NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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11:18 a.m.

REGULAR SESSION

SENATOR JOSEPH GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

I ask all present to please rise and join with me as we recite the Pledge of Allegiance to our Flag.

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

ACTING PRESIDENT GRIFFO: Today's invocation will be offered by the Reverend Peter G. Young, of the Mother Teresa Community here in Albany.

Father Young.

REVEREND YOUNG: Thank you, Senator.

Let us pray.

God has given us a marvelous example of charity in the call to us to love one another. Send down Your blessing on these Senators who generously devote themselves to helping our New York State citizens for a better lifestyle.

O God, the Builder of all things, that You have placed on us an obligation of toil. Grant that the work that this Senate will

begin today may strive to be able to better our lives in New York State and to help us through the goodness of again contributing to the spread of this call to be Your people, the people of God, on pilgrimage to our Father.

Amen.

ACTING PRESIDENT GRIFFO: Thank you, Father.

The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, March 1st, the Senate met pursuant to adjournment. The Journal of Monday, February 29th, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT GRIFFO: Without objection, the Journal will stand approved as read.

Presentation of petitions.

Messages from the Assembly.

Secretary?

THE SECRETARY: On page 20, Senator Carlucci moves to discharge, from the Committee on Health, Assembly Bill Number 8671A and substitute it for the identical Senate Bill Number 6357B, Third Reading Calendar 183.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports of state officers.

Motions and resolutions.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Could you please take up previously adopted Resolution Number 3311, by me, and would you read it in its entirety, please.

ACTING PRESIDENT GRIFFO: The Secretary will read Resolution 3311, by Senator DeFrancisco, in its entirety.

THE SECRETARY: Legislative Resolution Number 3311, by Senator DeFrancisco, congratulating the Liverpool Boys Varsity Cross Country Team upon the occasion of winning the 2015 New York State Class A Cross Country Championship.

"WHEREAS, Excellence and success in competitive athletics can be achieved only through rigorous training, mental and physical

discipline, and a dedicated coaching staff; and

"WHEREAS, It is the sense of this Legislative Body to recognize those young individuals within our midst, who by achieving outstanding success in athletic competitions, have inspired and brought great pride to their school district and to their community; and

"WHEREAS, Athletic competition enhances the moral and physical development of the young people of this state, preparing them for the future by instilling in them the value of teamwork, encouraging a standard of healthy living, imparting a desire for success, and developing a sense of fair play and competition; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to hereby recognize and congratulate the Liverpool Boys Varsity Cross Country Team upon the occasion of winning the 2015 New York State Class A Cross Country Championship; and

"WHEREAS, On November 14, 2015, the Liverpool Boys Varsity Cross Country Team dominated the New York State Class A Cross

Country Championship at Monroe-Woodbury High School in Central Valley, New York, with an overall final race time of 16:32, defeating eight other seven-person teams which had qualified for the race via sectional competitions; and

"WHEREAS, The course, located at Monroe-Woodbury High School, had been carefully crafted over the last 10 years with this specific event in mind, and it delivered a challenging running environment in front of an enthusiastic crowd; and

"WHEREAS, The New York State championship allowed the Liverpool Boys Varsity Cross Country Team to participate at the Nike Cross Nationals in Portland, Oregon, on December 5, 2015, at which the team finished strong, placing an impressive 10th overall in the Nation; and

"WHEREAS, No team can succeed without hard work and collective talent, as is the case for the Liverpool Boys Varsity Cross Country Team members who participated in the state competition, which include: Ben Petrella, Ty Brownlow, Stevie Schulz, Ryan Comstock, Terrell Coleman, Dan Hunt, and Gabe Albert; and

"WHEREAS, The athletic talent, and drive to win, displayed by the Liverpool Boys Varsity Cross Country Team is in great part due to the efforts of Coach Tracey Vannatta and Assistant Coach Andrew Dionne, who are both respected mentors for their ability to develop potential into excellence; and

"WHEREAS, Athletically and academically, the outstanding members of the Liverpool Boys Varsity Cross Country Team proved to be a terrific combination of talent, skill and dedication during the entire season; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to recognize and congratulate the Liverpool Boys Varsity Cross Country Team upon winning the 2015 New York State Class A Cross Country Championship; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the aforementioned members of the Liverpool Boys Varsity Cross Country Team, Coach Tracey Vannatta, and Assistant Coach Andrew Dionne."

ACTING PRESIDENT GRIFFO: Senator

DeFrancisco.

SENATOR DeFRANCISCO: Thank you, Mr. President.

This great team is in the gallery, and with their coaches. And I'm very proud that they're from the school district which I share with Senator Valesky, who I'm sure will be speaking in a moment.

You know, it's a great accomplishment -- a Class A championship and then going to the nationals, it's an amazing thing. My legs are too short, so I never could do the cross country, cross country routine, and I didn't have that long slender body.

But you do resemble in a certain way some of the Senators in this chambers, namely Senator Hamilton and -- well, Peralta doesn't have his bow tie on today. But you've got your bow ties on today, so you follow the fashion of many members of the Senate. And it's a pleasure seeing you here.

And I understand you're also good students. So congratulations, first, and best of success in everything you do.

ACTING PRESIDENT GRIFFO: Thank

you, Senator DeFrancisco.

Senator Valesky.

SENATOR VALESKY: Thank you, Mr. President.

I'm happy to join my colleague Senator DeFrancisco in sponsoring this resolution and, most importantly, in representing all of you in the Liverpool Central School District here in the New York State Senate.

I want to share my sentiments of congratulations to all of you not only on your state championship, but obviously that made you eligible to participate in the nationals in Portland, Oregon. And I think it says a lot about your drive and determination.

My understanding is that you finished 10th in the nation at the nationals, so that certainly is a pretty impressive feat. And I know that the lessons of teamwork and hard work that you have learned through this process, those are lifelong lessons and I'm sure they will serve you well in the future.

So congratulations and best of luck.

Thank you.

ACTING PRESIDENT GRIFFO: Thank

you, Senator Valesky.

As noted, this resolution was adopted on January 21, 2016.

We want to welcome the Boys Cross Country Team from Liverpool. Congratulations. We extend the courtesies of the house to the boys that are in attendance today.

(Applause.)

ACTING PRESIDENT GRIFFO: Could I have some order in the house, please.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Now could you take up the formerly adopted Resolution 3250 and read the title only. And call on Senator Golden first, please.

ACTING PRESIDENT GRIFFO: Before I do that, Senator DeFrancisco, at your request, the previous resolution was opened for cosponsorship.

If you choose not to be a cosponsor, please notify the desk.

The Secretary will read Resolution Number 3250.

THE SECRETARY: Legislative Resolution Number 3250, by Senator Golden,

commemorating SUNY Downstate Medical Center's 50th Anniversary of the College of Health Related Professions, College of Nursing, School of Graduate Studies, and University Hospital of Brooklyn.

ACTING PRESIDENT GRIFFO: Again, I'm going to ask for some order in the house. If you can take your conversations outside the chamber, please.

Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

SUNY Downstate Medical Center is celebrating its 50th anniversary. It has been an outstanding graduating class over the last 50 years. It is ranked number seven in the nation, and over 50 percent of the doctors in Brooklyn were trained and got their degrees and became doctors out of Downstate SUNY Medical Center.

And its nursing programs are equal to none. They are on top of their game when it comes to not only their doctoring, but their midwife program is among the best and it serves the most minorities in the country.

This University Hospital of Brooklyn, UHB, was built in 1966, and it's the primary clinical training site for medical, allied health and nursing students --

ACTING PRESIDENT GRIFFO: Senator Golden -- Senator Golden -- Senator Golden, excuse me.

