

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 11, 2021

3:14 p.m.

REGULAR SESSION

SENATOR BRIAN A. BENJAMIN, Acting President

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, Friday,
16 January 8, 2021, the Senate met pursuant to
17 adjournment. The Journal of Thursday, January 7,
18 2021, was read and approved. On motion, Senate
19 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: Mr. President,
7 let me begin, as we have weekly at this point, by
8 congratulating the Buffalo Bills on their
9 victory, and hopefully we get to do that three
10 more times in the next few weeks.

11 But at this point we will have an
12 immediate meeting of the Rules Committee in
13 Room 332.

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

17 SENATOR GIANARIS: The Senate
18 stands at ease.

19 ACTING PRESIDENT BENJAMIN: The
20 Senate will stand at ease.

21 (Whereupon, the Senate stood at ease
22 at 3:16 p.m.)

23 (Whereupon, the Senate reconvened at
24 3:33 p.m.)

25 ACTING PRESIDENT BENJAMIN: The

1 Senate will return to order.

2 Senator Gianaris.

3 SENATOR GIANARIS: Is there a
4 report of the Rules Committee at the desk?

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

7 The Secretary will read.

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

11 Senate Print 253, by Senator Myrie,
12 an act to amend the Election Law;

13 Senate Print 264, by Senator Myrie,
14 an act to amend the Election Law;

15 Senate Print 360, by Senator Comrie,
16 Concurrent Resolution of the Senate and Assembly
17 proposing an amendment to Section 2 of Article 2
18 of the Constitution;

19 Senate Print 492, by Senator
20 Hoylman, an act to amend the Election Law;

21 Senate Print 514, by Senator
22 Sepúlveda, Concurrent Resolution of the Senate
23 and Assembly proposing an amendment to Section 15
24 of Article VI of the Constitution;

25 Senate Print 515, by Senator

1 Gianaris, Concurrent Resolution of the Senate and
2 Assembly proposing an amendment to Sections 2, 4,
3 5, 5-a and 5-b of Article 3 of the Constitution;

4 Senate Print 516, by Senator
5 Gianaris, an act to amend the Election Law;

6 Senate Print 517, by Senator

7 Gianaris, Concurrent Resolution of the Senate and
8 Assembly proposing an amendment to Section 5 of
9 Article 2 of the Constitution;

10 Senate Print 528, by Senator

11 Jackson, Concurrent Resolution of the Senate and
12 Assembly proposing an amendment to Article 1 of
13 the Constitution;

14 Senate Print 631, by Senator

15 Salazar, an act to amend the Election Law;

16 Senate Print 632, by Senator

17 Jackson, an act to amend the Election Law;

18 Senate Print 861, by Senator

19 Sepúlveda, an act to amend the Mental Hygiene Law
20 and the Public Health Law;

21 Senate Print 862, by Senator

22 Gaughran, an act to amend a chapter of the Laws
23 of 2020 relating to authorizing the assessor of
24 the Town of Huntington, County of Suffolk, to
25 accept from Chabad Lubavitch Chai Center, Inc.,

1 an application for exemption from real property
2 taxes;

3 Senate Print 863, by Senator
4 Gaughran, an act to amend a chapter of the Laws
5 of 2020 relating to authorizing the assessor of
6 the Town of Huntington, County of Suffolk, to
7 accept from the Joshua Baptist Church an
8 application for exemption from real property
9 taxes;

10 Senate Print 864, by Senator
11 Gaughran, an act to amend a chapter of the Laws
12 of 2020 relating to directing the Office of Fire
13 Prevention and Control within the Division of
14 Homeland Security and Emergency Services to form
15 a task force;

16 Senate Print 865, by Senator
17 Benjamin, an act to amend the Public Health Law;

18 Senate Print 866, by Senator Brooks,
19 an act to amend the Executive Law;

20 Senate Print 867, by Senator
21 Benjamin, an act to amend the Executive Law;

22 Senate Print 868, by
23 Senator Skoufis, an act to amend a chapter of the
24 Laws of 2020;

25 Senate Print 869, by Senator

1 Hoylman, an act to amend the Public Health Law;
2 Senate Print 870, by Senator Felder,
3 an act to amend the General Business Law;
4 Senate Print 871, by Senator
5 Kavanagh, an act to amend the Private Housing
6 Finance Law;
7 Senate Print 872, by Senator
8 Benjamin, an act to amend a chapter of the Laws
9 of 2020;
10 Senate Print 873, by Senator Liu, an
11 act to amend the Social Services Law;
12 Senate Print 874, by Senator Parker,
13 an act to amend the Education Law;
14 Senate Print 875, by Senator
15 Sepúlveda, an act to amend the Correction Law;
16 Senate Print 876, by Senator Comrie,
17 an act to amend a chapter of the Laws of 2020
18 directing the New York State Department of
19 Financial Services and the New York State
20 Department of State's Consumer Protection
21 Division to conduct a study;
22 Senate Print 877, by Senator Rivera,
23 an act to amend the Public Health Law;
24 Senate Print 878, by
25 Senator Kaminsky, an act to amend the

1 Social Services Law;

2 Senate Print 879, by
3 Senator Benjamin, an act to require the
4 Department of Health of the State of New York to
5 conduct a study on the effect of racial and
6 ethnic disparities on infant mortality;

7 Senate Print 880, by
8 Senator Breslin, an act to amend the State
9 Finance Law and the General Municipal Law;

10 Senate Print 881, by Senator Brooks,
11 an act to amend the Executive Law;

12 Senate Print 882, by Senator
13 Persaud, an act to amend the Social Services Law;

14 Senate Print 883, by Senator Biaggi,
15 an act to amend the Agriculture and Markets Law;

16 Senate Print 884, by
17 Senator Gounardes, an act to amend the
18 Real Property Law;

19 Senate Print 885, by Senator Comrie,
20 an act to amend the Real Property Actions and
21 Proceedings Law;

22 Senate Print 886, by Senator Rivera,
23 an act to amend the Social Services Law and the
24 Public Health Law;

25 Senate Print 887, by

1 Senator Hoylman, an act to amend a chapter of the
2 Laws of 2020;

3 Senate Print 888, by
4 Senator Hoylman, an act to amend the General
5 Obligations Law;

6 Senate Print 889, by Senator Kaplan,
7 an act to amend the Economic Development Law;

8 Senate Print 890, by
9 Senator Kaminsky, an act to amend the
10 Environmental Conservation Law;

11 Senate Print 891, by
12 Senator Kaminsky, an act to amend the Alcoholic
13 Beverage Control Law and the Tax Law;

14 Senate Print 892, by Senator Parker,
15 an act to amend the Public Service Law;

16 Senate Print 893, by
17 Senator Kavanagh, an act to amend the
18 State Technology Law;

19 Senate Print 894, by Senator Comrie,
20 an act to amend the Insurance Law and the Vehicle
21 and Traffic Law;

22 Senate Print 895, by Senator Liu, an
23 act to amend the Insurance Law;

24 Senate Print 896, by Senator Comrie,
25 an act to amend the Not-For-Profit Corporation

1 Law;

2 Senate Print 897, by
3 Senator Harckham, an act to amend a chapter of
4 the Laws of 2020;

5 Senate Print 898, by Senator Thomas,
6 an act to amend the Financial Services Law;

7 Senate Print 899, by
8 Senator Serrano, an act to amend the
9 Environmental Conservation Law;

10 Senate Print 900, by Senator Rivera,
11 an act to amend the Public Health Law;

12 Senate Print 901, by
13 Senator Harckham, an act to amend the
14 Environmental Conservation Law;

15 Senate Print 902, by
16 Senator Kaminsky, an act to amend the
17 Environmental Conservation Law;

18 Senate Print 903, by
19 Senator Skoufis, an act to amend the
20 Insurance Law;

21 Senate Print 904, by Senator Comrie,
22 an act to amend the Not-For-Profit Corporation
23 Law;

24 Senate Print 905, by
25 Senator Harckham, an act to amend a chapter of

1 the Laws of 2020;

