

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 9, 2020

11 12:01 p.m.

12  
13  
14 REGULAR SESSION

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17  
18 SENATOR BRIAN A. BENJAMIN, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

4 I ask everyone present to please  
5 rise and recite the Pledge of Allegiance.

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

8 ACTING PRESIDENT BENJAMIN: In the  
9 absence of clergy, let us bow our heads in a  
10 moment of silent reflection or prayer.

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

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

15 THE SECRETARY: In Senate,  
16 Wednesday, January 8, 2020, the Senate met  
17 pursuant to adjournment. The Journal of Tuesday,  
18 January 7, 2020, was read and approved. On  
19 motion, Senate adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from  
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Thank you,  
7 Mr. President. I have several motions to strike  
8 enacting clauses.

9 So with that said, I move the  
10 following bills be discharged from their  
11 respective committees and recommitted with  
12 instructions to strike the enacting clause:  
13 Senate Bill Numbers 1764, 1919, 1925B, and 2845A,  
14 by Senator Krueger; Senate Bills 477, 479A, 490,  
15 496, 1025, 1342B, 1804, 1818, 5701, 6089, and  
16 5980, by Senator Rivera; Senate Bill 3120A, by  
17 Senator Stavisky; Senate Bill 6620, by Senator  
18 Biaggi; Senate Bill 6487, by Senator Gaughran;  
19 and Senate Bill 1958, by Senator Thomas.

20 ACTING PRESIDENT BENJAMIN: It is  
21 so ordered.

22 Senator Gianaris.

23 SENATOR GIANARIS: Please call on  
24 Senator Griffo.

25 ACTING PRESIDENT BENJAMIN: Senator

1 Griffio.

2           SENATOR GRIFFO:    Thank you,  
3 Mr. President.  Likewise, I have several bills  
4 that we'll also request to recommit and strike  
5 the enacting clause.

6           So I move that the following bills  
7 be discharged from their respective committees  
8 and be recommitted with instructions to strike  
9 the enacting clause:  Senate Bill 1737, by  
10 Senator Jacobs; Senate Bill 1234A and Senate Bill  
11 6860, by Senator Gallivan; and Senate Bill Number  
12 4644, by Senator Helming.

13           ACTING PRESIDENT BENJAMIN:  It is  
14 so ordered.

15           Senator Gianaris.

16           SENATOR GIANARIS:  Thank you,  
17 Mr. President.

18           In terms of our business for the  
19 day, we do have a package of important bills to  
20 pass today, so we will have a couple of committee  
21 meetings followed by action on the floor.

22           So we'll begin by calling an  
23 immediate meeting of the Elections Committee in  
24 Room 332.  That will be followed upon its  
25 conclusion by a meeting of the Rules Committee in

1 the same room.

2 ACTING PRESIDENT BENJAMIN: There  
3 will be an immediate meeting of the Elections  
4 Committee in Room 332, followed by a meeting of  
5 the Rules Committee.

6 Senator Gianaris.

7 SENATOR GIANARIS: The Senate will  
8 stand at ease.

9 ACTING PRESIDENT BENJAMIN: The  
10 Senate will stand at ease.

11 (Whereupon, the Senate stood at ease  
12 at 12:04 p.m.)

13 (Whereupon, the Senate reconvened at  
14 12:21 p.m.)

15 ACTING PRESIDENT BENJAMIN: Senator  
16 Gianaris.

17 SENATOR GIANARIS: There will be an  
18 immediate meeting of the Rules Committee in  
19 Room 332, Mr. President.

20 ACTING PRESIDENT BENJAMIN: There  
21 will be an immediate meeting of the Rules  
22 Committee in Room 332.

23 SENATOR GIANARIS: The Senate will  
24 stand at ease.

25 ACTING PRESIDENT BENJAMIN: The

1 Senate will stand at ease.

2 (Whereupon, the Senate stood at ease  
3 at 12:21 p.m.)

4 (Whereupon, the Senate reconvened at  
5 12:47 p.m.)

6 ACTING PRESIDENT BENJAMIN: The  
7 Senate will return to order.

8 Senator Gianaris.

9 SENATOR GIANARIS: Mr. President, I  
10 believe there's a report of the Rules Committee  
11 at the desk. I move to accept the report of the  
12 Rules Committee.

13 ACTING PRESIDENT BENJAMIN: There  
14 is a report of the Rules Committee at the desk.

15 The Secretary will read.

16 THE SECRETARY: Senator Stewart-  
17 Cousins, from the Committee on Rules, reports the  
18 following bills:

19 Senate Print 4378, by  
20 Senator Parker, an act to amend the Election Law;

21 Senate Print 6457B, by Senator  
22 Gianaris, an act to amend the Election Law;

23 Senate Print 6754A, by  
24 Senator Breslin, an act to amend the  
25 Election Law;

1           Senate Print 6805, by Senator Myrie,  
2   an act to amend the Highway Law;

3           Senate Print 6922, by  
4   Senator Kaplan, an act to amend the Election Law;

5           Senate Print 6923A, by Senator  
6   Martinez, an act to amend the Election Law;

7           Senate Print 6925, by Senator  
8   Biaggi, an act to amend the Election Law;

9           Senate Print 6926A, by Senator May,  
10   an act to amend the Election Law;

11           Senate Print 6930, by Senator  
12   Krueger, an act to amend the Election Law;

13           Senate Print 6931, by Senator  
14   Breslin, an act to amend the Insurance Law;

15           Senate Print 6932, by  
16   Senator Kavanagh, an act to amend the Alcoholic  
17   Beverage Control Law;

18           Senate Print 6933, by  
19   Senator Martinez, an act to amend the  
20   Environmental Conservation Law;

21           Senate Print 6934, by  
22   Senator Stewart-Cousins, an act to amend a  
23   chapter of the Laws of 2019;

24           Senate Print 6935, by Senator  
25   Benjamin, an act to amend the Civil Service Law;

1                   Senate Print 6936, by  
2   Senator Parker, an act to amend the  
3   Public Service Law;

4                   Senate Print 6937, by  
5   Senator Salazar, an act to amend the Public  
6   Buildings Law;

7                   Senate Print 6938, by Senator  
8   Parker, an act to amend the Executive Law;

9                   Senate Print 6939, by  
10   Senator Parker, an act to amend the Environmental  
11   Conservation Law;

12                  Senate Print 6940, by  
13   Senator Kaminsky, an act to amend the  
14   Environmental Conservation Law;

15                  Senate Print 6941, by Senator  
16   Rivera, an act to amend the Public Health Law;

17                  Senate Print 6942, by  
18   Senator Montgomery, an act to amend the  
19   Civil Service Law;

20                  Senate Print 6943, by Senator  
21   Bailey, an act to amend the Public Housing Law;

22                  Senate Print 6944, by Senator  
23   Bailey, an act to amend the Correction Law;

24                  Senate Print 6945, by Senator  
25   Kaplan, an act to amend the Executive Law;



1                   Senate Print 6946, by  
2   Senator Rivera, an act to amend the Tax Law and  
3   Administrative Code of the City of New York;  
4                   Senate Print 6947, by Senator  
5   Bailey, an act to amend the General Business Law;  
6                   Senate Print 6948, by  
7   Senator Comrie, an act to amend a chapter of the  
8   Laws of 2019;  
9                   Senate Print 6949, by Senator  
10   Kavanagh, an act to amend the Private Housing  
11   Finance Law;  
12                  Senate Print 6950, by Senator  
13   Gounardes, an act to amend the Civil Service Law,  
14   the General Municipal Law and the Administrative  
15   Code of the City of New York;  
16                  Senate Print 6951, by  
17   Senator Montgomery, an act to amend the Family  
18   Court Act and the Social Services Law;  
19                  Senate Print 6952, by Senator  
20   Kaplan, an act to amend the Social Services Law;  
21                  Senate Print 6953, by Senator  
22   Breslin, an act to amend the Insurance Law;  
23                  Senate Print 6954, by  
24   Senator Gaughran, an act to amend the  
25   General Business Law;

1                   Senate Print 6955, by  
2   Senator Kennedy, an act to amend the  
3   Environmental Conservation Law;

4                   Senate Print 6956, by Senator  
5   Salazar, an act to amend the Public Health Law;

6                   Senate Print 6957, by  
7   Senator Kaminsky, an act to amend the Alcoholic  
8   Beverage Control Law;

9                   Senate Print 6958, by  
10   Senator Parker, an act to amend the Environmental  
11   Conservation Law;

12                   Senate Print 6959, by Senator  
13   Savino, an act to amend the Executive Law;

14                   Senate Print 6960, by  
15   Senator Kaminsky, an act to amend the  
16   Environmental Conservation Law;

17                   Senate Print 6961, by Senator Myrie,  
18   an act to amend a chapter of the Laws of 2019;

19                   Senate Print 6962, by  
20   Senator Gaughran, an act to amend the  
21   General Municipal Law;

22                   Senate Print 6963, by Senator  
23   Serrano, an act to amend Chapter 383 of the Laws  
24   of 2019 amending the Public Authorities Law;

25                   Senate Print 6964, by

1 Senator Serrano, an act to amend a chapter of the  
2 Laws of 2019 amending the Tax Law and the State  
3 Finance Law;

4 Senate Print 6965, by Senator  
5 Salazar, an act to amend the Public Health Law;

6 Senate Print 6966, by  
7 Senator Metzger, an act to amend the Agriculture  
8 and Markets Law;

9 Senate Print 6967, by  
10 Senator Gounardes, an act to amend the Vehicle  
11 and Traffic Law; and

12 Senate Print 6968, by  
13 Senator Metzger, an act to amend the Agriculture  
14 and Markets Law and the Public Health Law.

15 All bills ordered direct to third  
16 reading.

17 ACTING PRESIDENT BENJAMIN: Senator  
18 Gianaris.

19 SENATOR GIANARIS: With the Rules  
20 report being accepted, please take up the reading  
21 of the calendar.

22 My apologies, Mr. President. I move  
23 to accept the report of the Rules Committee.

24 ACTING PRESIDENT BENJAMIN: All in  
25 favor of accepting the report of the Rules

1 Committee signify by saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT BENJAMIN:

4 Opposed, nay.

5 (No response.)

