NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 10, 2022

3:51 p.m.

REGULAR SESSION

SENATOR JAMAAL T. BAILEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BAILEY: 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 BAILEY: In the absence of clergy, let us bow our heads in a moment of silent reflection and/or prayer as we remember and honor the victims of yesterday's tragic fire in the Bronx that claimed the lives of far too many people, many of which were children.

The Book of Matthew 5:4 says "Blessed are those who mourn, for they will be comforted."

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

ACTING PRESIDENT BAILEY: The reading of the Journal.

THE SECRETARY: In Senate, Sunday, January 9, 2022, the Senate met pursuant to adjournment. The Journal of Saturday, January 8, 2022, was read and approved. On motion, Senate

adjourned.

ACTING PRESIDENT BAILEY: 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: Mr. President, there will be an immediate meeting of the Rules Committee in Room 332.

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

SENATOR GIANARIS: The Senate will stand at ease.

ACTING PRESIDENT BAILEY: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:52 p.m.)

(Whereupon, the Senate reconvened at

4:10 p.m.)

ACTING PRESIDENT BAILEY: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, there's a report of the Rules Committee at the desk. Can we please take that up.

ACTING PRESIDENT BAILEY: The Secretary will read.

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

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

Senate Print 284A, by Senator Myrie, an act to amend the Election Law;

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

Senate Print 557, by Senator May, an act to amend the Election Law;

Senate Print 1126B, by Senator Gianaris, an act to amend the Election Law;

Senate Print 1283, by

Senator Kaminsky, an act to amend the Election Law;

Senate Print 2951, by Senator Kavanagh, an act to amend the Election Law;

Senate Print 4658, by Senator Parker, an act to amend the Election Law;

Senate Print 6214, by Senator Myrie, an act to amend the Election Law;

Senate Print 7565B, by Senator Biaggi, an act to amend the Election Law;

Senate Print 7619, by Senator Mayer, an act to amend Chapter 60 of the Laws of 2021;

Senate Print 7623A, by Senator Gaughran, an act to amend Chapter 417 of the Laws of 2021;

Senate Print 7631, by the Independent Redistricting Commission, an act to amend the State Law;

Senate Print 7632, by the Independent Redistricting Commission, an act to amend the State Law;

Senate Print 7633, by the Independent Redistricting Commission, an act to amend the State Law;

Senate Print 7634, by the Independent Redistricting Commission, an act to amend the State Law;

Senate Print 7689, by Senator Hinchey, an act to amend the Public Service Law;

Senate Print 7690, by Senator Skoufis, an act to amend the Public Health Law;

Senate Print 7691, by Senator Mayer, an act to amend the County Law;

Senate Print 7692, by Senator Breslin, an act to amend the Insurance Law;

Senate Print 7693, by Senator Harckham, an act to amend the Mental Hygiene Law;

Senate Print 7694, by Senator Rivera, an act to amend the Public Health Law;

Senate Print 7695, by Senator Sepúlveda, an act to amend a chapter of the Laws of 2021;

Senate Print 7696, by Senator Brouk, an act to amend the Public Health Law and the

Environmental Conservation Law;

Senate Print 7697, by Senator Hinchey, an act to amend the Social Services Law;

Senate Print 7698, by Senator Comrie, an act to amend the Real Property Actions and Proceedings Law;

Senate Print 7699, by Senator Stavisky, an act to amend the Education Law;

Senate Print 7700, by Senator Mayer, an act to amend a chapter of the Laws of 2021;

Senate Print 7701, by Senator Kaminsky, an act to amend the Public Housing Law;

Senate Print 7702, by Senator Kaminsky, an act to amend the Environmental Conservation Law;

Senate Print 7703, by Senator Bailey, an act to amend the Correction Law and the Mental Hygiene Law;

Senate Print 7704, by Senator Breslin, an act to amend the Insurance Law;

Senate Print 7705, by

Senator Hoylman, an act to amend the Penal Law;

Senate Print 7706, by Senator Harckham, an act to amend the Executive Law and the Public Health Law;

Senate Print 7707, by Senator Ryan, an act to amend the Alcoholic Beverage Control Law;

Senate Print 7708, by Senator Rivera, an act to amend the Public Health Law;

Senate Print 7709, by Senator Kaminsky, an act to amend a chapter of the Laws of 2021;

Senate Print 7710, by Senator Kaplan, an act to amend the Executive Law;

Senate Print 7711, by Senator Parker, an act to amend a chapter of the Laws of 2021;

Senate Print 7712, by Senator Ramos, an act to amend the Social Services Law;

