

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 January 14, 2019

11 3:30 p.m.

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13
14 REGULAR SESSION

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18 LIEUTENANT GOVERNOR KATHLEEN C. HOCHUL, President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

2 THE PRESIDENT: The Senate will
3 come to order.

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

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

8 THE PRESIDENT: In the absence of
9 clergy, I ask that everyone bow their head for a
10 moment of silent reflection or prayer.

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

13 THE PRESIDENT: Thank you.

14 The reading of the Journal.

15 THE SECRETARY: In Senate, Sunday,
16 January 13, 2019, the Senate met pursuant to
17 adjournment. The Journal of Saturday,
18 January 12, 2019, was read and approved. On
19 motion, Senate adjourned.

20 THE PRESIDENT: Without objection,
21 the Journal stands approved as read.

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 We have a communication from the

1 Governor of the State of New York, and the
2 Secretary will read.

3 THE SECRETARY: "Dear Senators, I
4 would appreciate the privilege of the presence of
5 all the Members of the New York State Senate at
6 the Kitty Carlisle Hart Theatre on January 15,
7 2019, at 2:00 p.m., to deliver the 2019 State of
8 the State and Budget Address.

9 "Very truly yours, Andrew M. Cuomo."

10 THE PRESIDENT: To be filed in the
11 Journal.

12 Reports of standing committees.

13 Reports of select committees.

14 Communications and reports from
15 state officers.

16 Motions and resolutions.

17 Senator Gianaris.

18 SENATOR GIANARIS: Good afternoon,
19 Madam President.

20 On behalf of Senator Kaminsky, I
21 move that the following bill be discharged from
22 its respective committee and be recommitted with
23 instructions to strike the enacting clause:
24 Senate Bill 82.

25 THE PRESIDENT: So ordered.

1 Senator Gianaris.

2 SENATOR GIANARIS: Madam President,
3 there will be an immediate meeting of the
4 Rules Committee in Room 332 of the Capitol.

5 THE PRESIDENT: There will be an
6 immediate meeting of the Rules Committee in
7 Room 332 of the Capitol.

8 The Senate will stand at ease.

9 (Whereupon, the Senate stood at ease
10 at 3:33 p.m.)

11 (Whereupon, the Senate reconvened at
12 3:56 p.m.)

13 THE PRESIDENT: The Senate will
14 come to order.

15 Senator Gianaris.

16 SENATOR GIANARIS: Madam President,
17 is there a Rules Committee report at the desk?

18 THE PRESIDENT: There is a
19 Committee on Rules report at the desk, and the
20 Secretary will read.

21 THE SECRETARY: Senator
22 Stewart-Cousins, from the Committee on Rules,
23 reports the following bills:

24 Senate Print 1046, by
25 Senator Hoylman, an act to amend the

1 Education Law;

2 Senate Print 1047, by
3 Senator Hoylman, an act to amend the
4 Executive Law;

5 Senate Print 1048, by
6 Senator Gianaris, Concurrent Resolution of the
7 Senate and Assembly proposing an amendment to
8 Section 5 of Article II of the Constitution;

9 Senate Print 1049, by
10 Senator Comrie, Concurrent Resolution of the
11 Senate and Assembly proposing an amendment to
12 Section 2 of Article II of the Constitution;

13 Senate Print 1099, by
14 Senator Carlucci, an act to amend the
15 Election Law;

16 Senate Print 1100, by
17 Senator Carlucci, an act to amend the
18 Election Law;

19 Senate Print 1101, by
20 Senator Kavanagh, an act to amend the
21 Election Law;

22 Senate Print 1102, by Senator Myrie,
23 an act to amend the Election Law;

24 Senate Print 1103, by
25 Senator Stewart-Cousins, an act to amend the

1 Election Law;

2 Senate Print 1190, by
3 Senator Bailey, an act to amend the
4 Judiciary Law;

5 Senate Print 1191, by
6 Senator Comrie, an act to amend a chapter of the
7 Laws of 2018;

8 Senate Print 1192, by
9 Senator Bailey, an act to amend the
10 Economic Development Law;

11 Senate Print 1193, by
12 Senator Stewart-Cousins, an act to amend a
13 chapter of the Laws of 2018;

14 Senate Print 1194, by
15 Senator Sanders, an act to amend a chapter of the
16 Laws of 2018;

17 Senate Print 1195, by
18 Senator Bailey, an act to amend a chapter of the
19 Laws of 2018;

20 Senate Print 1196, by
21 Senator Breslin, an act to amend the Insurance
22 Law;

23 Senate Print 1263, by
24 Senator Metzger, an act to amend the Tax Law and
25 the Alcoholic Beverage Control Law;

1 Senate Print 1264, by
2 Senator Gianaris, an act to amend the
3 Civil Practice Law and Rules;

4 Senate Print 1276, by Senator Funke,
5 an act to amend the Election Law;

6 And Senate Print 1277, by
7 Senator Gounardes, an act to amend the Tax Law.

8 All bills reported direct to third
9 reading.

10 THE PRESIDENT: Senator Gianaris.

11 SENATOR GIANARIS: Move to accept
12 the Rules Committee report.

13 THE PRESIDENT: All in favor of
14 accepting the report by the Rules Committee
15 signify by saying aye.

16 (Response of "Aye.")

17 THE PRESIDENT: Opposed?

18 (No response.)

19 THE PRESIDENT: The report is
20 accepted.

21 Senator Gianaris.

22 SENATOR GIANARIS: Madam President,
23 there is a supplemental calendar at the desk. We
24 will be taking up several bills from this
25 calendar. And I ask that we begin by taking up

1 Calendar Number 8, by Senator Myrie.

2 THE PRESIDENT: The Secretary will
3 read.

4 THE SECRETARY: Calendar Number 8,
5 by Senator Myrie, Senate Print 1102, an act to
6 amend the Election Law in relation to early
7 voting.

8 SENATOR GRIFFO: Lay it aside.

9 THE PRESIDENT: Lay it aside.

10 SENATOR GIANARIS: Okay,
11 Madam President, next we're taking up
12 Calendar Number 3, by Senator Gianaris.

13 THE PRESIDENT: The Secretary will
14 read.

15 THE SECRETARY: Calendar Number 3,
16 by Senator Gianaris, Senate Print 1048,
17 Concurrent Resolution of the Senate and Assembly
18 proposing an amendment to Section 5 of Article II
19 of the Constitution.

20 SENATOR GRIFFO: Lay it aside.

21 THE PRESIDENT: Lay it aside.

22 SENATOR GIANARIS: Next,
23 Madam President, please take up Calendar Number
24 4, by Senator Comrie.

25 THE PRESIDENT: The Secretary will

1 read.

2 THE SECRETARY: Calendar Number 4,
3 by Senator Comrie, Senate Print 1049, Concurrent
4 Resolution of the Senate and Assembly proposing
5 an amendment to Section 2 of Article II of the
6 Constitution.

7 SENATOR GRIFFO: Lay it aside.

8 THE PRESIDENT: Lay it aside.

9 SENATOR GIANARIS: Next, Calendar
10 Number 5, by Senator Carlucci.

11 THE PRESIDENT: The Secretary will
12 read.

13 THE SECRETARY: Calendar Number 5,
14 by Senator Carlucci, Senate Print 1099, an act to
15 amend the Election Law.

16 SENATOR GRIFFO: Lay it aside.

17 THE PRESIDENT: Lay it aside.

18 SENATOR GIANARIS: Calendar Number
19 6, also by Senator Carlucci.

20 THE PRESIDENT: The Secretary will
21 read.

22 THE SECRETARY: Calendar Number 6,
23 by Senator Carlucci, Senate Print 1100, an act to
24 amend the Election Law.

25 SENATOR GRIFFO: Lay it aside.

1 THE PRESIDENT: Lay it aside.

2 SENATOR GIANARIS: Calendar Number
3 7, by Senator Kavanaugh.

4 THE PRESIDENT: The Secretary will
5 read.

6 THE SECRETARY: Calendar Number 7,
7 by Senator Kavanaugh, Senate Print 1101, an act to
8 amend the Election Law.

9 SENATOR GRIFFO: Lay it aside.

10 THE PRESIDENT: Lay it aside.

11 SENATOR GIANARIS: Next is
12 Calendar Number 9, by Leader Stewart-Cousins.

13 THE PRESIDENT: The Secretary will
14 read.

15 THE SECRETARY: Calendar Number 9,
16 by Senator Stewart-Cousins, Senate Print 1103, an
17 act to amend the Election Law.

18 SENATOR GRIFFO: Lay it aside.

19 THE PRESIDENT: Lay it aside.

20 SENATOR GIANARIS: Madam President,
21 I'd ask that you please begin the controversial
22 calendar, beginning with Calendar Number 8.

23 THE PRESIDENT: The Secretary will
24 ring the bell, and the Secretary will read.

25 THE SECRETARY: Calendar Number 8,

1 by Senator Myrie, Senate Print 1102, an act to
2 amend the Election Law.

3 SENATOR GRIFFO: Madam President.

4 THE PRESIDENT: Senator Griffo.

5 SENATOR GRIFFO: Madam President, I
6 believe that there is an amendment at the desk.
7 I waive the reading of the amendment and ask that
8 you call upon Senator Young for an explanation.

9 THE PRESIDENT: Thank you, Senator
10 Griffo.

11 Upon reviewing the amendment, in
12 accordance with Rule VI, Section 4B, I rule it
13 nongermane and out of order at this time.

14 SENATOR GRIFFO: As unaccustomed as
15 I am to receiving the ruling rather than
16 delivering it --

17 (Laughter.)

18 SENATOR GRIFFO: -- I did
19 anticipate such. And I would ask,
20 Madam President, that we appeal the rule of the
21 chair and that you recognize Senator Young to be
22 heard on the appeal.

23 THE PRESIDENT: The appeal has been
24 made and recognized, and Senator Young may be
25 heard.

1 SENATOR GRIFFO: Thank you.

2 SENATOR YOUNG: Thank you,
3 Madam President.

4 This amendment would amend Senate
5 1102 on early voting to do the following. First
6 of all, it would make the state real property tax
7 cap permanent. It would impose a 2 percent cap
8 on state spending and would require that the
9 state provide funding for all mandates it imposes
10 on local governments.

11 This amendment clearly is germane to
12 Senate 1102, for as the sponsor of 1102 admits,
13 such bill clearly has a fiscal impact. It has a
14 very negative fiscal impact on local governments
15 and on statewide spending.

16 Every day we hear from our
17 overburdened taxpayers about the cost of living
18 in New York. Last year we lost 200,000 residents
19 because of that heavy tax burden. This
20 bill-in-chief actually will drive up those costs
21 even more, and we will lose more people.

22 So this bill-in-chief also affects
23 state spending, that's why we have the spending
24 cap for the state included, and it also requires
25 significant action by the State Board of

1 Elections, so it increases state costs.

2 And this is a huge unfunded mandate.

3 That's why the taxpayers of this state, who are
4 crying for relief, need this amendment to be put
5 on this bill. Thank you.

6 Thank you, Madam President.

7 THE PRESIDENT: Thank you, Senator.

8 I want to remind the house that the
9 vote is on the procedures and the ruling of the
10 chair.

11 All those in favor of overruling the
12 chair signify by saying aye.

13 (Response of "Aye.")

14 THE PRESIDENT: Opposed?

15 (Response of "Nay.")

16 THE PRESIDENT: The nays have it --

17 SENATOR GRIFFO: Show of hands,
18 please.

19 THE PRESIDENT: Let's have a show
20 of hands. All those in favor of overruling the
21 decision of the chair please indicate by showing
22 your hands.

23 (Show of hands.)

24 THE PRESIDENT: Announce the
25 results.

1 THE SECRETARY: Ayes, 20.

2 THE PRESIDENT: The ruling of the
3 chair stands. The nays have it.

4 The bill-in-chief is before the
5 house.

6 SENATOR GRIFFO: Madam President, I
7 ask that you recognize Senator Young.

8 THE PRESIDENT: Senator Young.

9 SENATOR YOUNG: Thank you,
10 Madam President. Will the sponsor yield to some
11 questions?

12 THE PRESIDENT: Will the sponsor
13 yield?

14 SENATOR MYRIE: Yes, Madam
15 President.

16 SENATOR YOUNG: There he is. I'm
17 getting used to everyone's new seating
18 arrangements. So there you are, way in the back.
19 Welcome to the Senate.

20 I have just a few questions -- quite
21 a few, actually -- about this bill. And first of
22 all, why is this piece of legislation,
23 Madam President, necessary?

24 SENATOR MYRIE: Madam President,
25 when it comes to access to the ballot box, I

1 think today we begin the journey of bringing
2 New York from worst to first. Throughout this
3 country's history, we've had a sordid and at
4 times disgraceful record on voting rights, and in
5 New York we often look with derision at other
6 states who actively suppress the franchise by
7 making it harder to vote.

8 But the truth is our antiquated
9 voting laws, including the lack of early voting,
10 have had the same function. We tell the people
11 of our state that they should participate in our
12 democracy, that they should use their
13 constitutional right, a right that is at the
14 center of our political system, and yet we only
15 give them one day to exercise that right.
16 Thirty-eight other states have recognized that
17 this right is too precious to be allocated to
18 just one day.

19 And I know what you're thinking,
20 that these are liberal urban centers run by
21 liberal Democrats pushing a liberal agenda. But
22 you'd be surprised to know that Texas has early
23 voting, and New York does not. Louisiana has
24 early voting, and New York does not. Arizona,
25 Tennessee, and Georgia have early voting, but

1 New York does not. In fact, we are one of only
2 12 states that do not have early voting. So
3 today it is time for us to go from worst to
4 first.

5 If you work two jobs and are charged
6 with childcare, we should be making it easier for
7 you to vote and not harder. If you run a
8 business that requires your full attention and
9 presence during Election Day, we should be making
10 it easier for you to vote, not harder. And if
11 there is an emergency, whether that is a family
12 emergency or a work emergency, or if you live in
13 the city and utilize the subway, on that rare
14 occasion when there's a subway emergency --

15 (Laughter.)

16 SENATOR MYRIE: -- we should be
17 making it easier for you to vote, and not harder.

18 Early voting opens up our democracy,
19 and it is a worthy investment. Over the coming
20 weeks we will be discussing the details of the
21 budget of the State of New York, and it is
22 important that we prioritize funding early
23 voting. The state already spends approximately
24 \$300 million on the operations of our Boards of
25 Elections. Early voting, at an estimated cost of

1 about 10 million, is merely 3 percent of that.

2 It is a well worthy investment to
3 increase voter participation, open up our
4 democracy, and bring our state into the
5 21st century.

6 Now, some have questioned why we are
7 taking this up so early in the session, and my
8 response to that is simple. Voting is the right
9 that protects all other rights. We all in this
10 chamber are here for one reason, and that is to
11 express the will of the voters. If that will is
12 impeded on, whether implicitly or explicitly,
13 nothing else that we do matters.

14 Early voting will open up our
15 democracy, and it is time that we get it done
16 now.

17 (Applause from the gallery.)

18 SENATOR YOUNG: Thank you,
19 Madam President. Would the sponsor continue to
20 yield? Senator Myrie, are you --

21 THE PRESIDENT: Does the sponsor
22 yield?

23 SENATOR YOUNG: Are you yielding?

24 SENATOR MYRIE: Yes, Madam
25 President.

1 THE PRESIDENT: The sponsor yields.

2 SENATOR YOUNG: Okay. I wanted to
3 ask whether you're familiar with several studies
4 that have been conducted on early voting,
5 including those done by the Washington Post,
6 October 24, 2018, the Pew Research Center, which
7 was done on September 23, 2013, the National
8 Conference of State Legislatures, January 3,
9 2019, citing Pew, and the American Journal of
10 Political Science, which was conducted on
11 September 9, 2013. Are you familiar with those
12 studies?

13 SENATOR MYRIE: Madam President, I
14 am not familiar with the studies that the Senator
15 just referenced.

16 SENATOR YOUNG: Okay. Well, thank
17 you for letting me know that. Just to let you
18 know what those studies found is that they all
19 concluded that early voting does not, does not
20 increase voter turnout but merely affords people
21 who would have voted anyway with a chance to vote
22 before Election Day.

23 And in fact, the Pew analysis said
24 it actually found that early voting will lead to
25 lower turnout. And this is a quote: "Reformers

1 hate it when this happens. The country's most
2 widely adopted reform, designed to make voting
3 easier, may lower the chances that an individual
4 voter will go to the polls. This result up-ends
5 the conventional view that anything that makes
6 voting easier will raise turnout. These studies
7 found just the opposite."

8 So I'm wondering -- through you,
9 Madam President, will the sponsor yield?

10 SENATOR MYRIE: Yes, Madam
11 President.

12 THE PRESIDENT: The sponsor yields.

13 SENATOR YOUNG: Senator Myrie, why
14 are you so confident that this proposal will
15 actually raise turnout in New York State when it
16 has been shown to fail in other states and
17 actually not increase voter turnout?

18 SENATOR MYRIE: Madam President, I
19 am not familiar with the studies that my
20 colleague just outlined. But I am familiar with
21 the long lines that I personally experienced when
22 I went to vote last November. I am familiar with
23 the many people in my state who through
24 obligations, work- or family-related, are unable
25 to participate in their democracy because of the

1 15 hours -- and in some places in this state,
2 even shorter -- that they have to exercise their
3 constitutional right.

4 SENATOR YOUNG: Thank you, Madam
5 President. Will the sponsor continue to yield?

6 THE PRESIDENT: Will the sponsor
7 yield?

8 SENATOR MYRIE: Yes, Madam
9 President.

10 THE PRESIDENT: The sponsor yields.

11 SENATOR YOUNG: So let me just
12 clarify, Senator Myrie. So you said you haven't
13 looked at other states' results or any kind of
14 studies regarding this, and you did say that we
15 haven't had any kind of time early in the session
16 to have any kind of hearings or any kind of input
17 from the citizens.

18 So with this failure in other
19 states, why are you so confident, again, that it
20 would work in New York? Especially with all of
21 the other issues associated with this as far as
22 costs to local governments and so on.

23 SENATOR MYRIE: Madam President,
24 the studies that my colleague is citing I am
25 unfamiliar with, and I am not sure I will assume

1 the results of those studies without knowing what
2 the methodology was. But voting participation
3 and the increase of voting participation is one
4 piece of the voting reform package that we are
5 carrying today.

6 Early voting in isolation will help
7 folks to vote when it's convenient for them, but
8 there are a number of other policies that,
9 combined, will take New York from being in the
10 bottom 5 percent in this country to the top. I
11 think it is an embarrassment that we fancy
12 ourselves a progressive bastion, but even in a
13 high-turnout election, we remain 46th in the
14 nation in voting.

15 So I think that early voting is just
16 a first step to increase participation.

17 (Applause from the gallery.)

18 THE PRESIDENT: I wish to remind
19 the visitors that clapping is not allowed in the
20 chambers. Thank you. Until the end of the
21 debate.

22 SENATOR YOUNG: Thank you, Madam
23 President. Will the sponsor continue to yield?

24 THE PRESIDENT: Will the sponsor
25 yield?

1 SENATOR MYRIE: Yes, Madam
2 President.

3 THE PRESIDENT: The sponsor
4 continues to yield.

5 SENATOR YOUNG: Senator Myrie, are
6 you familiar with the fact that there are
7 constitutional questions that actually surround
8 this legislation? Are you familiar with that?

9 SENATOR MYRIE: Madam President,
10 I'd ask that my colleague elaborate on those
11 constitutional questions.

12 SENATOR YOUNG: I thought you'd
13 never ask. So actually, Section 1 of Article II
14 of the State Constitution provides that "every
15 citizen shall be entitled to a vote at every
16 election for all officers elected by the people."

17 The Constitution, under Section 2,
18 Article II, then goes on to make a singular
19 exception for this requirement that all voting
20 must be conducted on a single day, when and only
21 when the voter casts an absentee ballot and meets
22 the specific limited requirements therefor.

23 So can the sponsor explain where you
24 find the constitutional authority to transform
25 New York's Election Day from beyond the single

1 prescribed Election Day in Section 1, Article II,
2 into two periods totaling eight days with a
3 seven-day pre-Election Day voting period, a
4 two-day break, and then Election Day? That can't
5 be found anywhere in the Constitution. So where
6 do you find this authority to change the
7 Constitution?

8 SENATOR MYRIE: Madam President, it
9 is -- I'm not aware of any constitutional flaws
10 with the early voting bill. We are not changing
11 the Election Day, but simply allowing voters to
12 vote earlier.

13 SENATOR YOUNG: Through you, Madam
14 President, will the sponsor continue to yield?

15 THE PRESIDENT: Will the sponsor
16 continue to yield?

17 SENATOR MYRIE: Yes, Madam
18 President.

19 THE PRESIDENT: The Senator yields.

20 SENATOR YOUNG: Senator Myrie, I
21 just went over the sections of the Constitution
22 that it actually violates, and the question is,
23 how can this proposal ever meet the
24 constitutional requirement that every citizen
25 shall be entitled to a vote at every election

1 when the Constitution itself, the case law
2 thereunder, and the past practice of our state
3 for the last 242 years has been to view the term
4 "at every election" to mean on a single
5 Election Day?

6 SENATOR MYRIE: Madam President, we
7 believe that this bill is constitutional. I
8 believe that my colleague is referring to
9 provisions that are relevant to absentee voting.
10 But we believe that the bill as currently written
11 is constitutional.

12 SENATOR YOUNG: Thank you. Through
13 you, Madam President, will the sponsor continue
14 to yield?

15 THE PRESIDENT: Will the sponsor
16 yield?

17 SENATOR MYRIE: Yes, Madam
18 President.

19 THE PRESIDENT: The sponsor yields.

20 SENATOR YOUNG: Thank you for that
21 answer, Senator Myrie, but that's --

22 THE PRESIDENT: Please, Senator, I
23 wish to remind you to direct your questions
24 directly to the chair.

25 SENATOR YOUNG: Thank you for your

1 answer to that, the sponsor. But can the sponsor
2 cite a single court case that interprets this
3 constitutional provision to allow for two
4 separate periods of eight days of voting for both
5 primary and general elections?

6 SENATOR MYRIE: Madam President,
7 no.

8 SENATOR YOUNG: Thank you.

9 I'd like to go on to questions --
10 through you, Madam President -- regarding
11 registration and voter fraud.

12 THE PRESIDENT: Does the sponsor
13 yield?

14 SENATOR MYRIE: Yes, Madam
15 President.

16 THE PRESIDENT: The sponsor yields.

17 SENATOR YOUNG: I was just curious,
18 what protections -- you know, everybody has as
19 their most sacred right as Americans to have
20 their vote counted. And I know that's probably
21 the intention of this, although it does just the
22 opposite with actually having lower voting
23 turnouts.

24 But what protections does this bill
25 on early voting have within its text to prevent

1 noncitizens from voting in early elections?

2 SENATOR MYRIE: Madam President, as
3 the law currently stands, it is a crime to vote
4 as a noncitizen.

5 And the bill also requires that the
6 State Board of Elections ensure that folks are
7 not voting more than once. It is currently a
8 felony to do so, and nothing in this bill changes
9 that.

10 SENATOR YOUNG: Through you, Madam
11 President, will the sponsor continue to yield?

12 THE PRESIDENT: Will the sponsor
13 continue to yield?

14 SENATOR MYRIE: Yes, Madam
15 President.

16 THE PRESIDENT: The sponsor yields.

17 SENATOR YOUNG: As I cited the
18 sections of the Constitution that are violated by
19 this bill -- and we do have constitutional
20 limitations in general. So is this bill just the
21 first step to allow noncitizens to vote in
22 New York?

23 SENATOR MYRIE: Madam President, if
24 I could just say that the constitutional flaws
25 alleged -- and they have not been found to

1 actually be in violation of the Constitution.
2 And what this bill does is encourage
3 participation in our democracy. It opens up the
4 process, and it allows for New Yorkers to vote at
5 an earlier and more convenient time.

6 SENATOR YOUNG: Through you, Madam
7 President, will the sponsor continue to yield?

8 THE PRESIDENT: Will the sponsor
9 continue to yield?

10 SENATOR MYRIE: Yes, Madam
11 President.

12 THE PRESIDENT: The sponsor yields.

13 SENATOR YOUNG: Is the sponsor
14 aware that Section 5 of Article II of the State
15 Constitution provides that "Laws shall be made
16 for ascertaining by proper proofs the citizens
17 who shall be entitled to the right to suffrage"?

18 SENATOR MYRIE: Madam President,
19 nothing in this bill changes the current
20 statutory structure that governs who can vote.

21 SENATOR YOUNG: Through you, Madam
22 President, will he continue to yield?

23 THE PRESIDENT: Will the sponsor
24 continue to yield?

25 SENATOR MYRIE: Yes, Madam

1 President.

2 THE PRESIDENT: The sponsor yields.

3 SENATOR MAYER: Senator Myrie, are
4 you further aware that the primary proof to
5 validate a voter at an election polling site is a
6 poll book in which a validly registered voter's
7 name, age, and signature appears for voter
8 identification by election officials at the same
9 polling place?

10 SENATOR MYRIE: Madam President,
11 yes, I am aware.

12 SENATOR YOUNG: Is the sponsor
13 aware that by this bill authorizing that any
14 voter can vote at any polling place within their
15 county of residence during the early voting
16 period, that each and every polling place must
17 maintain and have available all of the poll books
18 for the entire county?

19 SENATOR MYRIE: Madam President,
20 firstly, a voter now can vote at any polling
21 location via affidavit ballot.

22 But secondly, I believe that we will
23 be looking into poll books and how we can
24 modernize that in order to help facilitate early
25 voting at a later time.

1 SENATOR YOUNG: Through you,
2 Madam President, that's an interesting response,
3 because when we're passing legislation, you
4 should have in place safeguards --

5 THE PRESIDENT: Senator, are you
6 asking him to continue to yield?

7 SENATOR YOUNG: -- to -- to make
8 sure that the right systems are in place. So are
9 you telling me that the poll books will be
10 handled at a different date and not have the
11 system in place to put this in place?

12 THE PRESIDENT: Senator, I didn't
13 hear a request to have the sponsor continue to
14 yield. Is that your request on the floor?