2 Senate Print 1027, by Senator
3 Gianaris, an act to amend the Election Law; and
4 Senate Print 1028, by Senator
5 Comrie, an act to amend the Election Law.

6 All bills reported direct to third
7 reading.

8 SENATOR GIANARIS: Move to accept
9 the report of the Rules Committee.

10 ACTING PRESIDENT BENJAMIN: All in
11 favor of accepting the Committee on Rules report
12 signify by saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT BENJAMIN:
15 Opposed, nay.

16 (No response.)

17 ACTING PRESIDENT BENJAMIN: The
18 report is accepted and before the house.

19 SENATOR GIANARIS: Please take up
20 the reading of the supplemental calendar.

21 ACTING PRESIDENT BENJAMIN: The
22 Secretary will read.

23 THE SECRETARY: Calendar Number 1,
24 Senate Print 253, by Senator Myrie, an act to
25 amend the Election Law.

1 ACTING PRESIDENT BENJAMIN: Read
2 the last section.

3 SENATOR LANZA: Lay it aside.

4 ACTING PRESIDENT BENJAMIN: Lay it
5 aside.

6 THE SECRETARY: Calendar Number 2,
7 Senate Print 264, by Senator Myrie, an act to
8 amend the Election Law.

9 ACTING PRESIDENT BENJAMIN: Read
10 the last section.

11 THE SECRETARY: Section 4. This
12 act shall take effect immediately.

13 ACTING PRESIDENT BENJAMIN: Call
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BENJAMIN:
17 Announce the results.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 63.

20 ACTING PRESIDENT BENJAMIN: The
21 bill is passed.

22 THE SECRETARY: Calendar Number 3,
23 Senate Print 360, by Senator Comrie, Concurrent
24 Resolution of the Senate and Assembly proposing
25 an amendment to Section 2 of Article 2 of the

1 Constitution.

2 ACTING PRESIDENT BENJAMIN: Call
3 the roll on the resolution.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BENJAMIN:
6 Announce the results.

7 THE SECRETARY: In relation to
8 Calendar Number 3, those Senators voting in the
9 negative are Senators Borrello, Helming, Jordan,
10 Lanza, Martucci, Mattera, Oberacker, O'Mara,
11 Ortt, Rath, Ritchie, Stec and Weik.

12 Ayes, 50. Nays, 13.

13 ACTING PRESIDENT BENJAMIN: The
14 resolution is adopted.

15 THE SECRETARY: Calendar Number 4,
16 Senate Print 492, by Senator Hoylman, an act to
17 amend the Election Law.

18 SENATOR LANZA: Lay it aside.

19 ACTING PRESIDENT BENJAMIN: Lay it
20 aside.

21 THE SECRETARY: Calendar Number 5,
22 Senate Print 516, by Senator Gianaris, an act to
23 amend the Election Law.

24 ACTING PRESIDENT BENJAMIN: Read
25 the last section.

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

3 ACTING PRESIDENT BENJAMIN: Call
4 the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BENJAMIN:
7 Announce the results.

8 THE SECRETARY: In relation to
9 Calendar Number 5, those Senators voting in the
10 negative are Senators Akshar, Borrello, Boyle,
11 Gallivan, Griffio, Helming, Jordan, Lanza,
12 Martucci, Mattera, Oberacker, O'Mara, Ortt,
13 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and
14 Weik.

15 Ayes, 43. Nays, 20.

16 ACTING PRESIDENT BENJAMIN: The
17 bill is passed.

18 THE SECRETARY: Calendar Number 6,
19 Senate Print 631, by Senator Salazar, an act to
20 amend the Election Law.

21 SENATOR LANZA: Lay it aside.

22 ACTING PRESIDENT BENJAMIN: Lay it
23 aside.

24 THE SECRETARY: Calendar Number 7,
25 Senate Print 632, by Senator Jackson, an act to

1 amend the Election Law.

2 ACTING PRESIDENT BENJAMIN: Read
3 the last section.

4 THE SECRETARY: Section 7. This
5 act shall take effect immediately.

6 ACTING PRESIDENT BENJAMIN: Call
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BENJAMIN: Senator
10 Jackson to explain his vote.

11 SENATOR JACKSON: Good afternoon,
12 my colleagues. I rise this afternoon to speak in
13 favor of this bill.

14 In the shadows of the COVID-19
15 pandemic, the primary and general elections in
16 2020 showed us the ongoing need to expand access
17 to the ballot. In response to the lessons we
18 learned from last year, I introduced this bill
19 making permanent, by my colleague Senator Myrie's
20 idea during the pandemic, to make it easier to
21 get an absentee ballot by requesting it
22 electronically, either through online portal or
23 via email.

24 The dramatic increase in new
25 absentee voters across the country points to this

1 bill's importance.

2 This bill will protect those at
3 greater risk of severe complications from
4 COVID-19. It also overcomes the issues
5 encountered by many due to mailing delays.

6 While we should not overlook any
7 potential weak points in our elections that would
8 open them up to fraud or legitimate concerns
9 about integrity, we also shouldn't let unfounded
10 fears of voter fraud prevent us from increasing
11 access to the ballot box and administering a
12 fairer and more representative election.

13 There is no evidence that requesting
14 absentee ballots online is more subject to fraud
15 than the traditional method. Both are incredibly
16 fraud-resistant. The qualifications to vote by
17 absentee ballot are well-established. The fact
18 is that to request a ballot online is safe and
19 secure. Just like any other absentee ballot,
20 those ballots requested online will undergo
21 verification at the local Board of Elections
22 before they are counted as per law.

23 And as we saw the previous year,
24 voters were able to request absentee ballots
25 through a secure and accessible online portal.

1 This is further evidence in practice, not just in
2 theory, that the online method of requesting an
3 absentee ballot is an implementable solution that
4 both addresses the public health pandemic and
5 strengthens our democracy.