Senate Print 7713, by Senator Ortt, an act to amend the Executive Law;

Senate Print 7714, by Senator Mayer, an act to amend the General Business Law;

Senate Print 7715, by Senator Skoufis, an act to amend the Economic Development Law;

Senate Print 7716, by Senator Persaud, an act to amend the Education Law and the State Finance Law;

Senate Print 7717, by Senator Kavanagh, an act to amend the Public Health Law;

Senate Print 7718, by Senator Hinchey, an act to amend a chapter of the Laws of 2021;

Senate Print 7719, by Senator Kennedy, an act to amend a chapter of the Laws of 2021;

Senate Print 7720, by Senator Thomas, an act to amend the General Business Law;

Senate Print 7721, by Senator Kennedy, an act to amend the Tax Law;

Senate Print 7722, by Senator Comrie, an act to amend a chapter of the Laws of 2021;

Senate Print 7723, by Senator Gaughran, an act to amend the

Environmental Conservation Law;

Senate Print 7724, by Senator Biaggi, an act to amend the Banking Law;

Senate Print 7725, by Senator Bailey, an act to amend the Labor Law;

Senate Print 7726, by Senator Skoufis, an act to amend the Public Health Law;

Senate Print 7727, by Senator Kavanagh, an act to amend the Public Housing Law;

Senate Print 7728, by Senator Gaughran, an act to amend the State Finance Law;

Senate Print 7729, by Senator Skoufis, an act to amend the Real Property Law;

Senate Print 7730, by Senator Skoufis, an act to amend the Real Property Law;

Senate Print 7731, by Senator Skoufis, an act to amend the Real Property Law;

Senate Print 7732, by Senator Gaughran, an act to amend a chapter of the Laws of 2021;

Senate Print 7733, by Senator Biaggi, an act to amend the Executive Law;

Senate Print 7734, by Senator Skoufis, an act to amend the Public Officers Law and the Civil Rights Law;

Senate Print 7735, by Senator Liu, an act to amend the General Obligations Law and the Real Property Law;

Senate Print 7736, by Senator Kaplan, an act to amend the Penal Law;

Senate Print 7737, by Senator Kaminsky, an act to amend the Environmental Conservation Law; and

Senate Print 7738, by Senator Brooks, an act to amend the County Law.

All bills reported direct to third reading.

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

ACTING PRESIDENT BAILEY: All those in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(No response.)

ACTING PRESIDENT BAILEY: The Rules

Committee report is accepted.

Senator Gianaris.

SENATOR GIANARIS: At this time, Mr. President, we're going to stand at ease for just five minutes while the desk gets its votes in order.

ACTING PRESIDENT BAILEY: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 4:16 p.m.)

(Whereupon, the Senate reconvened at 4:18 p.m.)

ACTING PRESIDENT BAILEY: The Senate will return to order.

SENATOR GIANARIS: Please take up the reading of the calendar, Mr. President.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 1, Senate Print 253, by Senator Myrie --

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 2, Senate Print 284A, by Senator Myrie, an act to

amend the Election Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 2, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 3, Senate Print 492, by Senator Hoylman, an act to amend the Election Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 4. This

act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President.

It is terrific to be back here in Albany with the start of the legislative session and to explain my vote on S492 to secure ballot drop boxes.

You know, Mr. President, throughout our nation we're witnessing a massive, coordinated attack on voting rights in other states. In fact, over the last few years more than 400 anti-voter bills have been introduced in 48 states, and more seem to be proposed on a weekly basis.

The deluge of these anti-democracy pieces of legislation have made it harder for millions of Americans to have their voice heard in government. But here in New York, with this package of bills, under the leadership of Andrea Stewart-Cousins and our Elections chair, Zellnor

Myrie, we are charting a different course. We're focused on making voting as accessible as possible, ensuring that every eligible voter has a clear and simple method to fulfill this most basic and sacred act of democracy.

I'm proud today also we're supporting legislation to ensure ballot drop boxes. You know, there are over 30 states that currently have ballot drop boxes that make it easy for voters who are busy, who have kids, who have jobs, to simply drop off their ballot at a secure location.

We know that's important not just because of the fact that we have so many working New Yorkers who have a hard time getting to the polls, but we know that if you're voting absentee, the postal service isn't always reliable. We saw that in '20 and '21, how crucial absentee ballots are to the health of our community. You should be able to go to a ballot drop box and deposit your vote.