15 SENATOR YOUNG: Will the sponsor
16 continue to yield?

17 SENATOR MYRIE: Yes, Madam
18 President.

19 THE PRESIDENT: The sponsor
20 continues to yield.

21 SENATOR MYRIE: Madam President,
22 the bill calls for early voting to be instituted
23 in the first general election of this year. We
24 have time -- the State Board of Elections has
25 assured us that this is enough time to address

1 some of these issues on execution. And we
2 believe that that is sufficient time in order to
3 make sure that this is executed in the right way.

4 SENATOR YOUNG: Through you,
5 Madam President, will the sponsor continue to
6 yield.

7 THE PRESIDENT: Will the sponsor
8 continue to yield?

9 SENATOR MYRIE: Yes,
10 Madam President.

11 THE PRESIDENT: The sponsor
12 continues to yield.

13 SENATOR YOUNG: So when I go to
14 vote every election, there are poll books there,
15 as I said, and they're pretty extensive. And
16 they're very thick. It takes a while for the
17 poll workers to go through them.

18 And if people are voting early, can
19 the sponsor tell us how the provisions of this
20 bill allow for all of the poll books to be
21 updated on a realtime basis so as to prevent
22 election fraud if and when a voter tries to cast
23 their vote at multiple polling places during the
24 voting period? Which could happen. How will
25 those books be updated in real time?

1 SENATOR MYRIE: Madam President,
2 the bill calls for at least one polling site for
3 every 50,000 registered voters. And in 43 out of
4 the 63 counties in this state, that would merely
5 require one polling site. And in most instances,
6 that polling site would be the local Board of
7 Elections.

8 The voter rolls as they are
9 currently maintained, we believe that it would
10 not present a problem for most people in this
11 state to vote early.

12 SENATOR YOUNG: Thank you,
13 Madam President. Will the sponsor continue to
14 yield?

15 THE PRESIDENT: Will the sponsor
16 continue to yield?

17 SENATOR MYRIE: Yes,
18 Madam President.

19 THE PRESIDENT: The sponsor yields.

20 SENATOR YOUNG: Is the sponsor
21 aware that this bill further seriously erodes
22 election and ballot security by allowing voters
23 that employees or election inspectors have found
24 to have already voted, to actually vote again by
25 affidavit ballot?

1 SENATOR MYRIE: Madam President,
2 affidavit ballots are not canvassed until after
3 the election. This bill does not change when
4 canvassing begins, merely when voting begins.
5 And so as affidavit ballots are currently
6 secured, they will be continue to be secured in
7 the same fashion.

8 SENATOR YOUNG: Through you,
9 Madam President, will the sponsor continue to
10 yield?

11 THE PRESIDENT: Will the sponsor
12 continue to yield?

13 SENATOR MYRIE: Yes,
14 Madam President.

15 THE PRESIDENT: The sponsor yields.

16 SENATOR YOUNG: Can the sponsor
17 tell us how this bill provides for the security
18 and safekeeping of all the polling places during
19 the seven-day early voting period?

20 SENATOR MYRIE: Madam President, as
21 I've previously mentioned, in the overwhelming
22 majority of the counties the polling site will in
23 all likelihood be the Board of Elections, and so
24 they will continue the security measures as
25 currently promulgated by the law.

1 The State Board of Elections is also
2 charged in this bill with promulgating laws and
3 giving discretion to the local Boards of
4 Elections in order to institute security measures
5 as they see fit.

6 SENATOR YOUNG: Through you,
7 Madam President, will the sponsor continue to
8 yield?

9 THE PRESIDENT: Will the sponsor
10 continue to yield?

11 SENATOR MYRIE: Yes,
12 Madam President.

13 THE PRESIDENT: The sponsor yields.

14 SENATOR YOUNG: So what if these
15 polling places are not at the Boards of
16 Elections? Can the sponsor tell us how this bill
17 provides for the security and safekeeping of the
18 blank and completed ballots during the seven-day
19 early voting period?

20 SENATOR MYRIE: Madam President,
21 the bill builds in discretion for the local
22 Boards of Elections to deal with security as they
23 see fit.

24 SENATOR YOUNG: Through you,
25 Madam President, will the sponsor yield?

1 THE PRESIDENT: Will the sponsor
2 yield?

3 SENATOR MYRIE: Yes,
4 Madam President.

5 THE PRESIDENT: The sponsor yields.

6 SENATOR YOUNG: So does the sponsor
7 think that in order to protect the integrity and
8 safeguard the polling books, the ballots, the
9 voting machines, that the counties are going to
10 have to hire some kind of security in order to
11 safeguard that? And have you done any kind of
12 research into how much that would cost?

13 SENATOR MYRIE: Madam President,
14 the bill builds in discretion for the local
15 Boards of Elections to carry out securing the
16 ballots as they see fit.

17 We will note that currently each
18 Board of Elections chooses how they secure their
19 absentee ballots, they choose how they secure
20 their affidavit ballots, and this bill does not
21 take away that discretion that allows them to
22 secure the ballots as they see fit.

23 SENATOR YOUNG: Through you,
24 Madam President, will the sponsor continue to
25 yield?

1 THE PRESIDENT: Will the sponsor
2 continue to yield?

3 SENATOR MYRIE: Yes,
4 Madam President.

5 THE PRESIDENT: The sponsor yields.

6 SENATOR YOUNG: So what you're
7 saying, then, is that there is going to be
8 additional costs, but it should be up to the
9 local governments to try to figure it out?

10 SENATOR MYRIE: Madam President,
11 the local Boards of Elections, as previously
12 mentioned, in all likelihood their polling sites
13 will be designated at the local Board of
14 Elections. But if that is not the case, there
15 may be some fiscal impact, and over the next
16 couple of weeks we will be discussing what that
17 will be.

18 The Governor, in last year's budget,
19 placed money for early voting. We anticipate
20 that that money will be there again. And we
21 also, in some of the other bills that we are
22 considering today, anticipate that there will be
23 significant savings that will offset any
24 additional costs.

25 SENATOR YOUNG: Thank you, Madam

1 President. Would the sponsor continue to yield?

2 THE PRESIDENT: Will the sponsor
3 continue to yield?

4 SENATOR MYRIE: Yes,
5 Madam President.

6 THE PRESIDENT: The sponsor yields.

7 SENATOR YOUNG: Can the sponsor
8 tell us how much the additional training that is
9 necessary of election workers for security, the
10 security burden, how much will that cost?

11 SENATOR MYRIE: The security costs
12 are -- because the local Boards of Elections will
13 have discretion over how they secure the ballots,
14 that is not something that we can estimate
15 currently.

16 However, the offsets that are
17 provided by some of these other bills we think
18 will provide adequate resources.

19 And the truth is this is a question
20 of whether or not we are willing to invest in our
21 democracy. We believe that this is a well worthy
22 investment and one that we will have the
23 resources to do.

24 SENATOR YOUNG: Through you,
25 Madam President, will the sponsor continue to

1 yield?

2 THE PRESIDENT: Will the sponsor
3 continue to yield?

4 SENATOR MYRIE: Yes,
5 Madam President.

6 THE PRESIDENT: The sponsor yields.

7 SENATOR YOUNG: So can the sponsor
8 share how the number of one polling place for
9 every 50,000 voters will work? You're talking
10 about having voter registration sites, and it
11 would be -- or voter voting sites, and it would
12 be at the Board of Elections. But is the sponsor
13 aware that there are 16 counties in upstate
14 New York where the entire population of the
15 county is under 50,000 people, and often with
16 thousands of square miles of land area? As
17 opposed to the City of New York, which has a
18 population of over 8.5 million people contained
19 in only 302 square miles.

20 So I just want to give you a little
21 snapshot of upstate New York. I, for example,
22 represent a very rural upstate district. We all
23 represent roughly the same number of people, yet
24 in my district geographically I have 4,100 square
25 miles where people live, in contrast to where you

1 live, where it's very compressed. And I figured
2 out once I can fit Manhattan in my district
3 121 times.

4 So with all of these upstate
5 counties that have a whole variety of issues
6 related to transportation, related to geography
7 and distance and so on, how is that going to be
8 treated? For example, Hamilton County has a
9 population of under 4500 citizens and a land area
10 of over 1800 square miles and an annual county
11 budget of \$3.7 million. And it's being put under
12 the same formula and burdens for early voting as
13 New York City, which has over 8.5 million
14 citizens, a land area of 302 square miles, and an
15 annual budget of \$88 billion.

16 Are you familiar with these upstate
17 counties, and have you spend time there? Do you
18 know what it's like to live in rural New York?

19 SENATOR MYRIE: Madam President, I
20 was born and raised in Brooklyn, and I am very
21 proud to be from there, know what it's like to
22 live there as well.

23 Let me just say that the bill builds
24 in discretion for the local Boards of Elections
25 to designate more than one polling site. So if

1 there are geographical concerns that would be an
2 undue hardship on the voters in that particular
3 county, that Board of Elections can change the
4 number of designated polling sites.

5 SENATOR YOUNG: Through you,
6 Madam President, will the sponsor continue to
7 yield?

8 THE PRESIDENT: Will the sponsor
9 yield?

10 SENATOR MYRIE: Yes,
11 Madam President.

12 THE PRESIDENT: The sponsor
13 continues to yield.

14 SENATOR YOUNG: Thank you.

15 Does the sponsor believe that the
16 serious disproportionate burdens that this bill
17 imposes on upstate counties is fair?

18 SENATOR MYRIE: Madam President, I
19 will disagree with my colleague's premise. We do
20 not feel like this is an undue hardship on
21 upstate counties. It is the reason why we have
22 built in discretion in this bill, because we know
23 that we have 62 diverse counties, 62 counties
24 with different priorities and different needs.
25 And the people that know that the best are the

1 local Boards of Elections. It is the precise
2 reason that we have built in discretion in this
3 bill.

4 SENATOR YOUNG: Thank you.

5 Madam President, will the sponsor
6 continue to yield?

7 THE PRESIDENT: Will the sponsor
8 continue to yield?

9 SENATOR MYRIE: Yes,
10 Madam President.

11 THE PRESIDENT: The sponsor yields.

12 SENATOR YOUNG: Is the sponsor
13 aware that the New York State Association of
14 Counties, which is a bipartisan organization that
15 represents all of the counties of this state, is
16 strongly opposed to this bill?

17 SENATOR MYRIE: Madam President,
18 NYSAC in fact said that they support the bill as
19 long as there is funding to source it. That
20 funding -- as we have mentioned, we believe not
21 only has the Governor indicated that he will be
22 investing in this, but through the savings that
23 we will get through some of the other pieces of
24 legislation.

25 I will also note that some of the

1 legislation that we are considering today is
2 supported by NYSAC. And in fact they have dealt
3 with this as a package because they are aware
4 that the offsets in some of the reforms will help
5 pay for some of the others.

6 SENATOR YOUNG: Thank you. And
7 we'll get more into the cost in just a moment.

8 But through you, Madam President,
9 will the sponsor continue to yield?

10 THE PRESIDENT: Will the sponsor
11 continue to yield?

12 SENATOR MYRIE: Yes,
13 Madam President.

14 THE PRESIDENT: The sponsor yields.

15 SENATOR YOUNG: Is the sponsor
16 aware that several states that had in the past
17 adopted early voting are now considering amending
18 or repealing such program because of lack of
19 voter turnout and because of the complaints of
20 voters who have voter remorse after casting an
21 early vote before a late-breaking surprise that
22 occurs in an election?

23 So we've seen several elections
24 around the country where something came out right
25 before the election, but within the span of the

1 early voting period, that was a significant issue
2 that the voters were very concerned about and
3 were not able to change their vote.

4 Are you aware that several states
5 are looking to actually either repeal or amend
6 early voting?

7 SENATOR MYRIE: Madam President,
8 I'm not aware of any states that are looking to
9 repeal early voting.

10 But on the substance of the
11 argument, early voting does not mandate that you
12 vote early, it gives you the option to vote
13 early. If you have obligations on Election Day,
14 you should not be prevented from participating in
15 your democracy. You have the choice whether
16 you'd like to wait to see what is the most
17 late-breaking news, or you can vote at your
18 convenience. That is the purpose of this bill,
19 to open up our democracy and increase
20 participation.

21 SENATOR YOUNG: Through you,
22 Madam President, will the sponsor continue to
23 yield?

24 THE PRESIDENT: Will the sponsor
25 continue to yield?

1 SENATOR MYRIE: Yes,
2 Madam President.

3 THE PRESIDENT: The sponsor yields.

4 SENATOR YOUNG: So if you vote on
5 Day 1 of the opening of early voting and then
6 something comes out on Day 6, you're saying that
7 it's just too bad that that person can't change
8 their vote and -- even though they're very upset
9 by what might have come out?

10 SENATOR MYRIE: Madam President,
11 this bill gives people the choice to vote early.

12 SENATOR YOUNG: So through you,
13 Madam President, it doesn't address the issues
14 that I just brought up.

15 Will the sponsor continue to yield?

16 THE PRESIDENT: Will the sponsor
17 continue to yield?

18 SENATOR MYRIE: Yes,
19 Madam President.

20 THE PRESIDENT: The sponsor yields.

21 SENATOR YOUNG: Can the sponsor
22 tell us what the total costs of this early voting
23 program, which would require a vast expansion of
24 local and state resources by now requiring that
25 elections be conducted for an additional seven

1 days before both a primary and general election
2 in every county of the state -- can you tell us
3 how much it's going to cost? You've referenced
4 that there's going to be money. How much money
5 will we need to cover this cost?

6 SENATOR MYRIE: Madam President,
7 the estimated costs have been around \$10 million,
8 but it is not entirely clear what the total costs
9 will be.

10 I think that we have -- the budget
11 comes out tomorrow; I think we will have more
12 robust discussion about what those needs are.
13 But the estimated cost is around \$10 million,
14 which is 3 percent of the \$300 million that the
15 state currently spends on operations for Boards
16 of Elections.

17 SENATOR YOUNG: Through you,
18 Madam President, will the sponsor continue to
19 yield?

20 THE PRESIDENT: Will the sponsor
21 continue to yield?

22 SENATOR MYRIE: Yes,
23 Madam President.

24 THE PRESIDENT: The sponsor yields.

25 SENATOR YOUNG: I'm not sure the

1 sponsor may be aware, but the feedback that we
2 are getting from the counties is that with all
3 the costs regarding early voting, whether it's
4 the inspectors, the transportation, the ballots,
5 the ballot security, the local authorities for
6 law enforcement to protect the ballots, rent that
7 may be needed to have early voting sites,
8 additional supplies that are needed, inspector
9 training and response, machine preparation,
10 electronic poll roster books -- the list goes on
11 and on where this is an enormous unfunded
12 mandate.

13 In Dutchess County alone, they're
14 saying that this will cost them around \$800,000.
15 In Suffolk County, it takes at least three days
16 to print poll roster books and at least two days
17 to process the data. Therefore, all Suffolk
18 County poll roster books would need to be
19 digitized, and that will cost \$750,000 to a
20 million dollars.

21 The estimate is is that proposal
22 actually would cost about \$30 million. And so
23 the \$10 million figure that you came up with, I'm
24 not sure where you came up with that. But could
25 you tell me how that was determined?

1 SENATOR MYRIE: Madam President,
2 using information we received from the State
3 Board of Elections, as well as the money that was
4 appropriated in the last budget by the Governor,
5 we determined that the estimated cost would be
6 \$10 million.

7 I'd just like to read -- I have a
8 report here from the New York State Association
9 of Counties, a sentence in the report that says
10 "The expense of the proposed changes can be
11 lessened by allowing the federal and state
12 primaries to be held on the same day, which the
13 State Legislature has the power to permit under
14 Election Law Section 8-100." That is something
15 that we will be taking up later today.

16 SENATOR YOUNG: Thank you. Through
17 you, Madam President, will the sponsor continue
18 to yield?

19 THE PRESIDENT: Will the sponsor
20 continue to yield?

21 SENATOR MYRIE: Yes,
22 Madam President.

23 THE PRESIDENT: The sponsor yields.

24 SENATOR YOUNG: Since this is an
25 enormous unfunded mandate -- and I do want to

1 remind the members that were here and let the new
2 members know that actually in the Governor's
3 budget proposal last year, there was \$7 million
4 set aside for early voting. All of the counties
5 came together and said that it came nowhere near
6 the cost of covering all of those unfunded
7 mandates.

8 So do you, Senator Myrie, support
9 unfunded mandates?

10 SENATOR MYRIE: Madam President,
11 no.

12 SENATOR YOUNG: Through you,
13 Madam President, will the sponsor continue to
14 yield?

15 THE PRESIDENT: Will the sponsor
16 continue to yield?

17 SENATOR MYRIE: Yes,
18 Madam President.

19 THE PRESIDENT: The sponsor yields.

20 SENATOR YOUNG: I'm going to wrap
21 up here in a minute. But have you actually
22 spoken with local Boards of Elections regarding
23 the costs and administration of this bill?

24 SENATOR MYRIE: Madam President,
25 yes.

1 SENATOR YOUNG: Okay. And also how
2 many additional voters does the sponsor project
3 that this bill will increase in New York State?

4 SENATOR MYRIE: Madam President,
5 can my colleague please repeat the question?

6 SENATOR YOUNG: How many additional
7 voters does the sponsor project that this bill
8 will increase in New York State? How many more
9 voters do you think this is going to turn out for
10 this enormous unfunded mandate and \$30 million
11 extra cost?

12 SENATOR MYRIE: Madam President,
13 first let me note that the language of this as an
14 unfunded mandate is entirely premature, given
15 that we do not have a budget or a budget proposal
16 yet.

17 But secondly, I would note that it
18 is unclear how many more voters. But if you are
19 a single mom who cannot vote on Election Day
20 because you have to take care of your children
21 and you have to work, and you now have the option
22 to vote earlier, then in my mind this bill would
23 have been worth it.

24 If you are a small business owner
25 that is running your business the entire

1 Election Day and you now have the opportunity to
2 vote earlier, in my mind this bill is worth it.

3 We are giving people the option to
4 vote earlier and increasing access to our
5 democracy.

6 SENATOR YOUNG: Madam President, on
7 the bill.

8 THE PRESIDENT: Senator Young on
9 the bill.

10 SENATOR YOUNG: Thank you,
11 Madam President. Thank you, Senator Myrie, for
12 your answers.

13 You know, today is a very pivotal
14 day as far as elections go. And it is of deep
15 concern to people across this state that their
16 property taxes, their tax burden is far too
17 heavy, that they are crying out to state
18 government to help. We have seen 200,000
19 people -- last year alone, 200,000 people flee
20 this state because of the tax burden.

21 And this is something that local
22 governments are saying -- the Association of
23 Counties is saying, local governments are saying
24 that this is a proposal that is extraordinarily
25 flawed because it drives up local costs. There

1 are things that have not been thought through.

2 Security. How are they going to
3 handle the ballots at night? Poll workers. How
4 are you going to train all the people that are
5 necessary to do this, and what cost is attached
6 to that? You know, making sure that the
7 integrity of elections is protected.

8 The states that actually have done
9 early voting are looking to actually either
10 repeal it or amend it, because there is nothing
11 that indicates that it actually turns out voters,
12 that it increases voter participation as the
13 sponsor has said that it will do.

14 There are constitutional issues
15 related to this proposal. And there are just so
16 many questions. There hasn't been any kind of
17 public hearing on this. There hasn't been any
18 kind of public input on this. This is just being
19 rushed through. And it's really truly a problem
20 for the people of this state.

21 We don't know -- we'll find out
22 soon, but we don't know how much money would be
23 allocated in the budget to cover these
24 significant costs. But it is estimated that it
25 will cost the counties \$30 million. If we care

1 about the taxpayers of this state, if we care
2 about doing what's right, if we care about
3 protecting the integrity of our elections, then
4 we should come up with a better way than this
5 bill.

6 Thank you, Madam President.

7 THE PRESIDENT: Seeing and hearing
8 no other Senator that wishes to be heard, the
9 debate is closed --

10 SENATOR TEDISCO: I wish to be
11 heard, Madam President.

12 THE PRESIDENT: Senator, on the
13 bill.

14 SENATOR TEDISCO: Madam President,
15 first of all let me wish you a belated Happy
16 New Year. And thank you for the opportunity to
17 speak on this piece of legislation.

18 I think all of us in this room
19 understand and know we have an obligation and
20 really want to have as many individuals and
21 citizens that we represent from our Senate
22 districts, both us and the Assembly and the
23 Governor, come to the polls and vote. We'd like
24 a hundred percent, I think. Because we know, in
25 a representative democracy, the more of our

1 constituents that take part in it, the better
2 that representative democracy works.

3 But we also have some guardian
4 angels, and they are the election commissioners
5 and their staff and the volunteers, who have a
6 very difficult job and, as has been mentioned by
7 my colleague Senator Young, are strapped for
8 funding in many instances.

9 And I can tell you individuals like
10 myself who represent a district like the 49th
11 Senatorial District, where 70 percent of my towns
12 are in the Adirondacks, rural areas, have a
13 difficulty with communication, have a difficulty
14 with funding, have a difficulty with finding
15 staffing and finding volunteers. If this is a
16 serious unfunded mandate, you're going to
17 seriously impact representative democracy in
18 those areas.

19 Right now in many of my districts,
20 in the upper level -- you may not know this or
21 understand this -- we have no cellphone access up
22 there. You've got to basically, and this is
23 maybe not an exaggeration, use homing pigeons or
24 smoke signals to get a first responder in parts
25 of my district. No cellphone. No broadband. No

1 website infrastructure like we bring Amazon in.

2 We can't bring small businesses in up there.

3 So that's first and foremost my
4 concern, about the cost of this and really
5 funding this, because I don't see where that's
6 taking place.

7 But the good Senator, the sponsor,
8 talked about discretion. And I think
9 Senator Young hit upon that. The ultimate
10 discretion is not to impact the control of
11 somebody's vote. Yes, they can make a
12 determination under this particular bill on so
13 many days to vote early. But to suggest it's one
14 way or that's it -- you vote the ninth day with
15 nine days out, and then let's suggest perhaps
16 this scenario take place. We're probably going
17 to make some other changes in legislation, we may
18 be legalizing a drug that they call a drug that
19 extends into other serious drugs, a bridge drug.
20 And some people may get out there and say, I'm
21 going to take a couple of drinks, but I'm not
22 going to drink to the point where they can test
23 me on that and show that I'm above the .08.
24 Because there is a test for that.

25 But they may not have a test for

1 marijuana. In Colorado, there's a 50 percent
2 increase in deaths on the road by impaired
3 individuals smoking marijuana. Could be a lot of
4 carnage out there.

5 What if the person you vote for or
6 one of your constituents votes for in five days
7 out gets in a car impaired by marijuana and
8 alcohol and kills a family? Well, they had the
9 discretion. They voted nine days out. That's
10 it, you put your vote in. You really want that
11 vote to count for that person that killed
12 somebody on the road, no matter what they did to
13 do that? Or robbed a bank. Or there was a
14 sexual assault. I don't think you want to take
15 that opportunity away.

16 In some other states -- and this
17 would make more sense to me, if after that
18 happened they could go back and say, look, I know
19 Election Day's coming up, I want to make a change
20 on that.

21 THE PRESIDENT: Order in the
22 chambers. Order in the chambers. Let the
23 Senator speak.

24 SENATOR TEDISCO: Excuse me. Yeah.

25 So my constituents' concern, and

1 they've talked to me about that, they understand
2 the mandate for funding but they also understand
3 they want to control their own vote. And to them
4 it makes some sense, maybe. But it doesn't make
5 some sense not for them to claw it back as other
6 states have done.

7 So that's my real concern about
8 this, and that's why I'm going to vote no on
9 this.

10 THE PRESIDENT: Seeing and hearing
11 no other Senator that wishes to be heard, the
12 debate is closed.

13 The Secretary will ring the bell.

14 Read the last section.

15 THE SECRETARY: Section 10. This
16 act shall take effect immediately.

17 THE PRESIDENT: Call the roll.

18 (The Secretary called the roll.)

19 THE PRESIDENT: Senator Krueger to
20 explain her vote.

21 SENATOR KRUEGER: Thank you,
22 Madam President.

23 I want to thank my colleague
24 Senator Zellnor Myrie for his excellent first
25 debate on the floor of the Senate, and soon we'll

1 applaud, I think, his first bill being passed.

2 But I wanted to say why I'm voting
3 for this bill. And I was listening to the
4 back-and-forth, and I'm actually confused. Early
5 voting just means we give people the option to
6 vote early. We're not making them vote early.
7 We don't need to train more people to handle
8 voting. It just means some of them will get
9 there a week early.

10 And as was pointed out over and over
11 again, there's enormous discretion left to the
12 Boards of Elections as to how many locations and
13 who's handling. And I don't know about anyone
14 else, but I lived through a six and-a-half-week
15 recount where the Board of Elections had to be
16 held responsible for ballots in their location
17 for six and a half weeks. Some of my colleagues
18 have lived through much longer recounts. Boards
19 of Election know how to hold ballots once they
20 get them, they'll count them on the day of the
21 election. So nobody's voting and getting theirs
22 counted early.

23 And so with all due respect, when
24 someone just said early voting could be a gateway
25 drug, it might be a gateway drug to more people

1 voting in lots of different ways. And I think
2 we're going to pass a bunch of bills here this
3 evening that will ensure there are more
4 opportunities for people to be able to legally
5 cast their ballot in New York State, and that's a
6 win for democracy.

7 I proudly vote yes, Madam President.

8 THE PRESIDENT: Thank you, Senator.

9 Senator Ortt to explain his vote.

10 SENATOR ORTT: Thank you,
11 Madam President.

12 I'm not confused. I want to --
13 there was something that the sponsor said when he
14 was asked the need for the legislation. And he
15 rattled off several states -- Texas, Alabama,
16 Louisiana. Because of course if those wayward
17 folks have already done this, then we in New York
18 should be doing it already, right? But there's
19 one thing he failed to mention. In each of those
20 states they have something that we don't have
21 that is not being proposed at all in this slew of
22 election reforms, and that's voter I.D. laws. So
23 they have the security and the protection and
24 early voting.

25 But we aren't doing that. We just

1 want early voting. We just want the costs.
2 There are 34 states -- and there's 38 that have
3 early voting; there are 34 that have voter I.D.
4 laws, including some states that are run by
5 Democratic legislatures or have strong Democratic
6 majorities in them. So the argument for early
7 voting sort of seems very similar and runs
8 concurrent to the argument for voter I.D. But of
9 course we don't have that.

