:     Senator  
7     Gianaris.

8                     SENATOR GIANARIS:     Would the  
9     sponsor continue to yield?

10                    ACTING PRESIDENT CARLUCCI:     Does  
11     the sponsor yield?

12                    SENATOR BALL:     Sure.

13                    ACTING PRESIDENT CARLUCCI:     Senator  
14     Gianaris, the sponsor yields.

15                    SENATOR GIANARIS:     Does the sponsor  
16     agree with Citizens Union, which in their memo on  
17     this very bill said that "To ensure that laws are  
18     actually enacted removing barriers to voter  
19     registration, it will require that Democrats and  
20     Republicans put aside efforts to gain electoral  
21     advantage and instead agree to combine proposals  
22     or pass multiple bills that enable New Yorkers to  
23     more easily register regardless of which party  
24     they are more likely to vote for"?

25                    And I think the point Citizens Union

1 is trying to make is that arguably the intent of  
2 this legislation is to get people who are more  
3 likely to skew towards a certain political  
4 persuasion more ability to register to vote. And  
5 why would we not do something, such as a bill  
6 that I have proposed, which is open up all state  
7 agencies and all interactions with state agencies  
8 to the same benefit, as opposed to picking just  
9 one category of people?

10 ACTING PRESIDENT CARLUCCI: Senator  
11 Ball.

12 SENATOR BALL: And I applaud those  
13 efforts and wish you the best of luck with that  
14 piece of legislation, but that's not the piece of  
15 legislation before us today.

16 The one before us today is a simple  
17 piece of legislation, and sportsmen are not  
18 Democrat, Republican, independent, vegetarian,  
19 vegan. They're sportsmen. That there's no way  
20 to figure out how they're going to vote or what  
21 their inclination is, and that's not what this  
22 legislation is about.

23 This legislation says that out of  
24 the 700,000 people that have fishing licenses and  
25 hunting licenses, that we also offer them the



1 opportunity to register at the same time to vote.  
2 It does not put an undue burden on the  
3 businesses. The process is in place, and the  
4 coordination is between DEC and the State Board  
5 of Elections. And it's clear.

6 ACTING PRESIDENT CARLUCCI: Senator  
7 Gianaris.

8 SENATOR GIANARIS: On the bill,  
9 Mr. President.

10 ACTING PRESIDENT CARLUCCI: Senator  
11 Gianaris on the bill.

12 SENATOR GIANARIS: I think the  
13 sponsor's last point was well-taken. There are  
14 in fact people who are hunters and fishermen who  
15 fall under any political persuasion.

16 And in fact when we dealt with an  
17 important piece of legislation last year that  
18 regulated firearms, we did have bipartisan  
19 support. And I want to thank Senator Skelos and  
20 the Republicans for allowing us to vote on the  
21 SAFE Act last year, because it was in fact an  
22 important accomplishment for our state.

23 But nonetheless, I agree with  
24 Citizens Union's point, which is if we're going  
25 to open up pathways to voter registration, which

1 I wholeheartedly support and have for my entire  
2 career, it's important that we do so in a uniform  
3 fashion so that not only people who are  
4 interacting with one particular agency get this  
5 benefit, but people that interact with all the  
6 state agencies get this benefit, whether they're  
7 seeking a hunting license or housing assistance  
8 or social services or any of a variety of  
9 opportunities that the state provides.

10 And so for that reason, I will vote  
11 no on this legislation, as I have in the past,  
12 but will continue working with the sponsor to  
13 broaden the approach.

14 ACTING PRESIDENT CARLUCCI: Senator  
15 Ball.

16 SENATOR BALL: So would -- is it  
17 true at this point in time that those  
18 registering --

19 SENATOR GIANARIS: Mr. President,  
20 point of order.

21 ACTING PRESIDENT CARLUCCI: Point  
22 of order, Senator Gianaris.

23 SENATOR GIANARIS: Is Senator Ball  
24 speaking on the bill? Or I don't know what  
25 status he has right now.

1                   SENATOR BALL:    Do you yield for a  
2 question?

3                   ACTING PRESIDENT CARLUCCI:   Does  
4 Senator Gianaris yield for a question?

5                   SENATOR GIANARIS:   Yes,  
6 Mr. President.

7                   ACTING PRESIDENT CARLUCCI:   He  
8 yields.

9                   Senator Ball.

10                  SENATOR BALL:    I promise this won't  
11 be as heated as Sean Hannity's show.

12                  (Laughter.)

13                  SENATOR BALL:    So is it true that  
14 right now those registering for social services  
15 are offered the opportunity to register to vote?

16                  SENATOR GIANARIS:   I'm sorry, I  
17 couldn't hear the question.

18                  ACTING PRESIDENT CARLUCCI:   Senator  
19 Ball, will you please repeat the question.

20                  SENATOR BALL:    Those folks who are  
21 registering for social services, are they  
22 afforded the opportunity to register to vote?

23                  ACTING PRESIDENT CARLUCCI:   Senator  
24 Gianaris.

25                  SENATOR GIANARIS:   Mr. President, I

1 believe in certain instances they are, yes.

2 SENATOR BALL: And does the speaker  
3 support those efforts?

4 ACTING PRESIDENT CARLUCCI: Senator  
5 Gianaris, do you continue to yield?

6 SENATOR GIANARIS: Yes, I do.

7 ACTING PRESIDENT CARLUCCI: Senator  
8 Ball.

9 SENATOR BALL: Does the Senator  
10 support those efforts?

11 ACTING PRESIDENT CARLUCCI: Senator  
12 Gianaris.

13 SENATOR GIANARIS: Mr. President,  
14 my point of view is that anyone that interacts  
15 with a state agency should have the opportunity  
16 to register to vote, whether it's opportunities  
17 that are already afforded or opportunities that  
18 we're proposing.