6 And even beyond the pandemic, in the
7 21st century, we should be able to ask for an
8 absentee ballot online. And at a time when
9 government agencies already create and maintain
10 reliable computerized records for most
11 New Yorkers, it defies common sense to force
12 millions of voters to request ballots via postal
13 mail.

14 Allowing voters to request an
15 absentee ballot online and by email is a
16 progressive step we should have taken years ago.
17 And I look forward to working with all of you,
18 all of my colleagues, to make it a reality today.
19 Let us demonstrate our commitment to ensuring
20 that all eligible New Yorkers can access the
21 ballot box and become involved in civic life and
22 the future of our nation.

23 Thank you, my colleagues. I vote
24 aye.

25 ACTING PRESIDENT BENJAMIN: Senator

1 Jackson to be recorded in the affirmative.

2 Announce the results.

3 THE SECRETARY: In relation to
4 Calendar 7, those Senators voting in the negative
5 are Senators Akshar, Borrello, Boyle, Gallivan,
6 Griffo, Helming, Jordan, Lanza, Martucci,
7 Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath,
8 Ritchie, Serino, Stec, Tedisco and Weik.

9 Ayes, 43. Nays, 20.

10 ACTING PRESIDENT BENJAMIN: The
11 bill is passed.

12 THE SECRETARY: Calendar Number 8,
13 Senate Print 1027, by Senator Gianaris, an act to
14 amend the Election Law.

15 ACTING PRESIDENT BENJAMIN: Read
16 the last section.

17 THE SECRETARY: Section 12. This
18 act shall take effect on the 90th 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: Senator
24 Gianaris to explain his vote.

25 SENATOR GIANARIS: Thank you,

1 Mr. President.

2 Let me begin by acknowledging the
3 great work of our Elections chair, Senator
4 Zellnor Myrie, for what has become a tradition in
5 this chamber: On the first day of legislative
6 business, we pass an important package of bills
7 to improve our democracy and make sure our
8 elections run more smoothly.

9 In the past it's been early voting,
10 or making absentee voting more accessible, or
11 automatic registration -- big changes that are
12 going to increase the participation of voters in
13 New York State.

14 Among the things we're doing today
15 is this bill, which I'm very proud of. I think
16 most of us who are in this line of work know that
17 we are the only state in the nation that still
18 has an unresolved Congressional election. As we
19 sit here today, in the middle of January, there's
20 an entire Congressional district that is
21 unrepresented as this Congress sits and casts
22 important votes. And that's because we take so
23 long to tabulate the results and to count
24 absentee ballots and to go through the challenge
25 process.

1 This bill will require the Boards of
2 Elections to do that process much more swiftly --
3 in fact, to begin canvassing absentee ballots
4 even before Election Day itself, so that we can
5 announce results, as so many other states do,
6 either on Election Night or very shortly
7 thereafter.

8 And I am proud to take this step
9 that's going to instill confidence in our
10 electoral process so that the people of New York
11 will have representation before the new terms
12 begin, which has not been the case over the
13 years. And this will go a long way towards
14 achieving that.

15 So thank you, Mr. President. Thank
16 you again to Chairman Myrie and to Leader
17 Stewart-Cousins for the vision to focus on
18 election reforms every single year. And I
19 proudly cast my vote in the affirmative.

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

22 Senator Mannion to explain his vote.

23 SENATOR MANNION: Thank you for the
24 opportunity to speak.

25 I'd like to start by thanking the

1 election commissioners, both Democratic and
2 Republican, in the counties of Onondaga and
3 Cayuga, who pulled off a herculean task in going
4 through all of the events of this past year and
5 making sure that our elections were secure and
6 done well. Those would be Commissioners Czarny,
7 Sardo, Heary, and Lacey.

8 The races I ran in 2018 and 2020
9 only highlight the need for this legislation. In
10 2018, at the end of Election Night, I trailed by
11 3,000 votes, with 7,000 absentee votes. We did
12 not aggressively object to ballots in a frivolous
13 manner, because we knew that those election
14 commissioners of those counties had already done
15 their jobs and done them well, as did their
16 staff.

17 In 2020, I trailed by approximately
18 8,000 votes, with 40,000 absentees out.
19 Frivolous objections slowed down the process,
20 cost taxpayer dollars, exposed volunteers and
21 staff during a global pandemic to the potential
22 of ending up with COVID-19 -- and that happened.
23 We had to stop the count, quarantine individuals,
24 it dragged the process out.

25 But more than putting a public

1 health crisis upon everyone, it added to the
2 level of distrust in our election system, which
3 is absolutely unnecessary and destructive. It
4 gave time for that messaging to be perpetuated
5 that our elections are not valid.

6 I again commend the election
7 commissioners. I appreciate that this
8 legislation is brought to the floor, and to avoid
9 putting a sledgehammer to the pillars of
10 democracy, this will help to instill trust in the
11 process, as we have had trust in this process for
12 generations -- centuries -- in this state and in
13 this country.

14 I am proud to cosponsor this, and I
15 am proud to cast my vote in the affirmative.

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

18 Senator --

19 SENATOR GIANARIS: One moment,
20 Mr. President. Because of our protocols, we're
21 getting the next Senator in the chamber.

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

24 SENATOR GAUGHRAN: Thank you very
25 much, Mr. President.

1 I would like to thank Senator
2 Gianaris for sponsoring this important
3 legislation and our leader, Andrea
4 Stewart-Cousins, for this and all the packages --
5 the package of legislation today that we're
6 passing. Because once again in New York, we
7 welcome the elective franchise, we encourage
8 everybody to vote, and we try to make it so that
9 everybody has the opportunity to vote.

10 And what we saw with this pandemic
11 in this last election was that millions of
12 New Yorkers cast their ballots by absentee. And
13 this created some issues for our Board of
14 Elections, who have been working very hard to get
15 us through this past election.

16 So as we move towards expanding
17 no-excuse absentee ballots through a
18 constitutional amendment, and absentee ballots
19 this year, it's clear that the State Legislature
20 has to make some improvements, some technical
21 improvements so that we can smooth the process.

22 And in particular, this legislation
23 will allow for most of the absentee ballots to
24 actually be counted by the end of Election Night,
25 and it will also be done in such a way that we

1 will be making sure that we have all the
2 safeguards to preserve the integrity of the
3 electoral process.

4 And as the chair of the Local
5 Government Committee, I think it is very
6 important this year especially that we pass this,
7 because we're going to have thousands of local
8 elections all across this state. Often many of
9 these elections are decided by a very few number
10 of votes. And therefore it is important that we
11 try to get as much certainty as we can on
12 Election Night and the days thereafter so that
13 all our governments can succeed.

14 So Mr. President, I vote in the
15 affirmative.

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

18 Announce the results.

19 THE SECRETARY: In relation to
20 Calendar Number 8, those Senators voting in the
21 negative are Senators Akshar, Borrello, Boyle,
22 Gallivan, Griffio, Helming, Jordan, Lanza,
23 Martucci, Mattera, Oberacker, O'Mara, Ortt,
24 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and
25 Weik.