10 So we don't have any security, we
11 don't have any notion of protecting the integrity
12 of the electoral process, which is equally
13 important. Because there's no doubt in my mind
14 that these measures today, while laudable in
15 their goals, I think are nebulous in their
16 results, but also there's no question they
17 increase the opportunity for fraud. I'm not
18 saying they increase fraud, but there is no
19 doubt, there should be little doubt in this room
20 that it increases the opportunity for voter
21 fraud.

22 And that, added to the increase in
23 cost and mandates to our local government, that
24 should worry and concern everyone in this room.
25 And for that reason, I'll be voting in the

1 negative.

2 THE PRESIDENT: Thank you, Senator.

3 Senator Bailey to explain his vote.

4 SENATOR BAILEY: Thank you,

5 Madam President.

6 I would like to applaud my colleague
7 Senator Myrie for his, as Senator Krueger put it,
8 excellent first foray into the floor of the
9 New York State Senate.

10 And before your arrival, Senator
11 Myrie, I was the designated hitter for hostile
12 amendments during the budget when it came to
13 voting. And I told my famous story that when I
14 was 18, my parents and grandparents told me that
15 when you turn 18, you get a Lotto ticket in one
16 hand and a voter registration card in the other.

17 But after that, what tools are we
18 giving to our students? That we go to schools
19 and say "Go out and vote, it matters," but we
20 don't give them the chance to vote.

21 This bill and these remarks will
22 serve -- will serve as my remarks for this
23 incredible package that is going forward today.
24 These remarks in this package are incredible for
25 our state. They allow opportunities for single

1 mothers, for constituents of ours that often
2 struggle, making the choice between do I vote
3 today or do I go to work? It shouldn't have to
4 be a choice. Your vote is free. People died for
5 the right to vote.

6 My grandfather told me a story about
7 how his grandfather was unable to vote. So I
8 vote every election I can get. And if I get a
9 chance to vote early, I certainly will.

10 And to speak about the costs, I
11 understand the concerns. And the fiscal
12 concerns are reasonable and laudable and notable.
13 But ladies and gentlemen, there's no greater cost
14 than suppressing somebody's vote and not allowing
15 them to vote.

16 Madam President, I vote aye.

17 THE PRESIDENT: Thank you, Senator.

18 Senator Young to explain her vote.

19 SENATOR YOUNG: Thank you,

20 Madam President, to explain my vote.

21 It was a lengthy questioning period,
22 so I'd just like to sum it up. We don't know the
23 cost. We don't know the funding source. We
24 don't have a system in place to administer the
25 program. We don't have any data that establishes

1 that it increases voter turnout. We don't have
2 voter equity between upstate and New York City.
3 We don't know why we are rushing this bill
4 through as the first bill of the session.

5 The budget is established by the
6 Executive. This bill is before the house. This
7 bill is an unfunded mandate. If the Governor is
8 going to do this and funding it, then why are we
9 doing this now?

10 Thank you, Madam President. I urge
11 my colleagues to vote no.

12 THE PRESIDENT: Thank you, Senator.
13 Senator Hoylman to explain his vote.

14 SENATOR HOYLMAN: Thank you,
15 Madam President.

16 We're doing this now because it
17 sends such an important message to the people of
18 New York that we are changing things in this
19 state. And, you know, it's that expression:
20 Democracy is like a muscle. If you don't use it,
21 you lose it.

22 So I want to commend Senator Myrie
23 for putting forth this legislation. Because we
24 already have early voting, Madam President. We
25 have it in the New York State Senate. When I

1 convened my first Judiciary Committee meeting
2 this morning, I received a number of voting
3 tallies conveniently filled out by our colleagues
4 in the comfort of their offices. They didn't
5 attend the committee meeting.

6 Shouldn't New Yorkers have that same
7 convenience when they're casting some of the most
8 important votes of their lifetime here in our
9 state?

10 So I'm very, very thankful that our
11 leader and Senator Myrie are pushing this agenda
12 forward. I vote aye.

13 THE PRESIDENT: Thank you, Senator.

14 Senator LaValle to explain his vote.

15 SENATOR LaVALLE: Thank you,
16 Madam President.

17 I enjoyed the exchange between
18 Senator Young and Senator Myrie, and I thought
19 you did a terrific job, you know, answering the
20 questions.

21 This bill, early voting, is going to
22 get a lot of attention. It is kind of one of the
23 most important bills of the package that we will
24 be voting on. It would be a good idea, and the
25 Governor has certainly made voting reform

1 something that he's very interested in. We
2 should hold hearings. We should hold a hearing
3 on these bills, but particularly the early
4 voting.

5 So I'm going to support this because
6 I spent, quite honestly, two hours discussing
7 your bills with my staff. So I've made an
8 investment in this. But I do believe that we
9 really need to hold hearings on this, and
10 particularly this bill, because I think there are
11 a lot of questions that I think need to be
12 answered. But I'm going to vote yes,
13 Madam President.

14 THE PRESIDENT: Thank you, Senator.
15 Senator Jackson to explain his vote.

16 SENATOR JACKSON: Thank you,
17 Madam President.

18 I'm Robert Jackson from the
19 31st Senatorial District in Manhattan. And my
20 district is 13 miles long, compared to some of my
21 colleagues that have hundreds of thousands of
22 acres.

23 But I say to you that we live in a
24 very dense populated city, New York City,
25 approximately 8.5 million people. And I am a

1 Democratic District Leader in the 71st Senatorial
2 District Part A. And I say to you that I have
3 seen constituents go all the way around the block
4 and wait hours to vote. And many of my
5 constituents in northern Manhattan especially,
6 where the income of individuals is under \$35,000
7 a year, where some of them work two or three jobs
8 a day, some work seven days a week. And quite
9 frankly, they deserve the opportunity to be able
10 to vote on any day they can. And early voting
11 will provide that.

12 And I'd say that when people go to
13 the polls on a specific day, and if it's raining
14 outside or if it's freezing outside and they have
15 to wait around the block, that discourages them
16 from voting. And we need to encourage them in
17 any way possible for them to vote.

18 And I could have sat here and just,
19 say, keep quiet and then when the vote turns up,
20 say yes. But I'm here to represent over 300,000
21 constituents in my district, and they want me to
22 speak up on the floor and tell you how they feel.
23 And I say to you that mostly all of them would
24 say yes, that -- vote yes, Robert Jackson, on
25 early voting.

1 Thank you.

2 THE PRESIDENT: Thank you, Senator.

3 Senator Funke to explain his vote.

4 SENATOR FUNKE: Thank you,

5 Madam President.

6 I want to thank Senator Myrie for
7 bringing this legislation forward and
8 Senator Young for the pertinent and important
9 questions that she asked during this debate.

10 I'm going to vote yes on this
11 legislation. While there doesn't seem to be a
12 whole lot of evidence that early voting has made
13 a significant difference in the states that have
14 early voting, I do believe that allowing citizens
15 to cast their votes over a longer period of time
16 certainly has the potential to rejuvenate our
17 democratic system and ensure that everybody has
18 the opportunity to participate.

19 But it is my sincere hope that the
20 Governor, who sometimes is known for fuzzy math,
21 will find a way to finance this extra cost on our
22 counties when he proposes his budget tomorrow,
23 and eliminate what otherwise certainly is an
24 unfunded mandate approved by this legislature,
25 with unfunded mandates being the largest driver

1 of our local taxes. And Senator Myrie, I don't
2 believe that \$10 million is going to be a patch
3 on what it's going to cost to do this.

4 So I agree with the philosophy, and
5 now I say let's follow it up with the reality of
6 putting money behind it and not further burden
7 our county Boards of Elections and our counties
8 in New York State.

9 I will vote aye, Madam President,
10 thank you.

11 THE PRESIDENT: Thank you, Senator.
12 Senator Seward to explain his vote.

13 SENATOR SEWARD: Thank you,
14 Madam President, to explain my vote.

15 I'm certainly all in favor of
16 expanding opportunities for people to vote.
17 That's the very foundation of our democracy. I'm
18 all in favor of that.

19 However, I find this legislation
20 before the house today to be very premature,
21 because there are differences of opinion about
22 how much it's going to cost. But we do know
23 this. It's going to cost local governments more
24 money. It's another unfunded mandate.

25 Now, the Governor is presenting his

1 budget tomorrow afternoon. I've been reading
2 today that he's going to be including these
3 provisions in his budget proposal with, with
4 monies to support it and to take care of local
5 governments. So I don't know why we're rushing
6 this today.

7 I believe that in light of all of
8 the questions that have been raised about
9 procedure and process and costs, let's postpone
10 this bill for today. Let's, through the budget
11 process, have a deliberative process so that all
12 of these issues can be fully aired, take input
13 from those who will actually be implementing this
14 legislation should it become law, and let's make
15 sure we in fact have the dollars behind it.

16 So because I feel this is premature
17 in moving with this bill today, Madam President,
18 I vote no.

19 THE PRESIDENT: Thank you, Senator.
20 Senator May to explain your vote.

21 SENATOR MAY: Thank you,
22 Madam President.

23 I represent a district that is both
24 urban and rural, and I have spoken to thousands
25 of constituents over the last year, many, many of

1 whom are very excited about the idea of early
2 voting, as well as some of the elections
3 commissioners. So I'm not concerned about the
4 rural/urban divide here.

5 I ran for office because I'm tired
6 of hearing "in New York we can't do that." I'm
7 tired of hearing 38 states have early voting, but
8 we can't do that in New York. Or 49 states have
9 a single primary, and we can't do that in
10 New York.

11 It is time that we say yes, we can
12 do this in New York. And I am excited to vote
13 yes on this bill. Thank you.

14 THE PRESIDENT: Thank you, Senator.
15 Senator Lanza to explain your vote.

16 SENATOR LANZA: Thank you,
17 Madam President.

18 First, Madam President, I want to
19 begin by violating rule number one in modern
20 politics, which frowns upon civility, and I want
21 to commend Senator Myrie in his first debate.
22 And I really and truly appreciate the
23 professionalism which you displayed during that
24 debate.

25 I'm going to support this, but I

1 have some serious concerns, and most of those
2 were outlined by Senator Young. These are real
3 questions. Yes, we can do anything in New York.
4 We've got to make sure that we do it right.
5 We've got to make sure that we don't cause more
6 harm than good. We can do it, but we've got to
7 set our minds out to do it.

8 This is going to cost millions of
9 dollars to implement this, and we've got to find
10 the money. Does that mean we're going to take
11 \$30 million away from healthcare or are we going
12 to cut some other programs? These are questions
13 that need to be asked and answered as we move
14 forward.

15 Another thing Senator Young touched
16 upon is the idea of siting these additional early
17 voting places. I live in and represent the
18 people of Staten Island -- more than 500,000
19 people there, fewer voters. When you say that
20 the number of sites is going to be made at the
21 discretion of some bureaucrat, that concerns me.
22 They may withdraw their discretion to put more
23 than one site or more than two sites. And I
24 don't know where they're going to put them.

25 So a concern to me, and perhaps a

1 constitutional question, is this. If the early
2 polling site is put at the far end of my borough,
3 which is where the Board of Elections site is,
4 we've increased access -- early access, albeit --
5 for some voters on Staten Island, but we've
6 constructively denied that early voting access to
7 a vast majority, geographically, of the rest of
8 that county.

9 Were I a voter in the other end of
10 Staten Island, wouldn't I have a real, credible
11 claim that my neighbors across the island have
12 been given a right to vote that I have been
13 denied?

14 It's an issue that needs to be
15 addressed. We can do it. Senator Myrie, I
16 congratulate you on this first piece of
17 legislation. But nevertheless, the process
18 should not end here. We ought to move forward,
19 as Senator LaValle suggested, with answering
20 these very serious questions.

21 Madam President, I vote aye.

22 THE PRESIDENT: Thank you, Senator.

23 Announce the result.

24 THE SECRETARY: Those recorded in
25 the negative on Calendar Number 8 are

1 Senators Amedore, Antonacci, Gallivan, Jordan,
2 O'Mara, Ortt, Ritchie, Serino, Seward, Tedisco
3 and Young. Also Senator Helming. Also
4 Senator Griffo.

5 Ayes, 48. Nays, 13.

6 THE PRESIDENT: The bill is passed.

7 (Applause, cheers from galleries.)

8 THE PRESIDENT: Senator Gianaris.

9 Senator Gianaris.

10 SENATOR GIANARIS: Thank you,
11 Madam President.

12 I have a feeling we're going to be
13 doing this a lot this year because there's so
14 many new members, but we should congratulate
15 Senator Myrie on his first bill passed in the
16 house.

17 (Standing ovation.)

18 SENATOR GIANARIS: With that,
19 Madam President, if we could move to Calendar
20 Number 3.

21 THE PRESIDENT: The Secretary will
22 ring the bell, and the Secretary will read.

23 THE SECRETARY: Calendar Number 3,
24 by Senator Gianaris, Senate Print 1048,
25 Concurrent Resolution of the Senate and Assembly

1 proposing an amendment to Section 5 of Article II
2 of the Constitution.

3 THE PRESIDENT: Senator Young.

4 SENATOR YOUNG: Thank you,
5 Madam President. Will the sponsor yield for some
6 questions?

7 SENATOR GIANARIS: Yes,
8 Madam President.

9 THE PRESIDENT: The sponsor yields.

10 SENATOR YOUNG: Thank you,
11 Madam President.

12 So what this would do, this is a
13 constitutional amendment which would remove the
14 presently required 10-day advance period before
15 Election Day for citizens to register to vote in
16 New York State, thereby paving the way for
17 same-day registration.

18 It would require a vast expansion of
19 local and state resources by requiring that local
20 Boards of Elections must process and verify a
21 large additional number of registrations on an
22 ongoing basis without any time frame, up until
23 the closing of the polls, without any concomitant
24 meaningful benefit, since this measure would not
25 allow anyone to vote who cannot vote simply by

1 registering 10 days beforehand.

2 Why has absolutely no state money
3 been appropriated whatsoever in this bill to
4 provide funding for this enormous unfunded state
5 mandate?

6 SENATOR GIANARIS: Madam President,
7 as my colleague pointed out, this is first
8 passage of a constitutional amendment, not the
9 enacting legislation. This will have to be
10 passed again at some point in the next
11 Legislature and then go to referendum. So I
12 would imagine that the allocation of resources is
13 premature at this time, since it won't actually
14 be in effect for a few years.

15 SENATOR YOUNG: Through you,
16 Madam President, will the sponsor continue to
17 yield?

18 SENATOR GIANARIS: Yes.

19 THE PRESIDENT: Will the sponsor
20 continue to yield?

21 SENATOR GIANARIS: Yes,
22 Madam President.

23 THE PRESIDENT: The sponsor will
24 yield.

25 SENATOR YOUNG: So what the sponsor

1 is saying is that we should just go pass this
2 even though there are major fiscal implications,
3 and we'll just deal with those later and we
4 shouldn't worry about them now? Is that what
5 you're saying, Senator?

6 SENATOR GIANARIS: No,
7 Madam President, I'm not saying that at all. I'm
8 saying that this is the first passage of
9 authorization to enact enabling legislation which
10 cannot be enacted until at least 2022, I believe.
11 And so we have several years before the budget
12 needs to provide any money for the implementation
13 of this amendment.

14 SENATOR YOUNG: Through you,
15 Madam President, will the sponsor continue to
16 yield?

17 THE PRESIDENT: Will the sponsor
18 continue to yield?

19 SENATOR GIANARIS: Yes.

20 THE PRESIDENT: The sponsor yields.

21 SENATOR YOUNG: So you're saying
22 we'll worry about that later, because your
23 sponsor memo indicates that there's no fiscal
24 implications for this bill. And with all the
25 increased number of registrations it seeks to

1 have processed and with all the new voters it
2 seeks to bring to the polls, how can you even
3 begin to assert that this bill will have no cost?

4 SENATOR GIANARIS: Madam President,
5 people register to vote all the time. And they
6 register on any day of the year they want to
7 register. It's a question of when that
8 registration then goes into effect and allows
9 them to vote. So the Boards of Elections will
10 not necessarily need to register people that
11 otherwise would not be entitled to register
12 anyway. We're just making it easier for people
13 to vote.

14 My colleague is correct that in fact
15 the intention of this amendment is to have more
16 people vote in more of our elections. And I
17 can't imagine why anyone would have a problem
18 with that, but she's welcome to express
19 opposition if she likes.

20 SENATOR YOUNG: Through you,
21 Madam President, will the sponsor continue to
22 yield?

23 THE PRESIDENT: Will the sponsor
24 continue to yield?

25 SENATOR GIANARIS: Yes.

1 THE PRESIDENT: The sponsor yields.

2 SENATOR YOUNG: Has the sponsor
3 inquired of the State Board of Elections
4 regarding the cost and administration involved
5 with this bill?

6 SENATOR GIANARIS: Yes. We were
7 informed that the costs are nominal.

8 SENATOR YOUNG: And who did you
9 speak with?

10 SENATOR GIANARIS: The State Board
11 of Elections.

12 SENATOR YOUNG: Who at the State
13 Board of Elections?

14 SENATOR GIANARIS: You actually
15 want a staffer's name at the State Board of
16 Elections?

17 SENATOR YOUNG: Through you,
18 Madam President, I'm just curious, because I've
19 gotten an opposite response from the State Board
20 of Elections. So I was just wondering where he
21 got his information.

22 SENATOR GIANARIS: I am happy, at
23 the conclusion of this debate, to share the name
24 of the individual with Senator Young if she
25 likes, but I don't have that at my disposal right

1 now.

2 SENATOR YOUNG: Through you,
3 Madam President, will the sponsor continue to
4 yield?

5 THE PRESIDENT: Will the sponsor
6 continue to yield?

7 SENATOR GIANARIS: Yes.

8 THE PRESIDENT: The sponsor yields.

9 SENATOR YOUNG: Has the sponsor
10 inquired with local Boards of Elections regarding
11 the cost and administration of this bill? Have
12 you talked to local boards about it?

13 SENATOR GIANARIS: Yes, I've had a
14 number of conversations with the local boards in
15 my area, as well as informal conversations with
16 others.

17 SENATOR YOUNG: Will the sponsor
18 continue to yield?

19 THE PRESIDENT: Will the sponsor
20 yield?

21 SENATOR GIANARIS: Yes.

22 THE PRESIDENT: The sponsor yields.

23 SENATOR YOUNG: Has the sponsor had
24 any conversations with local Boards of Elections
25 outside of New York City?

1 SENATOR GIANARIS: Yes.

2 SENATOR YOUNG: Okay. And what was
3 their response?

4 SENATOR GIANARIS: We could -- in
5 order to try and save some time here, the
6 response I've gotten from anyone I've spoken to
7 at the Boards of Elections, counties or states,
8 are that there may be some nominal costs but
9 nothing of great significance associated with
10 this amendment.

11 And in any event, as we already
12 discussed, any potential cost that might be borne
13 won't be effectuated until 2022 at the earliest.

14 SENATOR YOUNG: Through you,
15 Madam President, will the sponsor continue to
16 yield?

17 THE PRESIDENT: Will the sponsor
18 yield?

19 SENATOR GIANARIS: Yes.

20 THE PRESIDENT: The sponsor yields.

21 SENATOR YOUNG: How many
22 registrations does the sponsor project that this
23 bill will increase in New York State?

24 SENATOR GIANARIS: I'm sorry, can I
25 ask Senator Young to repeat her question?

1 SENATOR YOUNG: How many
2 registrations do you think this will increase?

3 SENATOR GIANARIS: What we have in
4 terms of data from other states, Madam President,
5 is that turnout increases anywhere from 3 to
6 7 percent where same day registration is in
7 effect.

8 SENATOR YOUNG: Through you,
9 Madam President, will the sponsor continue to
10 yield?

11 SENATOR GIANARIS: Yes.

12 THE PRESIDENT: The sponsor yields.

13 SENATOR YOUNG: So the reason for
14 and the rationale behind a ten-day registration
15 period in the Constitution is to allow the Boards
16 of Elections sufficient time to process and
17 verify identities, citizenship, and residences of
18 voters, and then to provide polling places with
19 such information so as to allow such duly
20 registered and verified voters to vote.

21 How could the Boards of Elections
22 process and verify identities, citizenship, and
23 residences of voters and then provide polling
24 places with such information on a realtime basis
25 as the bill would require?

1 SENATOR GIANARIS: Madam President,
2 currently the affidavit ballot system is one in
3 which people who are not on the rolls cast a
4 vote, and then the Board of Elections
5 subsequently confirms their identity and whether
6 they are registered to vote.

7 This is not the enacting
8 legislation, so I don't know exactly how --
9 specifically whether that form of implementation
10 would apply here. But there are various
11 mechanisms that would get put in place to ensure
12 that the people who are voting are actually the
13 proper people who should be voting.

14 SENATOR YOUNG: Through you,
15 Madam President, would the sponsor continue to
16 yield?

17 THE PRESIDENT: Will the sponsor
18 yield?

19 SENATOR GIANARIS: Yes.

20 THE PRESIDENT: The sponsor will
21 yield.

22 SENATOR YOUNG: Just following up
23 on what you just said, wouldn't the provisions of
24 this bill effectively require electronic poll
25 books, which simply do not exist at this present

1 time?

2 SENATOR GIANARIS: It's -- such a
3 system is not required, but it would certainly
4 make it easier to implement this.

5 SENATOR YOUNG: So through you,
6 Madam President, the sponsor is saying that the
7 system that would be required is not included in
8 this bill, just to clarify.

9 SENATOR GIANARIS: Uh --

10 SENATOR YOUNG: Would the sponsor
11 continue to yield?

12 SENATOR GIANARIS: Sure.

13 THE PRESIDENT: The sponsor
14 continues to yield.

15 SENATOR YOUNG: Thank you,
16 Madam President.

17 This proposal could also seriously
18 upset the current time-tested and secure
19 environment for voting at polling places. Is the
20 sponsor aware that if the same-day registration
21 is effectuated, which is the goal of this
22 constitutional amendment, that polling places
23 across the state would be transformed from an
24 organized, secure place in which to cast a ballot
25 to an immensely busy, multitasking facility where

1 voters mix with those who have yet to register
2 and those who may not be able to register by law?

3 SENATOR GIANARIS: First of all,
4 let me correct my colleague, since she wanted to
5 characterize my previous answer. I did not say
6 that whatever is required is not provided for in
7 this bill. I specifically said that such a
8 system would not be required but would make it
9 easier. It would be up to the implementing
10 legislation to make that determination later.

11 I also disagree with the current
12 question, because as the Senator well knows, we
13 just passed early voting a few minutes ago in
14 this chamber. And that will alleviate a lot of
15 pressure on Election Day in terms of people
16 piling up and creating a more crowded polling
17 place on Election Day.

18 SENATOR YOUNG: Through you,
19 Madam President, would the sponsor continue to
20 yield?

21 THE PRESIDENT: Will the sponsor
22 yield?

23 SENATOR GIANARIS: Yes.

24 THE PRESIDENT: The sponsor yields.

25 SENATOR YOUNG: So just following

1 up on what you just said, you said early voting.
2 But this is about same-day registration. So on
3 any one of those days it could be chaotic,
4 because it's going from a place where people go
5 to vote to being a place where people come to
6 register to vote. There's no verification in
7 place of a person's identity, and it's going to
8 going to create chaos.

9 So even if it's on the first day of
10 early voting or the last day of voting, it's
11 going to change the whole nature of the polling
12 place. And don't you think that that could be a
13 problem with people showing up to register to
14 vote, lots of people, the polling site not being
15 ready for that influx, and having serious
16 consequences?

17 SENATOR GIANARIS: Madam President,
18 it is our intention to change the very way that
19 people vote in this state. That's why we're here
20 today passing these incredibly important bills.
21 So yes, that would happen, because more people
22 would vote.

23 However, the reason early voting is
24 relevant is because the people voting in a
25 particular election would be spread out over

1 10 days of voting, as opposed to requiring them
2 all to show up on one day for a set number of
3 hours. And so therefore on any given day, the
4 amount of people in a polling place would be less
5 than they would be under the current election
6 process.

7 SENATOR YOUNG: Will the sponsor
8 continue to yield, then?

9 THE PRESIDENT: Will the sponsor
10 yield?

11 SENATOR GIANARIS: Yes.

12 THE PRESIDENT: The sponsor yields.

13 SENATOR YOUNG: Well, just
14 following up on what you just said, is the
15 sponsor aware that in Minnesota, a state with
16 one-quarter of the population of New York, over
17 350,000 persons offered themselves for same-day
18 registration? And if such a same situation were
19 to present itself in New York, it would present
20 chaos in every polling place.

21 SENATOR GIANARIS: Madam President,
22 I'm not aware that that would create chaos. I
23 don't believe it would create chaos. And I hope
24 we have 350,000 more people voting in this state.
25 In fact, I hope it's a lot more than that.

1 SENATOR YOUNG: Through you,
2 Madam President, will the sponsor continue to
3 yield?

4 THE PRESIDENT: Will the sponsor
5 yield?

6 SENATOR GIANARIS: Yes.

7 THE PRESIDENT: The sponsor yields.

8 SENATOR YOUNG: This bill presents
9 numerous and serious election security and fraud
10 issues. Section 5 of Article II of the State
11 Constitution provides that "Laws shall be made
12 for ascertaining, by proper proofs, the citizens
13 who shall be entitled to the right of
14 suffrage" -- voting -- "hereby established, and
15 for the registration of voters."

16 Can the sponsor tell us how, without
17 a sufficient advance period of registration
18 before voting, Boards of Elections and their
19 employees can provide the constitutionally
20 guaranteed proper proofs of assuring that there
21 is election security and lack of voting fraud as
22 mandated in Section 5 of Article II of the
23 State Constitution? How are they going to be
24 able to verify that people are who they say they
25 are, that they're not voting in other polling

1 sites? How will that happen under this system?

2 SENATOR GIANARIS: Madam President,
3 the same way it's happened in 15 other states --
4 states larger than ours, like California, states
5 smaller than ours, like Iowa and Maine. If these
6 states can do it, I have confidence that New York
7 State can do it as well.

8 SENATOR YOUNG: Through you,
9 Madam President, will the sponsor continue to
10 yield?

11 THE PRESIDENT: Will the sponsor
12 yield?

13 SENATOR GIANARIS: Yes.

14 THE PRESIDENT: The sponsor will
15 yield.

16 SENATOR YOUNG: But by eliminating
17 the sufficient time that Boards of Elections and
18 their employees can verify voter registration --
19 and by the way, in a lot of the states that allow
20 this, they have voter I.D. They have to show a
21 photo to prove who they are. This bill does not
22 have anything regarding voter I.D.