19 And I don't think -- let me answer  
20 the question, please, Senator Ball. I believe  
21 that we shouldn't try and balance the playing  
22 field or level things out by picking one -- what  
23 is called by Citizens Union a niche group, as  
24 opposed to another that might be viewed by others  
25 as another niche group.

1           Let's just open it to everyone at  
2   every state agency and make sure that all people  
3   in this state -- upstate, downstate, suburban,  
4   Republican, Democrat and everything in between --  
5   has the same opportunity to register to vote,  
6   which is what the goal should be.

7           SENATOR BALL:   Well, if --

8           ACTING PRESIDENT CARLUCCI:   And  
9   I'd just ask the Senators to address all their  
10   questions and comments to the chair.

11          Senator Ball.

12          SENATOR BALL:   Will the speaker  
13   continue to yield.

14          ACTING PRESIDENT CARLUCCI:   Does  
15   the speaker yield?

16          SENATOR GIANARIS:   Yes, sir.

17          ACTING PRESIDENT CARLUCCI:   Senator  
18   Ball.

19          SENATOR BALL:   So to the extent  
20   that you support everybody interacting with a  
21   state agency to register to vote, I just have one  
22   final question.  Is the DEC a state agency?

23          ACTING PRESIDENT CARLUCCI:   Senator  
24   Gianaris.

25          SENATOR GIANARIS:   I would think

1 the sponsor would know the answer to that, since  
2 he's a state legislator. But yes, the DEC is a  
3 state agency.

4 And if I can continue speaking on  
5 the bill.

6 ACTING PRESIDENT CARLUCCI: Senator  
7 Gianaris on the bill.

8 SENATOR GIANARIS: I think what's  
9 clear is that DEC is one state agency, one of  
10 dozens of state agencies. And why would we  
11 single out a particular one in which to incur  
12 this benefit, as opposed to broadening it to  
13 apply to all state agencies with which people  
14 interact?

15 And for the reasons I indicated,  
16 I'll be voting no at this time, even though I do  
17 support the goal of greater voter registration.

18 ACTING PRESIDENT CARLUCCI: Thank  
19 you, Senator Gianaris.

20 Senator Sanders.

21 SENATOR SANDERS: On the bill.

22 ACTING PRESIDENT CARLUCCI: Senator  
23 Sanders on the bill.

24 SENATOR SANDERS: I'm going to take  
25 up my colleague's offer later to work with him on

1 it. I do have some concerns on the bill itself.  
2 It strikes me as an unfunded mandate on business  
3 that we should really watch doing.

4 And I personally favor registration  
5 upon demand. I favor same-day registration  
6 where, if a person comes and if they're an  
7 American citizen 364 days out of the year, on the  
8 365th day they should be able to register and  
9 vote.

10 So I think that I like the direction  
11 that the sponsor is going. I think that we need  
12 to go even further. So I have every intention of  
13 working with him, and perhaps we can figure a way  
14 that we can write it in a way that it is not an  
15 unfunded mandate on business.

16 Thank you very much.

17 ACTING PRESIDENT CARLUCCI: Thank  
18 you, Senator Sanders.

19 Senator Squadron.

20 SENATOR SQUADRON: Thank you. If  
21 the sponsor would yield.

22 ACTING PRESIDENT CARLUCCI: Does  
23 the sponsor yield?

24 SENATOR BALL: Yes.

25 ACTING PRESIDENT CARLUCCI: The

1 sponsor yields.

2 Senator Squadron.

3 SENATOR SQUADRON: Thank you very  
4 much.

5 And I want to thank my colleagues  
6 for the debate here. This is -- I've really got  
7 to tell you, my initial instinct was exactly what  
8 I think many of ours are, which are let's expand  
9 the ability to register to vote and participate  
10 in the process. And thank goodness finally on  
11 the Senate floor we have that opportunity after  
12 so many bills that do that have not made it here  
13 and not allowed this kind of conversation.

14 This is a little bit of a strange  
15 one, though, and the debate has shown that, what  
16 I've heard of the debate. As an inveterate  
17 mumblor, I also appreciate the extent to which  
18 this debate has been followed up through mumbles.  
19 And so forgive me if the sponsor has answered any  
20 of these questions before.

21 But I just want to really fully  
22 understand, because I think the sponsor may have  
23 said something that is different than my  
24 understanding of the bill when I supported it in  
25 the past.



1           The sponsor's view is that you  
2   should not be allowed to register to vote at a  
3   DEC-approved hunting/fishing license location  
4   unless you are also getting a license?

5           ACTING PRESIDENT CARLUCCI:   Senator  
6   Ball.

7           SENATOR BALL:   Well, I think back  
8   to the misconception by -- back to some of the  
9   previous misconceptions, this does not turn the  
10   business in any way into an extended arm of the  
11   State Board of Elections.   The DEC will  
12   coordinate specifically with the State Board of  
13   Elections, and they will both contemporaneously  
14   do their duties.

15           So all we're saying is right now if  
16   you apply for a fishing license, you apply for a  
17   hunting license or a combination, that on that  
18   form you will also have the opportunity to  
19   register to vote.