You know, not only are we, with this legislation, allowing ballot drop boxes to be instituted in the State of New York, but we're also pushing back on states that are rolling back

ballot drop boxes -- states like Texas, Michigan, Wisconsin, Florida. We say to them today: You are not benefiting the residents of your state, you are not benefiting democracy by rolling back voter protections -- you're undermining democracy.

We're doing the opposite today, and for those reasons I vote aye.

Thank you, Mr. President.

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

Announce the results.

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

Ayes, 43. Nays, 20.

ACTING PRESIDENT BAILEY: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 4, Senate Print 557, by Senator May --

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 5, Senate Print 1126B, by Senator Gianaris, an act to amend the Election Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the 180th day after it shall have become a law.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Jackson to explain his vote.

SENATOR JACKSON: Thank you, Mr. President.

My colleagues, I rise this afternoon in order to speak about several bills. That's S253, which safeguards the constitutional right of absentee voters to have their votes counted when there are stray marks or writing on an absentee ballot, as long as the express intent of the voter is clear, and S492, which authorizes boards of elections to establish absentee ballot

drop-off locations, and S 1126B, to ban political spending by foreign-influenced businesses in New York State and local elections.

So I rise to speak on this. And as legislators we swore to protect democracy. We were elected, among many things, to make sure our constituents' right to vote is protected, whether expanding their access to a ballot or giving people more choices about where and when they vote. And I'm proud to stand here today as part of a commitment to ensure that this grand experiment called democracy is genuinely for all.

And after we saw the previous year, there is a clear attempt nationwide to go all out in limiting voting rights, specifically that of Black, brown and working class communities. Too many people in this country are still talking about voter fraud, voter machine malfunctions, as if they genuinely care about the strength of our democracy, when it is clear that their concerns about safeguarding is their political power.

The bills we vote on today walk the walk by positively contributing to both security of our elections and the ease of casting a ballot.

And many thanks to all my colleagues who put forward these bills today. Let us continue to demonstrate our commitment to ensuring that eligible New Yorkers can access the ballot box and become involved in civic life and the future of our nation. Allowing more people to participate is the right path to forge a healthy and robust democracy. After all, we can all agree that democracy is healthier when everyone's participation is constructive.

And I vote aye, Mr. President.

ACTING PRESIDENT BAILEY: Senator Jackson to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 5, those Senators voting in the negative are Senators Akshar, Boyle, Gallivan, Griffo, Helming, Jordan, Mattera, Oberacker, O'Mara, Ortt, Rath, Ritchie, Stec, Tedisco and Weik.

Ayes, 48. Nays, 15.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 6, Senate Print 1283, by Senator Kaminsky, an act to amend the Election Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 44. Nays, 19.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 7, Senate Print 2951, by Senator Kavanagh, an act to amend the Election Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 43. Nays, 20.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 8, Senate Print 4658, by Senator Parker, an act to amend the Election Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 4. This act shall take effect January 1, 2024.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 43. Nays, 20.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 9, Senate Print 6214, by Senator Myrie, an act to amend the Election Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to

Calendar Number 9, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 44. Nays, 19.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 10, Senate Print 7565B, by Senator Biaggi, an act to amend the Election Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Rath to explain his vote.

SENATOR RATH: Thank you, Mr. President. I rise to explain my vote because I have two primary concerns with this bill.

First, I believe there are serious constitutional questions. It goes beyond the

limits of who can qualify for an absentee ballot. The Constitution authorizes this Legislature to provide a manner for qualified voters to cast an absentee ballot, but this authority is offered with limitations.

Once again, it is offered with limitations. A risk or a fear of illness goes above and beyond those limitations.

Second, I am concerned it is overly vague and appears to be another attempt at no-excuse absentee voting -- which, I remind my colleagues, 55 percent of New Yorkers rejected this past November.

I believe we have a responsibility to listen to the will of the voters who spoke loud and clear on November 2nd. Voting on a bill in January to address an unpredictable environmental factor in the months to come, with fear as the only rationale, is not in the best interests of the people of the State of New York.

And for these reasons, I vote in the negative.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Senator Rath to be recorded in the negative.

Announce the results.

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

Ayes, 42. Nays, 21.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 11, Senate Print 7619, by Senator Mayer, an act to amend Chapter 60 of the Laws of 2021.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 11, those Senators voting in the

negative are Senators Akshar, Borrello, Felder, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Stec, Tedisco and Weik.