23 So it would allow for people who may
24 want to vote numerous times, multiple locations,
25 not really presenting who they really are. And

1 why would we want to put into place a system that
2 actually opens the door for fraud on steroids?

3 SENATOR GIANARIS: Madam President,
4 because policies like voter I.D. are not intended
5 to capture people who are not supposed to vote,
6 they are intended to prevent people from voting.
7 And we don't believe in that, at least this new
8 Senate Majority doesn't believe in that here in
9 New York.

10 We want to encourage people to vote.
11 Fifteen states have this. Not all of them have
12 voter I.D. laws. And there has not been any
13 significant documented fraud occurring in any of
14 those states. So it is nothing but a red herring
15 to suggest that somehow trying to make it easier
16 for people to vote will create fraud. That is a
17 conversation going on nationally that has been
18 discredited, and we are not about that New York
19 anymore.

20 SENATOR YOUNG: Through you,
21 Madam President, will the sponsor continue to
22 yield?

23 THE PRESIDENT: Will the sponsor
24 yield?

25 SENATOR GIANARIS: Yes.

1 THE PRESIDENT: The sponsor will
2 yield.

3 SENATOR YOUNG: Can the sponsor
4 tell us how in the world does the provisions of
5 registration under this bill ever begin to
6 satisfy the "proper proofs" requirement of the
7 State Constitution?

8 SENATOR GIANARIS: I didn't hear
9 the end of that question.

10 SENATOR YOUNG: If they don't have
11 time to really look at peoples' identity and that
12 sort of thing, how does it meet the "proper
13 proofs" provision of the Constitution?

14 SENATOR GIANARIS: Madam President,
15 the implementing legislation is not what's before
16 us today. The Board of Elections will have their
17 say about how best to administer this. Fifteen
18 other states are doing it. There has been no
19 significant problem in any of those states.
20 There's been no documented fraud in any of those
21 states. I have confidence that New York can do
22 it.

23 SENATOR YOUNG: Through you,
24 Madam President, will the sponsor continue to
25 yield?

1 THE PRESIDENT: Will the sponsor
2 yield?

3 SENATOR GIANARIS: Yes.

4 THE PRESIDENT: The sponsor yields.

5 SENATOR YOUNG: So, Senator
6 Gianaris, you're saying that there isn't any
7 voter fraud in other states. But my question to
8 you is, do you believe that everybody's vote
9 should count?

10 SENATOR GIANARIS: That's the
11 question? Madam President, yes, I believe
12 everybody's vote should count.

13 SENATOR YOUNG: So if there --
14 through you, Madam President, if the sponsor will
15 continue to yield.

16 THE PRESIDENT: Will the sponsor
17 yield?

18 SENATOR GIANARIS: Yes.

19 THE PRESIDENT: The sponsor yields.

20 SENATOR YOUNG: So if you believe
21 that every vote should count, which I think we
22 all believe that every vote should count, if you
23 don't have systems in place to rule out the
24 fraud, doesn't that cancel out a whole bunch of
25 citizens' votes who are authorized to vote, who

1 are saying who they are, who are only voting once
2 instead of multiple times -- doesn't that cancel
3 out one of the most sacred freedoms that we have
4 as Americans, and that's the right to vote, the
5 right to choose our leaders?

6 SENATOR GIANARIS: Madam President,
7 I certainly believe every vote should count. I
8 also believe every eligible voter should vote.
9 And maybe that's where we're disagreeing.

10 There is no reason to think there
11 will be people voting multiple times. There's no
12 reason to think there will be any significant
13 fraud that occurs when more people -- where it's
14 made easier for more people to vote. And I
15 believe a lot of these questions and the changes
16 you would suggest as part of this proposal would
17 only be meant to deter people from voting.

18 We are here to make it easier for
19 people to vote today, and that's what this bill
20 would do.

21 SENATOR YOUNG: Madam President, on
22 the bill.

23 THE PRESIDENT: Senator Young on
24 the bill.

25 SENATOR YOUNG: Thank you,

1 Madam President.

2 I appreciate my colleague's answers,
3 although I don't think that there are some really
4 good answers to some of the questions that we
5 have.

6 There are several problems
7 associated with this piece of legislation.
8 Problem one is the enormous unnecessary cost,
9 because this bill would require a vast expansion
10 of local resources by now requiring that local
11 Boards of Elections must process and verify a
12 large additional number of registrations on an
13 ongoing basis without any kind of time frame, up
14 to the time of the closing of the polls, without
15 any concomitant meaningful benefit.

16 As absolutely no state money is
17 appropriated whatsoever, this bill turns out to
18 be an enormous unfunded state mandate that is
19 going to drive up taxpayer costs all over the
20 state.

21 Problem two, it presents a serious
22 administrative challenge. The reason for and the
23 rationale behind this bill -- my phone's talking
24 to me. The reason for and the rationale behind a
25 10-day registration period is to allow Boards of

1 Elections sufficient time to process and verify
2 identity, citizenship, residences of voters, and
3 then to provide the polling places -- and this is
4 key, they need this information -- so as allow
5 such duly registered and verified voters to vote.

6 This definitely cannot be done
7 without electronic poll books, which simply do
8 not exist at this present time. Eliminating this
9 advance period would significantly expand costs
10 and administrative difficulties for every local
11 Board of Elections across the state. That is
12 what the Boards of Elections are telling us.

13 Problem number three, it offers
14 chaos and serious disruption in polling places.
15 This proposal could also seriously upset the
16 current time-tested and secure environment for
17 voting at polling places. In Minnesota, a state
18 with one-quarter the population of New York --
19 think about that, one-quarter of the population
20 of New York -- over 350,000 persons offered
21 themselves for same-day registration.

22 If a similar situation were to exist
23 here in New York, it would present chaos in every
24 polling place across the state, where if similar
25 numbers appear, over a million people would

1 bull-rush the polls if you do the same
2 percentages. Organized, secure polling places
3 would be transformed from places where a person
4 can securely cast their ballot to a registration
5 free-for-all where confused people who have never
6 registered or voted now show up to cause delay,
7 confusion and unnecessary and avoidable crowds.

8 Problem four, serious election
9 security issues related to fraud. This bill
10 mostly presents numerous and serious election
11 security fraud issues. Without a sufficient
12 advance period of registration before voting,
13 Boards of Elections and their employees simply
14 cannot, they cannot provide the constitutionally
15 guaranteed proper proofs of assuring that there
16 is election security and lack of voting fraud, as
17 mandated in Section 5 of Article II of the
18 State Constitution.

19 This constitutional amendment is an
20 open invitation for voter fraud, allowing people
21 to vote multiple times in multiple election
22 districts while not affording Boards of Elections
23 the ability to verify any voter information
24 whatsoever before an election.

25 There's so many problems, there's so

1 many questions with this bill. And I would
2 seriously urge my colleagues to vote no on this
3 because of the voter fraud concerns.

4 THE PRESIDENT: Seeing and hearing
5 no other Senator that wishes to be heard, the
6 debate is closed.

7 The Secretary will ring the bell.

8 Call the roll.

9 (The Secretary called the roll.)

10 THE PRESIDENT: Senator Rivera to
11 explain your vote.

12 SENATOR RIVERA: Thank you,
13 Madam President.

14 I'm voting in the affirmative on
15 this piece of legislation. I certainly
16 congratulate my colleague Zellnor Myrie on his
17 first passage just a little bit ago, and I think
18 that this is a very solid piece of legislation by
19 Senator Gianaris.

20 I'll be voting in the affirmative on
21 the rest of the package today, but I felt it
22 necessary to stand up for a second and just make
23 sure that we state this for the record clearly.
24 Voter fraud is not a real problem. I will state
25 it again. Voter fraud is not a real problem. It

1 is not a real problem in this state, it is not a
2 real problem in this country.

3 Various comprehensive and credible
4 studies have shown that in a billion votes cast,
5 Madam President, 31 instances of credible voter
6 fraud were found -- 31, in a billion votes.
7 Voter fraud is not a problem. It is instead, as
8 was stated clearly by my colleague, a red herring
9 to actually restrict the vote. And lest we
10 forget, it has been used for many generations to
11 actually, again, make sure that people that were
12 not allowed access to the ballot have less access
13 to the ballot. Let's get over that.

14 This is a great piece of
15 legislation, as well as the other ones that we're
16 voting for today. I vote in the affirmative.

17 Thank you, Madam President.

18 THE PRESIDENT: Announce the
19 result.

20 THE PRESIDENT: Senator Gounardes
21 to explain his vote.

22 SENATOR GOUNARDES: Yes, Madam
23 President, I'll also be supporting this
24 legislation for the very reasons that my
25 colleague Senator Rivera alluded to. Using voter

1 fraud as a reason to not advance and modernize
2 our election laws is fraud in and of itself.
3 There are no documented or very few documented
4 cases of voter fraud across our entire country.
5 In fact, in a 10-year study that was done
6 recently, there were only 13 documented or
7 confirmed alleged cases of voter fraud, and yet
8 47,000 UFO sightings.

9 So I think the concern should be
10 about people who see UFOs in the skies rather
11 than trying to raise the boogeyman and specter of
12 nonexistent voter fraud as a way to prevent
13 people from exercising their constitutional right
14 to vote and to have access to the ballot box.
15 And this legislation will go a long way to making
16 it easier to break down these barriers, break
17 down those restrictions, and let everyone be able
18 to have their voice heard.

19 And for those reasons, I'll be
20 voting in the affirmative. Thank you.

21 THE PRESIDENT: Thank you, Senator.
22 Announce the result.

23 THE SECRETARY: Those recorded in
24 the negative on Calendar Number 3 are
25 Senators Akshar, Funke, Gallivan, Griffo,

1 Helming, Jordan, Lanza, Little, O'Mara, Ortt,
2 Ranzenhofer, Ritchie, Robach, Serino, Seward,
3 Tedisco and Young.

4 Ayes, 44. Nays, 17.

5 THE PRESIDENT: The resolution is
6 adopted.

7 Senator Gianaris.

8 SENATOR GIANARIS: Madam President,
9 can we next take up Calendar Number 4, by Senator
10 Comrie.

11 THE PRESIDENT: The Secretary will
12 ring the bell.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number 4,
15 by Senator Comrie, Senate Print 1049, Concurrent
16 Resolution of the Senate and Assembly proposing
17 an amendment to Section 2 of Article II of the
18 Constitution.

19 THE PRESIDENT: Senator Young.

20 SENATOR YOUNG: Thank you,
21 Madam President. Will the sponsor yield for some
22 questions.

23 THE PRESIDENT: Will the sponsor
24 yield to questions?

25 SENATOR YOUNG: But before we

1 begin, it's interesting -- because I'm going to
2 be touching on voter fraud in a minute, but it's
3 interesting to hear all of my colleagues, my
4 Democratic colleagues, talk about their viewpoint
5 that there's absolutely no voter fraud --

6 THE PRESIDENT: Senator --
7 Senator -- are you on the bill, Senator?

8 SENATOR YOUNG: -- when people have
9 been screaming about it since the 2016 election.
10 But that's another story.

11 Senator Comrie --

12 THE PRESIDENT: Senator, direct
13 your comments to the chair.

14 SENATOR YOUNG: This bill would
15 require a vast expansion of local resources by
16 not requiring that local Boards of Elections
17 produce, print, process and count a large
18 additional number of absentee ballots on an
19 ongoing basis without any concomitant meaningful
20 benefits, since this measure would not allow
21 anyone to vote who cannot vote by some other
22 means at present.

23 Why has absolutely no state money
24 been appropriated whatsoever in this bill to
25 provide for this huge unfunded mandate?

1 SENATOR COMRIE: I'm sorry, someone
2 was in my ear.

3 (Laughter.)

4 SENATOR COMRIE: Can you repeat the
5 essence of your question again, please? I'm
6 honored to take questions from you, I've been
7 looking forward to this all week.

8 SENATOR YOUNG: Okay, I'll give the
9 abridged version. Why has absolutely no state
10 money been appropriated whatsoever in this bill
11 to provide for this enormous unfunded state
12 mandate?

13 SENATOR COMRIE: As you know,
14 Senator, this no-excuse absentee voting bill that
15 we're putting forth is a constitutional bill
16 that's going to require two votes from the
17 State Senate to happen. It's been voted on in
18 the State Assembly for the past three consecutive
19 years. I'm grateful that it comes today to the
20 Senate floor with cosponsorship of every member
21 of the Majority conference.

22 There is already absentee ballot
23 mandate that absentee ballots are printed for
24 elections by the state. It does not change that.
25 We look forward to having this voted twice and

1 then go before the voters as a constitutional
2 amendment. So there's no need to put a dollar
3 amount on it today, because this is something
4 that is going to take time and actually will come
5 before the voters as something that the voters
6 will vote on after 2022.

7 SENATOR YOUNG: Through you,
8 Madam President, will the sponsor continue to
9 yield?

10 THE PRESIDENT: Will the sponsor
11 continue to yield?

12 SENATOR COMRIE: Yes.

13 THE PRESIDENT: The sponsor yields.

14 SENATOR YOUNG: So the sponsor has
15 indicated and he just reiterated that there are
16 no fiscal implications for this bill.

17 SENATOR COMRIE: I did not say
18 there were no fiscal implications. I said we did
19 not do a fiscal impact today because we already
20 have absentee ballots that are automatically
21 printed and accessed by every county, as per law.

22 SENATOR YOUNG: But through you,
23 Madam President, your actual sponsor memo
24 indicates that there are no fiscal
25 implications for this bill.

1 And basically what the sponsor is
2 saying is that yes, there are a lot of costs
3 associated with that, but we'll pass this first
4 without knowing what they are and then come back
5 later and tell the taxpayers how much money they
6 have to pony up.

7 But has the sponsor inquired with
8 the State Board of Elections regarding the costs
9 and administration involved with the provisions
10 of this bill?

11 SENATOR COMRIE: This bill, along
12 with all the package of bills that will be vetted
13 today are being passed now so that we can have
14 those discussions in the budget process. But
15 again, on this specific bill, there's no
16 immediate cost. And the cost that -- as I said
17 earlier, absentee ballots are already done by
18 mandate by the government, by the state, so that
19 absentee ballots are in every Board of Elections
20 district, every ED today for whenever there's an
21 election. So we don't anticipate a major
22 extended cost in absentee ballots at the board.

23 This also is a no-excuse absentee
24 ballot which will give people the same
25 opportunity that if you're impaired, if you're

1 sick, if you're on a mandated travel because of
2 your job, if you're a parent, if you're someone
3 that just can't get to the polling, you know that
4 you can't get there on Election Day, you'll have
5 another tool, another option so that you'll be
6 able to vote and cast your ballot as a New York
7 State citizen.

8 SENATOR YOUNG: Through you,
9 Madam President, will the sponsor continue to
10 yield?

11 THE PRESIDENT: Will the sponsor
12 yield?

13 SENATOR COMRIE: Yes.

14 THE PRESIDENT: The sponsor yields.

15 SENATOR YOUNG: How many absentee
16 ballots does the sponsor project that this bill
17 would increase in New York State?

18 SENATOR COMRIE: I don't believe
19 that it will increase any amount of the total
20 absentee ballots, because each precinct has a
21 certain percentage of absentee ballots that are
22 already preprinted.

23 Also, with this opportunity, you're
24 still going to have to fill out an application to
25 do an absentee ballot, which will go to the Board

1 of Elections prior to Election Day so that you
2 can actually receive the absentee ballot, which
3 must be filed, at the latest, by Election Day.

4 SENATOR YOUNG: Through you,
5 Madam President, would the sponsor continue to
6 yield?

7 THE PRESIDENT: Will the sponsor
8 yield?

9 SENATOR COMRIE: Yes.

10 THE PRESIDENT: The sponsor yields.

11 SENATOR YOUNG: What is the annual
12 cost of a local board to produce, print, process
13 and count an absentee ballot, do you know?

14 SENATOR COMRIE: I don't have that
15 exact figure. But they're already -- as I said
16 earlier, each Board of Elections, each local
17 board has to print absentee ballots to be
18 available at the polling place on Election Day.
19 It would be the same cost that they are now.

20 SENATOR YOUNG: Thank you. And
21 will the sponsor continue to yield?

22 THE PRESIDENT: Will the sponsor
23 yield?

24 SENATOR COMRIE: Yes.

25 THE PRESIDENT: The sponsor yields.

1 SENATOR YOUNG: Is the sponsor
2 aware that -- the reason for and rationale behind
3 absentee ballots is to allow people who otherwise
4 would be unable to cast a ballot on Election Day,
5 due to absence of the voter from the voting
6 jurisdiction or due to a disability or illness of
7 the voter that would prevent them from voting at
8 the polls on Election Day, to be able to vote.
9 But is the sponsor aware that such absentee
10 ballots are expensive, labor-intensive and time
11 consuming in distributing, processing, and
12 counting and slow the entire election process in
13 determining results?

14 SENATOR COMRIE: We believe that --
15 and the host of groups that are supporting this
16 bill, the New York City Bar Association, the
17 Democratic Lawyers Council, the New York State
18 Vote Coalitions and the League of Women Voters --
19 believe that this could actually bring costs down
20 because it will enable people that already know
21 that they cannot vote on Election Day to file
22 their absentee ballots early so that that can
23 make sure that that process is eliminated.

24 We don't believe that there will be
25 any additional costs, and we believe that

1 actually there will be a cost savings so that
2 people don't have to show up at the Board of
3 Elections or an election site, tying up lines,
4 complaining about why they cannot file an
5 absentee ballot.

6 SENATOR YOUNG: Through you,
7 Madam President, will the sponsor continue to
8 yield?

9 THE PRESIDENT: Will the sponsor
10 continue to yield?

11 SENATOR COMRIE: Yes.

12 THE PRESIDENT: The sponsor yields.

13 SENATOR YOUNG: Now, through my
14 Boards of Elections -- and I did attend an event
15 a few days ago where Boards of Elections
16 commissioners from around the state were there,
17 and they actually disagreed with the sponsor on
18 what was just said about the additional cost.

19 But -- so we don't agree on that,
20 and we're hearing it from the front lines
21 regarding the cost. So we're -- it's
22 established, this is an unfunded mandate, it's
23 going to cost localities a lot of money, drive up
24 taxes for taxpayers. But -- so can the sponsor
25 tell us why we should do this bill if we also

1 just did that bill to implement early voting?
2 Aren't the two duplicative, and don't they
3 overlap each other, and then you've got two huge
4 unfunded mandates upon each other?

5 SENATOR COMRIE: Again, we don't
6 believe that this will be a -- this is just the
7 first of two votes that has to be taken before
8 this is brought to the people in a constitutional
9 amendment, with all of the language fully fleshed
10 out by the time it goes before the voters, with
11 all the costs imparted in it by the time it goes
12 to the voters in 2022. We are not concerned
13 about -- and again, we believe that at the end of
14 the day, there will be a savings as a result of
15 this opportunity where we will create no excuses
16 for people to be able to go out and do the
17 absentee ballot.

18 And again, I want to remind folks
19 that this is going to go before the voters in a
20 constitutional amendment that will be fully
21 vetted by everyone in this room and vetted
22 through the budget process. So by the time we go
23 to 2022, it will be a fully fleshed document with
24 all of the costs involved.

25 I also believe that we should not

1 deny any voter the opportunity to have this as a
2 part of their tool so that they can exercise
3 their franchise as a New York State citizen, to
4 be able to vote when it's convenient for them to
5 vote and not be stuck in voting or running to the
6 poll at 7 o'clock at night to find out that their
7 poll site was changed, they didn't know it
8 because they've been to that poll site for five
9 or ten years, and they're walking with a kid or
10 they're walking with a cane, and they don't want
11 to go anywhere else, they want to be able to vote
12 where they were because they stood on a line for
13 an hour and a half to exercise their franchise,
14 they came from work, they're already grumpy.
15 I've been in polling sites where I've had to
16 ameliorate people and calm people down so that
17 they could stay on line so that they could fill
18 out an absentee ballot.

19 The no-excuse absentee ballot would
20 eliminate that opportunity. It would shorten the
21 lines, it would stop excuses, and it would stop
22 the frustration from poll workers who would also,
23 after a long day, have to put up with people
24 coming at them at the last minute insisting that
25 they want to be able to vote and they're told

1 they can't.

2 SENATOR YOUNG: Thank you,
3 Madam President. Will the sponsor continue to
4 yield?

5 THE PRESIDENT: Will the sponsor
6 yield?

7 SENATOR COMRIE: Yes.

8 THE PRESIDENT: The sponsor yields.

9 SENATOR YOUNG: Is the sponsor
10 aware that this constitutional amendment will
11 increase the risk of coercion, where a person
12 such an employer, for example, somebody's job
13 depends on that employer supporting what they're
14 doing. But an employer now can demand that
15 employees vote by absentee and insist they
16 complete their ballots in front of him. Have you
17 contemplated that potential?

18 SENATOR COMRIE: I'm contemplating
19 it now.

20 (Laughter.)

21 SENATOR COMRIE: But I would say
22 that anyone that has a situation where an
23 employer is trying to intimidate them into not
24 being able to vote on Election Day should contact
25 their legislator so that that person can be

1 properly indicted and convicted for voter
2 harassment.

3 I don't think that any employer in
4 their right mind in this day and age, in our
5 instant communications opportunity, would be able
6 to get away with that unless the constituent just
7 decided not to fight them. But anybody that will
8 have an opportunity between now and 2022 to look
9 at this issue will know that there's a protection
10 built in to ensure that everyone has the right to
11 vote.

12 SENATOR YOUNG: Thank you.
13 Madam President, will the sponsor continue to
14 yield?

15 THE PRESIDENT: Will the sponsor
16 yield?

17 SENATOR COMRIE: Yes.

18 THE PRESIDENT: The sponsor yields.

19 SENATOR YOUNG: What about the
20 scenario -- so maybe there's not an overt like,
21 You vote this way and you vote in front of me.
22 But the employees or -- you know, maybe it's a
23 union leader, maybe it's a boss. But just
24 filling out the absentee ballot in front of them
25 presents a significant risk. So even if it's not

1 overt, it still could influence how someone would
2 vote, correct?

3 SENATOR COMRIE: Senator, I would
4 hope that no one is intimidated by a union leader
5 or a president or a boss as they're filling out
6 an absentee ballot. It can be done privately no
7 matter where it's being presented to you.

8 And I think that it's easy enough
9 for us to make sure that once we put this law out
10 in a constitutional amendment that those issues
11 and those possibilities will be definitely vetted
12 and promoted so that anyone can feel comfortable
13 with voting by absentee ballot.

14 SENATOR YOUNG: Thank you, Senator
15 Comrie.

16 Madam President, will the sponsor
17 continue to yield?

18 THE PRESIDENT: Will the sponsor
19 yield?

20 SENATOR COMRIE: Yes.

21 THE PRESIDENT: The sponsor yields.

22 SENATOR YOUNG: So is the sponsor
23 further aware that this bill would abandon, for
24 all those who now choose to vote by absentee
25 rather than at the polling place, that such voter

1 will now be abandoning hundreds of years of
2 proven privacy and voting security controls
3 present at Election Day polling places that are
4 not available, those same protections are not
5 available when you vote by absentee ballot?

6 SENATOR COMRIE: Again, I think
7 that a person choosing to vote by absentee ballot
8 is doing it as a convenience and as a choice and
9 they'd like to do it from the comfort of their
10 home, the opportunity to do it if they're infirm,
11 the opportunity not to have to leave their job or
12 the opportunity to be able to do it before they
13 have to go away. And I think that the
14 opportunities for privacy will be actually
15 enhanced for those people that choose to vote by
16 absentee ballot.

17 SENATOR YOUNG: Thank you. Is the
18 sponsor willing to continue to yield?

19 SENATOR COMRIE: Yes.

20 THE PRESIDENT: The sponsor will
21 yield.

22 SENATOR YOUNG: Is the sponsor also
23 aware that the challenges of securing a huge new
24 number of paper ballots and protecting them from
25 nefarious activity or merely accidental loss,

1 damage or destruction, also presents a serious
2 issue?

3 SENATOR COMRIE: Again, I don't
4 believe that the handling of the ballots will be
5 changing in any significant way from the way that
6 absentee ballots are registered and transmitted
7 now. I would hope that improvements over time
8 with technology and opportunities, that we will
9 be able to do this electronically, hopefully, in
10 the next ten years, which will only further
11 secure the absentee ballot process.

12 But I've not heard of anyone that's
13 talked about fraud with absentee balloting in the
14 last three election cycles that I'm aware of.

15 SENATOR YOUNG: I'd like to follow
16 up on that, please, if the sponsor will still
17 yield.

18 SENATOR COMRIE: Yes.

19 THE PRESIDENT: Does the sponsor
20 yield? The sponsor will yield.

21 SENATOR YOUNG: So through you,
22 Madam President, I actually looked up cases of
23 different voter crimes that have occurred not
24 only across the country, but in New York State.
25 Are you familiar with the Hector Ramirez case,

1 who was a 2014 State Assembly candidate for the
2 86th Assembly District?

3 SENATOR COMRIE: I'm not aware of
4 that case.

5 SENATOR YOUNG: Okay. So Hector
6 Ramirez pleaded guilty to one count of criminal
7 possession of a forged instrument. He was
8 running for the Assembly, and he deceived voters
9 into giving their absentee ballots to his
10 campaign on the false premise that the campaign
11 would then submit the ballots. Instead,
12 Ramirez's campaign inserted his name on at least
13 35 of the absentee ballots.

14 So there's one tangible recent case
15 where absentee ballots were actually collected
16 and forged.

17 SENATOR COMRIE: Senator, that is a
18 crime. And any crime that is committed by any
19 individual will be vigorously prosecuted by law
20 enforcement officials. And I don't believe that
21 Hector Ramirez is a sitting Assemblyman, and he
22 got his just deserts by the voters. And I'm sure
23 that he has also gotten his just deserts by the
24 prosecutorial system that definitely investigated
25 that particular case.

1 And I would hope that anyone that
2 tries to use an absentee ballot in a fraudulent
3 way is discovered and prosecuted quickly, because
4 we need to protect the process for those people
5 that want to use their democratic right to be
6 able to vote in no-excuse absentee voting.