20           SENATOR SQUADRON:   If the sponsor  
21   will yield.

22           SENATOR BALL:   Sure.

23           ACTING PRESIDENT CARLUCCI:   The  
24   sponsor yields.

25           Senator Squadron.

1                   SENATOR SQUADRON:   And I know  
2   there's a prohibition on using props on the  
3   Senate floor, so I will not take out of my wallet  
4   my fishing license. But I do have one in my  
5   wallet because on my birthday I took my son to go  
6   fishing for the first time, in Brooklyn. Went  
7   down to Sheepshead Bay and got a little fishing  
8   rod and had a fishing license. I got a fishing  
9   license; my wife did not. And we are both  
10  registered to vote, I know you'll be pleased to  
11  hear.

12                   But under this bill, if neither of  
13  us were registered to vote, if we were new  
14  citizens who had come to this country and just  
15  gotten our citizenship, taking our son to fish  
16  for the first time in the neighborhood -- we  
17  caught nothing, as I'm sure you can imagine -- I  
18  would be a registered voter at this point but my  
19  wife wouldn't have had the same opportunity to  
20  register to vote at that point that I got the  
21  fishing license.

22                   ACTING PRESIDENT CARLUCCI:   Senator  
23  Ball.

24                   SENATOR BALL:   There are probably a  
25  myriad of different examples searching for a

1 problem that doesn't exist. If you get a fishing  
2 license or a hunting license, under this  
3 legislation you will also be afforded the  
4 opportunity to register to vote. As we know,  
5 there are many other ways that -- most people  
6 probably in this chamber registered to vote and  
7 didn't do so through a hunting and fishing  
8 license. So there are many other ways.

9 In fact, just in the floor debate we  
10 just heard that those that are registering for  
11 social services are not only afforded the  
12 opportunity but guided to register to vote.  
13 That's a different state agency.

14 This is the DEC. It will expand  
15 upon previous work, including the 1993  
16 legislation and previous work in other chambers.  
17 That's all it does. It continues to allow those  
18 who want the right to vote to register and vote,  
19 as other agencies do in this great state. That's  
20 it.

21 SENATOR SQUADRON: If the sponsor  
22 would continue to yield.

23 ACTING PRESIDENT CARLUCCI: Does  
24 the sponsor yield?

25 SENATOR BALL: Yes.

1                   ACTING PRESIDENT CARLUCCI:    Senator  
2   Squadron.

3                   SENATOR SQUADRON:    And I'm glad you  
4   brought up the ability to register when you apply  
5   for certain social services.  Was that model the  
6   one that was used in drafting this bill?  In that  
7   case, as in this bill, is there a -- is it on the  
8   same form?  Is there the prohibition, as there is  
9   on this bill, in repeating information?  Is that  
10  how it works when you apply for social services?  
11  Is that how this bill was formulated?

12                  ACTING PRESIDENT CARLUCCI:    Senator  
13  Ball.

14                  SENATOR BALL:    This is based on the  
15  DMV model.

16                  ACTING PRESIDENT CARLUCCI:    Senator  
17  Squadron.

18                  SENATOR SQUADRON:    Just a  
19  clarification of the question I asked.  So if the  
20  sponsor would continue to yield to clarify.

21                  SENATOR BALL:    Sure.

22                  ACTING PRESIDENT CARLUCCI:    The  
23  sponsor yields.

24                  Senator Squadron.

25                  SENATOR SQUADRON:    This model is

1 not based on the model of what happens when you  
2 apply for social services.

3 ACTING PRESIDENT CARLUCCI: I'll  
4 just remind the Senators to address all their  
5 comments through the chair.

6 SENATOR SQUADRON: Through you,  
7 Mr. President. Forgive me.

8 This is not based on the model of  
9 what happens when you apply for social services,  
10 just to clarify?

11 ACTING PRESIDENT CARLUCCI: Senator  
12 Ball.

13 SENATOR BALL: That fact came out  
14 in this debate. This is very specific  
15 legislation, so . . .

16 SENATOR SQUADRON: If the sponsor  
17 would continue to yield.

18 SENATOR BALL: Yeah.

19 ACTING PRESIDENT CARLUCCI: The  
20 sponsor yields.

21 Senator Squadron.

22 SENATOR SQUADRON: We do have a  
23 certain way in which you are offered a voter  
24 registration form, I believe, when you apply for  
25 social services that exists in the state. Why

1 not match this with the way that we ask people  
2 applying for social services to register? And  
3 why not align those two things so that they're  
4 identical?

5 ACTING PRESIDENT CARLUCCI: Senator  
6 Ball.

7 SENATOR BALL: You know, if you  
8 look at the sections where it talks about the DEC  
9 and the State Board of Elections, they will  
10 still, within their confines and within their  
11 regulations, do their job. And this will be  
12 executed to the same level of excellency of any  
13 other program, so . . .

14 ACTING PRESIDENT CARLUCCI: Senator  
15 Squadron.

16 SENATOR SQUADRON: If the sponsor  
17 would continue to yield. Again, to clarify,  
18 because --

19 SENATOR BALL: Sure.

20 ACTING PRESIDENT CARLUCCI: The  
21 sponsor yields.

22 SENATOR SQUADRON: I know there's a  
23 relationship with the DMV that is the affirmative  
24 relationship that was being considered here,  
25 President Clinton's Motor Voter.

1                   We've also had some talk, and in  
2 fact the sponsor raised before I did the issue of  
3 applying to register to vote when you apply for  
4 social services. And I'm really curious here  
5 whether we should align this registration with  
6 that registration that already exists that's one  
7 of the sponsor's examples of why this is  
8 important.

