NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 9, 2020

12:01 p.m.

REGULAR SESSION

SENATOR BRIAN A. BENJAMIN, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BENJAMIN: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT BENJAMIN: The reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

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

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

ACTING PRESIDENT BENJAMIN: It is so ordered.

Senator Gianaris.

SENATOR GIANARIS: Please call on Senator Griffo.

ACTING PRESIDENT BENJAMIN: Senator

Griffo.

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

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

ACTING PRESIDENT BENJAMIN: It is so ordered.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

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

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

the same room.

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

Senator Gianaris.

SENATOR GIANARIS: The Senate will stand at ease.

ACTING PRESIDENT BENJAMIN: The Senate will stand at ease.

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

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

ACTING PRESIDENT BENJAMIN: Senator Gianaris.

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

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

SENATOR GIANARIS: The Senate will stand at ease.

ACTING PRESIDENT BENJAMIN: The

Senate will stand at ease.

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

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

ACTING PRESIDENT BENJAMIN: The Senate will return to order.

Senator Gianaris.

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

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

The Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Senate Print 6946, by Senator Rivera, an act to amend the Tax Law and Administrative Code of the City of New York;

Senate Print 6947, by Senator Bailey, an act to amend the General Business Law;

Senate Print 6948, by Senator Comrie, an act to amend a chapter of the Laws of 2019;

Senate Print 6949, by Senator Kavanagh, an act to amend the Private Housing Finance Law;

Senate Print 6950, by Senator Gounardes, an act to amend the Civil Service Law, the General Municipal Law and the Administrative Code of the City of New York;

Senate Print 6951, by Senator Montgomery, an act to amend the Family Court Act and the Social Services Law;

Senate Print 6952, by Senator Kaplan, an act to amend the Social Services Law;

Senate Print 6953, by Senator Breslin, an act to amend the Insurance Law;

Senate Print 6954, by Senator Gaughran, an act to amend the General Business Law;

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

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

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

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

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

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

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

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

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

Senate Print 6964, by

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

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

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

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

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

All bills ordered direct to third reading.

ACTING PRESIDENT BENJAMIN: Senator Gianaris.

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

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

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

Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BENJAMIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BENJAMIN: The Rules Committee report is accepted.

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

ACTING PRESIDENT BENJAMIN: Senator Gianaris.

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

ACTING PRESIDENT BENJAMIN: The Secretary will read.

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

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Montgomery to explain her vote.

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

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

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

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

Senator Parker to explain his vote.

SENATOR PARKER: Thank you, Mr. President.

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

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

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

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

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

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

Senator May to explain her vote.

SENATOR MAY: Thank you,

Mr. President.

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

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

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

Announce the results.

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

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

Ayes, 40. Nays, 20.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

SENATOR GRIFFO: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

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

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Breslin to explain his vote.

SENATOR BRESLIN: Thank you,

Mr. Chairman.

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

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

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

I think it's an important, a very

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

I vote aye.

ACTING PRESIDENT BENJAMIN: Senator Breslin to be recorded in the affirmative.

Announce the results.

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

Ayes, 40. Nays, 20.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

ACTING PRESIDENT BENJAMIN: Read the last section.

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

shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

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

Ayes, 42. Nays, 18.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN:

Announce the results.

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

Ayes, 40. Nays, 20.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN:

Announce the results.

THE SECRETARY: In relation to

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

Ayes, 40. Nays, 20.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

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

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

Ayes, 40. Nays, 20.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator May to explain her vote.

SENATOR MAY: Thank you.

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

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

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

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

Thank you.

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

Announce the results.

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

Ayes, 40. Nays, 20.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you.

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

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

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

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

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

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

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

Announce the results.

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

Ayes, 54. Nays, 6.

ACTING PRESIDENT BENJAMIN: The bill is passed.

Senator Gianaris.

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

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

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

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

ACTING PRESIDENT BENJAMIN: The Secretary will ring the bell.

The Secretary will read.

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

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

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

that you call upon Senator Flanagan.

ACTING PRESIDENT BENJAMIN: Thank you, Senator Griffo.