6 ACTING PRESIDENT BENJAMIN: The  
7 Rules Committee report is accepted.

8 SENATOR GIANARIS: Now,  
9 Mr. President, please take --

10 ACTING PRESIDENT BENJAMIN: Senator  
11 Gianaris.

12 SENATOR GIANARIS: -- please take  
13 up the reading of the calendar.

14 ACTING PRESIDENT BENJAMIN: The  
15 Secretary will read.

16 THE SECRETARY: Calendar Number 1,  
17 Senate Print 4378, by Senator Parker, an act to  
18 amend the Election Law.

19 ACTING PRESIDENT BENJAMIN: Read  
20 the last section.

21 THE SECRETARY: Section 3. This  
22 act shall take effect January 1, 2022.

23 ACTING PRESIDENT BENJAMIN: Call  
24 the roll.

25 (The Secretary called the roll.)

1                   ACTING PRESIDENT BENJAMIN:    Senator  
2   Montgomery to explain her vote.

3                   SENATOR MONTGOMERY:    Just to  
4   explain my vote, Mr. President.

5                   I just want to thank Senator Parker.  
6   This bill was actually first introduced, I  
7   believe, many years ago by Senator Suzi  
8   Oppenheimer, who happened to have been my  
9   classmate at that time. And I guess we really  
10   owe a very special debt to Senator Parker for  
11   finally making one of former Senator Suzi  
12   Oppenheimer's wishes come true, that this bill is  
13   going to pass today.

14                  So I vote aye. Thank you,  
15   Mr. President.

16                  ACTING PRESIDENT BENJAMIN:  
17   Senator Montgomery to be recorded in the  
18   affirmative.

19                  Senator Parker to explain his vote.

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

22                  As everybody knows in this chamber,  
23   the right to the franchise in voting is the  
24   cornerstone of our democracy. And the more that  
25   we can do to expand that franchise, the more we

1 can do to gain participation and increase access  
2 to the franchise, it's not really just something  
3 that should be done, but really the moral  
4 responsibility of this body and the State  
5 Legislature to go forward.

6           This bill is important because it  
7 finally gains access for college students to vote  
8 on their college campuses. It also makes sure  
9 that as we're drawing lines that we're making  
10 those campuses contiguous, and such that lines  
11 aren't being drawn through and around college  
12 campuses.

13           I think that this is going to be  
14 important not just in terms of increasing voter  
15 participation through the State of New York but,  
16 more importantly, making young people more active  
17 in our democracy at an early time. And we  
18 believe that early voting will become a habit for  
19 them and improve our democracy as we go forward.

20           So I want to thank everybody for  
21 their yes votes, and I'll be voting aye.

22           ACTING PRESIDENT BENJAMIN:  
23 Senator Parker to be recorded in the affirmative.

24           Senator May to explain her vote.

25           SENATOR MAY: Thank you,

1 Mr. President.

2 I represent nine college campuses in  
3 my district. And our elections commissioner told  
4 me last year that 20 percent of the students who  
5 tried to vote at one of our colleges had their  
6 votes discarded because they went to the wrong  
7 polling place. They went with their friends,  
8 they all went together to vote, they ended up at  
9 a polling place where they were told they could  
10 file an affidavit ballot because they were at the  
11 wrong polling place. But because they were at  
12 the wrong polling place, the affidavit ballot was  
13 thrown out.

14 So this is a wonderful opportunity  
15 to make it simpler and more obvious to college  
16 students about where and how they can vote, and I  
17 thank Senator Parker for putting this bill  
18 forward. Thank you.

19 ACTING PRESIDENT BENJAMIN: Senator  
20 May to be recorded in the affirmative.

21 Announce the results.

22 THE SECRETARY: In relation to  
23 Calendar 1, those Senators voting in the negative  
24 are Senators Akshar, Amedore, Borrello, Boyle,  
25 Flanagan, Funke, Gallivan, Griffo, Helming,

1     Jacobs, Jordan, Lanza, LaValle, Little, O'Mara,  
2     Ortt, Ritchie, Robach, Serino and Tedisco.

3                     Ayes, 40.   Nays, 20.

4                     ACTING PRESIDENT BENJAMIN:    The  
5     bill is passed.

6                     THE SECRETARY:    Calendar Number 2,  
7     Senate Print 6457B, by Senator Gianaris, an act  
8     to amend the Election Law.

9                     SENATOR GRIFFO:    Lay it aside.

10                    ACTING PRESIDENT BENJAMIN:   Lay it  
11     aside.

12                    THE SECRETARY:    Calendar Number 3,  
13     Senate Print 6754A, by Senator Breslin, an act to  
14     amend the Election Law.

15                    ACTING PRESIDENT BENJAMIN:   Read  
16     the last section.

17                    THE SECRETARY:    Section 2.  This  
18     act shall take effect on the 30th day after it  
19     shall have become a law.

20                    ACTING PRESIDENT BENJAMIN:   Call  
21     the roll.

22                    (The Secretary called the roll.)

23                    ACTING PRESIDENT BENJAMIN:  
24     Senator Breslin to explain his vote.

25                    SENATOR BRESLIN:    Thank you,



1 Mr. Chairman.

2 This bill is one of the first  
3 revisions to our voting laws of last year. What  
4 it does is says in each county, the first voting  
5 station shall be from the largest municipality in  
6 that particular county.

7 To use an example, Rensselaer  
8 County, in my district, had two voting stations  
9 because they had around 100,000 voters, so they  
10 got two. Both of them were put in rural areas.  
11 The City of Troy, which represents over a third  
12 of the population and houses a lot of elderly  
13 people, a lot of poor people, a lot of  
14 students -- in fact, over 70 percent of the  
15 people in Troy don't have cars to use. So they  
16 were put in the position that if they wanted to  
17 participate, they had to in one instance go to  
18 Schodack, which meant two bus rides and a long  
19 period of time before they got the opportunity to  
20 vote.

21 This law will change that and make  
22 sure that that large -- in many cases, a city --  
23 the largest municipality in the county will get  
24 the first voting machine.

25 I think it's an important, a very

1 important step to make it fairer, to attract all  
2 people to vote, to eliminate impediments to that  
3 process and make the elections fairer.

4 I vote aye.

5 ACTING PRESIDENT BENJAMIN:

6 Senator Breslin to be recorded in the  
7 affirmative.

8 Announce the results.

9 THE SECRETARY: In relation to  
10 Calendar Number 3, those Senators voting in the  
11 negative are Senators Akshar, Amedore, Borrello,  
12 Boyle, Flanagan, Funke, Gallivan, Griffio,  
13 Helming, Jacobs, Jordan, Lanza, LaValle, Little,  
14 O'Mara, Ortt, Ritchie, Robach, Serino and  
15 Tedisco.

16 Ayes, 40. Nays, 20.

17 ACTING PRESIDENT BENJAMIN: The  
18 bill is passed.

19 THE SECRETARY: Calendar Number 4,  
20 Senate Print 6805, by Senator Myrie, an act to  
21 amend the Highway Law.

22 ACTING PRESIDENT BENJAMIN: Read  
23 the last section.

24 THE SECRETARY: Section 3. This  
25 act shall take effect on the 60th day after it

1 shall have become a law.

2 ACTING PRESIDENT BENJAMIN: Call  
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BENJAMIN:  
6 Announce the results.

7 THE SECRETARY: In relation to  
8 Calendar Number 4, those Senators voting in the  
9 negative are Senators Akshar, Amedore, Borrello,  
10 Boyle, Flanagan, Funke, Gallivan, Helming,  
11 Jacobs, Jordan, LaValle, Little, O'Mara, Ortt,  
12 Ritchie, Robach, Serino and Tedisco.

13 Ayes, 42. Nays, 18.

14 ACTING PRESIDENT BENJAMIN: The  
15 bill is passed.

16 THE SECRETARY: Calendar Number 5,  
17 Senate Print 6922, by Senator Kaplan, an act to  
18 amend the Election Law.

19 ACTING PRESIDENT BENJAMIN: Read  
20 the last section.

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

23 ACTING PRESIDENT BENJAMIN: Call  
24 the roll.

25 (The Secretary called the roll.)

1                   ACTING PRESIDENT BENJAMIN:

2   Announce the results.

3                   THE SECRETARY:   In relation to  
4   Calendar Number 5, those Senators voting in the  
5   negative are Senators Akshar, Amedore, Borrello,  
6   Boyle, Flanagan, Funke, Gallivan, Griffio,  
7   Helming, Jacobs, Jordan, Lanza, LaValle, Little,  
8   O'Mara, Ortt, Ritchie, Robach, Serino and  
9   Tedisco.

10                  Ayes, 40.   Nays, 20.

11                  ACTING PRESIDENT BENJAMIN:   The  
12   bill is passed.

13                  THE SECRETARY:   Calendar Number 6,  
14   Senate Print 6923A, by Senator Martinez, an act  
15   to amend the Election Law.

16                  ACTING PRESIDENT BENJAMIN:   Read  
17   the last section.

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

20                  ACTING PRESIDENT BENJAMIN:   Call  
21   the roll.

22                  (The Secretary called the roll.)

23                  ACTING PRESIDENT BENJAMIN:  
24   Announce the results.

25                  THE SECRETARY:   In relation to

1 Calendar Number 6, those Senators voting in the  
2 negative are Senators Akshar, Amedore, Borrello,  
3 Boyle, Flanagan, Funke, Gallivan, Griffio,  
4 Helming, Jacobs, Jordan, Lanza, LaValle, Little,  
5 O'Mara, Ortt, Ritchie, Robach, Serino and  
6 Tedisco.

7 Ayes, 40. Nays, 20.

8 ACTING PRESIDENT BENJAMIN: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number 7,  
11 Senate Print 6925, by Senator Biaggi, an act to  
12 amend the Election Law.

13 ACTING PRESIDENT BENJAMIN: Read  
14 the last section.

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

17 ACTING PRESIDENT BENJAMIN: Call  
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BENJAMIN:  
21 Announce the results.