(Gaveling.)

SENATOR GOLDEN: Brooklyn's only kidney transplant service and the pediatric dialysis program are signature programs of UHB. And the New York State Department of Health has certified UHB as an AIDS center and stroke center as well as a regional prenatal center.

This school has done so much for the graduates that it's put forward into the industry, both in doctoring and in nursing. They've made a difference not only in our County of Kings, but they've made a difference -- one in three in the State of New York are doctors that are taught at this great hospital, and it has done an outstanding job not just for this city and state, but for the nation and for the world. Many of these doctors go around the world.

Congratulations for their great

success. Congratulations on their 50th anniversary. Continue to do the great work that you do and graduating the great students and putting these great doctors and these great nurses into the field. Thank you, and God bless you.

Let's give them a round of applause, ladies and gentlemen, please.

(Applause.)

SENATOR DeFRANCISCO: Please open that for cosponsorship as well.

ACTING PRESIDENT GRIFFO: The resolution is also opened to cosponsorship. Should you choose not to be a cosponsor, notify the desk.

As indicated, the resolution was previously adopted on January 12th of this year.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Would you please read the noncontroversial calendar.

ACTING PRESIDENT GRIFFO: The Secretary will read, starting with Calendar Number 99.

THE SECRETARY: Calendar Number 99, by Senator Golden, Senate Print 692, an act to

amend the Public Authorities Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 99, those recorded in the negative are Senators Hassell-Thompson, Hoylman, Krueger, Montgomery, Perkins, Persaud, Rivera, Sanders, Serrano, Squadron and Stavisky. Also Senator Comrie.

Ayes, 45. Nays, 12.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 103, by Senator LaValle, Senate Print 2810, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 113, by Senator Ritchie, Senate Print 1835B, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 1. Senator Krueger recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Also Senator Espaillat recorded in the negative.

Ayes, 55. Nays, 2.

ACTING PRESIDENT GRIFFO: The bill

is passed.

Okay, we're taking results on Calendar Number 113. The Secretary will reannounce.

THE SECRETARY: In relation to Calendar 113, those recorded in the negative are Senators Dilan, Espaillat, Hoylman, Krueger and Sanders.

Ayes, 52. Nays, 5.

ACTING PRESIDENT GRIFFO: The bill still passes.

The Secretary will continue.

THE SECRETARY: Calendar Number 124, by Senator Ritchie, Senate Print 518A, an act to amend the Highway Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 135, by Senator O'Mara, Senate Print 1150, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the first of November.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 135, those recorded in the negative are Senators Comrie, Krueger, Montgomery and Perkins. Also Senator Hassell-Thompson.

Ayes, 53. Nays, 5.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 148, by Senator Perkins, Senate Print 6699, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 155, by Senator Akshar, Senate Print 6604, an act to amend the Election Law.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

THE SECRETARY: Calendar Number 183, substituted earlier by Member of the Assembly Zebrowski, Assembly Print 8671A, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2015.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 214, by Senator Valesky, Senate Print 627, an act to amend the General Business Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

And, Senator DeFrancisco, that will conclude the noncontroversial reading of today's active-list calendar.

SENATOR DeFRANCISCO: Can we now take up the controversial reading.

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 155, by Senator Akshar, Senate Print 6604, an act

to amend the Election Law.

ACTING PRESIDENT GRIFFO: Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President. On the bill --

ACTING PRESIDENT GRIFFO: Senator Gianaris, hang on a minute.

Can I have some order, please, again in the chamber. Thank you.

Senator Gianaris.

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

ACTING PRESIDENT GRIFFO: On the bill.

SENATOR GIANARIS: This legislation purports to deal with a problem that's costing the state $50 million due to an example of gridlock that is plaguing the Capitol.

Due to a court order, the primary date for congressional primaries had to be moved from the traditional date in September. And because the two houses were unable to agree on an alternate date, the court mandated a date in June.

So as we see this year, especially

in a presidential year, we have a primary in April for the presidency, we have a primary in June for Congress, and we have the primary in September for the state offices, in addition to the general election.

The folly of having four election days in one year is obvious to everyone. On the one hand, it's a tremendous waste of money that can be put to use helping the people of this state who desperately need it. And on the other, it reduces turnout of people who are voting because you're asking them to come out on four separate occasions within the same year.

This bill, however, is not the answer. It suggests that we should move the primary date and consolidate the federal and state primaries to a date in the middle of August.

Now, I can't imagine -- perhaps other than the week between Christmas and New Year's -- a worse week of the year to discourage people from voting. August is a time when people are away from their homes, some on vacation, some seasonal workers who are traveling for temporary work during the summer months. And

it is just about the worst time of the year to actually have people casting their votes, unless the goal is to have fewer people voting.

And unfortunately, if we look at the pattern of this majority, I'm led to the conclusion that that may in fact be the goal. Depending on how far back you want to go, we could start with the last redistricting process, which draws our lines in such a way as to predetermine the outcome, so that races are less competitive and people have no incentive to go out and cast a vote because the outcomes are already known before Election Day.

Or we can talk about the majority's opposition to early voting, which would dramatically increase the ability of people to go and cast their votes. Or we could talk about, at least so far, their opposition to automatic voter registration, which is a bill I carry and the Governor has put into this budget. Hopefully we'll see some progress on that one at least, but I'm skeptical, given the history.

But it's no surprise that New York has one of the lowest voter participation rates in the country when these are the policies we

enact. And to suggest that the third week of August is a time when we should get people out to vote is laughable to anyone who's thinking about this and speaking about it honestly and seriously.

There's a reason the court picked June. In the absence of agreement, the court looked at the various options available. The court could have picked August, if for some reason that was such a great date, but the judge realized that doing it in the middle of summer was not the best option and scheduled it for June for the federal elections. That was a choice that was made by the judge, June being better than August in his mind.

Our leader, Senator Stewart-Cousins, carries a bill that would consolidate the primaries onto that date in June. The State Assembly passes a bill every year that would consolidate the primaries to that date in June. And that seems to be the easiest answer.

Now, what could the explanation possibly be for not going in that direction other than wanting to actively discourage people from participating in the electoral process by picking

a date at which fewer people are at home than ever?

We might hear an excuse that, well, the session is concluding at the end of June and it would be difficult for members to campaign and to go educate voters about their stances and so on.

The session calendar is within our control, my colleagues. If that's the issue, we can consider other options -- we can break the session and return, like they do in Congress. But that cannot be the reason why we're going to try and pick a date for primaries where we know that we will have a dearth of voters present and continue our embarrassing record of having one of the lowest voter participation rates in the country.

So for these reasons, I encourage everyone to vote no on this. There's no way this is going to become law, so let's be clear about that. The Assembly will not move to August. We've been through this for years now, at a cost of $50 million per year.

Let's do it in June, there's no reason not to, and let's end this debacle once

and for all.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Hoylman.

SENATOR HOYLMAN: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Hoylman on the bill?

SENATOR HOYLMAN: Thank you, Mr. President.

Would the sponsor yield to a few questions?

ACTING PRESIDENT GRIFFO: Will the sponsor yield?

SENATOR AKSHAR: Happy to, Mr. President.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR HOYLMAN: Thank you, Mr. President.

Through you, who is the sponsor of the Assembly bill equivalent to the legislation before us today?

SENATOR AKSHAR: I'm not aware of one. We're still -- I would encourage one to

step forward and join us.

SENATOR HOYLMAN: Thank you.

Would the sponsor continue to yield?

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR HOYLMAN: Through you, Mr. President, could the sponsor describe the findings from any hearings he's had on this very important legislation which will change the date of probably the most important civic enterprise we have, which is voting?