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

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

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

SENATOR FLANAGAN: Thank you, Mr. President.

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

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

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

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

help the electoral process.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

school grounds or criminal possession of a firearm. Specified felony drug offenses involving the use of children, including the use of a child to commit a controlled substance offense and criminal sale of a controlled substance to a child. Promoting an obscene sexual performance by a child. Possessing a obscene sexual performance by a child. Promoting a sexual performance by a child.

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT BENJAMIN: Thank you, Senator Flanagan.

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

Those in favor of overruling the chair signify by saying aye.

(Response of "Aye.")

SENATOR GRIFFO: Show of hands requested.

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

THE SECRETARY: Ayes, 20.

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

Senator Ortt.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The

sponsor yields.

SENATOR ORTT: Thank you, Mr. President.

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

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

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

ACTING PRESIDENT BENJAMIN: Does

the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

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

SENATOR GIANARIS: Sure.

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

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

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

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

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

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

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

yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

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

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

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

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

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

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

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

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

ACTING PRESIDENT BENJAMIN: Does

the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

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

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

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

SENATOR GIANARIS: Mr. President,

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

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

SENATOR ORTT: Through you --

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT BENJAMIN: Does

the sponsor yield? Does the sponsor yield? Sponsor, do you yield?

SENATOR GIANARIS: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR ORTT: Great.

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

SENATOR GIANARIS: Yes, Mr. President.

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

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

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

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

Will the sponsor yield for a few questions?

SENATOR GIANARIS: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

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

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

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

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

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

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

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

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

SENATOR GIANARIS: Yes, I believe so.

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

SENATOR GIANARIS: Yes.

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

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

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

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

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

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

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR GIANARIS: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

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

agencies overseeing voter rolls.

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

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

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

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

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

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

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

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

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

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

ACTING PRESIDENT BENJAMIN: Senator Ortt on the bill.

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

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

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

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

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

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

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

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

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

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

conferenced this bill.

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

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

ACTING PRESIDENT BENJAMIN: Senator Jacobs.

SENATOR JACOBS: On the bill.

ACTING PRESIDENT BENJAMIN: Senator Jacobs on the bill.

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT BENJAMIN: Senator Borrello.

SENATOR BORRELLO: On the bill.

ACTING PRESIDENT BENJAMIN: Senator Borrello on the bill.

SENATOR BORRELLO: Thank you, Mr. President.

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

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

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

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

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

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

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

Seeing and hearing none, debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Gianaris to explain his vote.

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

are supporting this important legislation.

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

(Laughter.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

not.

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

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

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

Senator Savino to explain her vote.

SENATOR SAVINO: Thank you, Mr. President.

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator

Savino to be recorded in the affirmative.

Senator Myrie to explain his vote.

SENATOR MYRIE: Thank you, Mr. President.

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

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

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

And what this Majority has done, in

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

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

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

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

SENATOR MYRIE: I vote in the

affirmative.

(Laughter.)

SENATOR MYRIE: Thank you.

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

Senator Boyle to explain his vote.

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

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

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

nothing to do with this system.

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

I vote in the negative.

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

Senator Funke to explain his vote.

SENATOR FUNKE: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

populace is going to help you even more.

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

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

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

Senator Sanders to explain his vote.

SENATOR SANDERS: Thank you, Mr. President.

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

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

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

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

I'm glad that we put in money so that this is not an unfunded mandate.

Mr. President, the problems of democracy can only be solved by using democracy, and more democracy, not less. Not taking away freedoms, but more freedom.

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

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

Senator Hoylman to explain his vote.

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

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

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

Democrats. That doesn't make sense.

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

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

I vote aye.

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

Senator Harckham to explain his vote.

SENATOR HARCKHAM: Thank you, Mr. President.

Happy New Year, everyone.

I just want to follow up on the

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

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

I vote aye.

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

Senator Lanza to explain his vote.

SENATOR LANZA: Thank you, Mr. President.

You know, it seems to me lately I've

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

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

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

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

(Laughter.)

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

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

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

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

Announce the results.

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

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

Ayes, 40. Nays, 20.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

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

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

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

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

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