1 Ayes, 43. Nays, 20.

2 ACTING PRESIDENT BENJAMIN: The
3 bill is passed.

4 THE SECRETARY: Calendar Number 9,
5 Senate Print 1028, by Senator Comrie, an act to
6 amend the Election Law.

7 SENATOR LANZA: Lay it aside.

8 ACTING PRESIDENT BENJAMIN: Lay it
9 aside.

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

12 SENATOR GIANARIS: Can we now take
13 up the reading of the controversial calendar,
14 please.

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

17 The Secretary will read.

18 THE SECRETARY: Calendar Number 1,
19 Senate Print 253, by Senator Myrie, an act to
20 amend the Election Law.

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

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

1 Senator Helming be recognized and heard.

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

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 LANZA: Mr. President,
8 accordingly, I appeal the ruling of the chair and
9 I ask that Senator Helming be recognized.

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

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

15 Today we appeal the ruling of the
16 chair because this proposed amendment is clearly
17 germane to S253, the bill before the house that
18 we seek to amend.

19 Both Senator Myrie's bill and the
20 amendment would relate to the powers of the
21 government. The Governor, in his executive
22 orders, has issued several orders which amend
23 sections of the Election Law, several of which
24 are impacted by Senator Myrie's bill.

25 This amendment would repeal the

1 Governor's powers to issue those orders,
2 including modifying the sections of law amended
3 by Senator Myrie's bill, together with all other
4 sections of the Election Law.

5 More specifically, this amendment
6 would restore the rightful power of the State
7 Legislature, which under our State Constitution
8 cannot delegate its legislative authority to any
9 other entity, including but not excluding the
10 Governor or the executive branch.

11 As we all know -- I don't think
12 anyone would argue with this -- the State
13 Legislature is an independent, coequal branch of
14 government with the constitutional authority and
15 the responsibility to make laws.

16 I say the Legislature is a coequal
17 branch of government, but right now we're not
18 necessarily functioning that way. Many of my
19 colleagues on both sides of the aisle have
20 recognized this and are eager to restore their
21 role in state government and help lead the
22 efforts to battle this pandemic, get people back
23 to work, and reopen New York's economy.

24 Today during the State of the State,
25 I heard Governor Cuomo say that we have to hold

1 Washington accountable. I couldn't agree more.
2 But I would take it one step further and say that
3 as state leaders we must also hold ourselves
4 accountable. People are sick and tired of the
5 finger-pointing. We must restore legislative
6 oversight to our state government.

7 And this is the most important
8 reason why. Restoring legislative oversight is
9 how we ensure that the voices of our constituents
10 are heard in the important matters facing the
11 state. We were each elected to represent the
12 people of the districts.

13 Again, going back to what the
14 Governor had to say during the State of the
15 State, he made it very clear to say that elected
16 leaders must lead. And again, I agree with him.
17 Yet how can we assure our constituents that we
18 are leading, that their views and concerns are
19 being heard, when we've abdicated our
20 responsibilities?

21 Let me be very clear about one
22 point. This amendment does not preclude the
23 Governor from making the quick decisions that are
24 needed to be made in the interests of public
25 health during this pandemic. It simply precludes

1 the Governor from making all of the decisions
2 alone without the Legislature's input or
3 consideration.

4 We must have a say in the critical
5 decisions that are being made, decisions that
6 every single day affect the survival of our small
7 businesses, the security and the livelihoods of
8 the individuals and families of this state, the
9 education and the development of children, and
10 the physical and mental well-being of our
11 seniors, especially those living in nursing
12 homes.

13 We all know, we see it every day --
14 driving into Albany, I'm shocked. The pictures I
15 see out of New York City -- businesses are
16 closed, some temporarily others permanently,
17 including restaurants that can no longer
18 withstand these restrictions that change every
19 single day. There are fewer jobs, higher
20 unemployment, increased rates of depression,
21 substance abuse, and suicide.

22 The rollout of the vaccine was
23 fumbled on the first play, yet the Legislature
24 has taken no action. Look at our agenda today.
25 Look, it's tradition, right, to talk about

1 elections and voters on opening day. But we've
2 never before been in a pandemic like we are now.
3 We should be talking about how to better roll out
4 that vaccine, how to get it into more people.

5 And you know what? We need to be
6 talking about and putting something in place to
7 rollout more state-funded free testing sites. In
8 communities like mine, people are still
9 struggling to find areas -- they're driving more
10 than an hour to get their tests done, and that
11 shouldn't be the way it is.

12 We must do better and we absolutely
13 can do better. Since being granted emergency
14 powers last spring, the Governor has used that
15 authority to enact or change hundreds of laws
16 without any input from or votes in this state
17 body. It's time to change that.

18 "Excelsior" -- moving higher, doing
19 better. Let's do better. We can do better.
20 Refusing this change undermines the very
21 foundation of our democracy and our system of
22 checks and balances. I have heard from hundreds
23 of my constituents -- if not thousands -- on this
24 matter, and I'm sure my colleagues on both sides
25 of the aisle have heard as well.

1 Regardless of personal politics,
2 people are overwhelmingly supporting restoring
3 the Legislature's role. Major newspapers in
4 districts across the state have published
5 editorials advocating for this as well.

6 With the utmost urgency I call on my
7 colleagues to support this amendment and restore
8 this chamber to its lawful role as a coequal
9 branch of government -- not for our own interest,
10 but for the interest of the constituents we have
11 taken an oath to serve and represent.

12 For these reasons, Mr. President, I
13 strongly urge you to reconsider your ruling.

14 ACTING PRESIDENT BENJAMIN: Thank
15 you, Senator Helming.

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

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

21 SENATOR LANZA: Show of hands,
22 please.

23 SENATOR GIANARIS: Mr. President,
24 we've agreed to waive the showing of hands and
25 record each member of the Minority in the

1 affirmative on this vote.

2 ACTING PRESIDENT BENJAMIN: Without
3 objection, so ordered.

4 Announce the results.

5 THE SECRETARY: Ayes, 20.

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

9 Are there any other Senators wishing
10 to be heard?

11 Seeing and hearing none, the debate
12 is closed. The Secretary will ring the bell.

13 Read the last section.

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

16 ACTING PRESIDENT BENJAMIN: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BENJAMIN:
20 Announce the results.

21 THE SECRETARY: In relation to
22 Calendar Number 1, those Senators voting in the
23 negative are Senators Akshar, Borrello, Boyle,
24 Gallivan, Griffio, Helming, Jordan, Lanza,
25 Martucci, Mattera, Oberacker, O'Mara, Ortt,

1 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and
2 Weik.

3 Ayes, 43. Nays, 20.

4 ACTING PRESIDENT BENJAMIN: The
5 bill is passed.

6 THE SECRETARY: Calendar Number 4,
7 Senate Print 492, by Senator Hoylman, an act to
8 amend the Election Law.

9 ACTING PRESIDENT BENJAMIN: Senator
10 Lanza, why do you rise?

11 SENATOR LANZA: Mr. President, I
12 believe there's an amendment at the desk. I
13 waive the reading of that amendment and ask that
14 Senator O'Mara be recognized and heard.