Ayes, 45. Nays, 18.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 13, Senate Print 7631, by the Independent Redistricting Commission, an act to amend the State Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 13, those Senators voting in the negative are Senators Addabbo, Akshar, Bailey, Biaggi, Borrello, Boyle, Breslin, Brisport, Brooks, Brouk, Cleare, Comrie, Cooney, Felder,

Gallivan, Gaughran, Gianaris, Gounardes, Griffo, Harckham, Helming, Hinchey, Hoylman, Jackson, Jordan, Kaminsky, Kaplan, Kavanagh, Kennedy, Krueger, Lanza, Liu, Mannion, Martucci, Mattera, May, Mayer, Myrie, Oberacker, O'Mara, Ortt, Palumbo, Parker, Persaud, Ramos, Rath, Reichlin-Melnick, Ritchie, Rivera, Ryan, Salazar, Sanders, Savino, Sepúlveda, Serino, Serrano, Skoufis, Stavisky, Stec, Stewart-Cousins, Tedisco, Thomas and Weik.

Nays, 63.

ACTING PRESIDENT BAILEY: The bill is defeated.

THE SECRETARY: Calendar Number 14, Senate Print 7632, by the Independent Redistricting Commission, an act to amend the State Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce

the results.

THE SECRETARY: In relation to Calendar 14, those Senators voting in the negative are Senators Addabbo, Akshar, Bailey, Biaggi, Borrello, Boyle, Breslin, Brisport, Brooks, Brouk, Cleare, Comrie, Cooney, Felder, Gallivan, Gaughran, Gianaris, Gounardes, Griffo, Harckham, Helming, Hinchey, Hoylman, Jackson, Jordan, Kaminsky, Kaplan, Kavanagh, Kennedy, Krueger, Lanza, Liu, Mannion, Martucci, Mattera, May, Mayer, Myrie, Oberacker, O'Mara, Ortt, Palumbo, Parker, Persaud, Ramos, Rath, Reichlin-Melnick, Ritchie, Rivera, Ryan, Salazar, Sanders, Savino, Sepúlveda, Serino, Serrano, Skoufis, Stavisky, Stec, Stewart-Cousins, Tedisco, Thomas and Weik.

Nays, 63.

ACTING PRESIDENT BAILEY: The bill is defeated.

THE SECRETARY: Calendar Number 15, Senate Print 7633, by the Independent Redistricting Commission, an act to amend the State Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Lanza to explain his vote.

SENATOR LANZA: Thank you, Mr. President.

You know, I've anticipated or we've all been waiting to see where the vote was going on these redistricting bills. I don't think anyone's surprised in terms of what's happening here. I think it's been the worst-kept secret in Albany, if not the entire country, that this Independent Redistricting Commission was never going to be allowed to remain independent.

I'm going to vote in favor of this, and the next, because it's my understanding that these two pieces of -- these two maps handed down by the IRC are the closest to a consensus that came out of that commission.

This commission was put in place by the people of the State of New York. They wanted independence in the process of writing political

maps in the State of New York.

I'm sure we'll hear about how Republicans didn't do it that way years ago -- but if that's the case, neither did the Democrats, because Republicans never controlled both houses and the Executive. Past abuses or past issues should not be the reason why the wrong thing should happen to the people of State of New York today.

I wouldn't have written any of these maps the way they are written, but that's exactly the point. They ought not be written by one person, and they ought not be written by one party. And we all know that's where this is going. And it's wrong.

There was a recent -- there was a recent attempt to undo what the people had already put in place, which led to this Independent Redistricting Commission. It was put on the ballot, and the voters rejected it. And they rejected it soundly. Because this is what they want. They want that commission to do their work in as independent a fashion as is humanly possible.

With all its flaws, with all the

issues in that commission, I stand here firmly believing that the best thing that could happen for the people of New York is for that commission to draw the maps that will determine the districts that people will be allowed to vote in in the State of New York, and not one politician or one political party.

And that's why, Mr. President, I'm going to be voting in favor of this, if only to send the message that I support the independence of that commission and not the partisanship of what is clearly coming our way in the State of New York.

Mr. President, I vote in the affirmative.

ACTING PRESIDENT BAILEY: Senator Lanza to be recorded in the affirmative.

Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you, Mr. President.

I had to get up because the hypocrisy is raining off these walls at a pace that I've not seen in my many years in this chamber, so I had to correct the record.

The -- my colleague who just spoke just finished voting no on the maps that were drawn by the commissioners appointed by Democrats, but is now voting yes on the maps drawn by commissioners appointed by Republicans, and yet he's trying to claim that that was -- that the Republican version is the independent version.

Of course we're sitting here under a process developed by the Senate Majority. At the time -- because I've been here long enough, as has Senator Lanza, to have remembered the last time we went around and around on this -- these flaws in the setup of the commission and structure were pointed out by me, in fact, and other members of the Minority at the time. And yet this was the process the then-Majority insisted upon, because they knew it would come to this.