22 THE SECRETARY: In relation to  
23 Calendar Number 7, those Senators voting in the  
24 negative are Senators Akshar, Amedore, Borrello,  
25 Boyle, Flanagan, Funke, Gallivan, Griffio,

1 Helming, Jacobs, Jordan, Lanza, LaValle, Little,  
2 O'Mara, Ortt, Ritchie, Robach, Serino and  
3 Tedisco.

4 Ayes, 40. Nays, 20.

5 ACTING PRESIDENT BENJAMIN: The  
6 bill is passed.

7 THE SECRETARY: Calendar Number 8,  
8 Senate Print 6926A, by Senator May, an act to  
9 amend the Election Law.

10 ACTING PRESIDENT BENJAMIN: Read  
11 the last section.

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

14 ACTING PRESIDENT BENJAMIN: Call  
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BENJAMIN: Senator  
18 May to explain her vote.

19 SENATOR MAY: Thank you.

20 Portable polling places is an idea  
21 whose time has come. It's been tried in many  
22 other states, and it's a way to bring voting  
23 closer to the people.

24 As chair of the Committee on Aging  
25 and also chair of the Commission on Rural

1 Resources, I am pleased to bring this bill  
2 forward because it enables us to have short-term  
3 polling places during early voting in rural  
4 areas, in -- near where senior citizens live,  
5 near large businesses where there are a lot of  
6 employees. It just brings the voting closer to  
7 the people.

8                   So all of the bills that we're  
9 passing today are about making voting more  
10 accessible, and I'm proud that this does the  
11 same.

12                   Thank you.

13                   ACTING PRESIDENT BENJAMIN:    Senator  
14 May to be recorded in the affirmative.

15                   Announce the results.

16                   THE SECRETARY:    In relation to  
17 Calendar Number 8, those Senators voting in the  
18 negative are Senators Akshar, Amedore, Borrello,  
19 Boyle, Flanagan, Funke, Gallivan, Griffio,  
20 Helming, Jacobs, Jordan, Lanza, LaValle, Little,  
21 O'Mara, Ortt, Ritchie, Robach, Serino and  
22 Tedisco.

23                   Ayes, 40.   Nays, 20.

24                   ACTING PRESIDENT BENJAMIN:    The  
25 bill is passed.

1                   THE SECRETARY:    Calendar Number 9,  
2   Senate Print 6930, by Senator Krueger, an act to  
3   amend the Election Law.

4                   ACTING PRESIDENT BENJAMIN:   Read  
5   the last section.

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

8                   ACTING PRESIDENT BENJAMIN:   Call  
9   the roll.

10                   (The Secretary called the roll.)

11                   ACTING PRESIDENT BENJAMIN:  
12   Senator Krueger to explain her vote.

13                   SENATOR KRUEGER:   Thank you.

14                   Clearly we're doing a package to  
15   improve voter access and to expand on our work in  
16   early voting.  And one of the things we did was  
17   have a hearing after the early voting this year,  
18   and we learned that some of the things weren't  
19   done exactly right.

20                   And so I'm very pleased that we're  
21   going to move this bill today, recognizing that  
22   asking schools to allow themselves to be used for  
23   11 days per election, between start-up and  
24   cleanup -- perhaps up to three times a year in  
25   2020 -- is not realistic and causes conflict



1 between the role of the school in teaching our  
2 children and also being a civic facility.

3           So this bill will say don't use  
4 schools for early voting, but we're expanding the  
5 opportunities to use other civic and cultural  
6 institutions, including getting rid of a  
7 ridiculous rule that says if a facility sells  
8 liquor, they can't be a voting site. I have  
9 images from the 1800s.

10           But really our museums, our cultural  
11 institutions very likely do have restaurants that  
12 sell liquor somewhere in the building, but they  
13 can have the polling sites in their buildings not  
14 anywhere near the bar. I don't think we should  
15 be concerned about that in the 21st century.

16           I proudly vote yes. Thank you,  
17 Mr. President.

18           ACTING PRESIDENT BENJAMIN:  
19 Senator Krueger to be recorded in the  
20 affirmative.

21           Announce the results.

22           THE SECRETARY: In relation to  
23 Calendar Number 9, those Senators voting in the  
24 negative are Senators Boyle, Flanagan, Gallivan,  
25 Griffo, Jacobs and LaValle.

1                   Ayes, 54.   Nays, 6.

2                   ACTING PRESIDENT BENJAMIN:    The  
3 bill is passed.

4                   Senator Gianaris.

5                   SENATOR GIANARIS:    Mr. President,  
6 please lay the remainder of the noncontroversial  
7 calendar aside for the day.

8                   ACTING PRESIDENT BENJAMIN:    The  
9 remainder of the noncontroversial calendar will  
10 be laid aside for the day.

11                  Senator Gianaris, that completes the  
12 reading of today's calendar.

13                  SENATOR GIANARIS:    Please go to the  
14 reading of the controversial calendar.

15                  ACTING PRESIDENT BENJAMIN:    The  
16 Secretary will ring the bell.

17                  The Secretary will read.

18                  THE SECRETARY:    Calendar Number 2,  
19 Senate Print 6457B, by Senator Gianaris, an act  
20 to amend the Election Law.

21                  ACTING PRESIDENT BENJAMIN:    Senator  
22 Griffo, why do you rise?

23                  SENATOR GRIFFO:    Mr. President, I  
24 believe there's an amendment at the desk.  I  
25 waive the reading of that amendment, and I ask

1     that you call upon Senator Flanagan.

2                   ACTING PRESIDENT BENJAMIN:     Thank  
3     you, Senator Griffo.

4                   Upon review of the amendment, in  
5     accordance with Rule 6, Section 4B, I rule it  
6     nongermane and out of order at this time.

7                   SENATOR GRIFFO:     Accordingly,  
8     Mr. President, I would appeal that ruling of the  
9     chair and ask that you recognize Senator  
10    Flanagan.

11                  ACTING PRESIDENT BENJAMIN:     The  
12    appeal has been made and recognized, and Senator  
13    Flanagan may be heard.

14                  SENATOR FLANAGAN:     Thank you,  
15    Mr. President.

16                  I listened clearly to your ruling,  
17    and obviously we disagree inasmuch as we're  
18    appealing the ruling of the chair.

19                  This amendment, I'm not sure I could  
20    find anything that I could offer that would be  
21    more germane to the people we represent at a time  
22    and place where we should be talking about  
23    nothing other than public safety. And I repeat,  
24    nothing other than public safety and the  
25    well-being of the people that we all represent.

1                   So I not only believe it's germane,  
2 I believe it should be the number-one priority.  
3 And I can base that on a variety of different  
4 things, including listening to the people that I  
5 actually represent. And what we're hearing from  
6 people in our communities -- the emails, the  
7 phone calls, the people pulling you aside on a  
8 street corner, at a public event, raising  
9 concerns about what is happening in our state  
10 right now.

11                   Today, the Majority brought forth  
12 47 bills for consideration for this body. Not  
13 one had anything to do with criminal justice  
14 reform. Not one. Here we are talking about  
15 voting and voting reforms. This on top of the  
16 fact that last year a number of reforms were  
17 enacted that were deleterious to local  
18 governments, costing them tens of millions of  
19 dollars without any requisite funding, unfunded  
20 mandates on local governments, and yet we have a  
21 plethora of legislation here again today which in  
22 and of itself is problematic, on top of the fact  
23 that it's a whole series of other unfunded  
24 mandates on local governments and on taxpayers  
25 and I don't think it's going to do anything to

1 help the electoral process.

2           Having said that, what I want to  
3 talk about, what I'm concerned about, why we feel  
4 this is so germane, it's because New York State  
5 is in a crisis at this moment, as we speak, as we  
6 deliberate here in the New York State Senate.

7           Now, last year the Majority, along  
8 with the Assembly Democrats and the Governor,  
9 said we need to have criminal justice reform.  
10 And you enacted criminal justice reform that we  
11 think is awful. We don't think it's in the best  
12 interests of the people we represent, we don't  
13 believe it supports law enforcement, we don't  
14 believe it supports our judiciary, we don't  
15 believe it supports not-for-profits that help  
16 crime victims, we don't believe it supports  
17 victims of domestic violence, we don't believe it  
18 does a lot of things that could have been done  
19 properly. There was a rush to judgment. And  
20 boy, there was an effort and a movement saying  
21 "We've got to do it, we've got to do it, we've  
22 got to do it."

23           This amendment is actually offering  
24 an amendment to repeal portions of the budget  
25 from last year. This is serious public policy

1 legislation that should not have been included in  
2 the budget. And I've heard talk about hearings  
3 and public input and all those kinds of things.  
4 It didn't happen.

5                   Go to the DAs, go to the police, go  
6 to our fire officials, go to first responders --  
7 who are now under more scrutiny than criminals  
8 for being out there in the public and trying to  
9 help people. Go to criminal defense attorneys  
10 who express concerns about what was enacted. And  
11 most importantly, go to the public. Get out on  
12 the street and listen to what people are saying.  
13 They are not only concerned, they're mad, they're  
14 frustrated, and they're worried. And they have  
15 every right to be worried.

16                   You all passed it. You own it. And  
17 I know some of you will wear that as a badge of  
18 honor. Good luck. There are plenty of problems  
19 associated with this legislation.

20                   Now, yesterday I got up on this  
21 floor and said it was the Governor's day, we  
22 could hear his message for the State of New York,  
23 the blueprint that he wants to offer. I  
24 listened. And in fact, I was seated in a spot  
25 where I could read on the teleprompter the entire

1 speech. I watched, I listened, I read, I waited,  
2 I hoped. Nothing. Nothing about relooking at  
3 the laws that were enacted last year. Despite  
4 the Governor making public statements in other  
5 places. Despite the Mayor of the City of  
6 New York expressing concerns. Nothing. I heard  
7 some passing remarks from the State Democratic  
8 Party chairman: "Well, you know, maybe -- maybe  
9 we're going to have to look at some of this."

10 Why wait? This could have been done  
11 the right way last year. I got asked the  
12 question today about the law being implemented  
13 and seeing the effects. We didn't have to wait.  
14 I went home and everyone went home and listened  
15 to our DAs, listened to our law enforcement  
16 personnel saying "This is going to be an  
17 unmitigated disaster." And in less than two  
18 weeks, it's already proven to do that. The  
19 public is less safe today as a result of the laws  
20 that were enacted last year.