9                   ACTING PRESIDENT CARLUCCI:    Senator  
10 Ball.

11                  SENATOR BALL:    I just feel you're  
12 trying to draw a connection. So if you want to  
13 just state your point, flesh it out, and if you  
14 want my opinion on that.

15                  But you're searching for a windmill  
16 in these conversations. There really isn't a  
17 debate to be had here. I mean, this is simply  
18 allowing for greater voter registration.

19                  It's not an unfunded mandate in any  
20 way. These businesses are already doing this.  
21 They're going to work with the DEC, the DEC is  
22 going to work with the State Board of Elections.  
23 And this will allow people the opportunity to  
24 exercise their right to vote.

25                  If the fact is that some in this

1 chamber do not want to allow hunters, fishermen  
2 and sportsmen in this state to have greater  
3 access and to have the right to vote, just be  
4 honest about that, state that on the floor, vote  
5 no on the bill and collect a check.

6 But to try to create a false debate  
7 and to try to create a thousand different  
8 windmills of problems to hide the fact that maybe  
9 at the end of the day you just don't want  
10 sportsmen to have the right to register to vote  
11 when they get their hunting and fishing license,  
12 just be honest about it. No need to be  
13 disingenuous and just spend 45 minutes creating  
14 false illusions.

15 ACTING PRESIDENT CARLUCCI: Senator  
16 Squadron.

17 SENATOR SQUADRON: Well, I don't  
18 think I was asked to yield to a question there,  
19 but there seemed to be a question about my  
20 motives contained, so I will yield to the  
21 question and respond to it.

22 ACTING PRESIDENT CARLUCCI: Senator  
23 Squadron on the bill.

24 SENATOR SQUADRON: Thank you.

25 I think it's pretty clear to the



1 sponsor, or it should be, what we're trying to do  
2 here. I actually am really concerned about  
3 opening up access to register to vote. This is  
4 the first bill that I recall that I've seen that  
5 actually does that on the floor of this house,  
6 though there are dozens, literally, that would  
7 open up access to register to vote in a whole lot  
8 of ways.

9               As I mentioned to the sponsor, I am  
10 certainly not a serious fisherman by any stretch  
11 of the imagination, but I do hold a fishing  
12 license. And I do hold my right to vote and my  
13 voter registration dear, simultaneously.

14              And it's strange that the sponsor,  
15 rather than answer a simple question about the  
16 mechanics of this bill, instead chooses to go on  
17 the offensive, build up a straw man and not  
18 explain why it is that we would create an  
19 entirely new registration form in this context  
20 when we haven't done it in the social services  
21 context.

22              The truth is I've supported this  
23 bill in the past because I want to open up  
24 registration to vote in every way we possibly  
25 can.

1                   Here are the problems with this  
2 bill, as it turns out, thanks to -- as has come  
3 out during this debate. The first is you cannot  
4 register to vote if you are not paying to apply  
5 for a license.

6                   That is completely different than  
7 what happens when you apply for social services.  
8 You have a tear-off, you can apply to register to  
9 vote even if you don't apply for the social  
10 services. That's about what happens when you go  
11 to the DMV. If you go to the DMV and you don't  
12 want to get a driver's license or you don't want  
13 to get a nondriver ID, you can register to vote  
14 at the DMV without paying the state money.

15                  This would be, as far as I know --  
16 I'm sure the sponsor would jump up if he knew of  
17 a different example -- this is the first example  
18 I know of where you had to purchase the product  
19 in order to register to vote. That's problem  
20 one. In the case of my wife, she wouldn't be  
21 able to register.

22                  The second is we're creating an  
23 entirely new registration form here. Which is an  
24 interesting concept, but which I worry about  
25 doing it for one agency only, as opposed to for

1 all of the state agencies where you can register  
2 to vote. Because if this is the way that we can  
3 really ensure people interacting with state  
4 agencies are more likely to register, we should  
5 do it beyond this one.

6 And forgive me for being skeptical  
7 of the fact that we're going to see another bill  
8 on this floor that makes it more easy to vote  
9 when over the last three years or so they have  
10 been few and far between.

11 So there's a real concern here that  
12 this bill is doing what it says it's doing --  
13 which I do support -- and what the sponsor claims  
14 is the goal here, which is to make it easier for  
15 more people to register to vote when they  
16 interact with state agencies, whether they're  
17 getting hunting licenses, fishing licenses, food  
18 stamps, public assistance or a driver's license.  
19 Or become citizens. At any one of those points,  
20 we want people to register to vote.

21 I want to be clear, I want every one  
22 of those folks to register. I wish we had a  
23 hundred percent registration among all of those  
24 groups and many others. I wish we had a hundred  
25 percent participation in actually voting. The

1 fact that we don't has been one of the major  
2 issues that I've taken on in my time in the  
3 Legislature.

4           This bill is designed to tighten it  
5 and make it more difficult, not make it easier,  
6 despite its stated aims. And I've in fact been  
7 convinced of that despite the fact that -- and I  
8 want to say very clear I support the mission.  
9 Get people -- make it more easy to register to  
10 vote when you get your hunting license. Make it  
11 more easy to register to vote when you get your  
12 food stamps. Make it more easy to register to  
13 vote when my son and I go for a little fishing  
14 license so that we can go fish off the pier in  
15 Bay Ridge.

16           I support every one of those things.  
17 I don't think this bill does that, as it turns  
18 out. I would be happy to work with the sponsor  
19 on a bill that did all of those things.