15 ACTING PRESIDENT BENJAMIN: Thank
16 you, Senator Lanza.

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

20 SENATOR LANZA: Mr. President, I
21 appeal the chair's ruling and ask that
22 Senator O'Mara be recognized.

23 ACTING PRESIDENT BENJAMIN: The
24 appeal has been made and recognized, and
25 Senator O'Mara may be heard.

1 SENATOR O'MARA: Thank you,
2 Mr. President, for the opportunity to be heard on
3 this amendment and the germaneness of it
4 initially.

5 This underlying bill of Senator
6 Hoylman, S492, amends Article 8 of the State
7 Election Law. The underlying amendment likewise
8 amends Article 8 of the Election Law. Very
9 similar law change to what, in the same area of
10 law, that the underlying bill is meant to change.
11 Therefore, I would argue that it's germane.

12 More specifically, this amendment
13 would amend Section 8-303 of the Election Law to
14 add the requirement that a voter that votes in
15 person present at their polling place a current
16 and valid government-issued photo identification
17 to cast their ballot.

18 And likewise, with regards to
19 absentee ballots, as this underlying bill seeks
20 to establish drop boxes around the community to
21 put ballots in, it would require a voter casting
22 an absentee ballot to include in the outer
23 envelope a copy of their current and valid
24 government-issued photo identification to cast
25 their ballot.

1 This is in no means an effort to
2 restrict access to voting. I and my Republican
3 colleagues on this side of the aisle wish the
4 greatest participation in our democracy that we
5 can have. But we also have an obligation to
6 ensure the integrity of our elections, the
7 integrity of the individual ballot being cast, so
8 that we can provide confidence to the public of
9 the results of the election, that the individual
10 voting is truly eligible to vote and that it is
11 that individual casting that ballot.

12 We've lived for far too long in
13 chaos in this country as a result of lack of
14 confidence in our voting system. With the great
15 increases in absentee balloting that we saw this
16 year, it makes it all the more imperative, as
17 states control their electoral processes, that we
18 in New York seek to instill confidence in our
19 election results. That is why the integrity of
20 the ballot, as to who is casting it, is first and
21 foremost of importance.

22 The bill-in-chief we're seeking to
23 amend here talks about absentee ballot drop
24 boxes. Not through the postal system, but to be
25 monitored by the county boards of elections and

1 picked up. Nothing in that legislation talks
2 about how many ballots can be stuffed into that
3 box at the same time. We need to ensure that
4 those ballots going into that box, that the
5 absentee ballots going into the mail, are being
6 submitted by the duly registered qualified voter,
7 to instill confidence and integrity into our
8 electoral process.

9 Therefore, I would ask that we take
10 a vote on the appeal of the chair, the ruling of
11 the chair, and ask that the amendment move
12 forward.

13 Thank you, Mr. President.

14 ACTING PRESIDENT BENJAMIN: Thank
15 you, Senator O'Mara.

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

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

21 SENATOR LANZA: Request a show of
22 hands, please.

23 SENATOR GIANARIS: Again,
24 Mr. President, we've agreed to waive the showing
25 of hands and record each member of the Minority

1 in the affirmative.

2 ACTING PRESIDENT BENJAMIN: Without
3 objection, so ordered.

4 Announce the results.

5 THE SECRETARY: Ayes, 20.

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

9 Are there any other Senators wishing
10 to be heard?

11 Seeing and hearing none, the debate
12 is closed. The Secretary will ring the bell.

13 Read the last section.

14 THE SECRETARY: Section 4. This
15 act shall take effect immediately.

16 ACTING PRESIDENT BENJAMIN: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BENJAMIN: Senator
20 May to explain her vote.

21 SENATOR MAY: Thank you,
22 Mr. President.

23 As co-prime sponsor of this bill, I
24 want to thank my colleague Senator Hoylman for
25 bringing this forward.

1 I think drop boxes are a really
2 important tool in the toolbox of boards of
3 elections to allow people to submit their votes
4 without worrying about the postal delays or
5 without having to appear in person at a polling
6 site.

7 As chair of the Committee on Aging,
8 I think this is an especially valuable tool for
9 our older New Yorkers to use, and so I'm very
10 glad to support it.

11 I also just want to speak in general
12 on this whole package of bills and thank the
13 leadership, thank Senator Myrie and my colleagues
14 for bringing these bills forward.

15 My district includes a piece of the
16 22nd Congressional District, where there is
17 unfolding an incredible fiasco in terms of trying
18 to count absentee ballots in an extremely close
19 race. The danger is that this race is going to
20 be decided by lawyers and not by the will of the
21 people. And a lot of that is because of all of
22 the technicalities that absentee ballots right
23 now are vulnerable to.

24 Absentee ballots come from military
25 voters, they come from people in hospitals and

1 nursing homes, they come from people whose work
2 takes them out of town during an election. They
3 should not be treated in this second-class way
4 where they are so much more vulnerable to
5 challenge and to being thrown out than votes cast
6 in person.

7 So I applaud the sponsors of all of
8 these bills, and I proudly vote aye.

9 Thank you.

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

12 Announce the results.

13 THE SECRETARY: In relation to
14 Calendar Number 4, those Senators voting in the
15 negative are Senators Akshar, Borrello, Boyle,
16 Gallivan, Griffio, Helming, Jordan, Lanza,
17 Martucci, Mattera, Oberacker, O'Mara, Ortt,
18 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and
19 Weik.

20 Ayes, 43. Nays, 20.

21 ACTING PRESIDENT BENJAMIN: The
22 bill is passed.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number 6,
25 Senate Print 631, by Senator Salazar, an act to

1 amend the Election Law.

2 ACTING PRESIDENT BENJAMIN: Senator
3 Borrello.

4 SENATOR BORRELLO: Thank you,
5 Mr. President. Good to see you. Happy New Year.

6 ACTING PRESIDENT BENJAMIN: Happy
7 New Year as well.

8 SENATOR BORRELLO: Will the sponsor
9 yield for questions?

10 ACTING PRESIDENT BENJAMIN: Does
11 the Senator yield?

12 SENATOR MYRIE: Yes, Mr. President.

13 ACTING PRESIDENT BENJAMIN: The
14 Senator yields.

15 SENATOR BORRELLO: Thank you.
16 Through you, Mr. President.

17 Happy New Year.

18 SENATOR MYRIE: Happy New Year.

19 SENATOR BORRELLO: I see we are
20 changing the Election Law to allow for
21 essentially an unlimited access to absentee
22 ballot requests at any time. So this concerns
23 me.

24 My first question is, could I
25 request a ballot today for, say, an election in

1 the year 2031, an absentee ballot for the year
2 2031?

3 SENATOR MYRIE: Through you,
4 Mr. President, my understanding is that you could
5 not.

6 SENATOR BORRELLO: Mr. President,
7 will the sponsor continue to yield?

8 ACTING PRESIDENT BENJAMIN: Does
9 the Senator yield?

10 SENATOR MYRIE: Yes.

11 ACTING PRESIDENT BENJAMIN: The
12 Senator yields.

13 SENATOR BORRELLO: What specific
14 part of the legislation addresses that request
15 not being valid for a ballot far into the future?