21 This is germane. This is important  
22 to the people we represent. And this, ladies and  
23 gentlemen, should be the number-one priority of  
24 the New York State Senate today. Today. This is  
25 the first time I can remember in my tenure in

1     this Legislature where we've ever had session the  
2     day after the State of the State. A new  
3     legislative calendar, I get it. We had a golden  
4     opportunity to address the most pressing matter  
5     affecting the public.

6                     And I could say the second thing is  
7     maybe we should be talking about a \$6 billion  
8     deficit. No. We're talking about voting  
9     reforms. Are you kidding me? I don't think that  
10    should be the number-one priority. This is a set  
11    of misplaced priorities, as it was last year.

12                    Now, we had a press conference  
13    following the Democratic press conference today.  
14    And during that press conference my colleagues  
15    supported everything that we were advancing. I  
16    referenced my own home county of Suffolk County.  
17    I referenced my own home sheriff, Sheriff Errol  
18    Toulon, who is a Democrat, who is a pro of the  
19    highest order. He's a complete professional,  
20    enjoys respect all across the aisle. He had  
21    expressed grave concerns to me personally about  
22    what this law would mean.

23                    And lo and behold, I brought him  
24    up -- and it has nothing to do with me bringing  
25    him up, but he issued a press release less than



1 an hour ago, maybe two hours ago. And God, is it  
2 relevant to what we're talking about.

3           These are quotes. "'Judges used to  
4 have some discretion on whether or not an  
5 individual should be held on bail,' says Sheriff  
6 Errol Toulon. 'Now, it's black and white -- no  
7 bail for these crimes regardless of the impact to  
8 the community. The offender will be given a  
9 court date and told to come back to court.'"  
10 These are not my words. This is a duly elected  
11 sheriff who has to administer this ill-conceived  
12 law.

13           He also goes on to add and speak to  
14 the notion of nonviolent crimes. This is  
15 something the average person will listen to and  
16 go, No, this can't be for real. Nonviolent. I  
17 read: Assault in the third degree, aggravated  
18 vehicular assault, aggravated assault upon a  
19 person less than 11 years old. Criminally  
20 negligent homicide. Aggravated vehicular  
21 homicide. Manslaughter in the second degree.  
22 Unlawful imprisonment in the first degree.  
23 Coercion in the first degree. Arson in the third  
24 and fourth degree. Grand larceny in the first  
25 degree. Criminal possession of a weapon on

1 school grounds or criminal possession of a  
2 firearm. Specified felony drug offenses  
3 involving the use of children, including the use  
4 of a child to commit a controlled substance  
5 offense and criminal sale of a controlled  
6 substance to a child. Promoting an obscene  
7 sexual performance by a child. Possessing a  
8 obscene sexual performance by a child. Promoting  
9 a sexual performance by a child.

10                   These are not my words, ladies and  
11 gentlemen. This is from a sheriff in Suffolk  
12 County.

13                   Now, yesterday during the State of  
14 the State the Governor went at rapid fire and  
15 talked about his litany of accomplishments.  
16 Rapid fire. In fact, it was so hard for him to  
17 keep up on what he thought he accomplished, he  
18 almost couldn't do it. I only wish he had taken  
19 the time to talk about something like this. Yes,  
20 invest in airports, yes, invest in  
21 infrastructure. But this is investing in the  
22 public and protecting the public.

23                   This law is a travesty. And it's  
24 our obligation to do something about it now. I  
25 don't want to wait to see if it works. It's not

1     working. It was not working when it was enacted.  
2     And people are saying, "Well, we've had  
3     discussions." It all came after the fact. It  
4     all came after the fact. The input that was  
5     necessary that should have been sought from the  
6     get-go was not done. That's a disservice to the  
7     public.

8                 Lastly -- this is a direct quote --  
9     the release of 301 inmates under this new  
10    legislation is deeply concerning to Sheriff  
11    Toulon. "As we look at the effects of the  
12    official enactment of bail reform, there are  
13    clearly serious issues with this state law.  
14    Judges must have discretion to determine bail  
15    based on a criminal defendant's likelihood to  
16    reoffend" -- and I have four pages of people who  
17    have reoffended since January 1st, less than  
18    10 days -- "and whether or not they will cause  
19    further pain to his or her victims and the public  
20    at large," says Sheriff Toulon. "The New York  
21    State Legislature should amend or repeal bail  
22    reform now." Not six months from now.

23                The census in the Suffolk County  
24    jail is now down to about 750. They let go  
25    30 percent of that population. And I'm sure

1     there are some instances where it was warranted.  
2     But in the overwhelming majority of cases, I  
3     don't want to have to go back to my residents and  
4     read this litany of crimes that are now exempt.  
5     This is a grave disservice to the public. We  
6     need to act now.

7                 Now, not only have I heard the  
8     Governor, I've heard the Mayor. I told you I've  
9     heard the State Democratic Party chair. And I've  
10    listened to my colleagues in both the Senate and  
11    the Assembly talking about, Whoa, we might need  
12    to make changes. In fact, I'm going to introduce  
13    a bill, I'm going to introduce a bill to protect  
14    against something that might have happened. That  
15    should have been done before. Not now.

16                Every Democrat in this house voted  
17    for that legislation, and now a number of them  
18    are walking it back. The Senate Democrats, the  
19    Assembly Democrats, and the Governor own this.  
20    And the public is getting more and more aware  
21    every single day. Yes, I feel passionately, as I  
22    know my colleagues do who are with me in  
23    agreement, and those in opposition. But I know  
24    what I'm hearing. And I know what my obligation  
25    is. And I couldn't go home to a community event

1     tonight and say, By the way, I wanted to talk to  
2     you about polling place legislation, when these  
3     types of things are happening.

4                 There's a story that just came out  
5     of Syracuse today, someone who was released, a  
6     Navy vet who was accused of killing his  
7     girlfriend, and he says it's accidental. He  
8     killed a person. Killed a person and is  
9     wholesale released. That is not what the public  
10    expects. That is not what the public deserves.

11                I can't think of an issue that is  
12    more germane to the first day of this legislative  
13    session than criminal justice reform. We are  
14    advocating for repeal. And let me be clear, we  
15    believe there are opportunities for reform --  
16    done the right way, under the right  
17    circumstances, by listening to people who are  
18    hired and elected to protect us and the public.  
19    To not address this and to not address it  
20    immediately is malpractice, malpractice on the  
21    part of this Majority and the New York State  
22    Assembly and the Governor.

23                Mr. President, thank you for your  
24    indulgence. I disagree with the ruling of the  
25    chair and therefore appeal your decision.

1                   ACTING PRESIDENT BENJAMIN:    Thank  
2   you, Senator Flanagan.

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  requested.

11                  ACTING PRESIDENT BENJAMIN:    A show  
12  of hands has been requested and so ordered.

13                  THE SECRETARY:    Ayes, 20.

14                  ACTING PRESIDENT BENJAMIN:    The  
15  ruling of the chair stands, and the bill-in-chief  
16  is before the house.

17                  Senator Ortt.

18                  SENATOR ORTT:    Would the -- through  
19  you, Mr. President, would the sponsor yield to a  
20  few questions?

21                  ACTING PRESIDENT BENJAMIN:    Does  
22  the sponsor yield?

23                  SENATOR GIANARIS:    Yes,  
24  Mr. President.

25                  ACTING PRESIDENT BENJAMIN:    The

1 sponsor yields.

2 SENATOR ORTT: Thank you,  
3 Mr. President.

4 Could the sponsor -- there was a  
5 version of this bill last year that came before  
6 this body that would have enrolled every  
7 person -- noncitizens, illegal immigrants, what  
8 have you -- were they to opt in. Can the sponsor  
9 explain the difference between that bill that  
10 passed this house and the bill that is before us  
11 today?

12 SENATOR GIANARIS: Mr. President,  
13 the bill differs in a number of ways. But as  
14 relates to the question Senator Ortt is asking,  
15 this bill puts the onus on the two agencies that  
16 will initially be responsible for implementing  
17 automatic registration to not transmit to the  
18 Board of Elections any application for which they  
19 know that the applicant is not eligible, and that  
20 includes if they are not a citizen of the  
21 United States.

22 SENATOR ORTT: Through you,  
23 Mr. President, if the sponsor will continue to  
24 yield.

25 ACTING PRESIDENT BENJAMIN: Does

1 the sponsor yield?

2 SENATOR GIANARIS: Yes.

3 ACTING PRESIDENT BENJAMIN: The  
4 sponsor yields.

5 SENATOR ORTT: Through you,  
6 Mr. President, could the sponsor tell me how  
7 these agencies would be able to determine if they  
8 are in fact not eligible?

9 SENATOR GIANARIS: Sure.

10 The two agencies are the Department  
11 of Motor Vehicles and the Department of Health.  
12 And when one is applying through those agencies  
13 for services, whether it be a driver's license or  
14 what have you, identification is required. Those  
15 two agencies are the two that actually have  
16 citizenship information as it relates to people  
17 who interact with those agencies.

18 So -- one second to get my list.  
19 For example, the Department of Motor Vehicles, if  
20 someone is not using -- or if someone is using a  
21 noncitizen information, it would take the form of  
22 the presentation of a foreign passport, consular  
23 ID, a foreign driver's license, permanent  
24 resident card, et cetera. There's a list of ways  
25 that noncitizens can present identification to



1 the DMV. If the DMV receives that information,  
2 it is the obligation of the agency not to pass  
3 that application for voter registration along to  
4 the Board of Elections.

5 SENATOR ORTT: Through you,  
6 Mr. President, will the sponsor continue to  
7 yield?

8 ACTING PRESIDENT BENJAMIN: Does  
9 the sponsor yield?

10 SENATOR GIANARIS: Yes.

11 ACTING PRESIDENT BENJAMIN: The  
12 sponsor yields.

13 SENATOR ORTT: Through you,  
14 Mr. President. Under this bill, what is the  
15 penalty for an illegal immigrant, noncitizen, who  
16 registers to vote and actually casts a ballot?

17 SENATOR GIANARIS: The penalty is  
18 the same in existing law for someone who  
19 improperly registers or improperly votes. That  
20 is contained in the Election Law, Section 5-210.  
21 It is already a crime, and nothing as it relates  
22 to how we handle voter fraud changes in this  
23 bill.

24 SENATOR ORTT: Through you,  
25 Mr. President, will the sponsor continue to

1 yield?