20           Thank you, Mr. President.

21           ACTING PRESIDENT CARLUCCI: Thank  
22 you, Senator Squadron.

23           Senator Stavisky.

24           SENATOR STAVISKY: Thank you,  
25 Mr. President. Will the sponsor yield for a

1 couple of questions?

2 ACTING PRESIDENT CARLUCCI: The  
3 sponsor yields.

4 Senator Stavisky.

5 SENATOR STAVISKY: Mr. President,  
6 through you. If a student turns 18 and is about  
7 to graduate from high school, would you extend  
8 your legislation to include, as a state agency,  
9 the State Education Department, requiring them to  
10 provide every student graduating from a high  
11 school, public or private, in New York State with  
12 a voter registration form?

13 SENATOR BALL: So the legislation  
14 before us is specific to hunting and fishing  
15 licenses. And that's a hypothetical question.

16 But I'm happy offline to meet and to  
17 talk about any future legislation that you intend  
18 to introduce or want to partner on.

19 But today we have a piece of  
20 legislation that would allow those applying for  
21 hunting and fishing licenses to register to vote,  
22 so -- and I hope to have your support.

23 ACTING PRESIDENT CARLUCCI: Senator  
24 Stavisky.

25 SENATOR STAVISKY: Let me rephrase

1 the question, if the sponsor would continue to  
2 yield.

3 ACTING PRESIDENT CARLUCCI: Does  
4 the sponsor continue to yield?

5 SENATOR BALL: Yes.

6 SENATOR STAVISKY: Then the only  
7 way an 18-year-old graduating can receive a voter  
8 registration form is if they get a hunting and  
9 fishing license? You would not extend it to the  
10 State Education Department under -- in the  
11 purview of this bill?

12 SENATOR BALL: This legislation is  
13 not restrictive. This legislation expands upon  
14 current efforts to have greater voter  
15 registration. To the extent that you want to see  
16 it expanded even to more state agencies or  
17 beyond, then that should be a legislative effort  
18 that you take part in.

19 But this legislation, we've already  
20 gone through some of the agencies, including  
21 Social Services, that currently facilitate voter  
22 registration. This simply allows a checkoff on a  
23 document to register to vote.

24 SENATOR STAVISKY: If the sponsor  
25 would --

1                   ACTING PRESIDENT CARLUCCI:    Senator  
2   Stavisky.

3                   SENATOR STAVISKY:    -- continue to  
4   yield.

5                   SENATOR BALL:    Sure.

6                   ACTING PRESIDENT CARLUCCI:    The  
7   sponsor yields.

8                   Senator Stavisky.

9                   SENATOR STAVISKY:    Wouldn't you  
10   agree that one of the largest groups, one of the  
11   largest cohorts of unregistered voters are people  
12   from the age of 18 to 21?

13                  ACTING PRESIDENT CARLUCCI:    Senator  
14   Ball.

15                  SENATOR BALL:    I certainly don't  
16   have the numbers before me. But we have to do  
17   everything we possibly can to engage all elements  
18   of the populace, including the youngest, to  
19   register to vote and engage in the democracy that  
20   some of my friends are fighting and dying for  
21   right now.

22                  And to the extent that we do that,  
23   those efforts are well-suited and well-placed.  
24   And this is just one example, not dissimilar to  
25   what has happened in other states that would

1 allow those that are applying for these licenses  
2 the right to register to vote.

3 ACTING PRESIDENT CARLUCCI: Senator  
4 Stavisky.

5 SENATOR STAVISKY: On a different  
6 front --

7 ACTING PRESIDENT CARLUCCI: Senator  
8 Stavisky on the bill?

9 SENATOR STAVISKY: All right, on  
10 the bill.

11 On the bill, it seems to me that one  
12 of our missions must be to encourage people to  
13 register to vote. And there are so many areas  
14 where to me the fertile field is not necessarily  
15 in the hunting and fishing license area, but in  
16 areas such as students graduating from high  
17 school, certainly from college. We ought to  
18 encourage SUNY and CUNY to provide voter  
19 registration applications. I believe they do for  
20 those students who are enrolled and not  
21 registered to vote.

22 But there are so many other areas at  
23 the county level. I know that the Senator is  
24 interested in animal rights. And when an  
25 individual registers a dog or a cat with the



1 county to obtain a license for that animal, they  
2 too should be given the opportunity to register  
3 to vote if they are not already doing so.

4 So I am going to vote no, very  
5 reluctantly vote no on this bill because of  
6 everything that has been expressed earlier. But  
7 at the same time, we've got to do our best to  
8 encourage people to register to vote. So  
9 unfortunately, I will vote no.

10 Thank you.

11 ACTING PRESIDENT CARLUCCI: Thank  
12 you, Senator Stavisky.

13 Senator Hoylman.

14 SENATOR HOYLMAN: Thank you,  
15 Mr. President. On the bill.

16 My concern, Mr. President, is that  
17 this bill will be seen by the public as really a  
18 cynical attempt at good government when in fact  
19 it's partisan politics. We know, Mr. President,  
20 that this bill, from the sponsor's questions --  
21 and I want to thank him for that discussion that  
22 he's had with my colleagues -- this bill is  
23 directed toward gun owners, pure and simple. And  
24 gun owners of course represent a certain politic,  
25 partisanship, in our state, and this bill is

1 tailored toward their needs.

2 My concern is that in fact we should  
3 be looking at the universality of voting. We  
4 should be looking at issues like same-day voter  
5 registration, vote by mail, early voting,  
6 no-fault absentee voting.