7 SENATOR YOUNG: Thank you,
8 Madam President. Will the sponsor continue to
9 yield?

10 THE PRESIDENT: Will the sponsor
11 yield?

12 SENATOR COMRIE: Yes.

13 THE PRESIDENT: The sponsor will
14 yield.

15 SENATOR YOUNG: Well, thank you,
16 Senator Comrie, for that. And I believe that
17 Hector Ramirez got what he deserved also by
18 defrauding the voters. But this is not an
19 isolated case. Are you familiar with the case --
20 it was actually a major scandal that occurred in
21 Troy in 2013, where there was a voter fraud
22 scandal, people went to jail or they got -- some
23 went to jail, some got community service. But
24 they were doing the same thing, in conjunction
25 with the Working Families Party. They were

1 harvesting -- they were harvesting absentee
2 ballots.

3 And during the questionable
4 circumstances surrounding these cases, witnesses
5 throughout both trials provided a glimpse into
6 the seedy political underworld that existed that
7 allowed this to happen. They preyed on those
8 that they felt were the most vulnerable members
9 of society, making them easy targets for voter
10 schemes.

11 So for example, they targeted -- and
12 this was all brought up in court, by the way.
13 They targeted immigrants --

14 SENATOR COMRIE: And were
15 prosecuted, if I recall, Madam President.

16 SENATOR YOUNG: Right. And they're
17 the ones that got caught. But this is the type
18 of thing that already exists that I believe that
19 the bill that's before us today will actually
20 make a lot worse.

21 But they targeted immigrants who
22 struggled with the English language and had
23 little knowledge of the U.S. election process.
24 They targeted college kids with little money,
25 paying them for their voter registration cards.

1 They targeted people living in low-income housing
2 because there was a sense that poor people were
3 less likely to ask any questions. And they
4 tricked mentally disabled individuals into
5 signing over their absentee ballots.

6 What in this bill before us right
7 now builds any kind of protections against those
8 types of situations from happening?

9 SENATOR COMRIE: Senator, I believe
10 there are already plenty of protections in place
11 to prevent fraud from individuals that are intent
12 on doing fraud.

13 I would hope that collectively that
14 everyone that is involved in elections would make
15 sure that whenever they saw fraud, that they
16 would point it out quickly. And as those people
17 were prosecuted, that we made sure that they got
18 the necessary punishment for a heinous act for
19 violating our constitutional right as citizens
20 for taking advantage of poor people and people
21 that were indigent and people that were not able
22 to understand what the process was. I think
23 that's a horrible example.

24 But we will be doing everything we
25 can to inform voters of what their rights are,

1 what their obligations are, and what the
2 opportunities are for enforcement. And I'm glad
3 that that was brought to -- that was highlighted,
4 that was discovered. And I'm sure that working
5 together across the aisle with all my colleagues
6 over the next three years before 2022 to make
7 sure that this is done in a way that all
8 New Yorkers would be able to feel comfortable
9 about casting a ballot through absentee voting.

10 SENATOR YOUNG: Through you,
11 Madam President, will the sponsor continue to
12 yield?

13 THE PRESIDENT: Will the sponsor
14 yield?

15 SENATOR COMRIE: Yes.

16 THE PRESIDENT: The sponsor will
17 yield.

18 SENATOR YOUNG: So those were just
19 a couple of cases out of many. I have a lot
20 right here from throughout New York State. But
21 is the sponsor also aware that the large increase
22 in total volume of absentee paper ballots only
23 increases the chances of misconduct concerning
24 such ballots from false or fraudulent ballots,
25 stuffing the ballot box, to mass solicitation of

1 votes from vulnerable populations, as I said, to
2 the purposeful miscollection of ballots for voter
3 suppression, as was recently alleged in
4 North Carolina?

5 All of those factors, are you
6 aware -- I mean, that increases the chances of
7 voter fraud. And as I said earlier, every time
8 voter fraud occurs, it cancels out the vote of
9 citizens who have the right to vote in this
10 country.

11 SENATOR COMRIE: Senator, as you
12 know, in New York State it's required that you
13 fill out an affidavit before you get an absentee
14 ballot. I think that is one process that will
15 definitely stay in place. And making sure that
16 that affidavit is filled out will decrease the
17 opportunity for voter fraud. This is not
18 North Carolina, where you can grab three dozen
19 absentee ballots, take them to a neighborhood and
20 get them signed and turned in at the same time.
21 There will be an affidavit required.

22 I believe that through due
23 diligence, through all of the people in this room
24 and all of the people around this state that are
25 concerned about fair and fair elections, that any

1 bad actors -- and there will always be bad actors
2 no matter what system is in place. There will
3 always be someone to try to subvert the system.

4 But I believe that working together,
5 we can eliminate those bad actors and, with the
6 advent of technology, even clean up anyone that's
7 trying to do voter fraud so that we can have an
8 opportunity for people to have options and to
9 have no-excuse absentee voting.

10 SENATOR YOUNG: Thank you, Senator
11 Comrie.

12 And Madam President, on the bill.

13 THE PRESIDENT: Senator, on the
14 bill.

15 SENATOR YOUNG: Thank you,
16 Madam President.

17 This bill has several deeply
18 concerning aspects that call into question the
19 administrative difficulty and cost of this
20 measure, together with its overall negative
21 impact on the integrity of our elections in
22 general.

23 Problem one, enormous unnecessary
24 cost. I hate to keep repeating myself, but there
25 is something that is prevalent throughout all of

1 these bills that is a theme: Unfunded mandates,
2 huge costs to the taxpayers. It would require a
3 vast expansion of local resources by now
4 requiring that local Boards of Elections produce,
5 print, process and count a large additional
6 number of absentee ballots on an ongoing basis
7 without any meaningful benefit since this measure
8 would not allow anyone to vote who cannot vote by
9 some other means at present.

10 We just passed something that
11 allowed for early voting that also has a
12 significant cost to the taxpayers. This does
13 too. I don't understand, it's very difficult to
14 understand why you would do both when there are
15 huge enormous impacts on the taxpayers and at the
16 same time they duplicate what you're trying to
17 get at. As absolutely no state money is
18 appropriated whatsoever, this bill is an enormous
19 unfunded state mandate.

20 Problem two, presents serious
21 administrative challenges. The reason for and
22 rationale behind absentee ballots is to allow
23 people who otherwise would not be able to cast a
24 ballot on Election Day, due to the absence of the
25 voter from the voting jurisdiction or due to a

1 disability or illness of the voter that would
2 prevent them from voting at the polls on
3 Election Day, to be able to vote.

4 But such ballots are expensive, as
5 the Boards of Elections will tell you,
6 labor-intensive and time-consuming in
7 distributing, processing and counting. And they
8 actually slow the entire election process because
9 it takes so long. And already we have issues
10 where results may not be determined in a close
11 election for weeks and even months. This would
12 slow it down even further.

13 It would also require voters to take
14 multiple steps to vote: One, properly apply for
15 the absentee ballot, complete the ballot,
16 properly enclose it in the board's return
17 envelope, properly sign and date such envelope,
18 and return such ballot back to the Board of
19 Elections by mail or hand delivery before
20 Election Day.

21 Compare that to what happens at the
22 polls. At the polls, that voter would merely
23 sign in, fill out their ballot, and deposit it in
24 a voting machine to vote.

25 Problem three, serious election

1 fraud. Security issues. This bill also presents
2 numerous and serious issues regarding fraud.
3 This not only arises because of an increased risk
4 of coercion that I brought up -- where a person
5 such as an employer, a union leader and so on,
6 now can demand that employees vote by absentee
7 and insist they complete their ballot in front of
8 them -- but also because of the hundreds of years
9 of proven privacy and voting security controls
10 present at Election Day at polling places, that
11 those protections are not available when you use
12 absentee ballots.

13 The challenges of securing a huge
14 new number of paper ballots and protecting them
15 from nefarious activity, or even just losing
16 them, merely accidental loss, which we have been
17 reading about in the news recently about ballots
18 getting lost in certain elections -- paper
19 ballots only increase the chance of misconduct
20 concerning such ballots from false or fraudulent
21 ballots, which is known as stuffing the ballot
22 box, to mass solicitation of votes from
23 vulnerable populations, to the purposeful
24 miscollection of ballots for voter suppression,
25 as was recently alleged in North Carolina. And

1 frankly, they had to void that entire election
2 because of that problem.

3 And problem four, duplicative, as I
4 said, of early voting.

5 And so this amendment appears to be
6 repeating something, rising costs, all the
7 problems with fraud. It's begging the question,
8 why should we do this?

9 And so the recommendation is that we
10 do not pass this constitutional amendment, that
11 we stick to systems that actually protect the
12 integrity of our elections. And so I would urge
13 my colleagues to not pass this today.

14 Thank you.

15 THE PRESIDENT: Seeing and hearing
16 no other Senator that wishes to be heard, the
17 debate is closed.

18 The Secretary will ring the bell.

19 Call the roll.

20 (The Secretary called the roll.)

21 THE PRESIDENT: Senator Metzger to
22 explain your vote.

23 SENATOR METZGER: Thank you. I'm
24 very pleased to be cosponsoring this legislation
25 and supporting it.

1 To Senator Young's question of why
2 we would move forward with this, it's because
3 there are people that actually can't get to the
4 polls, have a really hard time getting to the
5 polls.

6 I represent a largely rural
7 district, huge areas. There's no public
8 transportation, and people have a hard time
9 getting to the polls. There are people that work
10 two, three jobs, they have families, they are
11 challenged to get to the polls.

12 So this is about expanding voter
13 participation. This whole package of amendments
14 does this. The early voting alone cannot get to
15 every single obstacle that is confronting voters.
16 And this will go a long way to making sure
17 everyone can exercise that fundamental right to
18 vote.

19 Thank you.

20 THE PRESIDENT: Thank you, Senator.

21 Senator Boyle to explain his vote.

22 SENATOR BOYLE: Thank you,
23 Madam President. I want to explain my vote.

24 I want to commend Senator Comrie on
25 bringing this bill, this resolution to the floor,

1 and all the other colleagues that are supporting
2 it.

3 I was honored to be the prime
4 sponsor of this legislation in years past. And
5 this really came to me years ago when I was
6 speaking to my Aunt Susan at the time, an elderly
7 woman not in good health. And so many of our
8 constituents, we know -- they basically lie.
9 They say they're going to be out of town, they
10 say they're going to be sick. But my Aunt Susan,
11 who wanted to vote for me, but I would say I feel
12 guilty -- and it was a very difficult for her to
13 get to the polls, but she did it, when now with
14 this bill it's very simple. Anybody can vote by
15 absentee without making any excuse.

16 Also very quickly in terms of the
17 early voting and this bill, please consider my
18 bill, or please, Majority member, take it, to
19 call for a final vote, a piece of legislation
20 that says if you do absentee or you do early
21 voting, you always have the opportunity to go on
22 Election Day and make your final vote. And that
23 one counts, negating the earlier one.

24 We all remember the guy running for
25 Congress out in Montana who beat up the reporter

1 the night before Election Day. He won, because
2 so many constituents had voted early. He may not
3 be there. And there's other examples like that.
4 Please consider that.

5 On this resolution, I vote in the
6 affirmative.

7 THE PRESIDENT: Senator Harckham to
8 explain your vote.

9 SENATOR HARCKHAM: Thank you very
10 much, Madam President.

11 I commend Senator Comrie and all
12 colleagues for sponsoring measures in this
13 package. I'm sitting here bewildered, listening
14 to the array of fear and the sky is falling, and
15 that everything that we are considering now will
16 create chaos. And I guess this must have been
17 what it was like when we were debating horseless
18 carriages coming on our dirt roads a hundred
19 years ago when these legislative and electoral
20 processes were in gear.

21 We've heard about a lot about how
22 people leave New York because of high taxes. The
23 other reason people leave is that this state does
24 not work for them. And we have an opportunity to
25 make lives easier for people, to make it easier

1 to vote, to give them more time in their day to
2 their families, to commuting, to working.

3 So there are so many things that
4 this package of bills touches upon. I'm
5 wondering what the resistance is all about. That
6 voter fraud has been unfounded, both in this
7 state and in this country. The issue of the
8 unfunded mandates has been addressed and will be
9 addressed both in the Governor's budget -- and we
10 are a coequal branch of government, and we can
11 and we will fund these measures. We don't want
12 to pass these costs along to local governments.

13 So what's the resistance to making
14 life easier and making voter access more
15 affordable and accessible?

16 Thank you.

17 THE PRESIDENT: Senator Krueger to
18 explain your vote.

19 SENATOR KRUEGER: Thank you,
20 Madam President. I rise to support this bill.

21 And you know, it's sort of
22 interesting, because the theme seems to have been
23 "but if it costs us more." Well, I guess I would
24 ask, what is the cost of democracy? Maybe it
25 does cost us more, some of the things. But

1 interestingly, as this bill was being debated, I
2 was looking at research that's been done. And
3 for states who have expanded their absentee
4 voting and gone to mail voting, actually the
5 research is clear. It's cheaper to handle a
6 ballot through the mail than people coming into
7 sites.

8 So does it require a change in
9 system per person at some level? Yes. But
10 apparently a mail voting in an absentee ballot
11 option is not an increased cost, it actually
12 shows itself to be a decreased cost. And yet it
13 still lets us expand voting for more people, and
14 that's the goal here of all these bills today.

15 So I'm proud to stand and vote yes,
16 Madam President.

17 THE PRESIDENT: Thank you, Senator.
18 Senator Sanders to explain your
19 vote.

20 SENATOR SANDERS: Thank you,
21 Madam President.

22 I have heard excellent arguments
23 from many of the people raising these points. I
24 am yet to be convinced, however. I have to
25 remind my colleagues that the problems of

1 democracy can only be solved by more democracy.
2 You can't solve the problems by saying, well,
3 since there is a problem, we won't have it at
4 all.

5 I think that the approach that the
6 Coun -- Councilmember, hmm -- Senator Comrie is
7 taking is an excellent approach. It's part of
8 what the agenda is coming up with. And I
9 encourage all of us to figure out ways that we
10 can make sure that more of the people of
11 New York, more of the American people participate
12 in democracy.

13 When we are way down on the line of
14 states that are voting, that should be a warning
15 shot to all of us. All of us should be doing
16 something and coming up with some proposals to
17 ensure that we make it easier and that we make
18 government that exists more beneficial to the
19 average New Yorker.

20 So I'm proud to support my colleague
21 from Queens and vote yes on this measure.

22 Thank you.

23 THE PRESIDENT: Thank you, Senator.
24 Announce the result.

25 THE SECRETARY: Those recorded in

1 the negative on Calendar Number 4 are
2 Senators Jordan, Ortt, Ranzenhofer and Young.

3 Ayes, 57. Nays, 4.

4 THE PRESIDENT: The resolution is
5 adopted.

6 THE SECRETARY: Also Senator
7 Helming.

8 Ayes, 56. Nays, 5.

9 THE PRESIDENT: The resolution is
10 adopted.

11 Senator Gianaris.

12 SENATOR GIANARIS: Madam President,
13 can we please take up Calendar Number 5, by
14 Senator Carlucci.

15 THE PRESIDENT: The Secretary will
16 ring the bell, and the Secretary will read.

17 THE SECRETARY: Senator Carlucci
18 moves to discharge, from the Committee on Rules,
19 Assembly Bill 775 and substitute it for the
20 identical Senate Bill Number 1099, Third Reading
21 Calendar 5.

22 THE PRESIDENT: The substitution is
23 so ordered.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number 5,

1 by Assemblyman Dinowitz, Assembly Print 775, an
2 act to amend the Election Law.

3 THE PRESIDENT: Senator Young.

4 SENATOR YOUNG: Thank you,
5 Madam President. Will the sponsor yield?

6 THE PRESIDENT: Will the sponsor
7 yield?

8 SENATOR CARLUCCI: Yes,
9 Madam President.

10 THE PRESIDENT: The sponsor yields.

11 SENATOR YOUNG: Where did he go?

12 Oh, there. I'm still getting used to all the
13 seat changes. Thank you, Senator Carlucci, for
14 yielding for some questions.

15 This is a fundamental change to how
16 the state voter registration system operates.
17 And I was wondering, just like the other bills,
18 have you spoken to county Boards of Elections and
19 the state Board of Elections to ensure they have
20 the capabilities to implement this system?

21 Especially since these changes have an effective
22 date 60 days after the bill becomes law. I mean,
23 that's pretty quick. Have you spoken to them?

24 SENATOR CARLUCCI: Thank you,
25 Madam President. And thank you, Senator.

1 Yes I've had the opportunity to
2 speak to a few election commissioners. And what
3 I get the sense of with this legislation, as you
4 said, it's a simple change for our bureaucracy
5 but a giant change for our democracy. All this
6 is doing is simply using the technology that we
7 already have.

8 After the Help Americans Vote Act,
9 it required New York State to get on board and
10 make a New York State voter database so that we
11 have a complete picture of all the voters in
12 New York State.

13 However, if you move in New York
14 State, if you move from Rockland County to
15 Orange County, from Rockland to Westchester, you
16 name it, you have to physically go and reregister
17 to vote. If you move within the county or within
18 your city, you don't have to reregister to vote.

19 So the Board of Elections, they tell
20 us that this is a smart piece of legislation
21 because about 30 percent of people's address
22 changes in New York State are from county to
23 county. So this is simply ending that confusion,
24 allowing people to vote on Election Day and
25 earlier, with the legislation that's passed

1 earlier today, to remove those barriers that
2 currently exist.

3 SENATOR YOUNG: Thank you,
4 Madam President. Will the sponsor continue to
5 yield?

6 ACTING PRESIDENT MAYER: Senator
7 Carlucci, do you continue to yield?

8 SENATOR CARLUCCI: Yes,
9 Madam President.

10 SENATOR YOUNG: Do you have an
11 estimate of how many voters this would affect?
12 How many registered voters move out of their
13 counties every single year?

14 SENATOR CARLUCCI: Well, the Board
15 of Elections tells us that in the entirety of all
16 the address changes that they get, it's
17 approximately 30 percent that this would affect,
18 that are physically moving from county to county.
19 That doesn't include, obviously, people from out
20 of state or moving from within their county. But
21 over 30 percent are moving from county to county
22 or from out of the city to another county.

23 SENATOR YOUNG: That's a pretty
24 high number.

25 Through you, Madam President, would

1 the sponsor continue to yield?

2 ACTING PRESIDENT MAYER: Senator
3 Carlucci?

4 SENATOR CARLUCCI: Yes,
5 Madam President, I yield.

6 SENATOR YOUNG: So let me give you
7 a hypothetical situation. Say there's a student
8 who's registered in Albany County and that
9 student moves to Buffalo to go to college. How
10 would the county Board of Elections ensure that
11 that student is not enrolled in both Albany and
12 Erie counties?

13 SENATOR CARLUCCI: Well, according
14 to this legislation, they do have to submit a new
15 action to trigger an address change.

16 For example, if they go to the DMV
17 and register their address at this new location
18 in Buffalo, I believe was the example, or they
19 register with other types of agencies, that would
20 allow for that address change to promulgate.

21 SENATOR YOUNG: How do we ensure
22 that the voter's registration is removed from the
23 Albany voter roll? How do we ensure that? What
24 mechanism is in place so that there's
25 enforcement?

1 SENATOR CARLUCCI: Well, this is
2 very simple, and that's the beauty of this simple
3 legislation. We're taking advantage of the
4 technology that already exists. This technology
5 in fact has been around since 2005. We've had
6 access to it for 14 years now, but we really
7 haven't been using its full potential.

8 Right now we can just look at that
9 voter database and allow for when someone does
10 make that address change, that we make those
11 corrections to the voter database and that person
12 is simply registered in that new location, the
13 Board of Elections is notified where they moved
14 from, and they're able to make those changes as
15 it's detailed in the legislation.

16 SENATOR YOUNG: Through you,
17 Madam President, will the sponsor continue to
18 yield?

19 ACTING PRESIDENT MAYER: Senator
20 Carlucci?

21 SENATOR CARLUCCI: Yes,
22 Madam President.

23 SENATOR YOUNG: Thank you. Does
24 the State Board of Elections have to coordinate
25 with Albany and Buffalo to make sure the voter is

1 enrolled in Buffalo while removing their
2 enrollment from Albany.

3 SENATOR CARLUCCI: I'm sorry, Madam
4 President?

5 SENATOR YOUNG: So is the State
6 Board of Elections involved? Do they have to
7 coordinate with Buffalo and Albany to make sure
8 the voter is enrolled in Buffalo while removing
9 their enrollment from Albany? Does the state
10 board have to coordinate with the two counties?

11 SENATOR CARLUCCI: There is
12 coordination going on, yes, and that's the idea,
13 that we have one state, we have one database.
14 And it's a very simple coordination.

15 SENATOR YOUNG: Thank you.

16 Through you, Madam President, will
17 the sponsor continue to yield?

18 ACTING PRESIDENT MAYER: Senator
19 Carlucci?

20 THE WITNESS: Yes, Madam President.

21 SENATOR YOUNG: So under this new
22 system, will the county Boards of Elections need
23 to access voter rolls of other counties in the
24 state?

25 SENATOR CARLUCCI: Yes. Under the

1 voter database that exists, they have access to
2 the entire voter database of every registered
3 voter in New York State.

4 SENATOR YOUNG: So do you have
5 security concerns about opening up the voter
6 rolls?

7 SENATOR CARLUCCI: I'm sorry,
8 Madam President, will the Senator repeat the
9 question?

10 SENATOR YOUNG: So you said yes,
11 right? So do you have security concerns with
12 opening up the voter rolls?

13 SENATOR CARLUCCI: I don't have any
14 security concerns with this piece of legislation.
15 We're not really opening up the voter rolls,
16 we're simply allowing -- changing a technicality
17 in the law, I believe is a technicality, where
18 we're simply changing a few lines in the
19 legislation that currently exists by allowing
20 them to make that transfer automatically.

21 Where right now what happens is
22 someone moves and they know, hey, Election Day is
23 coming, so they go to their polling place, they
24 say, "Hey, I want to vote, I moved," and the
25 polling inspector says, "Well, you're not in the

1 book, so okay, fill out this affidavit." They
2 fill it out, and then what happens is when the
3 rubber hits the road, that affidavit doesn't
4 count. If they moved within the county or they
5 moved within the city, it does count.

6 So all we're doing is allowing for
7 that simple change in the legislation to exist.
8 So we're just modifying a few sentences of the
9 Election Law and giving that authority to the
10 Board of Elections to make this simple change.

11 Instead of having the voter jump
12 through these hoops; there's really no reason to
13 do that. We already have the information, we
14 have the data, let's take advantage of the
15 technology that exists.

16 SENATOR YOUNG: So through you,
17 Madam President, will the sponsor continue to
18 yield?

19 ACTING PRESIDENT MAYER: Senator
20 Carlucci, do you continue to yield?

21 SENATOR CARLUCCI: Yes,
22 Madam President.

23 SENATOR YOUNG: This new system
24 will require additional training manuals and
25 procedures for the state Board of Elections and

1 every county Board of Elections. I don't see any
2 appropriation in the bill language, so how will
3 this be paid for?

4 SENATOR CARLUCCI: Well, this is --
5 as we've been talking about all day, that if
6 there is substantial monies that are required,
7 this is something that our Legislature, the
8 Senate, is committed to funding.

9 We could talk about the cost, but
10 what are the costs if we don't put these reforms
11 in? What are the costs of allowing people not to
12 have access to the polls? What's the cost of
13 someone having to jump through the hoops to
14 reregister, just fill out extra paperwork, when
15 we don't need it? There's a cost to that.

16 So the cost to this is extremely
17 minimal, even according to the Board of
18 Elections. In terms of what these changes in
19 this legislation are actually doing, the cost is
20 minimal.

21 SENATOR YOUNG: Through you,
22 Madam President, will the sponsor continue to
23 yield?

24 ACTING PRESIDENT MAYER: Senator
25 Carlucci?

1 SENATOR CARLUCCI: Yes,
2 Madam President.

3 SENATOR YOUNG: Wouldn't it make
4 more sense to find out what the costs are before
5 we take action and pass a major change in how the
6 state law operates? Wouldn't it make more sense
7 to know? You're committing to reimburse the
8 counties and make them whole, but we don't know
9 how much that is going to cost.

10 I guess one of the recurring themes
11 today is that we're going to pass all this and
12 figure out what it costs and how to pay for it
13 later. Why haven't we done that in advance? I
14 think that would be a much better way to go about
15 it, especially since the effective date is
16 60 days after the bill becomes a law.

17 SENATOR CARLUCCI: Thank you,
18 Senator.

19 The cost. I believe that this will
20 actually save New York money. This is about
21 using the technology that's available to us.
22 It's about stepping into the 21st century and
23 accessing what already exists, what other states
24 have already taken advantage of. This makes it
25 more efficient, saves costs to the taxpayer

1 ultimately, and saves costs to the voter that
2 they don't have to jump through hoops like
3 they've had to do in the past.

4 As far as training, the Board of
5 Elections is continually training their staff,
6 and they already know how to access the New York
7 State voter database. So I believe that the
8 training on this transfer, this automatic
9 transfer would be extremely minimal, would be
10 very minimal cost initially, and ultimately
11 saving money for the taxpayer long-term.

12 SENATOR YOUNG: Through you,
13 Madam President, will the sponsor continue to
14 yield?

15 ACTING PRESIDENT MAYER: Senator
16 Carlucci?

17 SENATOR CARLUCCI: Yes,
18 Madam President, I yield.

19 SENATOR YOUNG: So, you know, how
20 is this going to work? I mean, people are going
21 to have to continually check the voter rolls to
22 make sure that somebody isn't registered to vote
23 in another county within the state. Common sense
24 would tell you that you would need additional
25 staffing to be able to do that. And also you

1 need to make sure that people aren't voting in
2 two or more locations.

3 So I don't see any kind of controls
4 in this bill that really put in systems that
5 would disallow duplicate voting.

6 SENATOR CARLUCCI: As far as if
7 someone is committing fraud in voting in two
8 places, that's something that people can try to
9 vote as many times as they can try, and we need
10 stamp out fraud wherever it exists. I believe in
11 no way does this legislation open the door to
12 fraud. In fact, I think this gives us a better
13 control of maintaining our database.

14 Right now, New York State does a
15 very poor job of updating our voter files. This
16 allows us to do that. And it's very simple. If
17 a voter goes in -- and maybe no one was notified
18 of an address change, that they go in and submit
19 that affidavit ballot, and then it's upheld
20 because they've had -- they've been -- they've
21 moved out of county.