2 ACTING PRESIDENT BENJAMIN: Does  
3 the sponsor yield?

4 SENATOR GIANARIS: Yes.

5 ACTING PRESIDENT BENJAMIN: The  
6 sponsor yields.

7 SENATOR ORTT: Through you,  
8 Mr. President. In the sponsor's bill there is  
9 language that -- the presumption of innocent  
10 authorized error as it relates to someone who is  
11 registered to vote that would be a noncitizen or  
12 would be an illegal immigrant.

13 Could the sponsor tell me and this  
14 chamber what the presumption of innocent  
15 authorized error means and how that would impact  
16 someone who is found to be unlawfully registered  
17 to vote under this law?

18 SENATOR GIANARIS: I believe that  
19 the Senator is referring to the section of the  
20 bill that says if someone is not found to have  
21 intentionally and knowingly improperly  
22 registered, that the presumption will be that  
23 that was not done intentionally.

24 SENATOR ORTT: Through you,  
25 Mr. President, yes.

1                   Through you, Mr. President, my  
2                   question still remains as to how that would  
3                   impact someone that is found to be unlawfully  
4                   registered to vote. An illegal immigrant, a  
5                   noncitizen, how would this language, which is new  
6                   to this bill, how would that impact a person who  
7                   would be found on one of those lists?

8                   SENATOR GIANARIS: Mr. President,  
9                   as I'm sure the Senator knows, most criminal  
10                  allegations require a showing of intent on the  
11                  part of the accused. So this bill does not  
12                  change the fact that absent the showing of an  
13                  intention to improperly register, there is a  
14                  presumption that that was not the case.

15                 So we're not actually changing  
16                  anything about the way the law functions as it  
17                  relates to voter fraud other than to clarify,  
18                  once again, that if there is not an indication  
19                  that someone intentionally registered and voted  
20                  improperly, that they will not be deemed to have  
21                  intentionally voted and registered improperly.

22                 SENATOR ORTT: Through you,  
23                  Mr. President, if the sponsor will continue to  
24                  yield.

25                 ACTING PRESIDENT BENJAMIN: Does

1 the sponsor yield?

2 SENATOR GIANARIS: Yes.

3 ACTING PRESIDENT BENJAMIN: The  
4 sponsor yields.

5 SENATOR ORTT: Through you,  
6 Mr. President, I want to go back to this  
7 question, because there is a distinct difference  
8 from current law to what this bill would do.  
9 Because under current law, someone has to  
10 affirmatively register to vote. They have to opt  
11 in. This bill, at its core, changes that to you  
12 would have to opt out, otherwise you would be  
13 automatically registered to vote.

14 And so again, I go back. By that  
15 logic, anyone that's automatically registered  
16 would have the presumption of innocence. It  
17 would be very, very difficult for someone who  
18 wanted to prosecute and enforce existing law in  
19 the State of New York and this country, because  
20 you'd have the presumption that it was in error.  
21 And I view that as certainly as the purpose.

22 I'm curious as to why that language  
23 was put into this bill when it was not in the  
24 original bill.

25 SENATOR GIANARIS: Mr. President,

1 let me just clarify. That language was in the  
2 original bill. That was always a part of what  
3 we're trying to do.

4 What we're trying to solve is the  
5 fact that there's up to 2 million New Yorkers who  
6 are eligible to vote, unquestionably eligible to  
7 vote, who are not on the voter rolls. And a  
8 number of other states have taken this approach  
9 where, once we have the information that someone  
10 is an eligible voter and is of age, that they  
11 will be added to the rolls once the appropriate  
12 government agencies have that knowledge and  
13 transmit it to the Board of Elections.

14 SENATOR ORTT: Through you --

15 SENATOR GIANARIS: There -- I'm  
16 sorry, I wasn't concluded, Senator.

17 What I -- what I keep hearing, and I  
18 remember this from last year's debate as well, is  
19 some suggestion that there's a group of people  
20 out there who are nefariously organizing to  
21 register and go vote under penalty -- I guess,  
22 since I believe you're talking about noncitizens,  
23 under penalty of deportation. And there's no  
24 evidence that that is occurring in New York or  
25 anywhere else.

1                   Now, mind you, if someone is so  
2 motivated to do that, they can walk into the  
3 Board of Elections right now and improperly  
4 register to vote, and they would be subject to  
5 appropriate penalties.

6                   All we are trying to do here is make  
7 it easier for people to vote. That's what we did  
8 last year, and that's what we're doing now.

9                   Now, I should also point out that my  
10 colleague who is asking his questions is opposed  
11 to this bill, clearly, but he also voted against  
12 early voting. He voted against our efforts to  
13 have no-cause absentee voting. He voted against  
14 16- and 17-year-olds being able to preregister to  
15 vote. He voted against same-day registration.  
16 He voted against mandatory recounts in close  
17 elections. And of course he voted against last  
18 year's iteration of the Automatic Voter  
19 Registration Act.

20                   So I guess if I had the ability to  
21 ask you to yield and answer a question of mine,  
22 why do you oppose democracy so much that you  
23 can't find a single one of the bills that we  
24 passed to make it easy for people to vote in this  
25 state that you could support?

1                   SENATOR ORTT:    Through you,  
2   Mr. President, I will answer the sponsor's  
3   question and then we'll get back to his bill,  
4   which is why we're here today.

5                   None of these Election Law changes  
6   today, Mr. President, or last year, had anything  
7   to do with democracy, and everyone knows that.  
8   This is about the Majority cherry-picking laws to  
9   try to drive up turnout in areas that they  
10   believe have a partisan advantage to them. Plain  
11   and simple.

12                  And the bill that we have before us  
13   today doesn't increase voting, it increases  
14   registration. It has nothing to do with  
15   increasing voting. And in fact, when we get to  
16   the bill-in-chief and I'm on the bill, I will  
17   outline the many things that it will do to  
18   encourage, clearly, folks getting registered who  
19   either do not want to be or folks getting  
20   registered that should not be under federal and  
21   current state law.

22                  So if we could get back to the  
23   sponsor's bill, would he continue to yield for  
24   some questions?

25                  ACTING PRESIDENT BENJAMIN:   Does

1 the sponsor yield? Does the sponsor yield?

2 Sponsor, do you yield?

3 SENATOR GIANARIS: Yes,  
4 Mr. President.

5 ACTING PRESIDENT BENJAMIN: The  
6 sponsor yields.

7 SENATOR ORTT: Great.

8 Through you, Mr. President, is a  
9 signature required to be registered under this  
10 law?

11 SENATOR GIANARIS: Yes,  
12 Mr. President.

13 SENATOR ORTT: Through you,  
14 Mr. President. Just one moment. I would like  
15 the sponsor to yield for more questions.

16 ACTING PRESIDENT BENJAMIN: Will  
17 the sponsor yield for a few questions?

18 SENATOR ORTT: Through you,  
19 Mr. President, in the sponsor's bill --

20 ACTING PRESIDENT BENJAMIN: Hold  
21 on. We're waiting for the sponsor to yield.

22 Will the sponsor yield for a few  
23 questions?

24 SENATOR GIANARIS: Yes,  
25 Mr. President.



1                   ACTING PRESIDENT BENJAMIN:    The  
2   sponsor yields.

3                   SENATOR ORTT:    Through you,  
4   Mr. President.  The language in the sponsor's  
5   bill -- I would direct him to Section 5-902,  
6   "Failure to receive exemplar signature not to  
7   prevent registration.  If a voter registration  
8   exemplar signature is not received from an  
9   applicant who submits a voter registration or  
10  preregistration application pursuant to this  
11  title and such a signature exemplar is not  
12  otherwise available," that that would not  
13  preclude the individual from being registered.

14                  So as I read it, you could have  
15  someone end up being registered without a valid  
16  signature.  Is that accurate?  And if not, could  
17  the sponsor educate me as to why that's not the  
18  case?

19                  SENATOR GIANARIS:   I believe the  
20  section that the Senator is referring to says  
21  that in the absence of a signature being  
22  transmitted due to the way the applications are  
23  processed or transmitted to the board, that the  
24  board will notify the registrant within a certain  
25  amount of time to have them submit a proper

1 signature and then subsequently allow them to  
2 vote by affidavit ballot, if I remember  
3 correctly, if they show up to vote before that  
4 takes place.

5           That is akin to so many instances  
6 where the Board of Elections somehow doesn't have  
7 someone's information on their registration form  
8 and they go to vote and they are allowed to vote  
9 by affidavit ballot, which as the Senator knows,  
10 I'm sure, does not count until the board goes and  
11 verifies that the person is actually eligible to  
12 vote.

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

16           ACTING PRESIDENT BENJAMIN: Does  
17 the sponsor yield?

18           SENATOR GIANARIS: Yes.

19           ACTING PRESIDENT BENJAMIN: The  
20 sponsor yields.

21           SENATOR ORTT: Through you,  
22 Mr. President, if there is a challenge to a  
23 registration or to an absentee ballot -- which,  
24 as everyone in this room knows, does happen --  
25 would the person bringing the challenge be able

1 to review or to view the signature of a specific  
2 registered voter?

3 SENATOR GIANARIS: Yes, I believe  
4 so.

5 SENATOR ORTT: That's a yes,  
6 Mr. President?

7 SENATOR GIANARIS: Yes.

8 SENATOR ORTT: Through you,  
9 Mr. President, if the sponsor will continue to  
10 yield.

11 ACTING PRESIDENT BENJAMIN: Does  
12 the sponsor yield?

13 SENATOR GIANARIS: Yes.

14 ACTING PRESIDENT BENJAMIN: The  
15 sponsor yields.

16 SENATOR ORTT: Through you,  
17 Mr. President, what is the -- I have to imagine  
18 right now the local Board of Elections are the  
19 ones who administer voter rolls. This is  
20 changing it where it's calling on the State Board  
21 of Elections to administer these rolls. What  
22 would the role be for the local Board of  
23 Elections? Would they continue to also  
24 administer rolls, or would all of that activity  
25 transfer to the State Board of Elections?

1                   SENATOR GIANARIS:    It's my  
2     understanding, Mr. President, this would operate  
3     through existing procedures the board has under  
4     the Help America Vote Act, which has been in  
5     place for many, many years. The state board  
6     maintains a database, and it can then communicate  
7     with local boards as necessary to transmit the  
8     appropriate information to them.