SENATOR AKSHAR: While I haven't held any public hearings, I have spoken to my constituency and municipal leaders, and they are of course in favor of consolidating the election process.

SENATOR HOYLMAN: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR HOYLMAN: Can the sponsor point to consultations he's had maybe with experts in the field of voter enfranchisement, good government groups, individuals with whom

he's consulted for the proposed bill before us today?

SENATOR AKSHAR: Mr. President, again, I would say that this bill streamlines the process. And if people want to vote, they'll come out and vote.

SENATOR HOYLMAN: Through you, Mr. President, would the sponsor continue to yield?

SENATOR AKSHAR: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR HOYLMAN: So just to clarify, the sponsor cannot name a single individual outside of this chamber with whom he's had a conversation regarding moving the primary date to August?

SENATOR AKSHAR: Mr. President, as I said, I've spoken to my constituency and municipal leaders that I represent. Those people are the most important.

SENATOR HOYLMAN: Through you, Mr. President, if the sponsor would continue to yield.

SENATOR AKSHAR: Of course.

ACTING PRESIDENT GRIFFO: Senator Akshar yields.

SENATOR HOYLMAN: Can the sponsor tell me any members of Congress and their staffs with whom he might have spoken, given, Mr. President, that this has a terrific impact on members of Congress, since it will be moving their primary date also?

SENATOR AKSHAR: Mr. President, I'm happy to answer my colleague's questions if they're a little bit different. My answer will be the same if they're going to be the same, that I've spoken to my constituency and municipal leaders that I represent, and that's where I'm coming up with our decision to move forward on this bill.

ACTING PRESIDENT GRIFFO: Senator Hoylman.

SENATOR HOYLMAN: Thank you, Mr. President. Would the sponsor continue to yield?

SENATOR AKSHAR: Yes.

ACTING PRESIDENT GRIFFO: Senator Akshar yields.

SENATOR HOYLMAN: Is the sponsor

aware of Chief Judge Sharpe's recommendation dated January 27, 2012, for a new primary date?

SENATOR AKSHAR: Mr. President, I certainly am. And I'm keenly aware of the fact that Judge Sharpe had to rule because of the bureaucracy that got in the way of progress.

And I would suggest to all of my colleagues in the house that we move forward and we not allow bureaucracy to stifle progress as we have in the past.

SENATOR HOYLMAN: Mr. President, would the sponsor continue to yield?

SENATOR AKSHAR: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR HOYLMAN: Thank you.

Through you, Mr. President, does the sponsor know what date Judge Sharpe actually recommended in his January 27, 2012, decision?

SENATOR AKSHAR: June 28th is my understanding.

SENATOR HOYLMAN: Thank you.

Would the sponsor continue to yield?

SENATOR AKSHAR: Yes.

ACTING PRESIDENT GRIFFO: The

sponsor yields.

SENATOR HOYLMAN: Does the sponsor have a rationale for choosing the date set forth in August other than the cost savings which is elucidated in the sponsor's memo? Is there additional rationale for this date that he's chosen?

SENATOR AKSHAR: No, I think where I come from, the people I represent, the cost savings is extremely important to the people that I represent.

But let's talk about something else, about the -- there needs to be a clear distinction between the political season and the work that we're expected to do in this house. The people who send us here expect us to do their work between January and June. And the thought that we're going to be campaigning, extending the political season while we're supposed to be here passing an on-time budget, doing the people's work, is something that I don't agree with.

SENATOR HOYLMAN: Would the sponsor continue to yield?

SENATOR AKSHAR: Yes.

ACTING PRESIDENT GRIFFO: The

sponsor yields.

SENATOR HOYLMAN: Can the sponsor explain to this body why an August date is more cost-effective than a June date as the judge recommended?

SENATOR AKSHAR: People are accustomed now to voting in September. We picked the closest date.

Now, look, we can have the argument about the cost savings. We can save money regardless of where we consolidate it. But I would go back to my earlier point about making a very clear distinction between campaign time and the things that we're supposed to be doing in this house.

SENATOR HOYLMAN: Would the sponsor continue to yield?

SENATOR AKSHAR: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR HOYLMAN: Through you, Mr. President, is the sponsor at all concerned about turnout enfranchisement in the month of August?

SENATOR AKSHAR: I think it's going

to be better in August. Again, the date is very close to when we're -- people are accustomed to voting.

ACTING PRESIDENT GRIFFO: Senator Hoylman.

SENATOR HOYLMAN: Would the sponsor continue to yield?

SENATOR AKSHAR: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR HOYLMAN: Does the sponsor have any basis of fact in the statement he just said, that he thinks it's going to be a higher turnout in August? What statistics, factual data, is he pointing to?

SENATOR AKSHAR: Common sense, Mr. President.

SENATOR HOYLMAN: Would the sponsor continue to yield?

ACTING PRESIDENT GRIFFO: The sponsor yields.

Members, please.

SENATOR HOYLMAN: I'd argue that most common sense is rooted in fact. And --

ACTING PRESIDENT GRIFFO: Are you

asking a question, Mr. Hoylman?

SENATOR HOYLMAN: I am, sir. And would the sponsor continue to yield for another question?

ACTING PRESIDENT GRIFFO: The sponsor yields. Please direct.

SENATOR HOYLMAN: Is the sponsor aware that statistics show that 36 percent of the U.S. population actually take their summer vacations in August? Is he aware of that fact?

SENATOR AKSHAR: I think more people take their vacation in June, Mr. President.

SENATOR HOYLMAN: Thank you, Mr. President, would the sponsor continue to yield?

ACTING PRESIDENT GRIFFO: The sponsor yields.

Again, I'm going to caution the membership.

SENATOR HOYLMAN: Is the sponsor aware that the same study showed that actually only 11 percent of Americans take their vacations in June?

SENATOR AKSHAR: Mr. President, I'm

not aware of that statistic.

SENATOR HOYLMAN: Would the sponsor continue to yield?

SENATOR AKSHAR: Certainly.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR HOYLMAN: Does the sponsor know what the voter turnout was in New York in 2014?

SENATOR AKSHAR: Mr. President, I'm not clear on that statistic either. I'm guessing my colleague is going to give it to me.

ACTING PRESIDENT GRIFFO: Senator Hoylman.

SENATOR HOYLMAN: Would the sponsor continue to yield?

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR HOYLMAN: Does the sponsor know that in 2014 New York had the fourth-lowest voter turnout in the country at less than 30 percent, a civic embarrassment, as many commentators noted?

SENATOR AKSHAR: I think, Mr. President, this is why I'm excited about

consolidating the election process, so we can get more people out to vote.

SENATOR HOYLMAN: Would the sponsor continue to yield, Mr. President?

SENATOR AKSHAR: Certainly.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR HOYLMAN: Through you, Mr. President.

Again, does the sponsor have any basis in fact to make the assertion that voter turnout will in fact increase in August under this proposed plan?

SENATOR AKSHAR: I would have to refer to my early comment about common sense.

SENATOR HOYLMAN: Would the sponsor continue to yield?

SENATOR AKSHAR: Mr. President, I'm happy to yield if we could talk about something about the bill or outside of statistical analysis.

ACTING PRESIDENT GRIFFO: Senator Hoylman.

SENATOR HOYLMAN: On the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Hoylman on the bill.

SENATOR HOYLMAN: I think, Mr. President, the sponsor has accurately summed up my concerns about this legislation.

It seems that facts don't matter. You can point to something -- you can pull a figure out of the air and assert merely that voter turnout will increase under this proposed plan, but there's no basis in fact for that. In fact, just the opposite, as we discussed. More New Yorkers will be away in June, but even more will be away in August.