22 Simple things can be -- from the
23 post office, if a return mail with forwarding
24 information is done. Like we talked about the
25 DMV. Those are just a few of the examples of

1 where the Board of Elections would be notified.

2 SENATOR YOUNG: Thank you,
3 Madam President. Will the sponsor continue to
4 yield?

5 ACTING PRESIDENT MAYER: Senator
6 Carlucci?

7 SENATOR CARLUCCI: Yes,
8 Madam President, I yield.

9 SENATOR YOUNG: Is this bill
10 constitutional, or does it violate Section 6 of
11 Article II of the State Constitution?

12 SENATOR CARLUCCI: I believe that
13 this bill is constitutional. And we know that
14 because of the Help Americans Vote Act, which
15 created the statewide voter registration list,
16 that prior to that maybe this would have been a
17 problem because we would have had to recreate the
18 wheel and create the statewide voter registration
19 list.

20 But therefore, that there is this
21 official list, I believe that it is
22 constitutional and will meet the muster of our
23 courts.

24 SENATOR YOUNG: Actually, this bill
25 violates Article II, Section 6 of the State

1 Constitution. Such a --

2 ACTING PRESIDENT MAYER: Senator
3 Young, are you asking Senator Carlucci to
4 continue to yield?

5 SENATOR YOUNG: -- may provide by
6 law for a system or systems --

7 ACTING PRESIDENT MAYER: Senator
8 Young, are you asking Senator Carlucci to
9 continue to yield?

10 SENATOR YOUNG: Yes, will he
11 continue to yield?

12 SENATOR CARLUCCI: Yes.

13 SENATOR YOUNG: Okay, I'll start
14 again. This bill violates Article II, Section 6
15 of the State Constitution: "The Legislature may
16 provide by law for a system or systems of
17 registration whereby upon personal application a
18 voter may be registered and his or her
19 registration continued so long as he or she shall
20 remain qualified to vote from an address within
21 the jurisdiction of the board with which such
22 voter is registered." I'll say that again:
23 "Within the jurisdiction of the board with which
24 such a voter is registered."

25 By making this a statewide transfer,

1 voters now will be qualified to vote outside the
2 county boards of jurisdiction, violating the
3 provision.

4 SENATOR CARLUCCI: Thank you,
5 Senator.

6 Well, the Boards of Elections are
7 defined by statute, not the Constitution. There
8 was a provision placed in the Constitution in
9 1995 to accommodate the change of address
10 requirement from the National Voter Registration
11 Act. At the time in 1995 there was no statewide
12 voter registration list, and voter records were
13 maintained exclusively by those county Board of
14 Elections and New York City Board of Elections.

15 After the Help Americans Vote Act of
16 2002, which we talked about, New York enacted in
17 2005 a statewide voter registration list. Today,
18 the Election Law provides that "There shall be
19 one official record of the registration of each
20 voter. Such record shall be maintained in an
21 interactive, statewide, computerized voter
22 registration list. Such statewide voter
23 registration list shall constitute the official
24 list of voters of the State of New York. Such
25 list shall be in the custody of the State Board

1 of Elections and administered and maintained by
2 the State Board of Elections."

3 SENATOR YOUNG: Thank you, Senator
4 Carlucci.

5 On the bill.

6 ACTING PRESIDENT MAYER: Senator
7 Young on the bill.

8 SENATOR YOUNG: Again, I believe
9 that this piece of legislation is not ready for
10 prime time, because it will be very difficult for
11 Boards of Elections to administer the proposed
12 changes, in contrast to what my colleague was
13 saying. A large number of people move throughout
14 the state, and Boards of Elections will now have
15 to coordinate with one another to make the
16 necessary changes. My colleague said that the
17 boards probably have to change 30 percent of
18 voter registrations every year. That's a lot.

19 This will also mean each Board of
20 Elections will have to open up their database to
21 all other Boards of Elections throughout the
22 state, which raises some serious issues with
23 security. As I pointed out, it does violate
24 Article II, Section 6 of the State Constitution.

25 And so for those reasons, again,

1 this is another bill that we should not be
2 considering at this time, the very beginning of
3 the session -- have not had any hearings, no
4 public input, nothing. And yet we're forging
5 ahead with unfunded mandates and different
6 provisions that actually encourage voter fraud.

7 So again, I believe this is a good
8 "no" vote.

9 ACTING PRESIDENT MAYER: Seeing and
10 hearing no other Senator that wishes to be heard,
11 the debate is closed.

12 The Secretary will ring the bell.

13 Read the last section.

14 THE SECRETARY: Section 7. This
15 act shall take effect on the 60th day after it
16 shall have become a law.

17 ACTING PRESIDENT MAYER: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT MAYER: Senator
21 Carlucci to explain his vote.

22 SENATOR CARLUCCI: Thank you,
23 Madam President. And I want to thank my
24 colleagues for supporting this important piece of
25 legislation.

1 Like we talked about, this is a
2 simple change for our bureaucracy, a giant change
3 for our democracy. This is -- we can take
4 advantage of the technology that's at our
5 fingertips, make it more accessible for people to
6 vote, save taxpayer dollars in the long run, and
7 have one less headache for the voters of New York
8 State.

9 Let's continue to remove these
10 obstacles to voting and, like our chairman had
11 talked about, let's go from worst to first. And
12 this is another way to do it.

13 Thank you, Madam President.

14 ACTING PRESIDENT MAYER: Announce
15 the results.

16 THE SECRETARY: Those recorded in
17 the negative on Calendar Number 5 are
18 Senators Akshar, Amedore, Helming, Jordan,
19 LaValle, Ranzenhofer, Ritchie, Robach, Serino,
20 Seward and Young. Also Senator Lanza.

21 Ayes, 49. Nays, 12.

22 ACTING PRESIDENT MAYER: The bill
23 is passed.

24 Senator Gianaris.

25 SENATOR GIANARIS: Can we please

1 move on to Calendar Number 6, by
2 Senator Carlucci.

3 ACTING PRESIDENT MAYER: The
4 Secretary will ring the bell, and the Secretary
5 will read.

6 THE SECRETARY: Senator Carlucci
7 moves to discharge, from the Committee on Rules,
8 Assembly Bill Number 774 and substitute it for
9 the identical Senate Bill Number 1100,
10 Third Reading Calendar 6.

11 ACTING PRESIDENT MAYER: The
12 substitution is ordered.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number 6,
15 by Assemblyman Lavine, Assembly Print 774, an act
16 to amend the Election Law.

17 ACTING PRESIDENT MAYER: Senator
18 Young.

19 SENATOR YOUNG: Thank you,
20 Madam President. Will the sponsor yield?

21 ACTING PRESIDENT MAYER: Senator
22 Carlucci, will you yield?

23 SENATOR CARLUCCI: Yes,
24 Madam President.

25 SENATOR YOUNG: Thank you, Senator

1 Carlucci.

2 This bill would require county
3 Boards of Elections to keep people on the rolls
4 for up to two years before they can vote. Is
5 that correct?

6 SENATOR CARLUCCI: Yes. This
7 allows 16- and 17-year-olds to preregister to
8 vote. We believe that this will increase voter
9 turnout for young people.

10 Unfortunately, in New York State,
11 believe it or not, in 2016 the latest data that
12 we have available right now, only 47 percent of
13 people under the age of 24 were even registered
14 to vote. And then in this past election, where
15 we all were elected to this chamber, young people
16 under the age of 24 represented only 8 percent of
17 the electorate.

18 We know we can do much better than
19 that. In fact, in 1971, when Congress passed the
20 amendment, the constitutional amendment to lower
21 the voting age to 18, it took only four months
22 for the states to ratify that constitutional
23 amendment. So the 26th Amendment to the
24 Constitution was the quickest to be ratified.
25 That was 1971. It's almost five decades later,

1 and yet we've done little to remove the barriers
2 that we know exist to having young people
3 participate in the voting process.

4 So by allowing 16- and 17-year-olds
5 to preregister to vote when they're in school,
6 when they're going to the DMV, it's an amazing
7 opportunity to allow thousands more young people
8 to register. And if we register them, the odds
9 are that their voter participation goes up.

10 SENATOR YOUNG: Thank you,
11 Madam President. Will the sponsor continue to
12 yield?

13 ACTING PRESIDENT MAYER: Senator
14 Carlucci?

15 SENATOR CARLUCCI: Yes,
16 Madam President, I yield.

17 SENATOR YOUNG: Do county Boards of
18 Elections have the capabilities and the resources
19 to do this by January 1, 2020, which is what the
20 bill says? Would they have to hire additional
21 staff, for example? Would they need new
22 programming?

23 SENATOR CARLUCCI: Thank you,
24 Senator. No, I believe that our Boards of
25 Elections are very capable of handling this

1 legislation. The members of the Boards of
2 Elections that I've spoke to are excited and
3 ready to implement this change. It will be very
4 minor, the change, in terms of requirements for
5 them. We will change the voter registration form
6 as it's detailed in the legislation in front of
7 you.

8 And right now our Board of Elections
9 are very qualified in handling voter registration
10 applications. This simply extends the
11 opportunity for people to register in New York
12 State.

13 So really in terms of the Boards of
14 Elections, there's no real added responsibility
15 for them except for the opportunity to register
16 more people. And keep in mind, this takes
17 effect, the legislation takes effect January 1st
18 of 2020, and people turn 16 at all different
19 times. So it's not as if we're going to get a
20 mad rush of people the first day it starts, but
21 it will be a staggered amount of people
22 registering throughout the year.

23 SENATOR YOUNG: Thank you,
24 Madam President. Will the sponsor continue to
25 yield?

1 ACTING PRESIDENT MAYER: Senator
2 Carlucci?

3 SENATOR CARLUCCI: Yes,
4 Madam President, I yield.

5 SENATOR YOUNG: Well, you know,
6 it's easy for us to sit here and say there's not
7 going to be any additional cost or, you know,
8 we're not out on the front lines implementing
9 this.

10 But the reality is anytime we
11 implement something new, there's a cost that is
12 associated with it. It costs money. Because you
13 need to have people to put these systems in place
14 and so on.

15 So who would pay for the additional
16 requirement that the county boards must
17 collaborate with high schools to promote voter
18 registration and preregistration?

19 SENATOR CARLUCCI: I'm sorry,
20 Senator, I missed the last part of what you
21 asked.

22 SENATOR YOUNG: Who would pay for
23 the additional requirement that county boards
24 must collaborate with high schools to promote
25 voter registration and preregistration? Who pays

1 for that?

2 SENATOR CARLUCCI: Again, I'm
3 sorry, can you repeat the question? Madam
4 President?

5 SENATOR YOUNG: Who would pay for
6 the additional requirement that county boards
7 must collaborate with high schools to promote
8 voter registration and preregistration?

9 SENATOR CARLUCCI: According to the
10 legislation as it reads, these policies may -- it
11 says may -- include collaboration with county
12 Boards of Elections to conduct voter registration
13 and preregistration in high schools. So the key
14 word there is "may."

15 And I believe that the commissioners
16 of the Boards of Elections that I know that I've
17 met are already doing many of these activities.
18 They want to engage young people. They know the
19 perfect opportunity is when our students are in
20 high school, they're learning about the
21 governmental process, they're possibly excited to
22 be involved. So it's an opportunity to do that.

23 So I believe that there really are
24 minimal costs, again, with this legislation.
25 Yes, there might be some costs to change the

1 voter registration form, some simple changes.
2 But these are minor changes when we keep in mind
3 that we have one of the lowest voter
4 participation rates in the nation. And the fact
5 that our young people are not even registered to
6 vote -- if they're not registered to vote, they
7 can't vote. That's a major problem.

8 And in New York State, we've had a
9 problem with this for years. It's time we
10 address it. This is a simple change. Over a
11 dozen other states are doing it. And in doing
12 that, they've shown their voter participation
13 rates increase.

14 I know we've had success with this
15 because we've all in this chamber worked closely
16 on improving the organ donation participation
17 rates in New York State. And what's one of the
18 things that we did that's made a profound impact
19 on the percentage of people enrolled in the organ
20 donor program? We allow them to enroll when
21 they're 16 years of age. Because until recently,
22 97 percent of the people that enrolled in the
23 organ donor program did it through the Department
24 of Motor Vehicles.

25 So what an opportunity when young

1 people are going to get their learner's permit,
2 when they're going to get their driver's license
3 for the first time, that's the opportunity we
4 have to enroll them. And then when they turn 18,
5 the job is already done. All they have to do is
6 show up and vote.

7 SENATOR YOUNG: Thank you.

8 Madam President, through you, will
9 the sponsor continue to yield?

10 ACTING PRESIDENT MAYER: Senator
11 Carlucci?

12 SENATOR CARLUCCI: Yes,
13 Madam President, I yield.

14 SENATOR YOUNG: Thank you.

15 You know, we all know that 16- and
16 17-year-olds are very mobile. They may go off to
17 college, they may move to a different part of the
18 state when they turn 18 years old, and they may
19 reregister at the county where their college is
20 located, for example. How do we ensure that
21 these individuals are not registered to vote at
22 two addresses?

23 SENATOR CARLUCCI: Well, that's
24 great, that's why we passed the legislation prior
25 to this. Because we have the ability, we have

1 the technology. Let's use it.

2 So because we just passed that
3 legislation prior to this about the universal
4 transfer of registration, this makes it simple.
5 So it really takes any added work out of that
6 equation.

7 SENATOR YOUNG: Well -- through
8 you, Madam President, will the sponsor continue
9 to yield?

10 ACTING PRESIDENT MAYER: Senator
11 Carlucci?

12 SENATOR CARLUCCI: Yes,
13 Madam President, I yield.

14 SENATOR YOUNG: Well, as in the
15 previous bill, you said that there were hoops,
16 but the hoops are just somebody just registering
17 to vote in a new -- am I not speaking loud
18 enough? In the previous bill that we just
19 discussed, right, you said that there were hoops
20 that people had to jump through in order to
21 register to vote, which is simply registering to
22 vote. Is that correct?

23 SENATOR CARLUCCI: That's correct.

24 SENATOR YOUNG: So if it's just the
25 hoop, the only hoop is registering to vote, then

1 there's no like warning system to a county that
2 this person is actually registered in another
3 locality. Is that correct?

4 SENATOR CARLUCCI: I'm sorry, I'm
5 having a hard time following. Are we talking
6 about the universal transfer or are we talking
7 about the preregistration?

8 SENATOR YOUNG: You're saying just
9 like the previous bill, that it will make sure
10 that nobody is registered to vote in more than
11 one site.

12 SENATOR CARLUCCI: That's correct.

13 SENATOR YOUNG: But you said the
14 only way that works is if somebody registers to
15 vote. That's the hoop, that's the big
16 impediment, that they have to register again.
17 But there's no alarm that goes off that says to
18 the Boards of Elections, you'd better go in and
19 check that system to make sure that that person
20 is not registered to vote in two localities or
21 more.

22 SENATOR CARLUCCI: Well, no, that's
23 the beauty of our system, is that with the
24 statewide voter registration system, we're able
25 to crack down if someone is registered in

1 multiple locations.

2 And yes, it is a hoop to jump
3 through if we ask someone -- they've already
4 registered, they live in New York State. And I
5 can take the example in my district that spans
6 two counties, that someone can move within one
7 part of my district, but then they move to
8 another part of the district and they have to
9 reregister.

10 So it is an inconvenience. It's
11 confusion to the voter. And when we're talking
12 about 16- and 17-year-olds, the problem is that
13 when we have that opportunity to register them,
14 we're missing that opportunity. And then like
15 you -- like the speaker has pointed out, that
16 they move or they go to college, and then it gets
17 even more complicated to get them registered to
18 vote.

19 So this is a great opportunity.
20 That we're not recreating the wheel, we're doing
21 what other states have done to improve their
22 voter participation rates for younger people.
23 And the fact is study after study has shown that
24 if we start those habits young, early, those
25 habits continue. And that's a habit that we want

1 to proliferate here in New York State. We want
2 our young people, that if they vote when they're
3 18, they're going to continue to vote. And that
4 is only going to be good for our democracy.

5 SENATOR YOUNG: Through you,
6 Madam President, will the sponsor continue to
7 yield?

8 ACTING PRESIDENT MAYER: Senator
9 Carlucci?

10 SENATOR CARLUCCI: Yes,
11 Madam President, I yield.

12 SENATOR YOUNG: As I said, 16- and
13 17-year-olds are very mobile. And the system
14 that we just passed in the previous bill doesn't
15 have any kind of trigger to alert people that
16 people may be registered to vote in multiple
17 locations.

18 You know, let's use my own situation
19 as an example. I went off to college at SUNY
20 Fredonia, I transferred to St. Bonaventure. So
21 if I had registered to vote at all three of those
22 locations, then I could have voted at home in
23 Livingston County, I could have voted in
24 Chautauqua County at Fredonia State, and I could
25 have voted in Cattaraugus County at

1 St. Bonaventure University.

2 So say a college student, young,
3 maybe doesn't even understand all the laws, but,
4 you know, their Uncle Bill is running for mayor
5 in Livingston County, at a village in Livingston
6 County. They want to vote for their Uncle Bill.
7 They're registered to vote there right now
8 because they haven't been culled out from the
9 rolls, because there isn't any kind of alarm that
10 goes off when somebody registers to vote in
11 multiple locations.

12 So maybe that student says: "I want
13 to get Uncle Bill elected as mayor. I love my
14 Uncle Bill, I'm going to vote for him." And then
15 their college roommate from the college they
16 transferred from says, "You know what, I got fed
17 up with these townies here, I'm running for
18 mayor, and I need for you to vote. I know you're
19 still registered to vote here; I need for you to
20 vote in the mayoral election so that I can win.
21 I'm your roommate, I'm your former roommate,
22 you've got to vote for me."

23 And then in the third location
24 there's a hot election going on, peer pressure at
25 that college that that person should go out to

1 the polls and vote.

2 How do you detect somebody voting in
3 all those situations? Somebody realistically
4 could be voting in every one of those situations,
5 multiple times in multiple jurisdictions.

6 SENATOR CARLUCCI: Again, this is
7 about updating our voter rolls. And the Senator
8 brings up some points that are important. We
9 want to make sure that people aren't voting in
10 multiple locations.

11 In no way do I believe that the
12 legislation before us opens the door to that, any
13 more than currently exists right now. We know
14 that's against the law. We know that the
15 legislation that we previously passed does more
16 to keep regular maintenance of the voter
17 database.

18 And so I believe that by moving this
19 package of legislation, we do more to fight
20 abuses that might exist, or the hypothetical
21 situation that was brought up by the Senator.
22 And I believe in no way does the preregistration
23 of 16- and 17-year-olds create any more room for
24 fraud than what already exists.

25 SENATOR YOUNG: Through you,

1 Madam President, will the sponsor continue to
2 yield?

3 ACTING PRESIDENT MAYER: Senator
4 Carlucci?

5 SENATOR CARLUCCI: Yes,
6 Madam President, I yield.

7 SENATOR YOUNG: Thank you.

8 What happens if somebody has
9 registered to vote when they're 16 years old and
10 then they move out of state? What happens to
11 their voter registration? How do we ever even
12 know that they're actually not in the state and,
13 you know, they don't -- and they're voting in
14 elections and they don't even live in the state?

15 SENATOR CARLUCCI: Yes, that's
16 where we've worked with the United States Postal
17 Service. And national change of address would
18 notify us. And by using a more robust and
19 capable voter data management system, by allowing
20 the Board of Elections to have that ability,
21 we'll be able to maintain that.

22 And if that state -- then they'd
23 have to register in that state, that voter will
24 have to meet those guidelines that are set forth
25 in the state that they moved to.

1 But this legislation before us does
2 not touch that realm of jurisdiction that you
3 talked about. The bill beforehand would. And
4 the bill that we discussed before, as I've had
5 conversations with commissioners of elections, it
6 allows them to do that.

7 We all know, we've seen our voter
8 data lists. And it has unactive voters. The
9 legislation that we passed earlier allows us to
10 maintain the database at a more progressive rate
11 and allows the commissioner of elections in those
12 local boards to update and manage the list and be
13 able to remove people from the voter file if
14 they're registered in another part of the state.

15 SENATOR YOUNG: Thank you,
16 Madam President. Through you, will the sponsor
17 continue to yield?

18 ACTING PRESIDENT MAYER: Senator
19 Carlucci, do you continue to yield?

20 SENATOR CARLUCCI: Yes,
21 Madam President, I yield.

22 SENATOR YOUNG: How do you ensure
23 this bill will not lead to politicking --
24 mailers, robocalls, for example -- to people who
25 are two years away from being eligible to vote?

1 SENATOR CARLUCCI: I don't know how
2 we would prevent that. And just like anybody
3 that's registered to vote or anybody that has a
4 driver's license, anybody that goes online, data
5 is being used at a rapid pace. And they're
6 eligible to be contacted by any group or any
7 political party to try to encourage them to
8 persuade in any direction that they'd like to do.

9 SENATOR YOUNG: Thank you,
10 Madam President. On the bill.

11 ACTING PRESIDENT MAYER: Senator
12 Young on the bill.

13 SENATOR YOUNG: You know, we always
14 want young people to register to vote and to be
15 able to do that. And we already allow in this
16 state persons to register who are turning
17 18 years old by the end of the calendar year. So
18 that exists.

19 Only 13 states allow 16- and
20 17-year-olds to preregister. But this
21 legislation places an additional burden on the
22 Board of Elections that now has to keep a
23 registration on file for up to two years before
24 the individual is even eligible to vote. This
25 will require programmatical changes to state and

1 local voting registration systems without any
2 time or money to accomplish this.

3 Given the mobility of 16- and
4 17-year-olds, it will be difficult to track their
5 movement and keep voter rolls up to date as they
6 move to college or relocate for a job, resulting
7 in inaccurate voter rolls.

8 There already are outreach and
9 Get Out The Vote programs for persons of high
10 school age. Additional programs would mean
11 additional costs on local Boards of Elections.

12 And finally, this bill will likely
13 lead to politicking, mailers, robocalls,
14 et cetera, to people who are two years away from
15 being eligible to vote.

16 Again, a common theme with all these
17 pieces of legislation today: Unfunded mandates,
18 heavy cost, security issues, and the opening of
19 the door to election fraud.

20 ACTING PRESIDENT MAYER: Seeing and
21 hearing no other Senator that wishes to be heard,
22 debate is closed.

23 The Secretary will ring the bell.

24 Read the last section.

25 THE SECRETARY: Section 4. This

1 act shall take effect on the first of January
2 next succeeding the date on which it shall have
3 become a law.

4 ACTING PRESIDENT MAYER: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT MAYER: Senator
8 Salazar to explain her vote.

9 (No response.)

10 ACTING PRESIDENT MAYER: Senator
11 LaValle to explain his vote.

12 SENATOR LaVALLE: I wanted to
13 explain my vote, but -- go ahead. They
14 recognized you first.

15 SENATOR SALAZAR: Thank you,
16 Madam President.

17 While I will be voting in support of
18 Senator Carlucci's bill, I want to highlight a
19 concern about the need to protect young people
20 who are not citizens.

21 Upon implementation of this bill,
22 attempts to preregister 16-to-17-year-old
23 students may inadvertently lead immigrant youth
24 in our communities to mistakenly commit a federal
25 crime. As we all know, it is unfortunately a

1 felony under current law for noncitizens to
2 register to vote. And I think that it attempts
3 to mass-preregister high school students, 16- and
4 17-year-olds, without adequately warning students
5 that upon turning 18 they would be registered to
6 vote and that if they're not a citizen, that
7 that's a felony.

8 I think that the language of the
9 bill doesn't adequately demand that those who are
10 administering it or mass-preregistering students
11 would warn students about -- and young people
12 about this.

13 So that's my concern. I would hope
14 that the benefits of passing this legislation
15 will outweigh that risk, and so I will be voting
16 in the affirmative. Thank you.

17 ACTING PRESIDENT MAYER: Senator
18 Salazar in the affirmative.

19 Senator LaValle to explain his vote.

20 SENATOR LaVALLE: Thank you,
21 Madam President.

22 I just want to once again say, and
23 particularly on a bill like this, we should be
24 having hearings. We should hear what are the
25 numbers, what are the avenues that presently we

1 are registering students.

2 It seems every time I turn around,
3 the student registers to get a driver's permit,
4 they are enrolled to vote. And on and on and on.

5 So I think we really should be
6 looking at the numbers, because we do want to get
7 our young people involved at the earliest
8 possible time. And I think both political
9 parties are doing that. But I think we need to
10 see what the evidence is and what we are doing
11 and what is the result.

12 Now, we could stand on our heads --
13 and most 18-year-olds, 19-year-olds have a lot
14 that they're involved in. School, they're
15 involved in socializing, and on and on and on.

16 So I'm going to support the bill,
17 but I once again really feel we should be doing
18 hearings on this whole package so that we are
19 really giving these bills their proper standing.

20 So I vote yes, Madam President.

21 ACTING PRESIDENT MAYER: Senator
22 Little to explain her vote.

23 SENATOR LITTLE: Thank you,
24 Madam President.

25 While I have joined in voting for

1 many of these reforms to the election process, I
2 will not be voting for this bill. And when I
3 look at a piece of legislation, I usually ask two
4 questions: Is this necessary, and is this
5 beneficial? The answer to those questions in
6 regard to this bill, in my mind, is no.

7 A 16-year-old, I can remember
8 getting a driver's permit. That's pretty
9 exciting. That's the thing you are interested in
10 that day. Getting it, you would have to make
11 sure you checked off the box, you would have to
12 make sure you completed the bottom. Did you go
13 in there prepared to talk about what are you
14 thinking of in voting and why you wanted to vote
15 and all of that?

16 So -- and is it beneficial? As has
17 been mentioned, many of these students may never
18 ever vote in New York State even, and there may
19 be issues, as the Senator mentioned, with someone
20 who is not a documented citizen.

21 But more importantly, it's a senior
22 in high school who is hearing about government
23 and the reasons for voting and going out and
24 getting your first vote and that exciting thing
25 about enrolling and being a voter on

1 Election Day. Many of these 18-year-olds are
2 seniors who are going into the workforce, going
3 into the military, going to college, but know the
4 importance of voting.

5 So I cannot see where this is
6 beneficial or it's going to create any more
7 voters. And what it is going to create is more
8 expense, as Senator Young so aptly spoke about.
9 And it's also going to create more work for the
10 Board of Elections. I spoke to two of my six
11 election commissioners this morning, and both of
12 them, this was not a bill on their radar screen,
13 they could see no benefit from it, it's just more
14 work, more complications.