9                   SENATOR ORTT:    Through you,  
10    Mr. President. So local Board of Elections would  
11    continue --

12                  ACTING PRESIDENT BENJAMIN:    Are you  
13    asking the sponsor to yield?

14                  SENATOR ORTT:    Yes, through you, if  
15    the sponsor will yield.

16                  ACTING PRESIDENT BENJAMIN:    Will  
17    the sponsor yield?

18                  SENATOR GIANARIS:    Yes,  
19    Mr. President.

20                  ACTING PRESIDENT BENJAMIN:    The  
21    sponsor yields.

22                  SENATOR ORTT:    So through you,  
23    Mr. President, local Board of Elections would  
24    continue to do what they've done, as well as the  
25    State Board of Elections. You'd have two

1 agencies overseeing voter rolls.

2 SENATOR GIANARIS: Yes, they would  
3 operate the same way they are already operating  
4 as it relates to things of this nature, yes.

5 And I would think the Senator will  
6 be pleased with that, since he seems concerned  
7 about appropriate oversight to make sure  
8 everything is being done properly.

9 SENATOR ORTT: Through you,  
10 Mr. President, I am pleased.

11 Through you, Mr. President, would  
12 the sponsor continue to yield?

13 ACTING PRESIDENT BENJAMIN: Does  
14 the sponsor yield?

15 SENATOR GIANARIS: Yes.

16 ACTING PRESIDENT BENJAMIN: The  
17 sponsor yields.

18 SENATOR ORTT: Through you,  
19 Mr. President, is there a fiscal impact to this  
20 bill? I have to believe that the State Board of  
21 Elections, despite existing procedures and  
22 practices, there's no question there is an  
23 additional workload to administer these voter  
24 rolls for new voters. Which, no question, is the  
25 goal, to have more people registered. So I find

1 it hard to believe that there's not a fiscal  
2 impact to the state, at the least, under this  
3 bill.

4               SENATOR GIANARIS: If the question  
5 is will there be a fiscal impact, yes, I expect  
6 the administration of this system will have some  
7 costs associated with it.

8               I should also point out that the  
9 legislation does not call for the bill to be  
10 implemented for two years, and that does give  
11 enough time both for the boards to ramp up and  
12 have the proper procedures in place and for the  
13 state to determine costs and make the appropriate  
14 appropriations.

15              SENATOR ORTT: Through you,  
16 Mr. President, on the bill.

17              ACTING PRESIDENT BENJAMIN: Senator  
18 Ortt on the bill.

19              SENATOR ORTT: Through you,  
20 Mr. President, I would like to thank Senator  
21 Gianaris for his answers.

22              But the reality is that everyone in  
23 this chamber knows, and people across this state  
24 know, last year we made a major shift here in  
25 New York State. We passed a law, affectionately

1 known as the Green Light Law, which provides  
2 driver's licenses to illegal immigrants. That  
3 was the sole point of the bill. And the result  
4 of that is we've had tens of thousands of illegal  
5 immigrants going to DMVs across the state to get  
6 driver's licenses. Not unsurprisingly, the DMV  
7 is one of the agencies that any contact would  
8 initiate automatic voter registration.

9           And two things I think are important  
10 in this bill. One is it says should someone  
11 register to vote unlawfully, they may be subject  
12 to criminal penalties. There's no "may" about  
13 it. I'm not an attorney and I know the  
14 difference between "may" and "shall." They shall  
15 face criminal penalties. It is a crime. It is a  
16 felony. But yet it says "may."

17           Now, the reason it says "may," as  
18 the sponsor talked about, is because we have  
19 language in here that there's a presumption of  
20 innocent authorized error. Which legally means  
21 it will be very difficult to prosecute anyone who  
22 registers and casts a ballot.

23           Now, I don't know if there are  
24 legions of people who are festering to register  
25 illegally. But I do know that laws that we are

1 passing in this chamber, including this one, are  
2 certainly making it far more likely that someone  
3 who is here illegally will be registered to vote,  
4 because it automatically registers, it  
5 automatically puts them in.

6 And I have some disagreement with  
7 the sponsor about the requirement of a signature,  
8 because I clearly see here that somebody could be  
9 registered absent a authorized signature. And  
10 that's the only form of I.D. we have in this  
11 state, by the way, is our signatures.

12 So passing this bill today on the  
13 heels of last year's Green Light Law, and passing  
14 this bill here today instead of addressing  
15 greater needs, to me continues the theme of the  
16 Majority that there's a greater priority around  
17 those who have broken our laws than around those  
18 who follow them. That can be, to me, undeniable.

19 We know why this bill is being put  
20 forward today. We know last year it passed in  
21 the Assembly -- the New York State Assembly,  
22 those conservative Democrats from the City of  
23 New York in the Assembly, did not pass this bill.  
24 They did not pass this bill. And I heard from  
25 the Majority Leader over there they haven't even



1       conferenced this bill.

2                   But here we are, out of the gate  
3       today, passing this bill for one reason only, and  
4       that's to further chip away at what it means to  
5       be an American citizen, and to further chip away  
6       and move towards giving voting rights to  
7       noncitizens and those who are here illegally.  
8       And there are people on this floor in the  
9       Majority who have advocated for exactly that. So  
10      we're not making this up.

11                   So, Mr. President, I'll be voting no  
12      and I encourage all my members, both in my  
13      conference and the other conference, to vote no  
14      as well.

15                   ACTING PRESIDENT BENJAMIN:     Senator  
16      Jacobs.

17                   SENATOR JACOBS:     On the bill.

18                   ACTING PRESIDENT BENJAMIN:     Senator  
19      Jacobs on the bill.

20                   SENATOR JACOBS:     Thank you very  
21      much, Mr. President. I just wanted to quickly  
22      echo a lot of the fine comments of my colleague.

23                   When the Green Light legislation was  
24      brought up last year, I talked about it and my  
25      concerns in largely my experience as the Erie

1 County Clerk, who ran one of the larger auto  
2 bureaus around the state, my concern of illegal  
3 immigrants registering to vote at DMVs.

4 Over the years we've made it very  
5 easy for individuals to register to vote at DMVs,  
6 a very good thing. But the procedures and  
7 technologies we put in to make it easy never  
8 contemplated that illegal immigrants would be  
9 transacting business and getting driver's  
10 licenses at the DMV.

11 And the way it is designed right  
12 now, there's tablets that have been instituted  
13 where a couple of strokes on the tablet will  
14 register you to vote. And one of the questions  
15 is "Are you a citizen of the U.S.?" If the  
16 individual hits -- is not a citizen but does hit  
17 yes, that they are, they are registered to vote,  
18 that information goes to the Board of Elections,  
19 and that person will be able to vote at the next  
20 election.

21 I voiced significant concerns about  
22 that, that this will cause many of those that are  
23 illegal immigrants would be on our voter rolls.

24 What I see here today is the Green  
25 Light Bill on steroids. This will remove even

1     that step of them having to hit that stroke on  
2     the tablet. They will be automatically  
3     registered to vote. And I think it is very clear  
4     we will see a significant increase in  
5     registrations and, in turn, vulnerability to  
6     illegal immigrants actually voting.

7                     And I would say that I am heartened  
8     to hear that perhaps the Assembly will slow down  
9     this process and look to put some, at minimum,  
10    requirements that there is a citizenship question  
11    like actually the Commonwealth of Pennsylvania  
12    has done in amending their automatic voter  
13    registration legislation because of concerns and  
14    problems they will have.

15                    I also just wanted to quote really  
16    quickly the Secretary of State of California, who  
17    is a Democrat, who has voiced significant  
18    concerns about the integrity of the voting  
19    process, and I will quote: "My concern is it  
20    risks jeopardizing confidence in the electoral  
21    process."

22                    This is a real serious problem. I  
23    had heard one comment that the DMV officials will  
24    only forward to the Board of Elections those --  
25    those documents of -- those that have transacted

1 business of those that are citizens. But  
2 actually my reading and understanding of the  
3 Green Light Bill is it prohibited DMV workers  
4 from asking that question.

5 So I think for many of these  
6 reasons, this is going to exacerbate a problem  
7 that was created, started with the Green Light  
8 Bill. For all those reasons, I vote no.

9 ACTING PRESIDENT BENJAMIN: Senator  
10 Borrello.

11 SENATOR BORRELLO: On the bill.

12 ACTING PRESIDENT BENJAMIN: Senator  
13 Borrello on the bill.

14 SENATOR BORRELLO: Thank you,  
15 Mr. President.

16 Even though I'm the new guy here,  
17 Mr. President, I come here as a 10-year veteran  
18 of county government, including two years as  
19 county executive in Chautauqua County. And I  
20 come here knowing full well that this body often  
21 unintentionally likes to create chaos at the  
22 local level -- chaos when it comes to unfunded  
23 mandates, chaos when it comes to administering  
24 the laws that were poorly thought out, without  
25 the proper resources.

1                   And this is another example of that,  
2   Mr. President, where we are going to heave upon  
3   local government -- our DMVs, Department of  
4   Health, everyone else that works hard every day  
5   to deliver the services for counties all across  
6   the state are now going to have to deal with this  
7   and will likely not get the funding that they  
8   need to do so. This is something that I  
9   certainly am very concerned with.

10                  Also, we are talking about fraud.  
11   And although my colleagues believe that there  
12   will be no fraud created here, I can tell you  
13   again, as a veteran of local government, that  
14   this will indeed encourage a tsunami of fraud  
15   that the folks in local governments at every  
16   small community and county across the state will  
17   have to deal with. This is not the way to go  
18   about this.

19                  It's also interesting to me that  
20   this is about people only coming in contact with  
21   government in some way. This is not about  
22   registering everyone. This is about registering  
23   people who have come into contact with government  
24   to collect benefits, to perhaps address mental  
25   health issues that they have. Those are the

1 folks that are going to automatically be  
2 registered -- people that may not even understand  
3 the impact of voting. It's about influencing  
4 people who otherwise should not understand and  
5 will not understand. I find that really  
6 abhorrent.