7 But in fact this bill is creating an  
8 "us" and "them." In fact, it was described as  
9 people who received social services had the  
10 opportunity to vote, why not people who own guns.  
11 And they do, they just shouldn't have a special  
12 privilege when they apply for a license. You  
13 might as well call this, Mr. President, the NRA  
14 Voter Assistance Act, because I believe it is  
15 targeted, it is tailored toward a certain  
16 electorate. And it has the danger of imbuing the  
17 public with the cynicism that I think so many of  
18 us fight within our districts and here in this  
19 chamber.

20 So I'll be voting no, Mr. President.

21 ACTING PRESIDENT CARLUCCI: Thank  
22 you, Senator Hoylman.

23 Senator Rivera.

24 SENATOR RIVERA: Thank you,  
25 Mr. President. Through you, if the sponsor would

1 yield for a few questions.

2 ACTING PRESIDENT CARLUCCI: Does  
3 the sponsor yield?

4 SENATOR BALL: Sure.

5 ACTING PRESIDENT CARLUCCI: The  
6 sponsor yields.

7 Senator Rivera.

8 SENATOR RIVERA: Thank you,  
9 Mr. President. Through you.

10 I am not an attorney either. But  
11 there are a couple of tenderness that have been  
12 thrown around that I think would be important to  
13 clarify. One of them is "chain of custody."

14 So through you, Mr. President, I  
15 wanted to know if, in putting together this bill,  
16 whether the idea of chain of custody of that  
17 particular bit of information -- or I shouldn't  
18 say particular bit of information, but the voter  
19 registration information itself, whether there  
20 was some thought given as to the process that  
21 would happen with the chain of custody of that  
22 particular information from the moment that the  
23 individual signs up for voter registration and it  
24 getting to the Board of Elections.

25 ACTING PRESIDENT CARLUCCI: Senator

1 Ball.

2 SENATOR BALL: So it's the same  
3 process as now in returning the form. The form  
4 will be sent to the DEC, and then the DEC will  
5 send that form to the State Board of Elections  
6 that will adhere to all the same standards and  
7 practices that they do currently. And not  
8 dissimilar to the return of forms every day that  
9 happens in this state probably thousands and  
10 thousands of times.

11 ACTING PRESIDENT CARLUCCI: Senator  
12 Rivera.

13 SENATOR RIVERA: Through you,  
14 Mr. President, if the sponsor would continue to  
15 yield.

16 ACTING PRESIDENT CARLUCCI: The  
17 sponsor yields.

18 Senator Rivera.

19 SENATOR RIVERA: Thank you,  
20 Mr. President. I actually want to drill down a  
21 little bit further.

22 Because under normal  
23 circumstances -- again, through you,  
24 Mr. President -- I would say, for example, when  
25 we're talking about the DMV, we're certainly

1 talking about a government employee, so a state  
2 employee in the case of New York State DMV, who  
3 not only would be trained in the managing of this  
4 information, but it would be probably just one  
5 individual. Or, if there's various individuals,  
6 they would be trained in making sure that they  
7 protect this information.

8 Through you, Mr. President, in the  
9 case of a hypothetical -- as Senator Ball stated  
10 earlier about Dick's Sporting Goods or Walmart,  
11 is there a sense of how many individuals would be  
12 handling this information and whether they --  
13 let's answer that question first because I have  
14 another follow-up, Mr. President. But for now,  
15 does the sponsor have any idea how many folks  
16 would be responsible for this information?

17 ACTING PRESIDENT CARLUCCI: Senator  
18 Ball.

19 SENATOR BALL: The same employees  
20 that work with the state every day to handle the  
21 hunting and fishing licenses and are qualified to  
22 do so would be handling these forms. And  
23 Subdivision 9 states: "The Board of Elections  
24 will process the application and send appropriate  
25 notice of approval or rejection." It's not

1 dissimilar in any way to what happens currently.

2 I mean, say that you have voter  
3 registration forms in a guidance office at a  
4 local school or you have voter registration  
5 forms -- I've seen them at many different places,  
6 including businesses. And those forms are filled  
7 out and sent to a state agency. This process,  
8 these forms that are now being administered are  
9 sent to the DEC. They will continue to be sent  
10 to the DEC. And the DEC will then send those  
11 forms to the State Board of Elections.

12 You know, these initial  
13 applications -- today, yesterday, months ago --  
14 voter information forms are filled out in any  
15 number of places currently. That's not going to  
16 change. What this will allow is when somebody  
17 applies for that hunting and fishing license,  
18 they'll also be able to register to vote, and  
19 then those forms will be appropriately sent to  
20 the DEC, who will forward them to the State Board  
21 of Elections. It's a streamlined process, and  
22 there's not an issue with it.

23 SENATOR RIVERA: Through you,  
24 Mr. President, if the sponsor would continue to  
25 yield.

1                   ACTING PRESIDENT CARLUCCI:   Does  
2 the sponsor yield?

3                   SENATOR BALL:    Yes.

4                   ACTING PRESIDENT CARLUCCI:   Senator  
5 Rivera.

6                   SENATOR RIVERA:   Thank you,  
7 Mr. President.

8                   I certainly don't disagree with the  
9 sponsor's idea that once it has been sent to the  
10 Department of Environmental Conservation and then  
11 to be handled by the Board of Elections, I don't  
12 doubt that there will be a streamlined process,  
13 as he describes it. There are thousands of  
14 people that do it probably across our state every  
15 day. If you go to a post office and pick up a  
16 registration card, as an individual you'd pick it  
17 up and fill it out.