16 SENATOR MYRIE: Through you,
17 Mr. President, my understanding is that in order
18 to request an absentee ballot for an election,
19 there has to be an election date. And currently
20 there's no election date for the year 2031.

21 SENATOR BORRELLO: Through you,
22 Mr. President, will the sponsor continue to
23 yield?

24 ACTING PRESIDENT BENJAMIN: Does
25 the Senator yield?

1 SENATOR MYRIE: Yes.

2 ACTING PRESIDENT BENJAMIN: The
3 Senator yields.

4 SENATOR BORRELLO: So it's my
5 understanding, if I remember my civics classes
6 correctly, that presidential elections are on
7 specific days of every year, even though -- and
8 those dates can be infinitely addressed. So we
9 have a date for the presidential election, say,
10 in -- whether it's 2024 or 2028, 2032 and beyond.

11 So would I be able then to request
12 an absentee ballot right now for -- and if I'm
13 doing math correctly -- the presidential election
14 in 2032.

15 SENATOR MYRIE: Through you,
16 Mr. President. If my colleague is able to
17 furnish a date for the 2031 presidential election
18 and/or several of the other elections that we
19 partake in every single year, then perhaps that
20 would be a question for the local Board of
21 Elections. But on the application for an
22 absentee ballot, you must specify the election
23 that you are requesting to participate in.

24 SENATOR BORRELLO: Mr. President,
25 will the sponsor yield?

1 ACTING PRESIDENT BENJAMIN: Does
2 the Senator yield?

3 SENATOR MYRIE: Yes.

4 ACTING PRESIDENT BENJAMIN: The
5 Senator yields.

6 SENATOR BORRELLO: So this
7 particular piece of legislation, if I understand
8 it correctly, addresses letters that have been
9 sent, not applications. So I can send a letter
10 saying I would like a ballot for the 2032
11 presidential election, and that letter, by fax or
12 by mail, would have to be honored by the local
13 Board of Election, would it not?

14 SENATOR MYRIE: Through you,
15 Mr. President, I do not believe that is correct.

16 SENATOR BORRELLO: Mr. President,
17 will the sponsor continue to yield?

18 ACTING PRESIDENT BENJAMIN: Will
19 the Senator yield?

20 SENATOR MYRIE: Yes.

21 ACTING PRESIDENT BENJAMIN: The
22 Senator yields.

23 SENATOR BORRELLO: So if I have
24 this letter, can I really request an unlimited
25 amount? I mean, am I limited to just one at a

1 time? Or can I have an unlimited amount,
2 theoretically?

3 SENATOR MYRIE: Through you,
4 Mr. President, you cannot request an unlimited
5 amount. But not as restricted to the confines of
6 this particular bill, but consistent with other
7 areas of the Election Law, that would be
8 fraudulent. And that, of course, is punishable
9 as a felony in the State of New York.

10 SENATOR BORRELLO: Thank you.

11 Mr. President, will the sponsor
12 continue to yield?

13 ACTING PRESIDENT BENJAMIN: Does
14 the Senator yield?

15 SENATOR MYRIE: Yes.

16 ACTING PRESIDENT BENJAMIN: The
17 Senator yields.

18 SENATOR BORRELLO: So if I have
19 requested a ballot for sometime into the
20 future -- because I think we've established that
21 it's unclear, at the very best, but most likely
22 able to, by letter -- who's going to keep track
23 of that ballot?

24 Let's say I request my presidential
25 ballot for 2032 tomorrow. Who is in charge of

1 keeping track of ensuring that I get that ballot,
2 you know, several years from now?

3 SENATOR MYRIE: Through you,
4 Mr. President, I again would disagree with the
5 premise that you could request a ballot for a
6 presidential election happening a decade from
7 now.

8 But assuming that we could do such a
9 thing, there would be no distinction, in my mind,
10 between who would be responsible. Our local
11 boards of elections track the absentee ballot
12 applications and subsequent sending of the
13 absentee ballots, and I don't see any reason why
14 that would not be consistent for this
15 hypothetical.

16 SENATOR BORRELLO: Mr. President,
17 will the sponsor continue to yield?

18 ACTING PRESIDENT BENJAMIN: Does
19 the Senator yield?

20 SENATOR MYRIE: Yes.

21 ACTING PRESIDENT BENJAMIN: The
22 Senator yields.

23 SENATOR BORRELLO: So let's assume
24 that for whatever reason I request my ballot for
25 the 2024 election now -- because we have a date

1 for that. What happens if I die, God forbid --
2 knock on wood -- who is in charge of ensuring
3 that that ballot does not get mailed out?

4 SENATOR MYRIE: Through you,
5 Mr. President, I would hope that you are with us
6 in the 2024 election.

7 But if that is not the case and the
8 ballot is mailed to you, I think we should
9 remember that these are not the usage of the
10 ballots, but simply the application for it. If
11 that ballot is not used, then there is no
12 violation of law, there is no fraud that has
13 taken place.

14 And so just consistent with every
15 single other county Board of Elections
16 jurisdiction over absentee ballots, that 2024
17 ballot I believe would be tracked by that Board
18 of Elections.

19 SENATOR BORRELLO: Mr. President,
20 will the sponsor continue to yield?

21 ACTING PRESIDENT BENJAMIN: Does
22 the Senator yield?

23 SENATOR MYRIE: Yes.

24 ACTING PRESIDENT BENJAMIN: The
25 Senator yields.

1 SENATOR BORRELLO: I believe,
2 according to the language of the bill, that it's
3 asking that that ballot be sent, a live ballot be
4 sent out.

5 So I could request now a live ballot
6 for what's, you know, four years from now, eight
7 years from now. So that will be a live ballot
8 that could be sent, theoretically, to someone who
9 is no longer eligible, whether they passed away,
10 moved away, whatever it might be.

11 So what happens then? Who's in
12 charge of ensuring that that does not happen?

13 SENATOR MYRIE: Through you,
14 Mr. President, I'm unclear of what the term "live
15 ballot" means.

16 Unless you're making a distinction
17 between a ballot that has been submitted and used
18 and canvassed or a ballot that has not, there is
19 no distinction in the Election Law as to whether
20 or not an individual has received that ballot or
21 not due to their death or their circumstances.

22 I'm trying to understand where you
23 are going with this hypothetical. The county
24 Boards of Elections have the jurisdiction over
25 our ballots, and they are entrusted with the

1 tracking of those ballots.

2 We are also passing legislation
3 today that would allow for voters to track that
4 process as well, as the county Board of Elections
5 are doing so.