7 So I'll be voting no on this. Thank  
8 you, sir.

9 ACTING PRESIDENT BENJAMIN: Are  
10 there any other Senators wishing to be heard?

11 Seeing and hearing none, debate is  
12 closed.

13 The Secretary will ring the bell.

14 Read the last section.

15 THE SECRETARY: Section 5. This  
16 act shall take effect on the earlier occurrence  
17 of (i) two years after it shall have become a  
18 law.

19 ACTING PRESIDENT BENJAMIN: Call  
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BENJAMIN: Senator  
23 Gianaris to explain his vote.

24 SENATOR GIANARIS: Thank you,  
25 Mr. President. Let me thank my colleagues who

1 are supporting this important legislation.

2 I guess on this first day of  
3 legislative business it's becoming clear we're  
4 going to enjoy watching the robust Republican  
5 primary for Congress in Western New York  
6 unfolding on our floor.

7 (Laughter.)

8 SENATOR GIANARIS: So I guess we're  
9 going to get used to hearing the voices of a  
10 couple of our good colleagues.

11 Some of the things I heard during  
12 the debate were frankly startling, and I just  
13 wanted to focus on it.

14 One of my colleagues said that this  
15 bill has nothing to do with voting, it has to do  
16 with registering to vote. Let me just let that  
17 sink in for a second. Because you can't vote  
18 unless you're registered to vote. So obviously  
19 making more people registered means more people  
20 are eligible to vote, which means more people  
21 will in fact vote.

22 And we know from other states that  
23 have implemented automatic registration -- there  
24 are 16 of them across this country -- that that's  
25 exactly the effect that it has.

1           I did mention the long list of bills  
2     that we have done to make it easier for people to  
3     vote and make our democracy work better. And the  
4     fact that a number of the bills that we passed --  
5     in fact all of them, I think, that I listed --  
6     were opposed by some of the same people that were  
7     expressing concerns and opposition to this bill.

8           And one of the responses was that  
9     this is some kind of diabolical scheme to make  
10    sure that more people in areas of the state that  
11    are favorable to Democrats are voting. I would  
12    encourage my colleagues to look at the data from  
13    the November elections. The amount of early  
14    votes that were cast in this state were far  
15    disproportionately outside the City of New York  
16    than in the City of New York. Which means all we  
17    really did was make it easier for the over a  
18    quarter-million people in the state who took  
19    advantage of early voting to vote in parts of  
20    upstate New York, in the suburbs of New York.

21           And so I can't imagine for the life  
22    of me why some of my colleagues would want the  
23    people they represent to not vote. Actually, I  
24    can imagine why, but it's exactly for the reason  
25    that they suggested they're opposing this bill,



1     which is they only want the people to vote who  
2     they think are going to vote for them.  And  
3     that's what this comes down to.

4                 I am glad that people upstate got to  
5     vote in bigger numbers, I'm glad that people in  
6     Western New York got to vote in bigger numbers  
7     because we did early voting.  And automatic  
8     registration is only going to make that happen  
9     all the more.  And I would think that's something  
10    we should all be able to agree on in this  
11    chamber.

12                I do want to stress one other thing,  
13    because demagoguery was in effect today here on  
14    this floor once again.  The agencies  
15    responsible -- let me repeat, the agencies  
16    responsible for implementing this plan have the  
17    responsibility not to transmit applications for  
18    registration to the Board of Elections if they  
19    know that the person is not eligible to vote.  
20    The two agencies that we have in this bill, DMV  
21    and DOH, Motor Vehicles and Department of Health,  
22    are the two agencies that have that information.

23                So it is not just simply up to the  
24    applicant to decide whether they're going to be  
25    passed along to the board or not.  Government

1 representatives in these agencies will bear that  
2 responsibility as well. So there is a safeguard  
3 against the types of fraud our colleagues are  
4 concerned about. Which, by the way, there's no  
5 evidence it's been taking place in all the states  
6 that have already implemented automatic  
7 registration.

8                   And the last point I'd like to make  
9 is someone, in speaking on the bill, said that  
10 the problem they have is that people who will not  
11 understand what it means to vote will be  
12 registered to vote. That is a horrible and  
13 dangerous reason to deny people the right to  
14 vote. That has been used as the basis for all  
15 sorts of awful laws in this country to  
16 disenfranchise people, everything from tests --  
17 I.Q. tests or tests to ensure someone is educated  
18 enough to know what they're doing when they vote.

19                   And so I would really caution my  
20 colleagues. I mean, make your political points  
21 and do what you've got to do, we all understand  
22 it. But do not harken back to the things this  
23 country has left far in the past of establishing  
24 some kind of criteria that you decide you want  
25 for whether someone should be able to vote or

1 not.

2 If someone is of age and if someone  
3 is a citizen, they get to vote in this country.  
4 That's how it works. Because everyone deserves  
5 representation, and everyone deserves to have  
6 their voice heard in our democracy.

7 So I am proud that we're taking this  
8 important step today, Mr. President. I thank my  
9 colleagues who are making our democracy work that  
10 much better. Thank you.

11 ACTING PRESIDENT BENJAMIN: Senator  
12 Gianaris to be recorded in the affirmative.

13 Senator Savino to explain her vote.

14 SENATOR SAVINO: Thank you,  
15 Mr. President.

16 First, welcome back, everyone. And  
17 I want to thank Senator Gianaris for, first,  
18 explaining my explanation of the vote, because he  
19 covered a lot of the things that I wanted to say.

20 But I also want to say to him that  
21 earlier this year when this bill first came out,  
22 there was a recognition that there were some  
23 errors. And what he did is he took the time to  
24 correct it and make it better and answer the  
25 concerns that people had.

1                   And so let's think about where we're  
2 asking people to go. First I want to -- I also  
3 want to make one point. Earlier this year when  
4 we passed the Green Light Bill, we didn't give  
5 anybody driver's licenses. We gave people the  
6 opportunity to apply. And on balance, it was the  
7 right thing to do, because people are driving on  
8 our roads and it's in our interest, as the  
9 public, to make sure that they are adequately  
10 licensed, prepared and trained and know how to  
11 operate a motor vehicle. And, more importantly,  
12 if they're caught without a driver's license,  
13 there's an aggravated complaint against them.  
14 That's why we did that.

15                   The two agencies that will  
16 administer this automatic voting are the two  
17 agencies that are required by law to collect  
18 information from people. You have to produce it  
19 for them; you cannot get public assistance  
20 benefits, you can't get Department of Health  
21 benefits unless you prove who you are.

22                   So we know that the people who are  
23 going to be going in there, they're going to fill  
24 out that application and also they are going to  
25 have to sign, after having guaranteed that if you

1 are not a citizen of the United States, you must  
2 check the box below: Noncitizens who register or  
3 preregister to vote may be subject to criminal  
4 penalties, and such voter registration or  
5 preregistration may result in deportation or  
6 removal, exclusion from admission to the United  
7 States, or denial of naturalization.

8               Now, I will say this. I've been in  
9 the Senate 15 years now, going into my 16th year.  
10 I have gone before the voters every two years  
11 since 2004. I'm pretty popular. People like me.  
12 I haven't met a single person yet who was willing  
13 to commit a felony to vote for me or risk  
14 deportation, and I'd be damned if anybody else  
15 could find a voter who was willing to do that for  
16 them.

17               This is common sense. It provides  
18 the necessary protections. It does something to  
19 address the fact that we are spending millions of  
20 dollars every year on elections that nobody is  
21 turning out to. We need to find a way to make it  
22 easier for people to vote, and this is in the  
23 right direction. I vote in the affirmative.

24               Thank you, Mr. President.

25               ACTING PRESIDENT BENJAMIN:     Senator

1 Savino to be recorded in the affirmative.

2 Senator Myrie to explain his vote.

3 SENATOR MYRIE: Thank you,  
4 Mr. President.

5 I'd first like to start with  
6 thanking our Deputy Majority Leader for his  
7 sponsorship of the bill, for his explanation and  
8 debate of the bill, and really leading the  
9 conference in starting off with democracy, as we  
10 did last session.

11 I want to ask New Yorkers to pay  
12 very close attention to the first debate that we  
13 had this year. I want you to listen to both  
14 sides of these arguments and ask yourself why  
15 New York has been the worst in voter  
16 participation for so long. What you hear is  
17 apathy and outright disdain for the voter: This  
18 is an unfunded mandate. This has nothing to do  
19 with voting. You don't understand how to vote.  
20 Why are we increasing participation?

21 Is it any wonder why this state has  
22 been at the bottom of the entire country? The  
23 disrespect for the voter was on full display  
24 today.

25 And what this Majority has done, in

1 the face of inaction, in the face of opposition,  
2 in the face of apathy, has said, We respect the  
3 voter. We want you to participate in your  
4 democracy. We want to make it easier for you to  
5 do it. You want to talk about unfunded mandates,  
6 we put \$10 million in the budget for early  
7 voting. You want to ask us, is this a partisan  
8 advantage? There were 256,000 New Yorkers who  
9 participated in early voting of all parties.

10 This had nothing to do with us  
11 trying to gain an advantage. Because guess what?  
12 We have the advantage. We're in the majority.  
13 This is about increasing participation in our  
14 democracy.

15 Now, there were several references  
16 to the Green Light Law. And I understand that  
17 change is difficult. But what we saw when the  
18 Green Light Law went into effect were tens of  
19 thousands of our New Yorkers applied for licenses  
20 that couldn't do it before. And in every single  
21 instance, guess how many instances of fraud we  
22 have found?

23 ACTING PRESIDENT BENJAMIN: Senator  
24 Myrie, how do you vote?

25 SENATOR MYRIE: I vote in the

1 affirmative.

2 (Laughter.)

3 SENATOR MYRIE: Thank you.

4 ACTING PRESIDENT BENJAMIN: Senator  
5 Myrie to be recorded in the affirmative.

6 Senator Boyle to explain his vote.

7 SENATOR BOYLE: Mr. President, to  
8 explain my vote.

9 I'd like to speak for the millions  
10 of Americans who have not been discussed in this  
11 entire debate, those New Yorkers that do not want  
12 to be registered to vote. There are many, many,  
13 many of them, for many reasons.