18                   But see, this is where the question  
19 really -- we want to dig deeper, through you,  
20 Mr. President. In the case of an individual  
21 going into a post office, grabbing a voter  
22 registration card and filling it out, it is him  
23 or her that seals it, puts it in the mail, and  
24 then it is out of their hands.

25                   In the case of, say, John Smith

1 going to a Walmart in Putnam County and saying "I  
2 want to register for a fishing license," and then  
3 if the form is contemporaneous -- so if you have  
4 the fishing license on the top portion and the  
5 voting part on the bottom portion, as I believe  
6 part of the bill would be that that's the way it  
7 would be organized, then before the DEC gets  
8 that, there would be an employee who is a private  
9 employee, not a government employee, but a  
10 private employee who is a Walmart employee, for  
11 example, in this hypothetical, who would be  
12 responsible for receiving that information and  
13 then responsible for processing that information  
14 before it gets to the Department of Environmental  
15 Conservation.

16 So my question, through you,  
17 Mr. President, to the sponsor is have we thought  
18 about before it gets to the DEC, of the  
19 individuals that might be handling it before and  
20 the issues of chains of custody or chain of  
21 custody at that level?

22 ACTING PRESIDENT CARLUCCI: Senator  
23 Ball.

24 SENATOR BALL: So right now these  
25 forms are being filled out and sent into the DEC.



1 Anything that's done illegally, whether it be a  
2 year ago, today, or a year from now, if this  
3 legislation were to pass --

4 SENATOR RIVERA: Mr. President, I  
5 can't hear the sponsor, I apologize.

6 SENATOR BALL: So it would be dealt  
7 with the same way it is now. And right now these  
8 forms are being sent to the DEC. And the changes  
9 that the DEC -- which will be, according to this  
10 legislation, instructed and trained and informed,  
11 thank you, by the State Board of Elections, they  
12 will then send those forms over to the State  
13 Board of Elections.

14 SENATOR RIVERA: Through you,  
15 Mr. President, if the sponsor will continue to  
16 yield.

17 ACTING PRESIDENT CARLUCCI: Does  
18 the sponsor yield?

19 SENATOR BALL: Yes.

20 ACTING PRESIDENT CARLUCCI: Senator  
21 Rivera.

22 SENATOR RIVERA: Mr. President, I  
23 still find myself -- first of all, I'm finding it  
24 difficult to hear myself, that's one thing. As  
25 Senator Libous says --

1                   ACTING PRESIDENT CARLUCCI:    Can we  
2   have some order in the chamber, just keep  
3   conversations to a minimum.  Thank you.

4                   Senator Rivera.

5                   SENATOR RIVERA:    I find myself,  
6   Mr. President, quoting Senator Libous, who  
7   sometimes can't hear himself.  Now I couldn't  
8   hear myself.

9                   But I continue to be confused,  
10   because if we're talking -- we have no  
11   disagreement that once it gets to the DEC, it  
12   will be processed in the same way that these are  
13   processed now.  But if we're talking about the  
14   process by which John Smith, walking into a  
15   Walmart and signing up for a fishing license,  
16   that individual who we're talking to, let's say  
17   it's Jane Smith -- not his sister or his cousin,  
18   but another Smith -- Jane Smith is actually  
19   taking the thing in hand, and they're responsible  
20   for it at that level to a different level of  
21   responsibility, it seems to me, than just a  
22   fishing license.

23                   We're talking about other types of  
24   sensitive information that would be on there.  
25   And that individual, who is an employee of a

1 private business, has not been trained in any way  
2 to handle that information, does not know how --  
3 now they're responsible for doing that, for  
4 carrying this information.

5           So my question still remains for the  
6 sponsor -- through you, Mr. President -- has  
7 there been any thought to that process when we're  
8 talking about an individual in a private business  
9 and the responsibility that now they're going to  
10 have, which will be compounded, to borrow my  
11 colleague's phrase, as an unfunded mandate on  
12 this business, to be responsible for this  
13 information which under normal circumstances we  
14 would have with trained individuals as at the DEC  
15 or the department -- I'm sorry, the voter --  
16 voter -- help me out here. The voter department.  
17 Why am I blanking out on something as simple --  
18 thank you, the Board of Elections. Sometimes,  
19 see, when I can't hear myself, sometimes my brain  
20 kind of disconnects.

21           So to finish that question again, it  
22 is very different from saying--

23           SENATOR LIBOUS: Is the Senator  
24 talking to himself?

25           (Laughter.)

1                   SENATOR RIVERA:    Through you,  
2   Mr. President, it seems at times that I am.  At  
3   this particular moment, through you,  
4   Mr. President, I will finish the question, again,  
5   just stating it clearly.

6                   A Board of Elections employee or a  
7   DEC employee is trained to handle this  
8   information.  My question to the sponsor is, has  
9   there been thought put to the individual who is a  
10  private citizen working for a private business  
11  and is now responsible for this information?

12                  ACTING PRESIDENT CARLUCCI:   Senator  
13  Ball.

14                  SENATOR BALL:    So this -- I think  
15  now for probably like the twelfth time, this does  
16  not change the process right now.

17                  These employees are handling state  
18  documents in the sense of these hunting and  
19  fishing licenses.  These individuals will take  
20  that document that they currently send to the  
21  DEC, and they will take that document and they  
22  will send it to the DEC.  These are the same  
23  people right now that are handling these hunting  
24  and fishing licenses.