August is called the dog days of summer for a reason, and that's because people aren't around. And it's not just people headed for vacation homes. As my colleague pointed out, it's seasonal workers, it's families with schoolchildren, it's folks who have a break and may not be available to cast a vote.

Mr. President, my concern is that we aren't doing anything in this chamber to increase voter turnout. We're pulling dates out of the air, we have no basis in fact to support them, we're ignoring a judge's recommendation, and

we're not working with the other house.

Talk about gridlock. Talk about common sense. Common sense would be to march over to the Assembly to have a public hearing, to hash out the differences that both chambers have on a date, and to come here with a bill that everyone can support. Passing one-house bills is not common sense, Mr. President. Passing one-house bills is evidence of gridlock. That's not what New Yorkers want.

This bill is a fig leaf, a fig leaf that we can present to our constituents back home and say, yeah, we're saving the state $25 million or $50 million -- but the bill didn't pass. And guess what? Most of those voters don't even know.

You can put it in your newsletter, but we know better here, Mr. President, that this is not a realistic proposition, that we have a viable date that the Assembly supports, and that we should be working in tandem with them. We should be holding public hearings. We should be looking at the facts and the statistics. We should be consulting with good government groups and experts on how to increase voter turnout, not

picking a date out of the air that will in fact do the opposite.

I'll be voting no, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Stavisky.

SENATOR STAVISKY: Thank you, Mr. President.

Would the sponsor yield for a couple of questions?

SENATOR AKSHAR: Certainly.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR STAVISKY: I want to pick up on something that was said a moment ago, the fact that people are taking their vacations in June. Are the children in Broome County in school in June, or are they -- is that part of their vacation period?

SENATOR AKSHAR: Senator, you know what, I think this is a good bill that's going to consolidate the election process and save municipalities money.

SENATOR STAVISKY: Mr. President, will the sponsor yield?

ACTING PRESIDENT GRIFFO: The

sponsor yields.

SENATOR AKSHAR: Yes.

SENATOR STAVISKY: That's not really what I was asking. I was asking when school ends in your district.

SENATOR AKSHAR: Mr. President, that's my answer to my colleague's question.

SENATOR STAVISKY: All right. A totally different issue, if the sponsor will yield for another question.

SENATOR AKSHAR: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR STAVISKY: What is the effective date on this legislation?

SENATOR AKSHAR: Immediately.

SENATOR STAVISKY: Will the sponsor continue to yield?

SENATOR AKSHAR: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR STAVISKY: Would this legislation impact elections for this year?

SENATOR AKSHAR: Yes.

SENATOR STAVISKY: In other

words -- if the sponsor would continue to yield.

SENATOR AKSHAR: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR STAVISKY: This legislation would require a primary in August for this election cycle?

SENATOR AKSHAR: Yes.

SENATOR STAVISKY: Good. Thank you, Mr. President.

On the bill.

ACTING PRESIDENT GRIFFO: Senator Stavisky on the bill.

SENATOR STAVISKY: For all of the reasons that Senator Hoylman and Senator Gianaris have outlined, I think this is not the solution.

I think we have a better solution, and that would be Senator Stewart-Cousins' version, which I think is a better answer, where families can spend their time with their children when they do go on vacation, not abandon them and just take off in June.

I think it's a bad idea, and I will vote no.

ACTING PRESIDENT GRIFFO: Senator

Gianaris.

SENATOR GIANARIS: Thank you, Mr. President. Will the sponsor yield?

SENATOR AKSHAR: Happy to.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR GIANARIS: Mr. President, did I understand the sponsor correctly earlier that he had no interest in considering data, statistical analysis, as it relates to a debate on this bill?

SENATOR AKSHAR: Of course not. I simply said that I was listening to my constituency and municipal leaders that I represent.

SENATOR GIANARIS: Would the sponsor continue to yield?

ACTING PRESIDENT GRIFFO: Does the sponsor yield?

SENATOR AKSHAR: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR GIANARIS: So let me just -- so I'm crystal-clear, I thought I heard earlier, when Senator Hoylman asked the sponsor

to yield, the answer was only if we're not discussing statistical analysis and we're discussing the bill. Is that --

ACTING PRESIDENT GRIFFO: I think it was pertinent to how and what he would yield to. But he did answer the question, Senator Gianaris.

So what is your question?

SENATOR GIANARIS: My question is, is that still his position? Would he not consider a discussion of statistical analysis as it relates to this bill?

SENATOR AKSHAR: I'd be happy to have that discussion.

SENATOR GIANARIS: Okay. So, Senator Hoylman, would you like to reengage on a statistical analysis, given that?

ACTING PRESIDENT GRIFFO: Senator Gianaris.

SENATOR GIANARIS: I yield back my time. Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Latimer.

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

ACTING PRESIDENT GRIFFO: Senator Latimer on the bill.

SENATOR LATIMER: There is no rational reason to vote for this bill, period, exclamation point.

I respect what my colleague had to say. The constituents that I've spoken to cannot wrap their heads around that we would be willing to put primaries in the middle of August when people are on vacation, kids are out of school, and the likelihood of finding a certain percentage of people at home is as low as it is.

They would not understand at all why we would have a primary date at a time when the weather is generally pretty miserable. Late August is one of the worst temperature times, and June is much more temperate. And there's no reason to vote for this bill. If you look at what we've said before, some of my colleagues have pointed out that a federal judge has already opined -- having looked at the options of going to August or other dates, had picked a date in June. We would be coordinating with that date that has already passed muster from the judiciary.

I heard comments that relate to, Well, we want to do our work and pass our budget on time. Yes, indeed. We pass our budget by March 31st, not by June 31st.

I've heard us say that, you know, the people that I represent are the people that have dialogued with me. But there's 63 districts in this state, and there's a variety of people that live in urban districts, live in rural districts, that live in suburban districts. And we ought to find out what are the impacts in each of those parts of the state before we gladly pass a bill like this.

We have a bill on the table that's been passed by the Assembly. We have a proposed bill by Senator Stewart-Cousins that makes logical sense.

And by having that primary done in June, the argument over our legislative schedule, which affects 200-some-odd elected officials and our staffs, can easily be adjusted by the way we deal with our calendar here. Nothing prevents us from, at the end of the budget season on March 31st, getting everything else done in one month.

You know how much time we waste in this Legislature, both houses, during this ramp-up time. We waste time in February, leading to March. We basically buzz off the month of April waiting to get to something that usually happens the last two weeks of June. We could just as easily make that the last two weeks in April if it was necessary, and then come back after the primary in July if there was something that was urgent that had to be dealt with.

So I hear the analysis of it. Many times I say this, I understand where the votes are. But we're not going to accomplish anything today except make voters around this state wonder, What the heck are they thinking putting a primary in August?

With that, I will vote no.

ACTING PRESIDENT GRIFFO: Senator Hoylman.

SENATOR HOYLMAN: Thank you, Mr. President.

Would the sponsor yield to a few questions on statistics?

SENATOR AKSHAR: Yes.

ACTING PRESIDENT GRIFFO: The

sponsor will yield.

SENATOR HOYLMAN: Thank you.

Through you, Mr. President, does the sponsor know how many states hold their primaries in June?

SENATOR AKSHAR: I'm not entirely sure, Mr. President, but I do know that 14 other states in this great nation have their primaries in August.

ACTING PRESIDENT GRIFFO: Senator Hoylman.

SENATOR HOYLMAN: Would the sponsor continue to yield?

SENATOR AKSHAR: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR HOYLMAN: Has the sponsor examined voter turnout and compared it to states that have primaries in June versus primaries in August?