14 All of us have knocked on doors in  
15 our districts over the years. I've gone to rich  
16 places, poor places, and in the middle, and in  
17 the houses next door no one's registered to vote.  
18 I may see them outside, say, "You know, you're  
19 not registered to vote." "Yeah, I don't want to  
20 be." "Why not?" I've had a thousand different  
21 answers: I don't want to be called for jury  
22 duty. I don't want to be put on any list. I  
23 don't want to -- I think you're all corrupt. Not  
24 you, Phil, but all the rest of the people, all  
25 the rest of the politicians are corrupt. I want



1 nothing to do with this system.

2 And so we're going to find in the  
3 years to come we're going to have people that are  
4 registered to vote that did not want to be  
5 registered to vote. And I know you say we can't  
6 do it; why are we making them opt out? We've  
7 been very good over the last many years about  
8 making it easier, more access -- DMV, all the  
9 other ways that people can go to register to  
10 vote. They can go to the post office. It's  
11 very, very simple. Let them opt in and have the  
12 freedom to choose whether they want to be  
13 registered to vote, and they'll make the  
14 decision.

15 I vote in the negative.

16 ACTING PRESIDENT BENJAMIN: Senator  
17 Boyle to be recorded in the negative.

18 Senator Funke to explain his vote.

19 SENATOR FUNKE: Thank you,  
20 Mr. President.

21 Let me take a little bit broader  
22 view of this issue. There's been a lot of  
23 discussion about responsibility today, and I wish  
24 people would take responsibilities for certain  
25 things.

1           I think we should do everything we  
2     can to encourage people to vote, I really do.  
3     But what we're discussing here is a balance  
4     between rights and responsibilities, it seems to  
5     me. That's a long-standing discussion that goes  
6     back to our founding fathers.

7           Voting is a fundamental right. So  
8     is free speech, so is the right to bear arms, so  
9     is freedom of religion. However, in every case  
10    we balance rights with responsibility. You have  
11    the right to free speech; you can't threaten  
12    violence and you can't cry "fire" in a crowded  
13    theater. If you want to assemble and protest,  
14    you need a permit, and that permit may require  
15    you to use a different location than the one that  
16    you prefer.

17          We have freedom of religion, but the  
18    courts have ruled expressions of religion have to  
19    be limited in the public square and on the public  
20    property. And to the extent that they can  
21    happen, they must be done under clear guidelines  
22    and with clear limitations.

23          We have the right to bear arms, but  
24    we also have numerous restrictions and permits  
25    that limit that right. All of which my

1 colleagues on the other side certainly support  
2 and constantly argue for more restrictions.

3           So now we come to voting. People  
4 should vote. That's the backbone of our  
5 democracy. No one should interfere with the  
6 right to vote or unduly restrict it. But can  
7 anybody say with a straight face that filling out  
8 a half-page form is somehow an unreasonable  
9 restriction? Does anybody think that it's really  
10 too hard to register to vote, that people don't  
11 know where they can find a registration form? I  
12 doubt anybody sincerely believes that.

13           Instead, we have a situation where  
14 of all the rights that exist, my Democratic  
15 colleagues want this one unrestricted and free of  
16 the responsibility and the accountability that  
17 accompanies every other right that we enjoy.  
18 They don't want to require even a minimal effort  
19 from our citizens. Some may even say they don't  
20 even care if somebody is actually a citizen.

21           And why? I'm going to say it again.  
22 I think it goes back to politics. It is a state  
23 where Democrats already outnumber Republicans  
24 almost three to one. God bless you. And now  
25 automatically registering the balance of the

1 populace is going to help you even more.

2 ACTING PRESIDENT BENJAMIN: Senator  
3 Funke, how do you vote?

4 SENATOR FUNKE: So this isn't about  
5 rights or balancing rights with responsibility or  
6 overcoming barriers to voting, Mr. President.  
7 This is about one political party trying to gain  
8 a further advantage. That's why I'm voting no.

9 ACTING PRESIDENT BENJAMIN: Senator  
10 Funke to be recorded in the negative.

11 Senator Sanders to explain his vote.

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

14 First I want to congratulate my new  
15 colleague. I think that was his first speech.  
16 Well done.

17 I've heard the arguments, and some  
18 of the arguments that are being raised against  
19 this really need consideration, and we really do  
20 need to give to it, give consideration.

21 However, I am, you know, perturbed  
22 when I hear things like people who don't  
23 understand how to vote, and things of that  
24 nature, because I come at -- my background, my  
25 father was a sharecropper and there were laws

1     that they could -- that forbade them from voting.  
2     They had to read a section of the Constitution.  
3     And no matter how well they read it, they were  
4     voted against. It was said no, you didn't do it  
5     right. So that argument is very -- it's personal  
6     to me.

7                     I'm glad that we put in money so  
8     that this is not an unfunded mandate.  
9     Mr. President, the problems of democracy can only  
10    be solved by using democracy, and more democracy,  
11    not less. Not taking away freedoms, but more  
12    freedom.

13                    Under those conditions,  
14    Mr. President, I vote yes.

15                    ACTING PRESIDENT BENJAMIN:    Senator  
16    Sanders to be recorded in the affirmative.

17                    Senator Hoylman to explain his vote.

18                    SENATOR HOYLMAN:    Thank you,  
19    Mr. President. Happy New Year.

20                    I wanted to thank Senator Gounardes  
21    and Senator Myrie for their leadership.

22                    You know, Happy New Year, everyone.  
23    But it is a sad state of affairs for our friends  
24    across the aisle when they say more New Yorkers  
25    voting creates a partisan advantage for

1 Democrats. That doesn't make sense.

2 To me, our friends across the aisle  
3 need to come up with better ideas. I can  
4 understand why your leader was so visibly  
5 frustrated -- I would argue, incandescent with  
6 rage -- that we are taking up an issue that  
7 expands the franchise and that allows more  
8 New Yorkers to vote. Because, Mr. President,  
9 clearly, clearly the ideas on this side of the  
10 aisle are prevailing.

11 And I'll point out the fact, when it  
12 comes to voter fraud, that incident rates of  
13 voter fraud are between 3/10,000ths and  
14 25/10,000ths of a percent. So, Mr. President,  
15 you are more likely to be struck by lightning  
16 than impersonate another voter at the polls.

17 I vote aye.

18 ACTING PRESIDENT BENJAMIN: Senator  
19 Hoylman to be recorded in the affirmative.

20 Senator Harckham to explain his  
21 vote.

22 SENATOR HARCKHAM: Thank you,  
23 Mr. President.

24 Happy New Year, everyone.

25 I just want to follow up on the

1     excellent comments of Senator Gianaris, one  
2     specifically, that we somehow should restrict  
3     access to voting because people might be applying  
4     for mental health services. In New York State we  
5     do not disenfranchise people who have mental  
6     health issues and who seek services. That's the  
7     stigmatization that has killed people for  
8     decades, that we fight against.

9             You know, a number of us in a  
10    bipartisan way traveled around the state with the  
11    Opioid Task Force, and the number-one issue that  
12    we heard is stigmatization. And it is rampant  
13    across this state with substance use disorder,  
14    with mental health issues. And we don't say, in  
15    the State of New York, we don't want to offer you  
16    the right to register to vote because, by the  
17    way, we're concerned you might have a mental  
18    health issue. I just had to comment on that.

19            I vote aye.

20            ACTING PRESIDENT BENJAMIN:     Senator  
21    Harckham to be recorded in the affirmative.

22            Senator Lanza to explain his vote.

23            SENATOR LANZA:     Thank you,  
24    Mr. President.

25            You know, it seems to me lately I've

1 noticed that the very tolerant left considers any  
2 disagreement or opposition as incandescent rage  
3 to be stamped out and not listened to. So let me  
4 lay a little incandescent rage on the floor here.

5 Let me say I want every eligible  
6 citizen, person, who desires to register to vote  
7 to register to vote, every single last person  
8 here in the state who is eligible. And we should  
9 do all we can to make that an easy and fair  
10 policy and process.

11 I'm going to vote no on this  
12 legislation for one simple reason. In spite of  
13 the discussion concerning there being safeguards  
14 with respect to those who are not eligible to  
15 vote being automatically registered, the very  
16 language in this bill circumvents those.

17 Here's the way it will work. Under  
18 the Green Light Law, someone appears at  
19 Motor Vehicles, applies for a driver's license  
20 who is not a citizen. That person will be  
21 automatically registered to vote. I take  
22 exception to what Senator Savino mentioned as  
23 this requirement for a signature. I know,  
24 Senator Carlucci, it's early in the year for me  
25 to be disagreeing with Senator Savino.



1 (Laughter.)

2 SENATOR LANZA: But the very  
3 legislation says whether or not there is a  
4 signature on that document, that person is  
5 registered to vote.

6 With respect to the sponsor's  
7 statement that Motor Vehicles has a  
8 responsibility with respect to whether or not  
9 someone here is a citizen or not, we know by the  
10 original law that they can't even ask that  
11 question in terms of whether or not someone is a  
12 citizen. So there is no safeguard here that a  
13 person who is not a citizen will be registered to  
14 vote.

15 Now, I know for many that's okay.  
16 For me, it is not, and that's why I'll be voting  
17 no.

18 ACTING PRESIDENT BENJAMIN: Senator  
19 Lanza to be recorded in the negative.

20 Announce the results.

21 THE SECRETARY: In relation to  
22 Calendar Number 2, those Senators voting in the  
23 negative are Senators Akshar, Amedore, Borrello,  
24 Boyle, Flanagan, Funke, Gallivan, Griffio,  
25 Helming, Jacobs, Jordan, Lanza, LaValle, Little,

1 O'Mara, Ortt, Ritchie, Robach, Serino and  
2 Tedisco.

3 Ayes, 40. Nays, 20.

4 ACTING PRESIDENT BENJAMIN: The  
5 bill is passed.

6 Senator Gianaris, that completes the  
7 reading of the controversial calendar.

8 SENATOR GIANARIS: Is there any  
9 further business at the desk?

10 ACTING PRESIDENT BENJAMIN: There  
11 is no further business at the desk.

12 SENATOR GIANARIS: I move to  
13 adjourn until Monday, January 13th, at 3:00 p.m.,  
14 intervening days being legislative days.

15 ACTING PRESIDENT BENJAMIN: On  
16 motion, the Senate stands adjourned until Monday,  
17 January 13th, at 3:00 p.m., intervening days  
18 being legislative days.

19 (Whereupon, at 2:09 p.m., the Senate  
20 adjourned.)

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