They knew that we would take the majority, and they set up a commission that was designed to be political. In fact, a court denied the Board of Elections the right to use the word "independent" when it was placed on the ballot because it was so clear that that's what

the then-Majority did.

So let's not play games. If Senator Lanza was sitting in this chair he would not have made the speech he just made from that chair. He had the chance to do that 10 years ago and chose not to.

So we are doing the best we can. The commission exists now. We are being respectful of it, we are giving it its opportunity to do its best and send us its proposals, we are considering them, and we will consider its plans again in less than 15 days. But don't try and paint a picture that's not true, especially a picture that was largely drawn by yourself.

So we are doing the best we can with the process, the flawed process that was given to us by you. Let's just be clear that that's what's happening.

I vote in the negative on this map.

Thank you.

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

Announce the results.

THE SECRETARY: In relation to

Calendar 15, those Senators voting in the negative are Senators Addabbo, Bailey, Biaggi, Breslin, Brisport, Brooks, Brouk, Cleare, Comrie, Cooney, Felder, Gallivan, Gaughran, Gianaris, Gounardes, Harckham, Hinchey, Hoylman, Jackson, Jordan, Kaminsky, Kaplan, Kavanagh, Kennedy, Krueger, Liu, Mannion, May, Mayer, Myrie, Parker, Persaud, Ramos, Reichlin-Melnick, Rivera, Ryan, Salazar, Sanders, Savino, Sepúlveda, Serrano, Skoufis, Stavisky, Stewart-Cousins, Tedisco and Thomas.

Ayes, 17. Nays, 46.

ACTING PRESIDENT BAILEY: The bill is defeated.

THE SECRETARY: Calendar Number 16, Senate Print 7634, by the Independent Redistricting Commission, an act to amend the State Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 16, those Senators voting in the negative are Senators Addabbo, Bailey, Biaggi, Breslin, Brisport, Brooks, Brouk, Cleare, Comrie, Cooney, Felder, Gaughran, Gianaris, Gounardes, Griffo, Harckham, Hinchey, Hoylman, Jackson, Kaminsky, Kaplan, Kavanagh, Kennedy, Krueger, Liu, Mannion, May, Mayer, Myrie, Parker, Persaud, Ramos, Reichlin-Melnick, Rivera, Ryan, Salazar, Sanders, Savino, Sepúlveda, Serrano, Skoufis, Stavisky, Stewart-Cousins and Thomas.

Ayes, 19. Nays, 44.

ACTING PRESIDENT BAILEY: The bill is defeated.

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

SENATOR GIANARIS: Thank you, Mr. President.

Can we now go to the reading of the controversial calendar, please.

ACTING PRESIDENT BAILEY: The Secretary will ring the bell.

The Secretary will read.

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

ACTING PRESIDENT BAILEY: Senator Rath, why do you rise?

SENATOR RATH: Yes, thank you, Mr. President. Will the sponsor yield for some questions?

ACTING PRESIDENT BAILEY: Senator Myrie, will you yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RATH: Thank you.

According to the bill text, this legislation will require boards of elections employees to review (1) express intent and (2) substantial compliance.

Can the sponsor please elaborate on what measures would qualify as making the express intent of a voter unclear?

SENATOR MYRIE: Thank you, Mr. President.

And let me just first say "Happy New Year" to everyone here in the chamber. And

of course our hearts remain with those who lost their lives in the fire in the Bronx tragically yesterday.

Let me also note that we are passing these bills within a national context where legislatures all over the country are restricting the franchise, in direct juxtaposition with the State of New York that in the past three years has passed nearly 80 laws that have helped expand the franchise.

This bill in particular, the standard being that the intent of the voter be unambiguous, really is suggesting that voters should have their vote counted when they want it to.

As my friend on the other side is well aware of, any review of a ballot, of an absentee ballot, is done on a bipartisan basis. It's not just a Democrat or a Republican, but both have to review that ballot and both have to come to a conclusion about whether that ballot is going to come into question.

Should there be a question around whether the voter's intent is clear, that then would be litigated, just as any other issue with

absentee ballots are litigated. And I'd again point the Senator to the language stating that the intent has to be unambiguous for it to count.

SENATOR RATH: Thank you, Mr. President. Will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Does the sponsor continue to yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RATH: The second part of my question is this. What is the basis for substantial compliance?