SENATOR AKSHAR: Mr. President, I think what I'd like to do, if my distinguished colleague would be so kind, is I'd like take all of his statistical data in my office and take it into consideration, instead of having these

statistical conversations on the floor of this great house. Because we haven't -- as I've said, haven't reviewed this statistical data that he speaks of.

ACTING PRESIDENT GRIFFO: You're willing to do that, Senator Hoylman, to discuss that with the member?

SENATOR HOYLMAN: Mr. President, does that mean that the sponsor will take the bill off of the floor today so we can review data, as he suggested?

ACTING PRESIDENT GRIFFO: I think he indicated that he'd be willing to have further conversations with you to consider any potential amendments.

SENATOR HOYLMAN: Would the sponsor continue to yield?

SENATOR AKSHAR: Yes.

ACTING PRESIDENT GRIFFO: The sponsor will yield.

SENATOR HOYLMAN: Would the sponsor be willing to take the bill off the floor and discuss the data, looking at statistics, looking at voter turnout? Because I know the sponsor wants the same thing I do, a big voter turnout in

our primaries.

SENATOR AKSHAR: I respectfully decline my colleague's offer.

SENATOR HOYLMAN: Would the sponsor continue to yield?

SENATOR AKSHAR: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR HOYLMAN: So can the sponsor explain to me the benefit of discussing the statistics that I've mentioned after we've already voted on the bill?

SENATOR AKSHAR: Well, Mr. President, as I've indicated, in coming to this determination I've talked to the people that I represent, municipal leaders, people from the State Board of Elections. There are 14 other states in this great nation that have their primaries in August. And this is why we're moving the bill forward.

So I'm not entirely sure what my colleague's question was.

SENATOR HOYLMAN: Would the sponsor continue to yield?

SENATOR AKSHAR: Sure.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR HOYLMAN: My question is, why would we discuss improving this bill and looking at statistics after having already voted on it? What's the point?

SENATOR AKSHAR: Because, Mr. President, I have a willingness to educate myself on issues. I have educated myself on this issue. I know that this bill ensures the fair treatment for military personnel. It saves municipalities money. And it draws a very clear distinction between the political season and legislative activities.

I'll go back to my earlier point. The people that we represent in this great state expect us to be in Albany, expect us to be doing their work between January and June. This date is the closest to the date now in September, people are accustomed to voting in September. And that's my position on the issue.

SENATOR HOYLMAN: Would the sponsor continue to yield?

SENATOR AKSHAR: I think I'm all through, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Hoylman, would you like to speak on the bill?

SENATOR HOYLMAN: On the bill.

ACTING PRESIDENT GRIFFO: Senator Hoylman on the bill.

SENATOR HOYLMAN: I wanted to thank the sponsor for at least answering some of my questions. I guess we'll be convening in his office after we've already voted. It doesn't seem to be a very common-sense approach to passing good legislation.

I think the common-sense approach, again, Mr. President, is working with our colleagues on both sides of the aisle, having public hearings, engaging with the public.

The fact of the matter is my colleague just doesn't -- in passing this bill, we're not just concerned about his constituents, we're concerned about the entire State of New York. We are here and we bear the solemn responsibility to represent the entire state.

So it is of the utmost importance that we weigh legislation like this incredibly seriously. We should be looking at automatic voter registration. We should be looking at

early voting and voting by mail. The goal is to increase turnout, not to hold primaries in the dog days of summer.

Once again, Mr. President, I appreciate the sponsor answering some of my questions. I'm disappointed he wouldn't take them all. But I'll still be voting no.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Squadron.

SENATOR SQUADRON: Thank you very much.

Would the sponsor yield?

SENATOR AKSHAR: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR SQUADRON: I appreciate that. I know we've had a fair amount of conversation on this, but I do think there are further questions to answer.

Just so that I understand the "accustomed" argument that we've heard today, does the sponsor feel at some point in the future, after we've had many years of the divided primaries and the $50 million waste that comes

with that, at some point in the future voters may have become accustomed sufficiently to the June primary that we could align it there? And if so, what year would that be?

SENATOR AKSHAR: Mr. President, I have no idea what year that would be.

ACTING PRESIDENT GRIFFO: Senator Squadron.

SENATOR SQUADRON: Would the sponsor continue to yield?

SENATOR AKSHAR: Yes.

SENATOR SQUADRON: But the sponsor does agree that at some point --

ACTING PRESIDENT GRIFFO: The sponsor yields.

Senator Squadron, please direct through the chair.

SENATOR SQUADRON: Thank you, Mr. President. Through you.

So the sponsor does agree that at some point in the future people will be sufficiently accustomed for us to come to agreement on a June primary?

SENATOR AKSHAR: I didn't say that, Mr. President.

SENATOR SQUADRON: If the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR SQUADRON: Does the sponsor feel that at no point in the future people will be sufficiently accustomed for a June primary?

SENATOR AKSHAR: Mr. President, what the sponsor feels is that -- I'm going to reiterate my point again -- that this bill advances democracy, it saves taxpayers money, it calls for the fair treatment of our military personnel, and it calls for the clear separation between the political season and our legislative responsibilities.

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR AKSHAR: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR SQUADRON: I noted in Senator Hoylman's excellent questioning that 36 percent of folks take vacations in August -- I was actually surprised to hear this, 36 percent of people take vacations in August and

11 percent, I believe, take vacations in June. My sense was that the sponsor was also surprised by that really quite significant statistic.

Just to be absolutely clear here before we go ahead and vote on this one-house bill, does that statistic not change the sponsor's view over the likelihood of driving voter turnout in August versus June?

SENATOR AKSHAR: It does not change my position, Mr. President.

SENATOR SQUADRON: Great. If the sponsor would continue to yield.

SENATOR AKSHAR: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR SQUADRON: Just to make sure we're clear on it, the sponsor agrees with the analysis that it would be about a $50 million a year savings to align the primaries?

SENATOR AKSHAR: Mr. President, my understanding is it's $25 million. But -- I mean, that's my understanding.

SENATOR SQUADRON: Thank you. If the sponsor would continue to yield.

SENATOR AKSHAR: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR SQUADRON: Let's say it was $25 million. Does the sponsor know how much money is saved by passing a one-house bill?

SENATOR AKSHAR: My guess is none.

SENATOR SQUADRON: Thank you.

On the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Squadron on the bill.

SENATOR SQUADRON: And I thank the sponsor for continuing to answer questions. I know it can be a tedious process, but the process of having bills on the floor and having questions asked and answered is an important one in this house. It's one many of us have suffered through. And so I really do appreciate the sponsor's willingness to continue doing that.

I think the sponsor's point is correct: one-house bills save the state no money. They cost the state money. They cost the state money in introduction, in the paper that's used for the press release after they pass. But they save the state no money at all.

And that's the problem here at its

core. I think that we saw some statistics from Senator Hoylman that suggest this will not have the desired effect, the stated desired effect of increasing turnout, but it also won't have the stated desired effect of saving money and aligning the primary dates.

We have some folks accustomed to going out in June, if they've had congressional primaries in the last couple of years; some folks accustomed to going out in September. Not nearly enough folks accustomed to going out in neither because of our arcane election laws and registration laws that we have in this state that have been blocked in this house.

And what we should be doing is we should be figuring out how to save that money, as the sponsor said, for our constituents now. They don't care about this debate, they care about wasting their money in ways that lead to increasing their taxes and their property taxes. And we should do it in a way that maximizes turnout as part of a broader set of reforms that makes it easier for folks to vote.