15 And we've already addressed a lot of
16 issues that are going to cost more and require
17 more work in what we have passed today, so
18 therefore I will be voting no.

19 Thank you.

20 ACTING PRESIDENT MAYER: Senator
21 Biaggi to explain her vote.

22 SENATOR BIAGGI: Thank you.

23 I stand today in support of this
24 bill, and I am actually very excited to vote yes
25 in favor of this bill. And I just wanted to

1 share that we are -- I actually wanted to
2 reorient our perspective in this body.

3 We are a very privileged body. And
4 so for many of us we grew up, perhaps, with
5 discussions about elections and democracy around
6 the dinner table. Most people do not. In fact,
7 as I remember during my campaign, many people
8 that were young that I spoke to didn't even know
9 that there was an election coming up or who was
10 on the ballot.

11 And so as we know, civics in
12 classrooms has been declining for many different
13 years. And I think that the cost of bringing
14 more people into the democratic fold is truly
15 invaluable. And so this is an important bill.
16 This will bring more people into our democracy.
17 And I am very proud to vote yes in favor of this
18 bill today.

19 ACTING PRESIDENT MAYER: Senator
20 Carlucci to explain his vote.

21 SENATOR CARLUCCI: Thank you,
22 Madam President. And I want to thank all the
23 supporters of this legislation and all the
24 comments that were made.

25 And yes, I believe that this

1 legislation is necessary. It's necessary because
2 like we said, less than half of the people under
3 the age of 24 are even registered to vote. And
4 so we have to do something about that. There's a
5 problem.

6 Is it beneficial? Yes, it's
7 beneficial to our democracy. Because we saw a
8 Pew Research study that came out and said that
9 one of the biggest reasons why young people don't
10 vote -- they said yes, there's people that say
11 their vote doesn't matter, that the races aren't
12 competitive. That's one reason. I couldn't make
13 it to the polls, that's another reason. That's
14 why we're doing early voting.

15 But another reason was they never
16 registered to vote. In fact, 5 million young
17 people each year, the study shows, miss out
18 because they just didn't register to vote. So
19 all this is doing is correcting a major problem.

20 And yes, I'd be happy to do hearings
21 on this topic. I've had this bill for about
22 eight years, and we've been talking about it.
23 And other states have been moving forward while
24 New York has stayed stagnant. And there's a cost
25 to that.

1 Yes, there's a cost to putting some
2 new words on an application. But there's a cost
3 of missing out. There's a saying, right,
4 discipline weighs ounces; regret weighs tons.
5 And that's how we have to think.

6 We've got to be proactive. There's
7 a problem. There's an obvious problem.
8 Forty-seven point four percent of people under
9 the age of 24 are registered in New York State.
10 That means over 50 percent don't even have the
11 opportunity. We could talk to them all day long,
12 but because of the rules on the books in New York
13 State, it stays as an obstacle for young people
14 participating. And there's a cost to that.

15 So we want to turn that around. We
16 want to make a major investment in New York
17 State, and that starts with empowering our young
18 people. So I vote yes on this legislation, and I
19 want to thank my colleagues for doing the same.

20 Thank you, Madam President.

21 ACTING PRESIDENT MAYER: Announce
22 the results.

23 THE SECRETARY: Those recorded in
24 the negative on Calendar Number 6 are
25 Senators Antonacci, Boyle, Funke, Griffo,

1 Helming, Jordan, Lanza, Little, O'Mara, Ortt,
2 Ritchie, Serino, Seward and Young.

3 Ayes, 47. Nays, 14.

4 ACTING PRESIDENT MAYER: The bill
5 is passed.

6 Senator Gianaris.

7 SENATOR GIANARIS: Can we please
8 take up Calendar Number 7, Madam President.

9 ACTING PRESIDENT MAYER: The
10 Secretary will ring the bell, and the Secretary
11 will read.

12 THE SECRETARY: Senator Kavanagh
13 moves to discharge, from the Committee on Rules,
14 Assembly Bill Number 776 and substitute it for
15 the identical Senate Bill 1101, Third Reading
16 Calendar 7.

17 ACTING PRESIDENT MAYER: The
18 substitution is so ordered.

19 The Secretary will read.

20 THE SECRETARY: Calendar Number 7,
21 by Assemblymember Simon, Assembly Bill 776, an
22 act to amend the Election Law.

23 ACTING PRESIDENT MAYER: Senator
24 Griffo.

25 SENATOR GRIFFO: Madam President, I

1 believe there's an amendment at the desk. I
2 would waive the reading of that amendment and ask
3 that you call on Senator Young for an
4 explanation.

5 ACTING PRESIDENT MAYER: Thank you,
6 Senator Griffo.

7 Upon review of the amendment, in
8 accordance with Rule 6, Section 4B, I rule it
9 nongermane and out of order at this time.

10 SENATOR GRIFFO: Madam President, I
11 appeal the ruling of the chair and ask that you
12 recognize Senator Young to be heard on that
13 appeal.

14 ACTING PRESIDENT MAYER: The appeal
15 has been made and recognized, and Senator Young
16 may be heard.

17 SENATOR YOUNG: Thank you,
18 Madam President.

19 This amendment clearly, clearly,
20 clearly is germane to the bill-in-chief because
21 we are amending the exact same sections of law.
22 It's hard to believe that that was just ruled in
23 the way that it was.

24 The amendment would actually go
25 further to amend our campaign finance laws by

1 getting soft money entirely out of politics.
2 This amendment would bring the state campaign
3 finance laws in line with the federal campaign
4 finance law, because under this amendment
5 corporations, labor organizations, limited
6 liability companies, joint stock associations and
7 other corporate entities would be prohibited from
8 making campaign contributions. We believe that
9 this amendment would help reduce corruption in
10 this state.

11 You know, in this day and age
12 oftentimes the money in politics that is spent to
13 try to influence people who are elected to office
14 has been corrupting. And why aren't we moving to
15 ban all soft money just like the federal
16 government does, to avoid that corruption?

17 And so I would urge my colleagues to
18 actually vote for this amendment because it is
19 good government. Thank you.

20 ACTING PRESIDENT MAYER: Thank you,
21 Senator,

22 I want to remind the house that the
23 vote is on the procedures of the house and the
24 ruling of the chair.

25 Those in favor of overruling the

1 chair signify by saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT MAYER: Opposed?

4 (Response of "Nay.")

5 SENATOR GRIFFO: Show of hands,
6 please.

7 ACTING PRESIDENT MAYER: A show of
8 hands has been requested and so ordered.

9 (Show of hands.)

10 THE SECRETARY: Ayes, 21.

11 ACTING PRESIDENT MAYER: The ruling
12 of the chair stands, and the bill-in-chief is
13 before the house.

14 Senator Young.

15 SENATOR YOUNG: Thank you. Will
16 the sponsor yield?

17 ACTING PRESIDENT MAYER: Senator
18 Kavanagh, will you yield?

19 SENATOR KAVANAGH: Yes,
20 Madam President.

21 SENATOR YOUNG: Thank you.

22 This bill closely aligns with the
23 federal money on LLC contributions, but only LLC
24 contributions. Why use the federal model for LLC
25 contributions but not for corporations and labor

1 organizations?

2 SENATOR KAVANAGH: Madam Speaker,
3 this bill -- Madam President, rather. I got used
4 to that in some other context.

5 Madam President, this bill addresses
6 one of the -- in my opinion, the single most
7 egregious loophole in our campaign finance
8 system, which is the fact that our election laws
9 are entirely silent on how LLCs should be
10 treated. And in a ruling of the State Board of
11 Elections shortly after LLCs were created in law
12 in 1994, the Board of Elections ruled that LLCs
13 would be treated just as if they were
14 individuals, even though, as we all know, they
15 are business entities that share some of the
16 attributes of corporations and some of the
17 attributes of partnerships.

18 It should be noted that the
19 federal -- since my colleague has asked about
20 federal treatment, the Federal Election
21 Commission made a similar ruling that LLCs should
22 be treated as individuals initially and very
23 shortly thereafter, as we got experience with
24 LLCs, realized that was mistaken, and on a
25 bipartisan basis more than two decades ago

1 decided that in fact for federal purposes LLCs
2 ought to be treated as partnerships and
3 corporations under the federal -- under the way
4 those entities are treated under federal law.

5 This bill, which like many of the
6 bills we have today has been debated for a number
7 of years -- and passed, I should note, in the
8 Assembly nearly four years ago on a bipartisan
9 basis -- would basically treat LLCs in a manner
10 similar to the way the federal government treats
11 LLCs, by eliminating the treatment of them as
12 individuals.

13 The effect of that loophole at the
14 moment is that any individual, any entity using
15 LLCs can give an absolutely unlimited amount of
16 money to any politician in the state or any party
17 committee. There's literally, if people are
18 willing to abuse this loophole, absolutely no
19 limit.

20 And it's not hypothetical. We have
21 seen, for example, the Glenwood Management
22 companies, which were integral to the scandals
23 that brought down Senator Skelos in this house
24 and Speaker Silver in the Assembly. In that
25 instance the entity created more than 50 LLCs

1 through which they gave contributions and gave
2 millions and millions of dollars to a few
3 politicians.

4 To put it in comparison, the entire
5 contributions aggregated of all corporations in
6 the state in a given year is about a
7 million dollars. In 2014, the single biggest LLC
8 contributor, one entity, created LLCs and gave
9 \$4.3 million, more than four times the entire
10 corporate amount statewide.

11 So this bill deals with LLCs because
12 LLCs are the biggest and most problematic
13 loophole in our system.

14 Why we don't choose to today take up
15 questions that my colleague may have about labor
16 unions is that labor unions and their
17 participation in election laws are already quite
18 heavily regulated by election law. They're also
19 regulated by labor law and other laws at both the
20 state and federal level. And yet LLCs currently
21 have no regulation at all, and that is what we're
22 intending to address with this bill.

23 SENATOR YOUNG: Thank you,
24 Madam President. Will the sponsor continue to
25 yield?

1 ACTING PRESIDENT MAYER: Senator
2 Kavanagh, do you continue to yield?

3 SENATOR KAVANAGH: Happily,
4 Madam President.

5 SENATOR YOUNG: Well, thank you for
6 that long answer. But, you know, I did bring up
7 corporations and labor organizations. You're
8 adhering the LLC contributions to the federal
9 model. My question is this. Why not do it for
10 all soft money? Why not go across the board?
11 Why not have an even playing field? Why not have
12 parity?

13 SENATOR KAVANAGH: Madam President,
14 I'll confess I don't understand the way my
15 colleague is using the term "soft money." In my
16 understanding, soft money typically refers to
17 money that is given to party committees for
18 things like committee housekeeping expenses and
19 other things, and hard money typically refers to
20 money that is given directly to campaigns for
21 campaign purposes. And again, the big loophole
22 in our state law with respect to hard money is
23 the LLC loophole.

24 The Governor I think in the last
25 couple of days -- I was recuperating from a

1 medical procedure in the last couple of days, so
2 I didn't follow it that closely. But I believe
3 the Governor in the last few days has proposed to
4 ban corporate contributions. That is something
5 that I certainly, from my experience in this
6 area, would welcome, but it is not germane to
7 what we're doing today.

8 What we're doing today is trying to
9 for the first time in this state in more than two
10 decades, in almost a quarter century of LLCs
11 being a tremendous loophole in the law, close
12 that loophole.

13 And again, corporations in our law
14 are already heavily regulated. A corporation --
15 a single individual can give \$65,000 right now to
16 a statewide candidate, and then they can give
17 another \$65,000 to another candidate, and then
18 they can give tens of thousands of dollars to
19 candidates for the legislature.

20 A corporation can give -- the total
21 amount a corporation can give in a single
22 calendar year right now is \$5,000. That's \$5,000
23 aggregated, not just to one candidate, but to all
24 candidates the corporation might give to.
25 Corporations have other restrictions as well.

1 So again, if my colleague on the
2 other side of the aisle wishes to address --
3 close the -- close the sort of -- excuse me,
4 Madam President, eliminate the ability of
5 corporations to give entirely, I think that's a
6 proposal that would have been welcome in this
7 house, at least by some of us, for many years,
8 and probably we will welcome as the session goes
9 forward.

10 But today we're dealing with an
11 enormous loophole that has been abused by party
12 committees and elected officials in the state for
13 far too long. And the purpose of this bill is to
14 close that loophole, not to address some of the
15 many other concerns that we have bills on to
16 address in the campaign finance system.

17 SENATOR YOUNG: Thank you.

18 Through you, Madam President, would
19 the sponsor continue to yield?

20 ACTING PRESIDENT MAYER: Senator
21 Kavanagh, do you continue to yield?

22 SENATOR KAVANAGH: Yes,
23 Madam President.

24 SENATOR YOUNG: This bill would
25 apply contribution limits to minority interest

1 holders of an LLC, is that correct?

2 SENATOR KAVANAGH: That's not the
3 way that I would -- the bill would -- the bill
4 does two distinct things. It attributes the
5 contributions of an LLC to the parties that
6 actually own the LLC, whether they themselves be
7 LLCs or whether they be individuals. So if an
8 LLC gives \$5,000, as it would continue to be
9 permitted under this bill, and say there are five
10 owners with a 20 percent stake each, a thousand
11 dollars of that contribution would be attributed
12 to those owners.

13 And then the effect it would have on
14 those owners to which it is attributed to would
15 depend on their status. So if I am an individual
16 and I own a 20 percent stake in an LLC, I have
17 now effectively given a thousand dollars to the
18 politician -- the political committee or to the
19 candidate who has received that thousand dollars.
20 That would then go against my otherwise
21 applicable limits to give money.

22 If the thing were an LLC, again, it
23 would then be applied to that LLC, which would go
24 against the \$5,000 limit that LLC has applied to
25 it. It would also, in my reading of the bill,

1 then have to be attributed back by that LLC to
2 any prior owners of that LLC, until we get to the
3 ultimate source of the money.

4 SENATOR YOUNG: So through you,
5 Madam President, actually the way that this bill
6 works is that it would apply contribution limits
7 to minority interest holders of an LLC, so a
8 minority interest holder could be opposed to the
9 contribution, you're saying that it would be
10 spread out, so if an LLC -- say you own
11 10 percent, you have a 10 percent interest holder
12 of an LLC, and yet the rest of the LLC members
13 say we're going to donate to candidate X. Okay?
14 Because you're a minority owner, you don't have
15 the power to stop the actual contribution because
16 you only are a 10 percent shareholder.

17 So yet in spite of that fact, as you
18 said, the contribution will be spread to every
19 person, every interest holder of an LLC, whether
20 you wanted to support that candidate or not.
21 So -- and it would be attributed to their actual
22 contribution limit. So say they supported
23 another candidate and they wanted to give the
24 full contribution to that candidate, they no
25 longer would be able to do so because the amount

1 they can give is reduced because other
2 shareholders and their LLC decided to give a
3 contribution and they did not agree to it. Isn't
4 that correct?

5 SENATOR KAVANAGH: Madam President,
6 I believe that we're actually interpreting the
7 law pretty similarly.

8 The verb that my colleague on the
9 other side had chosen before was to apply it to
10 another person. But yeah, it attributes the
11 contribution to the owners of the thing.

12 Now let's -- the rest of it is a
13 little difficult -- the objection that's
14 contained implicitly in the rest of the question
15 is a little hard for me to understand. Right now
16 if I'm a minority owner in an LLC and I don't
17 have an ability under that terms of that LLC to
18 block a contribution from that LLC and that LLC
19 is giving to a candidate whom I oppose, that LLC
20 can effectively give \$65,000 of my money to a
21 candidate I oppose.

22 Under this law, my -- the idea
23 that -- it is still true that if I'm a minority
24 LLC owner and I haven't read the fine print of
25 the documents that created the LLC or my

1 particular rights with respect to that LLC -- and
2 the minority owner of an LLC may have rights to
3 block certain transactions by an LLC. But
4 hypothetically, if I haven't read that, the
5 ability of that LLC to give money on my behalf
6 that I wouldn't otherwise give has been
7 dramatically reduced by this bill. The LLC will
8 be able to give no more than \$5,000 in aggregate
9 to all possible candidates, whether I support or
10 oppose them. And I would retain my right, just
11 as I have now, to give contributions to
12 candidates of my choice.

13 The second part of that I find even
14 harder to understand, the idea that -- let's say
15 hypothetically an LLC is giving to a candidate I
16 oppose, there's no aggregate -- there's no
17 aggregate limit for the amount of money you give
18 in a particular campaign. There's a limit to how
19 much you can give to a candidate.

20 So if an LLC I have -- let's say in
21 the example of my colleague on the other side of
22 the aisle, if the LLC has given \$5,000 to a
23 candidate I oppose and I am a 10 percent owner, I
24 have effectively just given a \$500 contribution
25 to a candidate. I'm welcome at that point to

1 give an \$11,000 contribution to the opponent of
2 the person who the LLC gave to, or a \$65,000
3 check if the person is a statewide candidate.

4 So again, it's hard to understand
5 how a bill that diminishes the ability of LLCs to
6 give on behalf of the people who own the LLC is
7 somehow worse, by my colleague's lights, than,
8 you know, than the status quo.

9 SENATOR YOUNG: Through you,
10 Madam President, would the sponsor continue to
11 yield?

12 ACTING PRESIDENT MAYER: Senator
13 Kavanagh, will you continue to yield?

14 SENATOR KAVANAGH: Happily,
15 Madam President.

16 SENATOR YOUNG: So actually what
17 you're saying I don't believe is correct, because
18 it would limit the aggregate amount that a person
19 who is a shareholder in an LLC would be able to
20 contribute. Because -- so -- so I don't believe
21 that what you're saying is correct, number one.

22 And number two, that's not
23 constitutional. Because we have freedom of
24 speech in this country, and the courts have
25 interpreted the ability to contribute to the

1 candidates of your choice as a freedom of speech
2 issue. So actually this violates the First
3 Amendment of the Constitution.

4 SENATOR KAVANAGH: Madam President,
5 I guess that was an implicit question now, if I
6 may respond.

7 First of all, as I noted, this has
8 effectively been the law at the federal level for
9 more than two decades, and it has been challenged
10 in federal court cases -- I do not have citations
11 because it's been well-established law for nearly
12 a quarter-century that this does not violate the
13 Constitution.

14 What it is saying, effectively, is
15 if your money, in the form of your ownership of
16 an LLC, has gone to a candidate, we're going to
17 consider that your money going to a candidate,
18 which we commonly call a contribution.

19 If -- the only sense in which it
20 would limit my ability to give additionally is if
21 as a result of that money, which again is value
22 that has gone from me, from an entity I own, to a
23 candidate, if I hit some other preexisting limit,
24 like if I hit the limit on contributions to
25 individual candidates, there is also, you may

1 know, Madam President, an aggregate limit that an
2 individual may give in New York. That is
3 \$150,000.

4 So theoretically, it could cause me
5 to reach a threshold beyond which I wouldn't be
6 able to give. But again, those thresholds have
7 been upheld by courts many times.

8 The way our courts, starting with
9 Buckley v. Valeo and working all the way to today
10 have divided this line is the courts have said we
11 have a core interest in preventing the corruption
12 or the appearance of corruption when money goes
13 directly to candidates or to political parties.

14 There are ample opportunities -- in
15 fact, courts have expanded the opportunities for
16 people to participate in the political system
17 outside of the hard money system that goes
18 actually to influence elections by giving to
19 candidates or campaigns. But there's no
20 abridgment of somebody's rights that is contained
21 in this bill.

22 SENATOR YOUNG: Through you,
23 Madam President, will the sponsor continue to
24 yield?

25 ACTING PRESIDENT MAYER: Senator

1 Kavanagh?

2 SENATOR KAVANAGH: Yes,
3 Madam President.

4 SENATOR YOUNG: Won't this
5 legislation likely lead to additional dark money
6 as individuals who once set up multiple LLCs
7 based on the proportion -- or who once set up
8 multiple LLCs will now set up independent
9 expenditure committees which have very lax
10 reporting requirements?

11 SENATOR KAVANAGH: Through you,
12 Madam President, there are many opportunities to
13 spend money in our system outside of coordinated
14 campaign activity with parties and candidates.
15 If I -- I believe that many -- it is clear from
16 the fact that so much hard money is spent, it's
17 clear, in fact, that particularly that so much
18 hard money is spent through LLCs, a substantial
19 fraction of all money that goes to party
20 committees has gone through LLCs in recent years.

21 It seems clear that many
22 contributors feel like they get the best bang for
23 their buck by giving money directly to candidates
24 and directly to parties. And presumably that's
25 why they do it, because they believe they'll gain

1 influence because they believe they will be
2 giving the greatest aid to the candidate of their
3 choice, which is a legitimate desire in a
4 democracy.

5 Whether somebody who is now going to
6 be blocked from spending hard money in this
7 unlimited manner that is currently allowed by law
8 might choose to spend their money in other ways,
9 that is activity that has been protected by the
10 Constitution under current interpretations of the
11 Supreme Court. I don't care to speculate whether
12 Glenwood Management would have spent millions and
13 millions of dollars on an independent expenditure
14 campaign or whether they would have just passed
15 on trying to influence the elections they chose
16 to influence.

17 But what we know is that they abused
18 this loophole to give many, many millions of
19 dollars to a handful of politicians and party
20 committees, and again in a way that is entirely
21 unlimited in our current system. And I believe
22 closing that loophole will make our system
23 tighter and have greater integrity, not less
24 integrity.

25 SENATOR YOUNG: Thank you.

1 Madam President, on the bill.

2 ACTING PRESIDENT MAYER: On the
3 bill.

4 SENATOR YOUNG: Free speech is a
5 critical element in a functioning democracy.
6 However, money in politics can lead to
7 corruption. This legislation will likely lead to
8 additional dark money as individuals who once set
9 up multiple LLCs will now set up independent
10 expenditure committees, which have very lax
11 reporting requirements.

12 There's a constitutional problem
13 with this bill. An argument can be made that by
14 attributing contributions to all members of the
15 LLC based on the proportion of the member's
16 ownership interest, minority members are having
17 their First Amendment rights infringed upon.

18 Why not do what we said we wanted to
19 do in the amendment? Why not have corporations,
20 labor organizations, limited liability companies,
21 joint stock associations, and other corporate
22 entities being permitted -- being prohibited --
23 why don't we prohibit them from making campaign
24 contributions just like the federal government
25 does? This is only a small slice. It opens the

1 door to more corruption because it doesn't apply
2 the same rules across the board.

3 This bill surpasses free speech, and
4 I think that members should consider voting no.

5 ACTING PRESIDENT MAYER: Seeing and
6 hearing no other Senator that wishes to be heard,
7 debate is closed.

8 The Secretary will ring the bell.

9 Read the last section.

10 THE SECRETARY: Section 3. This
11 act shall take effect on the seventh day after it
12 shall have become a law.

13 ACTING PRESIDENT MAYER: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT MAYER: Senator
17 Krueger to explain her vote.

18 SENATOR KRUEGER: Thank you very
19 much, Madam President.

20 I'm exceptionally happy that we are
21 taking up this bill tonight. I think that
22 Senator Kavanaugh, even though he is just coming
23 off an illness, did an extraordinary job of
24 explaining why this bill is so important.

25 Clearly it's constitutional.

1 Clearly there is dark money in politics. And I'm
2 sorry, if you look at the facts on who's spending
3 dark money in politics, shockingly, there's a
4 direct correlation between them and the people
5 who are pouring money through LLCs. It's not two
6 different universes now. So at least we might
7 knock out one of the universes by which they
8 over-influence the outcome of elections.

9 And Senator Young, do I think we can
10 do more? Yes, I do. But this is the beginning
11 of my 17th year here, and I have wanted to close
12 this LLC loophole since before I got here.

13 So I couldn't be happier that
14 tonight we are passing this -- I think it already
15 passed in the other house -- we are passing it in
16 both houses. And the Governor says he is
17 supporting signing this bill, so I look forward
18 to that event.

19 I vote yes, Madam President. Thank
20 you.

21 ACTING PRESIDENT MAYER: Announce
22 the results.

23 THE SECRETARY: Those recorded in
24 the negative on Calendar Number 7 are
25 Senators Akshar, Gallivan, Helming, Jordan,

1 O'Mara, Ortt and Young.

2 ACTING PRESIDENT MAYER: Senator
3 Hoylman to explain his vote.

4 SENATOR HOYLMAN: Thank you.
5 That's a bit of an afterthought, I guess.

6 But nevertheless, I wanted to
7 commend Senator Kavanaugh, who I think gave an
8 absolute master class on debating an issue that
9 has really vexed this chamber for so long.

10 And I wanted to thank
11 Senator Kavanaugh and Senator Krueger and
12 Senator Squadron for actually suing the Board of
13 Elections on the LLC loophole. Let's face it.
14 Companies are not people. This is common sense.
15 Closing this loophole is the most significant
16 ethics reform that this chamber has done, I would
17 say, in 25 years.

18 So congratulations to my colleagues
19 for this movement forward, to the leader for
20 making this a priority, and for the people of
21 New York, who will finally know that we're here
22 to serve them and not hidden contributors behind
23 the masks of LLCs.

24 I vote aye.

25 ACTING PRESIDENT MAYER:

1 Senator Lanza to explain his vote.

2 SENATOR LANZA: Thank you,
3 Madam President.

4 You know, Senator Young, I listened
5 to her ask the sponsor of the bill a question
6 over and over and over again, and there was no
7 answer. And the question is this. Why not treat
8 all individuals as individuals and all
9 non-individuals the same?

10 An LLC, granted, is not an
11 individual. You said it. There's precedent that
12 equates it to being a corporation. Neither are
13 all these other entities -- labor organizations,
14 PACs. So why the different treatment? We all
15 know the answer to the question. Nobody home is
16 being fooled. This is not reform.

17 I'm going to vote yes, because this
18 ought to be the first step. But the subsequent
19 steps that are required if we are truly
20 interested in reform are to treat all
21 non-individuals the same. We know why LLCs are
22 being treated differently than other entities
23 which are not individuals: Because there's a
24 perception, perhaps based in reality, LLCs
25 support Republicans. We're going to ban them.

1 They're evil. We need reform. We need to stop
2 them from giving money to the candidates of their
3 choice.

4 But to the other non-individuals --
5 who by the way, when you say they shouldn't be
6 forced to support a candidate not of their
7 choice, my wife is a schoolteacher. She belongs
8 to the UFT. I promise you, the UFT is providing
9 money to people who run against people like me.
10 That's not her choice either.