25                  ACTING PRESIDENT CARLUCCI:   Senator

1 Rivera.

2 SENATOR RIVERA: Through you,  
3 Mr. President, I have one more question.

4 ACTING PRESIDENT CARLUCCI: Does  
5 the sponsor yield?

6 SENATOR BALL: Yes.

7 ACTING PRESIDENT CARLUCCI: The  
8 sponsor yields.

9 Senator Rivera.

10 SENATOR RIVERA: Thank you,  
11 Mr. President. On page 2, line 31, which is  
12 Section 4, subsection F, there's a reference to a  
13 helpline. Through you, Mr. President. And so I  
14 wanted to -- it's obvious that it would be  
15 necessary, according to what the bill language  
16 states, just in case there are questions, there  
17 will be a helpline established.

18 My question is, would there be a  
19 fiscal impact for the creation of this helpline  
20 at the Board of Elections, that agency that I  
21 didn't remember earlier? Would there be a cost  
22 attached to that?

23 ACTING PRESIDENT CARLUCCI: Senator  
24 Ball.

25 SENATOR BALL: Can you just repeat

1     that question in 10 seconds or less?

2                   ACTING PRESIDENT CARLUCCI:     Senator  
3     Rivera.

4                   SENATOR RIVERA:     Absolutely,  
5     Mr. President.

6                   On page 2, line 31 there is a  
7     reference -- through you, Mr. President -- to a  
8     helpline that voters could call if they have  
9     questions about the bill or -- I think that  
10    there's just a reference to a helpline at the  
11    Board of Elections.

12                  So my question is, is there --  
13    because I do not believe that such a helpline  
14    exists currently. So if it does not, then is  
15    there a fiscal impact tied to the creation of  
16    that helpline? And what would be that fiscal  
17    impact?

18                  ACTING PRESIDENT CARLUCCI:     Senator  
19    Ball.

20                  SENATOR BALL:     So before the debate  
21    goes on too much longer, I think what we'll do is  
22    we're going to lay the bill aside in a little  
23    bit.

24                  But that 1-800 number is currently  
25    functioning, so there's no additional cost. And

1 they routinely take calls all day long.

2 ACTING PRESIDENT CARLUCCI: Thank  
3 you.

4 Senator Rivera.

5 SENATOR RIVERA: Mr. President,  
6 very briefly on the bill.

7 ACTING PRESIDENT CARLUCCI: Senator  
8 Rivera on the bill.

9 SENATOR RIVERA: I want to thank  
10 the sponsor for answering some of the questions.

11 Again, I think that concerns have  
12 been brought up by a couple of my colleagues.  
13 There are issues of unfunded mandates on private  
14 businesses, there's issues of chain of custody  
15 that I do not believe have been thought through.

16 I think that the idea of getting as  
17 many people registered to vote is absolutely a  
18 positive and should be encouraged. And we want  
19 to make sure that every citizen in the State of  
20 New York gets the opportunity to participate in  
21 the political process. Unfortunately, I believe  
22 that this is not the best way to be able to get  
23 to do that. So I will be voting in the negative.

24 Thank you, Mr. President.

25 ACTING PRESIDENT CARLUCCI: Thank

1       you, Senator Rivera.

2                       Are there other members wishing to  
3       be heard?

4                       (No response.)

5                       ACTING PRESIDENT CARLUCCI:     Senator  
6       Ball.

7                       SENATOR BALL:     I'd like to lay the  
8       bill aside for the day.

9                       ACTING PRESIDENT CARLUCCI:     The  
10      bill is laid aside for the day.

11                      Senator Libous.

12                      SENATOR LIBOUS:     Thank you,  
13      Mr. President.   Is there any further business at  
14      the desk?

15                      ACTING PRESIDENT CARLUCCI:     There  
16      is no further business at the desk.

17                      SENATOR LIBOUS:     All right, at this  
18      time, Mr. President -- this is very important.  
19      Members will want to hear this.   At this time the  
20      Senate is going to stand at ease.   We're not  
21      going to adjourn quite yet.   But members may do  
22      what is important to them in their lives, and  
23      they will not have to come back to the chamber.  
24      I figured that would be important to all of you.

25                      So the Senate will stand at ease at



1     this time.

2                   ACTING PRESIDENT CARLUCCI:     The  
3     Senate will stand at ease.

4                   (Whereupon, the Senate stood at ease  
5     at 12:52 p.m.)

6                   (Whereupon, the Senate reconvened at  
7     1:15 p.m.)

8                   SENATOR LIBOUS:     Mr. President.

9                   ACTING PRESIDENT CARLUCCI:     The  
10     Senate will come to order.

11                   Senator Libous.

12                   SENATOR LIBOUS:     At this time could  
13     you accept a hand-up from the IDC, please.

14                   ACTING PRESIDENT CARLUCCI:     To be  
15     filed in the Journal.

16                   SENATOR LIBOUS:     And,  
17     Mr. President, at this time we have two hand-ups  
18     we'd like to bring before the desk.

19                   ACTING PRESIDENT CARLUCCI:     Also to  
20     be filed in the Journal.

21                   SENATOR LIBOUS:     Mr. President, is  
22     there any further business at the desk?

23                   ACTING PRESIDENT CARLUCCI:     There  
24     is no further business at the desk.

25                   SENATOR LIBOUS:     Mr. President,

1     there being no further business at the desk, I  
2     move that the Senate adjourn until Monday,  
3     March 3rd, at 3:00 p.m., intervening days being  
4     legislative days.

5                     ACTING PRESIDENT CARLUCCI:     On  
6     motion, the Senate stands adjourned until Monday,  
7     March 3rd, at 3:00 p.m., intervening days being  
8     legislative days.

9                     (Whereupon, at 1:17 p.m., the Senate  
10    adjourned.)

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25