So that's why this bill unfortunately is a no today. I think the

Assembly is still in session, so we do have an opportunity to start that conversation in a way that could pass both houses. The clock is ticking with the congressional primary coming up in June, but hopefully it can get done.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Comrie.

SENATOR COMRIE: On the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Comrie on the bill.

SENATOR COMRIE: I just want to agree with my colleagues, most of their sentiments on the need to ensure that we increase voter turnout in a state that has the least voter turnout -- one of the least voter turnouts in the country.

I disagree, I think, that June is a primary and one of the best months to hold an election, because there are so many things that are happening during the month of June. Parents are engaged, people are engaged during that month. There are a lot of public participation in other events in June.

I think August is one of the least effective times to hold anything. People are on vacation, schools are closed, people are away from where they're being, college students are working to just get into school, moving out of the state, oftentimes, to go away to get educated. Many people are also going away to work or going away to explore opportunities to increase their educational opportunity with out-of-the-state and out-of-the-country opportunities.

We need to be focused on making voting easier. We need to be focused on making voting more modernized and accessible to New Yorkers.

This August proposed primary date also has not been inclusive. As the sponsor has said, there has not been a public hearing on this. I think one of the most critical issues that we need to do to engage New Yorkers is to have a public discussion about when would be the most effective date to hold an election.

So while I understand the intent of the good Senator, I understand that we need to -- we all need to understand that we need to make

voting more accessible to all New Yorkers. And by holding a date in the middle of the summer to ask people to come out to an election is something that doesn't make sense.

I think our legislative calendar is not beholden to just June. We could come back here at any time during the year, complete our legislative calendar. I think in some respects our legislative calendar needs to be changed with additional dates to be put on it, so that we could have more public discussion on those issues and concerns that are coming before New Yorkers, and not have closed hearings or closed votes without having the opportunity to hear from the public.

I believe that we need to make sure that the public has an opportunity to opine on these issues in the Senate, in the chambers, in the hearing rooms, or even out in the -- throughout the state with public hearings, especially on an issue where we're trying to increase voter turnout and voter participation.

I'll be a no vote on this, Mr. President. Thank you very much.

ACTING PRESIDENT GRIFFO: Seeing

and hearing no other Senator that wishes to be heard, the debate is closed and the Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 18. This act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Croci to explain his vote.

SENATOR CROCI: Thank you, Mr. President.

Mr. President, I heard a very lively debate on this bill today. And the reason that we were able to have that lively debate is because of the men and women who are currently serving overseas in uniform. These are the individuals that give us the right to stand in this chamber today in safety and have these conversations.

So I compliment my colleague for giving those men and women overseas the opportunity to be part of the electoral process in our country. As somebody who has cast a

ballot overseas on foreign soil for president of the United States, I can tell you it's a surreal experience. And I know there are other members in this chamber and in the other chamber who have done the same.

So I appreciate the ability that men and women will now have to be part of the entire voting process, and hopefully their ballots make it back in time.

I also heard discussion of the using of New York State driver's licenses to register individuals to vote. Currently, New York State is one of only four states or jurisdictions not to be compliant with the federal REAL ID Act. The federal REAL ID Act came out of the 9/11 Commission's recommendations -- a bipartisan commission which recommended ways we could protect ourselves in New York and around the country.

So I'm hoping that any discussions we have on this topic involve, first, New York becoming compliant with federal law before we seek to use our licenses for anything other than driving.

Thank you, Mr. President. I'll be

voting aye on this legislation.

ACTING PRESIDENT GRIFFO: Senator Croci to be recorded in the affirmative.

Senator Bonacic to explain his vote.

SENATOR BONACIC: Thank you, Mr. President.

I'd like to thank the sponsor for putting this bill forward. Fourteen other states have done it, so there's an intelligence behind the bill, there's knowledge of results on the bill.

And the major argument I've heard as to why this is a bad idea is because there are more people around in June than in August. But what's happening in this country in primaries, and I've been through them, is that their voter turnout is poor in primaries, whether June or August. And why is that? Because voters are losing confidence in the government, that's why.

And to vote is a privilege. To vote is a privilege, and you have to do things to exercise that privilege. You have to go in either June or August if you have an interest in government and seeing state policies.

So I would be more concerned -- I've

heard the arguments, and I would say to you that the military accommodation, the savings of money, there's intelligence to this vote.

And the criticism that it's a one-house bill -- how many bills have we done that started on both sides of the aisle that are one-house bills? And they've been around two, three, four years, and they could become law. And they do become law. So the knock on a one-house bill was a cheap shot against the sponsor.

So I thank the sponsor. I vote aye. And you will see a larger turnout, like you see in the presidential elections in South Carolina, where there's doubling the votes in primaries, because now we're having people that inspire voters. And if you get people that inspire voters, you'll have more turnout in primaries, instead of trying to make voting a lot more easier and creating opportunities for voter fraud.

I vote yes. Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Bonacic to be recorded in the affirmative.

Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you, Mr. President.

I can think of no better display of how ill-conceived this bill is than the debate we've just listened to. We had a member refuse to take questions. We had a suggestion that more data might change the bill, yet the bill continues to be voted on. I mean, I don't know why we'd want to vote on a bill where there's essentially an admission that we don't have all the information at our disposal to make an informed judgment.

I have heard my colleagues just explain their votes, and I'd like to comment on some of the issues that were raised. I heard a colleague say that this whole issue exists because we need more time for the military voters to get their ballots. That is absolutely correct and is at the forefront of all our thoughts. So why not give them more time to receive their ballots and vote? Why not give them two extra months to get their ballots?

One of our colleagues said hopefully

the ballots will make it back in time. Well, we don't have to say hopefully, if we move it back two months and give them plenty of time to receive, fill out, and mail back their ballots.

And I just heard someone, incredulously, say voters are losing confidence. I'll spare my colleagues the deduction I'm drawing that Senator Bonacic thinks Donald Trump is inspiring voters to vote.

But I will point out that voters are losing confidence. They're fed up because the system is rigged, and this is yet another example of it. We're trying to move the primary to a day where no one's going to be voting. How much more rigged can you get than that?

Or maybe we want to draw the districts in a way that makes no sense so people's votes don't matter. Or maybe we want to not let them vote early enough so that they have to cram it into one day so fewer people vote.

You want to talk about what other states have done? Other states that have early voting have seen voter participation rates rise dramatically.

So if we really care about people

voting, let's make it easier to vote. There's ways to deal with fraud, and there's no evidence that fraud is actually existing in any of the states that have taken these reform measures.

So let's be serious. We know the Assembly is not passing this. Yes, it is a one-house bill that's not going anywhere. How do we know that? Because this has been going on for years and we've been wasting hundreds of millions of dollars of the state taxpayers' money having multiple elections. This year we're having four.

So I've heard no logical reason why August is better than June. I've heard plenty of reasons why August is worse than June. Let's be serious about this, fix it, and let more people vote in this state.

ACTING PRESIDENT GRIFFO: Senator Gianaris to be recorded in the negative.

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

I also am fairly appalled at the arguments being made for this date. It is clear we should do a bill to combine our primaries into one date. Everyone knows that. We should tie it

into the exact type of election reforms that my colleagues have proposed to make life easier for voters, to make sure voters have more time to vote, to make sure our military abroad have more time to vote with a June primary, to make sure people can register more easily, and to show the people of New York that we're very serious about trying to get this done.

Last year the excuses for why we couldn't do a June date were another set of ridiculous arguments. I will refer my colleagues back to their arguments last year why they couldn't support a June single date for a primary. They're different arguments, just as weak as the arguments being made for this bill. We should do one primary in June.