11 So why don't we treat them in the
12 same way that we are now going to treat LLCs?
13 It's very simple. Those who give to Republicans:
14 Evil. Those who give to Democrats: Keep the
15 money flowing.

16 I vote in the affirmative.

17 ACTING PRESIDENT MAYER: Senator
18 Kavanaugh to explain his vote.

19 SENATOR KAVANAGH: Madam President,
20 Senator Hoylman to explain his vote -- it must be
21 really late to yield to a question.

22 But I did want to, since there was a
23 question there it's been asserted wasn't
24 answered, and a colleague across the aisle who I
25 have great respect for providing his own answer,

1 I just thought I would address that particular
2 issue.

3 This bill treats LLCs in a manner
4 for some purposes that is similar to the way we
5 treat partnerships, because LLCs have some of the
6 attributes of partnerships. And it treats them
7 in other ways like corporations, because they
8 have some attributes of corporations.

9 We are now, for the first time in
10 this state, treating all business entities as if
11 they are not ordinary human beings and preventing
12 them from being used to give millions and
13 millions of dollars from a single individual or a
14 small number of people.

15 The second thing I would like to
16 note is that it is simply false that LLC
17 contributions have been partisan in the past.
18 Not surprisingly, the contributions that come
19 through LLCs go to Democrats and to Republicans.
20 Statewide campaigns tend to be the largest
21 recipients of LLC contributions because they have
22 giant campaign limits, and that includes
23 Democrats as well as Republicans.

24 The Democratic Assembly Campaign
25 Committee was a very large recipient of these

1 kinds of contributions when, in his sixth week as
2 the Speaker, following Shelly Silver's scandalous
3 departure from that position, closed the LLC
4 loophole, notwithstanding obvious partisan
5 interests.

6 This is simply not a partisan issue.
7 It's only been partisan in that one chamber of
8 this house has refused to close the loophole, and
9 the fact that the State Board of Elections has
10 split two to two for a long time on how to close
11 it.

12 But this is now -- what we are now
13 doing is taking a step to close an equal
14 opportunity loophole that a lot of Democrats and
15 Republicans have both exploited more or less
16 equally.

17 Thank you, Madam President.

18 ACTING PRESIDENT MAYER: Announce
19 the results.

20 THE SECRETARY: Those recorded in
21 the negative on Calendar Number 7 are
22 Senators Akshar, Gallivan, Jordan, O'Mara, Ortt
23 and Young.

24 Ayes, 55. Nays, 6.

25 ACTING PRESIDENT MAYER: The bill

1 is passed.

2 (Applause from gallery.)

3 ACTING PRESIDENT MAYER: Senator
4 Gianaris.

5 SENATOR GIANARIS: Thank you,
6 Madam President.

7 And last but not least, can we
8 please take up Leader Stewart-Cousins' bill,
9 Calendar Number 9.

10 ACTING PRESIDENT MAYER: The
11 Secretary will ring the bell, and the Secretary
12 will read.

13 THE SECRETARY: Calendar Number 9,
14 by Senator Stewart-Cousins, Senate Print 1103, an
15 act to amend the Election Law.

16 ACTING PRESIDENT MAYER: Senator
17 Griffo.

18 SENATOR GRIFFO: Madam President, I
19 believe there is an amendment at the desk. I
20 would waive the reading of the amendment and ask
21 that you call upon Senator Akshar for an
22 explanation.

23 ACTING PRESIDENT MAYER: Thank you,
24 Senator Griffo.

25 Upon review of the amendment, in

1 accordance with Rule 6, Section 4B, I rule it
2 nongermane and out of order at this time.

3 SENATOR GRIFFO: I would appeal the
4 ruling of the chair and ask that you recognize
5 Senator Akshar for an explanation on the appeal.

6 ACTING PRESIDENT MAYER: The appeal
7 has been made and recognized, and Senator Akshar
8 may be heard.

9 SENATOR AKSHAR: Madam President,
10 thank you very much for your indulgence.

11 I would respectfully offer that this
12 amendment is in fact germane, in that it attempts
13 to correct what I would describe as a major flaw
14 in this particular piece of legislation. That
15 flaw being that as currently authored, the
16 legislation is mixing our governing calendar with
17 our political calendar.

18 And I would offer to you that our
19 chief responsibility as legislators is to pass a
20 responsible, on-time, and a balanced budget --
21 last year, \$168 billion.

22 This bill makes the petition
23 deadline the very same deadline as the state's
24 budget. And I believe that it's going to create
25 unnecessary conflict and opportunities for

1 corruption.

2 Our motto, whether we're Republicans
3 or Democrats, should always be "people before
4 politics." And I would respectfully offer that
5 putting our political calendar and mixing it with
6 our governing calendar is putting our politics
7 before people.

8 The amendment will ensure that
9 members of the Legislature come to each and every
10 legislative session day and fulfill their
11 obligations as elected officials instead of
12 staying home passing petitions and campaigning.
13 And I don't want to see anyone become plagued by
14 what I will call the Espaillat empty chair
15 syndrome.

16 But if in fact that is what plagues
17 you and you've been bit by the Espaillat empty
18 chair syndrome, I think it's important for all of
19 us, Republicans and Democrats alike, to let the
20 people know that we will in fact be held
21 accountable and if we miss a day of the
22 legislative session because we're home
23 campaigning and the like, that we will be fined
24 equal to one day's compensation.

25 Thank you, Madam President.

1 ACTING PRESIDENT MAYER: Thank you,
2 Senator.

3 I want to remind the house that the
4 vote is on the procedures of the house and the
5 ruling of the chair.

6 Those in favor of overruling the
7 chair signify by saying aye.

8 (Response of "Aye.")

9 SENATOR GRIFFO: Show of hands,
10 please.

11 ACTING PRESIDENT MAYER: A show of
12 hands has been requested and so ordered.

13 (Show of hands.)

14 THE SECRETARY: Ayes, 20.

15 ACTING PRESIDENT MAYER: The ruling
16 of the chair stands, and the bill-in-chief is
17 before the house.

18 Senator Akshar.

19 SENATOR AKSHAR: Madam President,
20 will the sponsor yield for a couple of questions?

21 SENATOR MYRIE: Madam President, I
22 am not the sponsor of the bill, but I will be
23 answering questions.

24 SENATOR AKSHAR: Senator, thank
25 you. And I'll be brief, because it's like giving

1 a speech before dinner, never a good thing.

2 What is the purpose of this
3 particular bill? Madam President, if he'd be so
4 kind to yield.

5 ACTING PRESIDENT MAYER: Senator
6 Myrie, do you yield.

7 SENATOR MYRIE: Yes,
8 Madam President.

9 New York is the only state in the
10 union that has two separate primaries. This is a
11 bill -- we've heard much discussion today about
12 unfunded mandates. This is a bill that would
13 save the state millions of dollars, and it would
14 give our servicemen and women overseas the
15 opportunity not only to participate in the
16 federal elections, but so that they can have a
17 voice in their local elections as well.

18 This bill will also reduce voter
19 confusion, so that we have our primaries on the
20 same day, and allow for increased participation.

21 SENATOR AKSHAR: Madam President,
22 through you, if the sponsor would continue to
23 yield.

24 ACTING PRESIDENT MAYER: Senator
25 Myrie, do you continue to yield?

1 SENATOR MYRIE: Yes,
2 Madam President.

3 SENATOR AKSHAR: I'm just curious
4 how you conclude that June is the best date for
5 this particular election.

6 SENATOR MYRIE: Madam President,
7 the June voting date is a date on which voters
8 are already accustomed to voting. It is, I
9 think, a more suitable option than voting during
10 July or August, when many families are away and
11 where the air-conditioning in polling sites may
12 not be tolerable.

13 It also allows for us to be in
14 compliance with federal law, giving our overseas
15 servicemen and women the opportunity to
16 participate in their democracy.

17 SENATOR AKSHAR: Madam President,
18 will the sponsor yield?

19 ACTING PRESIDENT MAYER: Do you
20 continue to yield?

21 SENATOR MYRIE: Yes,
22 Madam President.

23 SENATOR AKSHAR: Have you ever been
24 to the North Country, Senator?

25 SENATOR MYRIE: Madam President,

1 yes, I have.

2 SENATOR AKSHAR: Madam President,
3 will the sponsor continue to yield?

4 ACTING PRESIDENT MAYER: Do you
5 continue to yield, Senator Myrie?

6 SENATOR MYRIE: Yes,
7 Madam President.

8 SENATOR AKSHAR: Have you ever been
9 to the North Country in the wintertime?

10 SENATOR MYRIE: Madam President, I
11 attended Cornell Law School in Ithaca.

12 (Laughter.)

13 MULTIPLE VOICES: That's the
14 Southern Tier.

15 SENATOR AKSHAR: Madam President,
16 will the sponsor continue to yield?

17 ACTING PRESIDENT MAYER: Senator
18 Myrie, do you continue to yield?

19 SENATOR MYRIE: Yes,
20 Madam President.

21 SENATOR AKSHAR: Have you ever been
22 to Malone?

23 (Laughter.)

24 SENATOR MYRIE: Madam President, I
25 have not.

1 SENATOR AKSHAR: If the sponsor
2 would continue to yield.

3 ACTING PRESIDENT MAYER: Senator
4 Myrie, do you continue to yield?

5 SENATOR MYRIE: Yes,
6 Madam President.

7 SENATOR AKSHAR: Recently we had a
8 primary -- in this past year, as you're well
9 aware. Are you aware of what the turnout was in
10 the federal primary in 2018?

11 SENATOR MYRIE: Madam President, I
12 am not aware.

13 SENATOR AKSHAR: It was 11 percent.
14 If the sponsor would continue to
15 yield.

16 ACTING PRESIDENT MAYER: Senator
17 Myrie, do you continue to yield to a question?

18 SENATOR MYRIE: Yes,
19 Madam President.

20 SENATOR AKSHAR: The state primary
21 was in September. Are you knowledgeable on what
22 the turnout was in that particular primary?

23 SENATOR MYRIE: Madam President, I
24 am not.

25 SENATOR AKSHAR: It was 27 percent.

1 ACTING PRESIDENT MAYER: Senator
2 Akshar, are you asking a question of Senator
3 Myrie?

4 SENATOR AKSHAR: Yeah, I was, and
5 then I gave the answer. So my apologies.

6 If sponsor would continue to yield.

7 ACTING PRESIDENT MAYER: Senator
8 Myrie, do you continue to yield?

9 SENATOR MYRIE: Yes,
10 Madam President.

11 SENATOR AKSHAR: Do you believe
12 that having the primary in June will extend the
13 campaign season?

14 SENATOR MYRIE: Madam President, I
15 would ask my colleague to clarify what he means
16 by an extension.

17 My understanding is that it would
18 give a longer opportunity between the primary and
19 the general election, but it is unclear if that
20 is what my colleague is suggesting.

21 SENATOR AKSHAR: I'll move on.
22 Will he yield to another question?

23 ACTING PRESIDENT MAYER: Senator
24 Myrie, do you continue to yield?

25 SENATOR MYRIE: Yes,

1 Madam President.

2 SENATOR AKSHAR: Do you believe in
3 mandate relief?

4 SENATOR MYRIE: Madam President,
5 can my colleague repeat the question?

6 SENATOR AKSHAR: Does the sponsor
7 believe in providing mandate relief to
8 municipalities? And does the sponsor believe
9 that this particular bill will in fact create
10 that mandate relief?

11 SENATOR MYRIE: Madam President,
12 yes.

13 SENATOR AKSHAR: Will the sponsor
14 continue to yield?

15 ACTING PRESIDENT MAYER: Will you
16 continue to yield, Senator Myrie?

17 SENATOR MYRIE: Yes,
18 Madam President.

19 SENATOR AKSHAR: Does the sponsor
20 believe that the monies that will be saved by
21 consolidating the primaries should offset the
22 additional costs that will come with some of the
23 other voting reforms that we've passed today,
24 some of which I've supported?

25 SENATOR MYRIE: Madam President,

1 yes.

2 SENATOR AKSHAR: Will the sponsor
3 continue to yield?

4 ACTING PRESIDENT MAYER: Do you
5 continue to yield, Senator Myrie?

6 SENATOR MYRIE: Yes,
7 Madam President.

8 SENATOR AKSHAR: I'm just curious
9 as to whether the sponsor believes that in
10 providing mandate relief -- clearly he believes
11 that we should do that, but should we be using
12 the monies that we save in this particular bill
13 to offset others or actually fund these reforms
14 that we heard about today?

15 As a matter of fact, my esteemed
16 colleague who I'm debating with right now said
17 specifically that we must invest in our
18 democracy. So my question to the sponsor is
19 should we be investing in that democracy by way
20 of the savings we find in one bill, or in fact
21 should we be funding these other initiatives that
22 we're putting forward separately?

23 SENATOR MYRIE: Madam President,
24 this bill would generate savings that would
25 potentially be used to offset some of the costs

1 of our other proposed and passed reforms. But we
2 look forward to having a robust discussion on how
3 we can permanently fund these reforms going
4 forward.

5 SENATOR AKSHAR: If the sponsor
6 would be so kind just to yield to a couple more
7 questions.

8 ACTING PRESIDENT MAYER: Do you
9 continue to yield, Senator Myrie?

10 SENATOR MYRIE: Yes,
11 Madam President.

12 SENATOR AKSHAR: Senator, do you
13 believe that in moving up the process to June
14 that this will in fact increase absenteeism by
15 members of this esteemed body?

16 SENATOR MYRIE: Madam President,
17 there is no statutory requirement determining the
18 session calendar. That is something that is in
19 control of this body and something that we can
20 revisit in the future.

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

23 ACTING PRESIDENT MAYER: Do you
24 continue to yield?

25 SENATOR MYRIE: Yes,

1 Madam President.

2 SENATOR AKSHAR: Do you know what
3 the average annual snowfall is in Brooklyn?

4 (Laughter.)

5 SENATOR MYRIE: Madam President, I
6 do not.

7 SENATOR AKSHAR: It's 22 inches.
8 If the sponsor would continue to
9 yield.

10 ACTING PRESIDENT MAYER: Senator
11 Myrie, do you continue to yield for a question?

12 SENATOR MYRIE: Yes,
13 Madam President.

14 SENATOR AKSHAR: Does the sponsor
15 know what the average annual snowfall is in
16 Old Forge?

17 SENATOR MAYER: Madam President,
18 no, I do not.

19 SENATOR AKSHAR: It's 177 inches.
20 Much more than Brooklyn, of course.

21 Madam President, through you, I just
22 wondered if the sponsor would yield to another
23 question, and that question being does he
24 understand the difficulties of having to petition
25 in 177 inches of snow?

1 ACTING PRESIDENT MAYER: Senator
2 Myrie, do you continue to yield?

3 SENATOR MYRIE: Yes,
4 Madam President.

5 I would only first say that this is
6 a requirement, petitioning, that is imposed on
7 our congressional races and has been conducted as
8 such for quite some time. I believe that the
9 consolidation of the primaries would not impose
10 an undue burden. In fact, there is potential for
11 state and local candidates to be on the same
12 petition as our congressional candidates.

13 SENATOR AKSHAR: On the bill,
14 Madam President.

15 ACTING PRESIDENT MAYER: Senator
16 Akshar on the bill.

17 SENATOR AKSHAR: Let me just thank
18 the Senator for answering my questions. I
19 appreciate it. I think he's done a remarkable
20 job today answering our questions.

21 Look, I'm disturbed by the
22 Majority's unwillingness to address what I think
23 is an incredibly flawed portion of this
24 particular bill. I think that we're witnessing
25 an unwillingness to let the people know back in

1 our respective districts that if we in fact move
2 forward with this, we're going to be spending our
3 time here in Albany where they expect us to be
4 doing their business.

5 It is an issue -- unfunded mandates
6 and providing mandate relief is an issue that I
7 fought very hard for since arriving here three
8 years ago. So while I am disappointed that we
9 won't be amending the Majority Leader's bill, I
10 am in fact going to be supporting the bill today
11 because I believe in providing mandate relief,
12 and I believe it does that.

13 Thank you, Madam President.

14 ACTING PRESIDENT MAYER: Seeing and
15 hearing no other Senator that wishes to be heard,
16 debate is closed.

17 The Secretary will ring the bell.

18 There's a substitution at the desk.
19 The Secretary will read.

20 THE SECRETARY: Senator
21 Stewart-Cousins moves to discharge, from the
22 Committee on Rules, Assembly Bill Number 779 and
23 substitute it for the identical Senate Bill 1103,
24 Third Reading Calendar 9.

25 ACTING PRESIDENT MAYER: The

1 substitution is so ordered.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number 9,
4 by Assemblymember Lavine, Assembly Print 779, an
5 act to amend the Election Law.

6 ACTING PRESIDENT MAYER: Read the
7 last section.

8 THE SECRETARY: Section 23. This
9 act shall take effect immediately.

10 ACTING PRESIDENT MAYER: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT MAYER: Senator
14 Gaughran to explain his vote.

15 SENATOR GAUGHRAN: Thank you,
16 Madam President.

17 I'm voting aye on this bill and
18 thank our Majority Leader for bringing this
19 forward.

20 Some of the discussion I have
21 listened to talks a lot about circulating
22 petitions and talks about perhaps an
23 inconvenience to some of us in the State
24 Legislature when it comes to our elections in the
25 future. But I think we're forgetting what this

1 is really all about. It's about the men and
2 women of New York who are in harm's way all over
3 this country that fight for us every day.

4 And with a September primary, it is
5 a fact that they have received ballots that have
6 had the wrong names on them, they have received
7 ballots that didn't have names on them, and
8 many of them have not received ballots at all.

9 Now, this body in the past was
10 forced to have a June primary for federal
11 offices, and I think it's a disgrace that we
12 don't have that same opportunity to give the men
13 and women of the military to vote for town
14 supervisors, for mayors, and even for us when we
15 run.

16 So I vote aye on behalf of the men
17 and women who are fighting for us every single
18 day.

19 ACTING PRESIDENT MAYER: Senator
20 Metzger to explain her vote.

21 SENATOR METZGER: Thank you,
22 Madam President.

23 A September primary is essentially
24 incumbency insurance. Consolidating the
25 primaries is going to make this a much more

1 competitive election. I want to thank our
2 Majority Leader for championing this legislation.

3 Having two primaries, I can tell you
4 firsthand, is extremely confusing to voters and
5 this, again, goes a long way to ensuring more
6 competitive elections.

7 Thank you very much.

8 ACTING PRESIDENT MAYER: Senator
9 Krueger to explain her vote.

10 SENATOR KRUEGER: Thank you,
11 Madam President.

12 I'm also very proud to support this
13 bill, and I want to thank our leader, Andrea
14 Stewart-Cousins, for bringing it to the floor.

15 And I don't know where Old Forge,
16 New York is, but I looked up the weather. And in
17 April you have five days of snow, only 12 inches
18 of snow recorded. The rest of the states in this
19 country manage to survive with one primary, and a
20 bunch of those states are even farther north than
21 New York.

22 So I'm quite confident we can
23 guarantee an effective one-primary date for the
24 State of New York. And as already pointed out,
25 we've been successfully doing the June primary

1 for our federal elections for a number of years
2 now, and there's no reason why we can't
3 successfully jump to a one-primary-per-cycle for
4 state and federal together.

5 It's commonsense legislation. I
6 vote yes. Thank you.

7 ACTING PRESIDENT MAYER: Senator
8 Young.

9 SENATOR YOUNG: Thank you. Thank
10 you, Madam President. To explain my vote.

11 You know, it's being represented
12 that people don't want to have a consolidated
13 primary. That absolutely is false. And in this
14 house, we have passed several times consolidating
15 the primary into one.

16 The question is when do you do it.
17 And Senator Gaughran, you talk about the
18 military. We're concerned about the military
19 too. That's why we put forward a bill and passed
20 it that would consolidate the primary toward the
21 end of August, which is much more feasible.

22 June obviously is not a good time to
23 hold a primary. And it's not just me saying
24 that; the statistics bear that out, where voter
25 turnout in June primaries is notoriously low.

1 You just have to look at what the results are.

2 To have an election during session,
3 during the time when this body, the Assembly, the
4 Governor is formulating the state budget, is
5 passing legislation that is crucial to the people
6 of this state -- we all know that special
7 interests are out there advocating on behalf of
8 legislation.

9 And so, number one, there's really a
10 true issue about the fact that people will miss
11 time at the time when they're needed most, to do
12 the budget, to do the legislation. And
13 again, that's not just something out of sky. We
14 saw Senator Espaillat missing more than
15 900 votes, and he did it twice when he ran for
16 Congress. Nine hundred votes. That is shirking
17 your responsibility to the people in your
18 district and the people of this state.

19 But we all know when we're making
20 the budget, when we're forming policy, there is
21 the temptation of corruption. I can name former
22 members who sat in this chamber or over in the
23 Assembly who actually took bribes regarding
24 legislation or things in the budget. Why are we
25 increasing opening the door to that corruption by

1 actually having elections in the middle of
2 everything?

3 I think this bill is the wrong way
4 to go. It invites corruption. It's the wrong
5 time. It's New York City imposing certain
6 requirements on the rest of the state, upstate
7 New York, that has terrible winters, has a
8 terrible time getting people out to sign
9 petitions, get the petitions signed. All around,
10 this is a bad idea, and I would urge people to
11 vote no.

12 ACTING PRESIDENT MAYER: Senator
13 Kennedy to explain his vote.

14 SENATOR KENNEDY: Thank you,
15 Madam President.

16 First of all, let me start by
17 congratulating all of our new colleagues for
18 working so hard to get their message out today,
19 have their messages heard, and speaking so
20 eloquently on these extremely important issues.

21 The steps we're taking today are
22 going to ensure that New Yorkers have their voice
23 heard at the ballot box. New York State has over
24 the years systematically fallen behind so many
25 other states in the nation.

1 And the definition of insanity is
2 doing the same thing over and over again and
3 expecting a different result. And so over time,
4 as New York State has fallen behind in getting
5 voters to the polls and there has been increased
6 voter apathy, nothing has changed and no reforms
7 have been enacted.

8 So today this slate of reforms is
9 ensuring that once and for all the voting
10 electorate has faith and trust restored in a
11 working democratic process.

12 And as it pertains to this last
13 bill, the combining of both federal and state
14 primaries, our communities are already dealing
15 with folks having to go out and work in different
16 weather conditions around the state, including
17 upstate, including Buffalo, where I'm from, and
18 having to deal with it based upon the federal
19 calendar.

20 New York State is falling in line
21 with the federal calendar and ultimately saving
22 taxpayer dollars at the same time.

23 So I commend all of my colleagues on
24 this important legislation. We're moving
25 New York State forward, and I'm excited to be a

1 part of this transformational point in time in
2 the election laws in New York State history.

3 With that, Madam President, I vote
4 aye.

5 ACTING PRESIDENT MAYER: Seeing and
6 hearing no other Senator that wishes to explain
7 their vote, Leader Stewart-Cousins to close.

8 SENATOR STEWART-COUSINS: Thank
9 you, Madam President.

10 Last week I said on our opening day,
11 I said it again earlier, I'll say it now: As
12 leaders we have a choice. We have to follow a
13 path of either building barriers or taking
14 barriers down. Today we are saying in New York
15 by our actions here that we are tearing barriers
16 down, that we are about opportunities, that we
17 are about fixing a broken system, and that we are
18 about restoring trust to our government.

19 As elected leaders we should not
20 fear making it easier for eligible voters to
21 vote. We should really welcome it. We need more
22 voices to support this democratic ideal, not
23 fewer. We shouldn't fear restricting the flow of
24 money into the electoral system. Today is just
25 the beginning. Let's remember -- and I know we

1 all do here -- that we are not here to serve the
2 powerful or the biggest checkbooks. We're not
3 here to serve LLCs. We're here to serve the
4 everyday people that send us here to do this
5 work.

6 So the bills that we pass today are
7 about empowering New Yorkers and reforming our
8 electoral system, easing access to voting, having
9 New Yorkers exercise their constitutional right
10 to have their voices heard. And I know that we
11 all know that shouldn't be and really isn't a
12 partisan issue.

13 Other states have taken the lead on
14 these issues of early voting, same-day
15 registration, preregistration, no-excuse absentee
16 ballots. It's time for us in New York to catch
17 up, because we intend to lead.

18 My bill for the single-primary
19 Election Day, we know, as I know Senator Akshar
20 said, it relieves a mandate. It is saving
21 taxpayer money, and it will encourage voter
22 participation. The savings from this will more
23 than cover the costs of early voting and put
24 money back into local governments.

25 In addition, again, I remind us that

1 last year the Governor had put money in the
2 budget to fund voting reforms like early voting.
3 And so I am looking forward to seeing that again,
4 because we are really partners in making sure
5 that these reforms happen.

6 So the Senate Democratic Majority is
7 going to be taking historic actions. This
8 chamber has made this great thing happen for the
9 electorate here in New York. And as you know,
10 it's only the beginning.

11 So I want to thank all my colleagues
12 for the spirited debate. I think people will be
13 happy to look in on this first day of session and
14 see that we're talking about substantive things
15 that are about them. So I thank all of you, all
16 of the bill sponsors. I want to congratulate our
17 freshman chairman on the wonderful job you did,
18 Senator Myrie.

19 And, you know, I just think that
20 this is the beginning of a very good year for
21 New York. Thank you.

22 ACTING PRESIDENT MAYER: Announce
23 the results.

24 THE SECRETARY: Those recorded in
25 the negative on Calendar Number 9 are

1 Senators Antonacci, Funke, Helming, Jordan,
2 Lanza, O'Mara, Seward and Young. Also
3 Senator Little.

4 Ayes, 52. Nays, 9.

5 ACTING PRESIDENT MAYER: The bill
6 is passed.

7 Senator Gianaris.

8 SENATOR GIANARIS: Madam President,
9 is there any further business at the desk?

10 ACTING PRESIDENT MAYER: Senator
11 Gianaris, there is no further business at the
12 desk.

13 SENATOR GIANARIS: In that case, I
14 move that we adjourn until tomorrow at
15 11:00 a.m., Tuesday, January 15th.

16 ACTING PRESIDENT MAYER: On motion,
17 the Senate stands adjourned until Tuesday,
18 January 15th, at 11:00 a.m.

19 (Whereupon, at 8:13 p.m., the Senate
20 adjourned.)

21

22

23

24

25