SENATOR MYRIE: So that term exists already in our Election Law. It is the same term that has been construed by the courts and under which there is a significant amount of case law, and it is the same standard by which we measure affidavit ballot validity.

SENATOR RATH: Thank you, Mr. President. Will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RATH: Is it fair to say that asking Board of Election employees to start analyzing express intent and substantial compliance is beyond their current duties and job descriptions?

SENATOR MYRIE: Through you, Mr. President, I would argue that it is not, and it is fairly similar to the process by which we examine signatures. It is fairly similar to all of the other examinations of our absentee ballots by our Board of Elections administrators.

And I would underscore that this is not done on a partisan basis, but that the system set up to examine these ballots ensures that there is not a partisan bent to the examination, but one that is done holistically.

So I believe it is fully in the scope of the Board of Elections to examine whether or not a ballot is ambiguous in the voter's intent.

And just so the public is clear on what this is, we are talking about stray marks

that have served as disqualifiers for ballots where the voter has been very clear on what they want their intention to be. We've had litigation around pizza stains on ballots. Even though everything else is clear, this has had to go to the courts for one reason or another in challenging that ballot.

And so this bill is about making it clear that if a voter is clear on their intent, that that ballot should count.

SENATOR RATH: Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RATH: When asking Board of Elections employees to examine the thoughts and intentions of voters, is there a concern that the integrity of the ballot review process could be jeopardized?

SENATOR MYRIE: Through you, Mr. President. The statute does not call for Board of Elections to divine what the intent is.

The statute says the express intent -- "express" being the operative word there -- that as expressed on the ballot, that the intent is clear.

SENATOR MYRIE: Mr. President, on the bill.

ACTING PRESIDENT BAILEY: Senator Rath on the bill.

SENATOR RATH: Expanding voting rights is a necessary yet challenging endeavor. Undoubtedly, we as elected representatives want every eligible voter to participate.

It is equally important that we have the basic measures in place to preserve security. Removing simple requirements for dating the ballot envelope, and measures so easy and necessary for ballot integrity at the BOE -- it is mind-boggling that we would remove that. Mind-boggling.

Absentee ballots currently have clear instructions on how to be handled. Voters are smart, and current Board of Elections processes exist to protect the accuracy of each and every ballot. For these reasons, I'll be voting in the negative.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Rath.

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 3. This act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Myrie to explain his vote.

SENATOR MYRIE: Thank you, Mr. President.

I just want to not just speak on this bill, but to speak to what the Majority is doing today. This is of course the fourth year that we are starting off this session with defending our democracy, but we do so in a different context than we've done in the past.

Last week we unfortunately had to

commemorate the insurrection that took place in our nation's Capitol on January 6th, and the unfortunate reality is that that insurrection has continued in legislative houses throughout the rest of the nation.

So while New York is expanding today, with Senator May's bill, options to vote early, we've seen states like Georgia and Texas and Iowa restrict the early voting period and make it shorter during the days where you could vote. Where we are, thanks to Senator Hoylman, making an attempt to authorize ballot drop boxes, states like Indiana have just passed laws to remove those ballot boxes from the public.

We are making an attempt today, with Senator Parker's bill, to get more young people involved and to make it easier for them to register and participate, and in other states like Florida and Kansas and Montana they have made it harder for individuals to register to vote.

And of course with this bill and some of the other bills that we have passed, we are making it easier for folks to vote by mail, making it easier for those votes to count, and in

other places like Arizona and Idaho, they are making it easier to discard those absentee ballots.

So make no mistake, this Majority will continue to defend our democracy. We will continue our journey from worst to first because it is more important now than ever. That is why I'm voting in the affirmative.

Thank you, Mr. President.

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

Senator Ramos to explain her vote.

SENATOR RAMOS: Thank you, Mr. President.

It's such an honor -- it feels great to be back in the chamber. I'm very eager to get to work with all of my colleagues this year and to be able to cast this vote in the affirmative in support of the bill that my colleague Senator Zellnor Myrie championed, is championing for our conference and for the people of New York.

I have to say that the margins of ballots that are tossed by election officials, particularly in down-ballot elections, can make a significant and meaningful difference. And we

saw this firsthand in Queens. Senator Gianaris might remember a certain Queens district attorney's race not too long ago in Queens where, out of roughly 2800 affidavit ballots cast, more than 80 percent of those ballots were thrown away. And that ended up being with only 487 votes that were counted.

And that, unfortunately, disenfranchised many of our neighbors who wanted to feel heard, who expressed their intent and their desire for their candidate to win the election, but unfortunately their votes had been cast aside because of really silly marks, because of some mistakes that can be curable, which this body has already made a lot easier for voters.