6 SENATOR BORRELLO: Will the sponsor
7 continue to yield?

8 ACTING PRESIDENT BENJAMIN: Will
9 the Senator yield?

10 SENATOR MYRIE: Yes.

11 ACTING PRESIDENT BENJAMIN: The
12 Senator yields.

13 SENATOR BORRELLO: Thank you.

14 So I guess the clarification is is
15 that, you know, the request is for a ballot. Not
16 for an application for an absentee ballot, but an
17 actual absentee ballot. So that's just to
18 clarify what I'm talking about here.

19 So once again, I'm just not clear,
20 if I request this today for the 2024 presidential
21 election, which we have a date for, and something
22 happens, who is responsible for ensuring that
23 nearly four years from now that ballot doesn't go
24 out?

25 SENATOR MYRIE: So I -- through

1 you, Mr. President, I would again disagree with
2 the premise that such a request could be made.
3 But assuming for the hypothetical that it could,
4 the county Board of Elections would be
5 responsible.

6 SENATOR BORRELLO: Thank you.

7 Mr. President, on the bill.

8 ACTING PRESIDENT BENJAMIN: Senator
9 Borrello on the bill.

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

12 You know, there's a number of issues
13 here. But I think the way that this is now
14 reading, we've created a lot of gray area in an
15 area that should be crystal-clear, in my opinion.

16 First and foremost, we've created
17 yet another unfunded mandate for local
18 government. As a former county executive and
19 10-year veteran of county government, I can tell
20 you that this state -- and in particular, this
21 Legislature -- has made the execution of our
22 elections difficult, to say the least. On top of
23 expensive and in some cases chaotic, we saw that
24 this year particularly with our June primary,
25 which was a national embarrassment.

1 So now we're going to continue to
2 burden local government. But on top of that, we
3 are really removing any restrictions. Because
4 the language that we've amended now -- and it's a
5 very small amendment, opens up a wide array of
6 issues -- I can send a letter to request
7 something; we have dates for elections going well
8 into the future. So the issue for me really is
9 what's to stop this from happening, from people
10 being inundated -- Boards of Elections being
11 inundated with requests for ballots?

12 Now, you might say, Well, that's
13 never going to happen. Well, not so. Recently
14 we made changes to the 50-a rule, and we were
15 told don't worry, nothing bad's going to happen.
16 And yet we had an out-of-state company send
17 requests to police agencies throughout New York
18 State requesting personnel files for every police
19 officer in their department dating back to 1972.
20 So the unintended consequence there was a
21 tremendous burden on those local governments, for
22 something that was frivolous at best.

23 This change has the same potential.
24 This was done hastily and should not pass today.

25 Mr. President, I'll be voting no.

1 Thank you.

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

4 Seeing and hearing none, the debate
5 is closed.

6 The Secretary will ring the bell.

7 Read the last section.

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

10 ACTING PRESIDENT BENJAMIN: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BENJAMIN: Senator
14 Salazar to explain her vote.

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

17 The violence that we witnessed in
18 our nation's capital this past week threatened to
19 obstruct the democratic process and undermine the
20 will of voters, the will of the American people.

21 And it's in moments like this that we're reminded
22 that we must continue to do everything we can to
23 empower people to exercise their right to vote.

24 We saw a significant increase in
25 voter turnout in our state in this past election.

1 And while that is an achievement that we should
2 celebrate, the election also demonstrated in some
3 ways the need for our local Boards of Elections
4 to be fully equipped and prepared to process
5 every request for an absentee ballot and
6 effectively get those ballots to voters, so that
7 New Yorkers wouldn't need to choose between
8 protecting their health and casting their
9 ballots.

10 This bill will not only make
11 absentee voting more accessible, but also will
12 effectively allow more time for boards to process
13 absentee ballot requests.

14 I'm proud to vote yes on every bill
15 in this package, and I thank Senator Myrie for
16 his leadership in bringing this over the finish
17 line.

18 Mr. President, I vote aye.

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

21 Senator Lanza to explain his vote.

22 SENATOR LANZA: Mr. President,
23 thank you. To explain my vote.

24 You know, one of the great aspects
25 of what we do here in this chamber is the ability

1 to debate. It's an important function for us as
2 members of this Senate because we get to flesh
3 out the details of legislation before us, and we
4 ourselves get to better understand the effects
5 that such legislation would have in the event
6 that it becomes law, not only for ourselves but
7 for our constituents.

8 In listening to the debate between
9 Senator Borrello and Senator Myrie, I learned
10 that there is area of disagreement but also area
11 of agreement here. The contention by Senator
12 Borrello is that this legislation would allow
13 someone to request a ballot for, let's say, 2032.
14 I heard Senator Myrie, it seemed to me, suggest
15 that he did not believe that the legislation
16 would allow that, but moreover that he didn't
17 think it was a good idea either.

18 It seems to me, upon reading the
19 legislation, that there is nothing here that
20 would preclude that. So given that there is this
21 agreement here, I would respectfully request of
22 the sponsor to review the legislation and ensure
23 that before this were to go to the Governor, if
24 it does, that that is worked out and that is
25 clearly specified in the legislation.

1 For that reason, Mr. President, I'm
2 going to vote in the negative.

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

5 Announce the results.

6 THE SECRETARY: In relation to
7 Calendar Number 6, those Senators voting in the
8 negative are Senators Akshar, Borrello, Gallivan,
9 Griffo, Helming, Jordan, Lanza, Martucci,
10 Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath,
11 Ritchie, Serino, Stec, Tedisco and Weik.

12 Ayes, 44. Nays, 19.

13 ACTING PRESIDENT BENJAMIN: The
14 bill is passed.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number 9,
17 Senate Print 1028, by Senator Comrie, an act to
18 amend the Election Law.

19 ACTING PRESIDENT BENJAMIN: Senator
20 Rath on the bill.

21 SENATOR RATH: Thank you,
22 Mr. President. On the bill.

23 I rise today with a unique
24 perspective on Election Law and our local
25 governments. Having served in the county

1 legislature for the past 13 years, I have seen
2 firsthand the impact of unfunded mandates on our
3 counties. Many counties, over 50 percent -- if
4 not 75 percent -- of their total budget is
5 comprised of unfunded mandates.

6 This is suffocating our counties.
7 All across New York State our counties are
8 struggling, because of COVID-19, with revenues,
9 with providing services, with the capacity for
10 them to do the work that they're expected to do,
11 and unfunded mandates are suffocating our county
12 governments.

13 Also in 2020 we saw firsthand the
14 impact of many of the Election Law changes this
15 year, and the administration of the elections was
16 nearly impossible. This was due to another
17 aspect of these unfunded mandates. This will
18 overwhelm the election system for our counties
19 and across New York State. We need to ease up on
20 the unfunded mandates, give our counties a break
21 and help them in a time of crisis.

22 Secondly, I'm not sure why we're
23 rushing to judgment. I believe that we should be
24 focused on doing our due diligence, taking time
25 as a deliberative body to work with the subject

1 matter experts on this issue, which is our local
2 Board of Elections; to work with our localities,
3 who have something to say about the changes to
4 the Election Law; and perhaps even look at what's
5 happening in other states -- what's working,
6 what's not working, and lessons that have been
7 learned.