One of the reasons why a one-house bill is a problem right now, we are so close to the dates of actual petitioning if we don't have a June state primary while we move forward with the federal. This needs to happen now. We need to make the right decision for the people of New York now. We need to do a June primary for both federal and state and move on legislation immediately.

I vote no, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Krueger to be recorded in the negative.

Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Mr. President.

Most of my colleagues have already made most of these points; I will reiterate a couple, and I have one at the end.

Number one, to suggest that our objection to this bill means that we do not care about men and women in uniform is incorrect. We do care about our men and women in uniform. As a matter of fact, not only do we thank them for their service, but just as Senator Gianaris said, there are changes that we could make to make it easier on folks to be able to meet the deadline so that they can vote. Because absolutely, they certainly defend our right to have even this debate, so we want to make sure that they can vote.

Number two, there's plenty of evidence that demonstrates that the changes that we make in the law can actually make it harder or easier for people to vote. And that when we

look -- as a matter of fact, I would suggest that you look at a great book called "Why Americans Don't Vote," by Frances Fox Piven and Richard Cloward, from 1976, 1977, which goes into great length at discussing the ways that government can change policy to actually make it harder or easier for people to vote. So we can create barriers or we can remove barriers. This is creating a barrier.

And last -- and I'm sorry that Senator Bonacic left, because I believe that there's something that he said that must be corrected. Voting is not a privilege. Voting is a right. There's a difference between a civil liberty and a civil right. Civil liberty constrains government action; a civil right compels government action. And we have seen way too many things in this country and its history, and the actions that have to be taken by government to ensure that people have access to the ballot, to call it a privilege.

So I want to make sure that we're correct about that. This bill is a wrong-headed approach at trying to get more people to vote, a wrong-headed approach to fix a problem that we

have as far as primaries. I'll vote in the negative.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Rivera to be recorded in the negative.

Senator Hoylman to explain his vote? Senator Hoylman passes.

Senator Little to explain her vote.

SENATOR LITTLE: Thank you, Mr. President.

The purpose of this bill is to accommodate the military. Now, the reason that we had to change it from September was because there may not be enough weeks for a military person to get the ballot and to get it back on time.

Believe me, our military, our men and women who are serving our country are doing so so that we all have the right to vote. And this is important to help them have the right to vote. I say that knowing from experience, since my own son is deployed and he is serving in the Mideast, he's been there since November, will be there to June, and is on the Harry Truman carrier as a naval aviator.

But the point is we may be very interested in politics and we may be really working and knowing who the candidates are. When you're in the military and you're serving and you're deployed, to have a primary that's going to be in June for an election that's going to take place in August is somewhat ridiculous.

Having that primary, all we are doing is moving it up a few weeks from when it has traditionally been in September, so that it is ten weeks before Election Day. It gives a person, whether they're interested in politics or not, gives them time to know who the candidates are and to really make a good vote in a primary. So not only giving them the chance to vote, but not moving it so far ahead that they have no idea who the candidate is.

And when you talk about going on vacation, it's easy. You just do an absentee ballot and then you can go on your vacation.

So I vote aye, and I appreciate this bill being before us. I thank the sponsor for it. And it is all about concern for our military men and women.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Little to be recorded in the affirmative.

Senator Hassell-Thompson to explain her vote.

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

I rise to -- Senator Gustavo Rivera made the correction that I needed to make and I felt compelled to make, but I want to reiterate that.

We behave in this chambers and in government as though it's a special privilege that we endow the people of the State of New York with the right to vote. That is not only absurd, but it is legally incorrect. And we need to stop saying it, we need to stop pretending in that vein. Because when we do, we make people think that it is not accessible to everybody.

Voting is and must remain accessible to the people of the State of New York. It is not availability, it's accessibility. And while I have a great appreciation for what we're attempting to do on behalf of our military, I believe that there is also a preponderance of people who are not in the military who would be

adversely affected by the dates that we have chosen.

If it has been suggested that if we put our heads together and come up with a date that is less arbitrary and meets a standard that makes some sense -- and there are several bills around, by the way, that already have done that; a case in point, Senator Stewart-Cousins's bill -- then I would suggest that we are then closer to assuming that we all want the same thing.

I don't -- I get the impression, when it is made clear that there are flaws, serious flaws in the bills that we do or that we present in this room, and that there are solutions that would make it a better bill, that we fail to acknowledge that because of political considerations. I think that that's more appalling than the fact that my colleague accused us of taking a poor shot. It's not a poor shot. It is poor government and policy development to present something that does not statistically make sense, that does not empirically make sense, and therefore it does not meet the standard of what is called common sense.

Mr. President, I will continue to vote no on this bill. Thank you.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson to be recorded in the negative.

Senator Panepinto to explain his vote.

SENATOR PANEPINTO: Mr. President, the last time I looked, 14 was, you know, not close to a majority of 50 states. And, you know, New York should not be amongst Kansas, Arkansas, North Carolina, Alaska, Missouri and Tennessee, to have August primaries. Those are not the states that the Empire State should be in competition with to do a primary.

So this is a silly piece of legislation. June is the time we should have it. That will increase voter turnout. August will not do that.

I vote in the negative.

ACTING PRESIDENT GRIFFO: Senator Panepinto to be recorded in the negative.

Senator Larkin to explain his vote.

SENATOR LARKIN: You know, I've been listening to this for a couple of years. I don't think there's anybody in this chamber here

who was back here when it was in June. And it was in June because your party wanted to get the summer free. If we had it in September, oh, you'd have to do all the primaries, you'd have to be out there getting petitions and everything else. And we moved it.

Ladies and gentlemen, you're talking about the men of the armed forces. Not talking about somebody on Third Street or Fourth Street. If you think somebody commanding a combat unit in Afghanistan this morning could hear us, they would say: What in the hell are they talking about?

Those of us who have been in combat, I can remember my latest in Korea. You think in August, March, April or May 1950 -- I was worried about my ass and 208 other enlisted men. And now we're talking about we've got them time, we've got them {inaudible} here. I don't ever remember somebody even talking to me in the election of 1950 about primaries, about this and about that. And guess what? I didn't care either. But I worried about your son or your daughter, your loved one, to make sure that they were there and protected.

And we're playing games with this. This is our armed forces. Get off of our back and sit down and get this thing straightened out, because you're talking about those men and women who stick up for you every day. They raised their hand and said: I willingly defend this country, I will fight for it. And now they come here and see us in Albany. Aren't we great.

Now, somebody said we've done this a couple of years. I told you what they did before any of you were here. We made it so that New York City would be very happy because they didn't have to do any primaries or petitions when we finished session in June.

Ladies and gentlemen, put those men and women in harm's way in your right eye, your right ear, and think about how do we do this and get it out and stop playing tiddlywinks.

ACTING PRESIDENT GRIFFO: Senator Larkin to be recorded in the affirmative.

Senator Latimer to explain his vote.

SENATOR LATIMER: Thank you, Mr. President. To explain my vote.

I have great respect for those who served in the military. My nephew Jonathan

Pungello serves, as we speak, in the Middle East, a member of the U.S. Army Reserve. I'm not sure where he is. I hope he's in a safe place.

My nephew, who at the very day of his birth, I was standing there with my sister and brother-in-law; I was there the day he was baptized. And he's a brave young man to volunteer, to go to serve his nation, as other brave men -- as Colonel Larkin has, as James Sanders has.

And I asked Jonathan Pungello, and I asked him, I said, "What would it mean to you?" And he said, "Look, the earlier the better. The earlier the better."