And I just can't be more thankful to my colleagues, to this body, and to Senator Myrie for making sure that these mistakes don't ever happen again and that every single voter gets the opportunity to cast their ballot and sincerely be heard.

That's what this is all about, making sure that more New Yorkers are engaged in the political process, that they're voting, that they are active participants of our democracy.

And we should not be hindering that participation in any way, shape or form.

So thank you, Mr. President, for the opportunity to speak on the bill. It's good to see everyone. Thank you.

ACTING PRESIDENT BAILEY: Senator Ramos 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, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 4, Senate Print 557, by Senator May, an act to amend the Election Law.

ACTING PRESIDENT BAILEY: Senator Borrello.

SENATOR BORRELLO: Mr. President, will the sponsor yield for a question.

ACTING PRESIDENT BAILEY: Will the

sponsor yield for a question?

SENATOR MAY: Yes, of course.

ACTING PRESIDENT BAILEY: The sponsor yields.

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

Hello, Senator May. Happy New Year. Welcome back.

You know, I read through this bill and I know we've voted on this before; it's back again. But unfortunately, I don't see any changes to the law -- to the bill as it's written, I should say. And it's very vague in a lot of ways.

My first question is, you know, what exactly does a portable polling site look like? It's really not defined in the bill. I mean, you know, I'm in the restaurant business. Are we talking about a food truck kind of thing where, instead of a gourmet grilled cheese, I'm going to cast a ballot? I mean, what will a portable polling site in New York look like?

SENATOR MAY: So this is something that is done in at least eight other states.

And it can look like a food truck.

You can put the -- now that we have electronic poll books, you can put it in a vehicle, like a bookmobile kind of thing, and bring it to a site.

You could also set them up in an office somewhere, in a polling location. You can create a new polling location for a certain period of time.

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

ACTING PRESIDENT BAILEY: Will the sponsor continue to yield?

SENATOR MAY: Of course.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Well, you know, now you're talking about something that's portable. Right? So there is certainly the issue of now wherever that facility is, whether it's on wheels or it's at an office, we're going to have to have these poll books. And how are these poll books -- are we going to ensure that they're -- obviously they have the information they need on the spot, no matter where they are.

And who's going to essentially ensure that without showing a voter I.D. that

those people that show up are actually going -- are actually -- are who they say they are?

SENATOR MAY: Well, I don't know if you have voted in an early voting option, but these poll books are in use for early voting all across the state already. They have been remarkably effective not only in accelerating the voting process, making the lines move faster, but the poll workers say they really like them because they feel that they are not only secure but really user-friendly.

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

ACTING PRESIDENT BAILEY: Will the sponsor continue to yield?

SENATOR MAY: Of course.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Yes, I'm familiar with the electronic poll books. They use them at the regular sites even on Election Day.

But my concern is, you know, with early voting -- you brought up early voting -- is we actually have to print a live ballot on the

spot. And with it moving around, you know, I'm concerned about the fact that how do we know that, you know, we -- again, we're not setting any standards. Right? We're not saying what the hours should be.

So if someone shows up with the portable polling truck at 2 o'clock in the morning, how do we know that they're printing a live ballot for somebody that's actually there or not?

SENATOR MAY: Well, I remind you that the way this works is this creates an option for counties to create these portable polling places.

That means the Democrat and the Republican of the election commissioners have to agree to do it. This isn't just some rogue thing that's going to happen in the middle of the night. They are going to set the times and the locations, I believe 14 days in advance, in order to make sure that the public knows to show up at these locations.

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

ACTING PRESIDENT BAILEY: Will the

sponsor continue to yield?

SENATOR MAY: I will.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Now, I understand that you feel that right now we have this system where we have a Republican and a Democrat in every county.

I will remind you that it's been said many times on the floor and in public that we need to professionalize, quote, unquote, our boards of elections, which would essentially eliminate that in most counties, particularly downstate.

So I'm not sure that we're going to continue to have that process of an equal bipartisan effort when it comes to who's going to determine where this portable voting truck is going to go and for how long and for how many hours. It could be 10 hours in one area and two hours in another.

So I'm -- again, I'm concerned about that. Without having this spelled out specifically in the legislation, how do we ensure that these live ballots that are being printed

are not being abused?

SENATOR MAY: Through you, Mr. President. As is stated in the bill, all of the preexisting rules and regulations pertaining to the boards of elections still apply in these cases.