8 This to me appears to be a rush to
9 judgment, and I believe we should slow down and
10 do our due diligence because the residents of
11 New York State are asking that of us. They're
12 asking for us to take our time. They're asking
13 for us to get it right. They're asking for us to
14 talk to the experts, get their perspective, and
15 make sure that what we're passing is appropriate,
16 timely, necessary and works properly.

17 Lastly, I believe we have some
18 misplaced priorities here today. We are enduring
19 the worst pandemic in the last 100 years. We
20 need to focus, I believe, on the health, the
21 safety, the employment and the human services for
22 the residents of New York because of COVID-19,
23 and not pushing through legislation in a
24 rapid-fire fashion.

25 We could speed up the vaccine

1 process to help the residents of New York State.
2 We could help the unemployed residents across
3 New York State who have lost their jobs due to
4 COVID-19.

5 And small businesses all across this
6 state are struggling like they've never struggled
7 before. If it's a restaurant, if it's a small
8 business, if it's a gymnasium, whatever it may
9 be, many of them are going bankrupt. And they're
10 going bankrupt and losing their life savings.
11 Multigenerational businesses are struggling to
12 keep their necks above water.

13 So I believe we have misplaced
14 priorities here today as well.

15 So in conclusion, Mr. President, I
16 rise in opposition to Senate Bill 1028.

17 Thank you.

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

20 Seeing and hearing none, debate is
21 closed.

22 The Secretary will ring the bell.

23 Read the last section.

24 THE SECRETARY: Section 2. This
25 act shall take effect on the first of January.

1 ACTING PRESIDENT BENJAMIN: Call
2 the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BENJAMIN:
5 Senator Krueger to explain her vote.

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

8 I've been outside listening to the
9 debates and discussion on the whole group of
10 bills we're doing today, and I have come into the
11 chambers to say how critically important it is
12 that all of these bills get passed. And I have
13 just listened to one colleague say we shouldn't
14 be rushing.

15 Well, I've been in the Senate for
16 19 years effective this 2021, and we haven't been
17 rushing. I've waited for decades now for us to
18 move important legislation to expand the ability
19 of New Yorkers to be able to vote. I have waited
20 desperately for us to be able to move legislation
21 that ensures people have more options to allow
22 them to vote.

23 I have watched as New York State has
24 fallen further and further behind statistically
25 in the number of New Yorkers who vote. The great

1 State of New York has become an embarrassment of
2 how few people vote. And I tell you the reason
3 why, Mr. President: Because we make it too hard
4 for them to vote. It's as simple as that.

5 The bills before us today, the
6 resolutions to go for vote ultimately by the
7 people to make our Constitution make sense in the
8 21st century, each of these proposals will give
9 options to voters on being able to voter earlier,
10 being able to vote in multiple places, being able
11 to drop their ballots off in ballot boxes --
12 simple, basic things that we know, from other
13 states in the country who have already done them,
14 will increase the opportunities for more people
15 to vote, and we will see an increase in voters
16 because of it. And that can only be good for the
17 state.

18 I'm not going to disagree, some of
19 these may have some costs associated. Some of
20 them save us money. We can be a 21st-century
21 state with a 21st-century model for voting. We
22 need to do that.

23 None of this is being rushed. I am
24 proud to be voting yes on every one of these
25 bills.

1 Thank you very much, Mr. President.

2 ACTING PRESIDENT BENJAMIN:

3 Senator Krueger to be recorded in the
4 affirmative.

5 Senator Myrie to explain his vote.

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

8 Let me first start off by thanking
9 our Majority Leader for starting off our session
10 and prioritizing democracy, just as we did at the
11 beginning of the last session.

12 You know, I've heard a number of my
13 colleagues talk about whether or not this is the
14 time for us to be focusing on democracy. And I'd
15 argue that there is no better time than today for
16 us to be addressing this issue, given what we
17 have seen happen in our country over the last
18 week.

19 Mr. President, I have -- in
20 preparation for debate, I've brought the sum of
21 our Election Law. And this is the book. It's
22 long, it's complicated, it's dense. To most
23 normal people, it's boring. But every word,
24 every sentence, every paragraph, section, chapter
25 is us trying to protect our democracy against

1 tyranny.

2 And yes, it is not perfect. Yes, we
3 have to make changes to it. This Majority is
4 very comfortable making changes to it. We made
5 about 60 of them last session.

6 But when you see what happened in
7 this country last week, it is a direct attack on
8 that fundamental principle that we can change the
9 laws because we hold free and fair elections for
10 people to decide who can change them.

11 What we saw last week was an attack
12 on that foundation. And while it may have been
13 shocking, it should not have been surprising.
14 When the President of the United States traffics
15 in false allegations of election fraud, when
16 members of his party encourage that sort of
17 language, we should not be shocked when people
18 believe what they say.

19 Words matter. And just as our
20 Election Law is built on words and sentences and
21 phrases, so too our democracy can be undone with
22 those very words.

23 So we cannot cower in the face of
24 this violence and insurrection. We must confront
25 it with more democracy, not less. We will never,

1 never buckle in the face of this violence. You
2 give someone an inch of misinformation, and they
3 take a mile of violence and insurrection.

4 So I will not speak for any other
5 legislative body, but just say that this
6 Democratic Majority will continue to fight for
7 more democracy. We will not countenance
8 misinformation and voter suppression. We will
9 continue to fight.

10 As Supreme Court Justice Louis
11 Brandeis said, the states -- not the federal
12 government, the states are the great laboratories
13 of our democracy. And while New York has a long
14 way to go, we will continue to do work in this
15 laboratory so that every eligible voter can be a
16 part of their democracy and truly enjoying their
17 constitutional right to vote.

18 I vote aye. Thank you.

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

21 Announce the results.

22 THE SECRETARY: In relation to
23 Calendar Number 9, those Senators voting in the
24 negative are Senators Akshar, Borrello, Boyle,
25 Gallivan, Griffio, Helming, Jordan, Lanza,

1 Martucci, Mattera, Oberacker, O'Mara, Ortt,
2 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and
3 Weik.

4 Ayes, 43. Nays, 20.

5 ACTING PRESIDENT BENJAMIN: The
6 bill is passed.

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

9 SENATOR GIANARIS: Thank you,
10 Mr. President.

11 On behalf of Majority Leader
12 Stewart-Cousins, I hand up the following
13 Majority Conference committee assignments and ask
14 that they be filed in the Journal.

15 ACTING PRESIDENT BENJAMIN: The
16 hand-up is received and shall be filed in the
17 Journal.

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

20 ACTING PRESIDENT BENJAMIN: There
21 is no further business before the desk.

22 SENATOR GIANARIS: I move to
23 adjourn until tomorrow, Tuesday, January 12th, at
24 11:00 a.m.

25 ACTING PRESIDENT BENJAMIN: On

1 motion, the Senate stands adjourned until
2 Tuesday, January 12th, at 11:00 a.m.

3 (Whereupon, at 4:35 p.m., the Senate
4 adjourned.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25