So June is earlier than August. We have great respect for the men and the women who have made sacrifices for this nation. No one person, no one party owns patriotism. No one person, no one philosophy owns love of country. Those of us who believe that this can be done in June are saying the exact same things, that there should be the opportunity for our men and women, brave, to be able to cast their right to vote. And it makes more sense to have them do it earlier in the year rather than later.

Now, I respect those who have served, and I respect my nephew as well.

ACTING PRESIDENT GRIFFO: Senator Latimer to be recorded in the negative.

Senator Sanders to explain his vote.

SENATOR SANDERS: Thank you, Mr. President.

I actually tried to stay out of this debate. But my father served in World War II, several uncles also. My older brother served, Vietnam-era, Marines. I am a post-Vietnam-era Marine grunt. My younger brother is 82nd Airborne, he started going wrong. My other -- my nephew: three tours Iraq, one tour Afghanistan, one tour DMZ, and going. And going.

My friends, if we could really allow everybody in here to be viewed as a patriot, if we could avoid taking one issue and saying that this is the only issue that there is to be a patriot -- can we assume that everybody in here is here because we love this country and we want to do the best for it.

If we can do that, then we will have served our armed forces the best way. We will give the freedoms that they are fighting for and

that we are in one sense fighting for also. If we can avoid the wrapping ourselves in a flag over an issue and just allow that the other person believes also. If we can do that, then we can avoid a "you've got to be with this issue or else you're some type of whatever that's not patriotic."

So that's really my position, and that's my explaining of my vote. I understand the position that the other side is going with. I differ with it, but I understand it. Doesn't mean that you're not a patriot. It means that you're a good patriot. You stood up for what you believed in, and said it. I commend you for it.

I vote no on it, however. Thank you.

ACTING PRESIDENT GRIFFO: Senator Sanders to be recorded in the negative.

Senator Young to explain her vote.

SENATOR YOUNG: Thank you, Mr. President.

It was interesting for me to hear my colleague Senator Squadron talk about one-house bills and his concern about one-house bills. Because I wonder how many one-house bills he's

introduced.

I also have heard this word "I'm appalled" thrown around today several times. I think what's appalling here today is that my colleagues on the other side of the aisle want to have campaigns and elections during a time of the year when we are elected to do the people's business. We are elected to pass the state budget. We are elected to pass bills that are going to do things that are important for the people of this state.

Whether it's to fund our schools and education so that our children have a brighter future, whether it's to grow jobs in the state, whether it's to give our hardworking, overburdened taxpayers more relief. That's what we should focus on January through June, not campaigns and elections.

I want to thank and commend my colleague Senator Akshar for his leadership in bringing this issue forward. It makes common sense to have this primary in August, when we're away from session, when we can focus on other things, and we can have the people have the right to vote at a time when they're accessible. And

more importantly, it won't be a time when we're taken away from doing the people's business.

So thank you, Senator Akshar, for your concern about veterans. Thank you for your concern for the taxpayers of New York State. Thank you for your concern for doing the right thing. Thank you for your concern to be willing to listen to people who have differing viewpoints. That's very important too, and that says a lot about who you are, not only as a legislator and a person.

I vote aye.

ACTING PRESIDENT GRIFFO: Senator Young to be recorded in the affirmative.

Is there any other explanation of votes?

(No response.)

ACTING PRESIDENT GRIFFO: Then the chair will allow Senator Akshar, as the sponsor, to make his final explanation of vote.

SENATOR AKSHAR: Mr. President, thank you. I enjoyed the robust dialogue today.

It's not my intention, as suggested, to pass a one-house bill. And I look forward to working with my colleagues in the Assembly and

the Governor to start saving our municipalities money.

Those who wear the uniform of this great country and serve with distinction deserve to be treated fairly. And when it comes to voting, this allows them to exercise their right without delay.

We heard a little bit about public confidence in this body. So I would make the argument that in the effort to restore the public's confidence in us, we need to ensure that we draw a very distinct line between campaigning and legislative activities. The people of this great state expect us to be here doing their work between January and June.

We heard a little bit about the weather. It's hot in August to pass petitions. I would suggest to my colleagues they got in their car or truck and drove to the North Country in March, where it's cold and there's three, four and five feet of snow.

I heard about availability of polling places. Well, my friends, schools are closed in August. We use schools all the time, and I would suggest it would be much easier for

them -- for folks to get into schools to use them as polling places.

Again, it's a fair treatment for military personnel, it saves our hardworking taxpayers money, and it establishes a very clear separation between the political season and the legislative process.

Mr. President, I vote aye.

ACTING PRESIDENT GRIFFO: Senator Akshar votes in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 155, those recorded in the negative are Senators Addabbo, Breslin, Comrie, Dilan, Espaillat, Felder, Gianaris, Hamilton, Hassell-Thompson, Hoylman, Kennedy, Krueger, Latimer, Montgomery, Panepinto, Parker, Peralta, Perkins, Persaud, Rivera, Sanders, Savino, Serrano, Squadron, Stavisky and Stewart-Cousins.

Absent from voting: Senators Díaz and Hannon.

Ayes, 34. Nays, 26.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I'd just like you to recognize that this is Senator Akshar's first bill.

And I've been here for many, many years; I've never seen a harder bill fought for as your first bill ever in the New York State Senate. Congratulations.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: May we return to motions and resolutions.

ACTING PRESIDENT GRIFFO: May I have some order in the house, please.

We will return to motions and resolutions.

SENATOR DeFRANCISCO: Well, I don't know if it's either, but Senator Hamilton has requested the opportunity to recognize a group of students.

ACTING PRESIDENT GRIFFO: Senator Hamilton.

SENATOR HAMILTON: Yes, the resolution was presented by Senator Marty Golden, so I will let him -- defer to him to speak first.

SENATOR GOLDEN: I already did.

SENATOR HAMILTON: You already spoke?

So I'm here, Senator Hamilton, to recognize the occupational therapists from Downstate College on its 50th anniversary. Can you please stand up there so I can see who you are? All right. Yeah.

(Applause.)

SENATOR HAMILTON: SUNY Downstate Medical Center's College of Health Related Professions is celebrating its 50th anniversary. Opening in the fall of 1966, along with Downstate's nursing program, it initially enrolled 20 students, three in physical therapy, four in occupational therapy. The program curriculum requires 81.5 credits, taking 2.5 years of study. The curriculum is composed of integrated course sequences such as health science, occupational therapy foundations, occupational therapy practice and research, theory and application.

Occupational therapy in general helps children to develop the underlying skills necessary for learning and for performing

specific tasks, but it also addresses social and behavioral skills. It can help with a child's self-confidence. Pediatric occupational therapy helps children develop the basic sensory awareness and motor skills needed for motor development, learning and behavior.

And I want to thank Alithia Alleyne for bringing the class down here today. And God bless you all for doing a phenomenal job.

(Applause.)

ACTING PRESIDENT GRIFFO: Thank you, Senator Hamilton.

They have been acknowledged. We appreciate that. You're welcome into the chamber, and we extend the courtesies of the house to you.

SENATOR DeFRANCISCO: And the Senators have asked that you come down to the floor to take a photo.

ACTING PRESIDENT GRIFFO: If you would come down to the floor, the Senators will be available to meet and greet you.

Senator Hamilton, thank you.

SENATOR DeFRANCISCO: Is there any further business at the desk?

ACTING PRESIDENT GRIFFO: There is no further business before the desk.

SENATOR DeFRANCISCO: There being none, then I move to adjourn until Monday, March 7th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT GRIFFO: On motion, the Senate will stand adjourned until Monday, March 7th, at 3:00 p.m., with intervening days being legislative days.

The Senate stands adjourned.

(Whereupon, at 12:43 p.m., the Senate adjourned.)