And they are already doing a very good job, actually, of making sure that the printed ballots are the right ballots. We haven't heard of significant errors in that case anywhere in the state.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MAY: I will.

ACTING PRESIDENT BAILEY: The sponsor continues to yield.

SENATOR BORRELLO: Thank you.

So if we're going to have this idea -- we've got early voting, we've got people that are participating, obviously, for 10 days of voting, and now we're going to create this voting food truck scenario, what would be the problem with a voter I.D.? Why wouldn't we want them to

show an I.D. when they come to vote at the voter food truck?

SENATOR MAY: Through you, Mr. President. That is a completely separate issue from what we are talking about here, which is just adding some locations for early voting in places where people are and would want to vote.

For example, on the weekends in a shopping area or on weekdays at a community college. Those are -- or in rural areas where people might not be able to get to the distant polling place for early voting that they otherwise would be restricted to.

So we're not addressing the other parts of Election Law here.

SENATOR BORRELLO: Mr. President, on the bill.

ACTING PRESIDENT BAILEY: Senator Borrello on the bill.

SENATOR BORRELLO: First of all, Senator May, thank you very much. Appreciate it.

You know, I think it's interesting to note that we want to make things easier, and I get that. But not at the expense of our election integrity. And the idea that we could have an

elections food truck show up in a Walmart parking lot for people to vote is a pretty scary proposition when you're not going to be able to present an I.D.

And that's really the crux of the situation here. My colleagues on the other side of the aisle are opposed to the simple idea of showing an I.D. to vote. And the excuses I've heard is we're going to exclude certain people by doing that.

Well, there's a recently published study -- I know we like to reference studies often -- in November of 2021 in the quarterly Journal of Economics that said showing an I.D. has no impact, does not suppress anyone from voting. A very detailed study.

Also, we also -- my colleagues on the other side of the aisle love to compare us to Europe. Well, all of the European nations, with the exception of certain parts of the United Kingdom, actually have voter I.D. laws.

So if we're going to make it -- we'll say easier to vote, why would we not ask for the simple action of showing an I.D.? If it's a question of constitutionality, well, we

certainly have a constitutional right to bear arms, and we should still show an I.D. to purchase a gun. So I don't understand how those two things don't go together.

It's important that we understand that whether you like it or not, there are millions and millions of people who have lost faith in the integrity of our election process. And just because we can point to something and say it wasn't harmful now doesn't mean we can't pass new laws that really take the brakes off and all the safeties off of all of our elections and think that that's still not going to create a problem.

That's like saying I jumped out the window of the first floor and didn't get hurt, I'm sure the same philosophy applies if I jumped out of the 10th floor window. And right now Senator Gianaris is asking maybe I should jump out the 10th floor window.

So, folks, we need to preserve the integrity of our elections. That's first and foremost. Access is important. But the foundation of our democracy, our representative democracy, is absolutely that people have faith

that our election process is fair and that they can count that their vote will be counted.

Ladies and gentlemen, we are taking steps to undermine the election integrity here in New York State, and that's why I'll be voting no on the voter food truck bill.

Thank you.

ACTING PRESIDENT BAILEY: 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 2. This act shall take effect on the first of January.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator May to explain her vote.

SENATOR MAY: Thank you, Mr. President. And thank you, Senator, for the debate.

I want to say in general about this package of bills that it comes at a time when there is a concerted effort in this country to

make voters distrust elections and to distrust the results of elections, to discourage people from voting and to make it harder to register and to vote.

I'm disturbed that in this debate we heard an equivalence drawn between casting a ballot and buying a gun. I think we should think about voting as a right and a privilege, but also a duty of American citizens, and it -- that comparison really disturbs me.

I do want to say that I'm very proud to be part of this Senate Majority that is working to not just make it easier to vote and easier to register, to bring voting to the people, but also to help voters understand that their votes will be counted. That when they show up at a polling place or when they submit an absentee ballot, they can have a much higher degree of confidence that that ballot actually will count in the election.

And that is something that we need to reassure people about, because this campaign to make people afraid of our elections, to make people afraid of voters and of election results, is deeply damaging to our democracy.

So on this bill and on all the other bills, I have been proud to vote aye, and I thank you very much, Mr. President.

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

Announce the results.

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

Ayes, 43. Nays, 20.

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

SENATOR GIANARIS: Move to adjourn until tomorrow, Tuesday, January 11th, at 3:00 p.m.

ACTING PRESIDENT BAILEY: On

motion, the Senate stands adjourned until Tuesday, January 11th, at 3:00 p.m.

(Whereupon, at 5:10 p.m., the Senate adjourned.)