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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

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

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

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

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

20 ACTING PRESIDENT BAILEY: The
21 reading of the Journal.

22 THE SECRETARY: In Senate, Sunday,
23 January 9, 2022, the Senate met pursuant to
24 adjournment. The Journal of Saturday, January 8,
25 2022, was read and approved. On motion, Senate

1 adjourned.

2 ACTING PRESIDENT BAILEY: Without
3 objection, the Journal stands approved as read.

4 Presentation of petitions.

5 Messages from the Assembly.

6 Messages from the Governor.

7 Reports of standing committees.

8 Reports of select committees.

9 Communications and reports from
10 state officers.

11 Motions and resolutions.

12 Senator Gianaris.

13 SENATOR GIANARIS: Mr. President,
14 there will be an immediate meeting of the Rules
15 Committee in Room 332.

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

19 SENATOR GIANARIS: The Senate will
20 stand at ease.

21 ACTING PRESIDENT BAILEY: The
22 Senate will stand at ease.

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

25 (Whereupon, the Senate reconvened at

1 4:10 p.m.)

2 ACTING PRESIDENT BAILEY: The
3 Senate will return to order.

4 Senator Gianaris.

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

8 ACTING PRESIDENT BAILEY: The
9 Secretary will read.

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

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

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

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

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

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

25 Senate Print 1283, by

1 Senator Kaminsky, an act to amend the
2 Election Law;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Environmental Conservation Law;

2 Senate Print 7697, by

3 Senator Hinchey, an act to amend the

4 Social Services Law;

5 Senate Print 7698, by

6 Senator Comrie, an act to amend the Real Property

7 Actions and Proceedings Law;

8 Senate Print 7699, by

9 Senator Stavisky, an act to amend the

10 Education Law;

11 Senate Print 7700, by Senator Mayer,

12 an act to amend a chapter of the Laws of 2021;

13 Senate Print 7701, by

14 Senator Kaminsky, an act to amend the

15 Public Housing Law;

16 Senate Print 7702, by

17 Senator Kaminsky, an act to amend the

18 Environmental Conservation Law;

19 Senate Print 7703, by

20 Senator Bailey, an act to amend the

21 Correction Law and the Mental Hygiene Law;

22 Senate Print 7704, by

23 Senator Breslin, an act to amend the

24 Insurance Law;

25 Senate Print 7705, by

1 Senator Hoylman, an act to amend the Penal Law;

2 Senate Print 7706, by

3 Senator Harckham, an act to amend the

4 Executive Law and the Public Health Law;

5 Senate Print 7707, by Senator Ryan,

6 an act to amend the Alcoholic Beverage Control

7 Law;

8 Senate Print 7708, by

9 Senator Rivera, an act to amend the

10 Public Health Law;

11 Senate Print 7709, by

12 Senator Kaminsky, an act to amend a chapter of

13 the Laws of 2021;

14 Senate Print 7710, by

15 Senator Kaplan, an act to amend the

16 Executive Law;

17 Senate Print 7711, by

18 Senator Parker, an act to amend a chapter of the

19 Laws of 2021;

20 Senate Print 7712, by Senator Ramos,

21 an act to amend the Social Services Law;

22 Senate Print 7713, by Senator Ortt,

23 an act to amend the Executive Law;

24 Senate Print 7714, by Senator Mayer,

25 an act to amend the General Business Law;

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

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

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

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

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

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

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

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

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

1 Environmental Conservation Law;
2 Senate Print 7724, by
3 Senator Biaggi, an act to amend the Banking Law;
4 Senate Print 7725, by
5 Senator Bailey, an act to amend the Labor Law;
6 Senate Print 7726, by
7 Senator Skoufis, an act to amend the
8 Public Health Law;
9 Senate Print 7727, by
10 Senator Kavanagh, an act to amend the
11 Public Housing Law;
12 Senate Print 7728, by Senator
13 Gaughran, an act to amend the State Finance Law;
14 Senate Print 7729, by Senator
15 Skoufis, an act to amend the Real Property Law;
16 Senate Print 7730, by Senator
17 Skoufis, an act to amend the Real Property Law;
18 Senate Print 7731, by Senator
19 Skoufis, an act to amend the Real Property Law;
20 Senate Print 7732, by
21 Senator Gaughran, an act to amend a chapter of
22 the Laws of 2021;
23 Senate Print 7733, by
24 Senator Biaggi, an act to amend the Executive
25 Law;

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

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

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

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

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

14 All bills reported direct to third
15 reading.

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

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

21 (Response of "Aye.")

22 ACTING PRESIDENT BAILEY: Opposed,
23 nay.

24 (No response.)

25 ACTING PRESIDENT BAILEY: The Rules

1 Committee report is accepted.

2 Senator Gianaris.

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

7 ACTING PRESIDENT BAILEY: The
8 Senate will stand at ease.

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

11 (Whereupon, the Senate reconvened at
12 4:18 p.m.)

13 ACTING PRESIDENT BAILEY: The
14 Senate will return to order.

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

17 ACTING PRESIDENT BAILEY: The
18 Secretary will read.

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

21 SENATOR LANZA: Lay it aside.

22 ACTING PRESIDENT BAILEY: Lay it
23 aside.

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

1 amend the Election Law.

2 ACTING PRESIDENT BAILEY: Read the
3 last section.

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

6 ACTING PRESIDENT BAILEY: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BAILEY: Announce
10 the results.

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

17 Ayes, 43. Nays, 20.

18 ACTING PRESIDENT BAILEY: The bill
19 is passed.

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

23 ACTING PRESIDENT BAILEY: Read the
24 last section.

25 THE SECRETARY: Section 4. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BAILEY: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Senator
6 Hoylman to explain his vote.

7 SENATOR HOYLMAN: Thank you,
8 Mr. President.

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

13 You know, Mr. President, throughout
14 our nation we're witnessing a massive,
15 coordinated attack on voting rights in other
16 states. In fact, over the last few years more
17 than 400 anti-voter bills have been introduced in
18 48 states, and more seem to be proposed on a
19 weekly basis.

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

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

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

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

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

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

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

9 Thank you, Mr. President.

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

12 Announce the results.

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

19 Ayes, 43. Nays, 20.

20 ACTING PRESIDENT BAILEY: The bill
21 is passed.

22 The Secretary will read.

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

25 SENATOR LANZA: Lay it aside.

1 ACTING PRESIDENT BAILEY: Lay it
2 aside.

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

6 ACTING PRESIDENT BAILEY: Read the
7 last section.

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

11 ACTING PRESIDENT BAILEY: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BAILEY: Senator
15 Jackson to explain his vote.

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

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

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

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

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

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

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

11 And I vote aye, Mr. President.

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

14 Announce the results.

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

20 Ayes, 48. Nays, 15.

21 ACTING PRESIDENT BAILEY: The bill
22 is passed.

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

1 ACTING PRESIDENT BAILEY: Read the
2 last section.

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

5 ACTING PRESIDENT BAILEY: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BAILEY: Announce
9 the results.

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

16 Ayes, 44. Nays, 19.

17 ACTING PRESIDENT BAILEY: The bill
18 is passed.

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

22 ACTING PRESIDENT BAILEY: Read the
23 last section.

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

1 ACTING PRESIDENT BAILEY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BAILEY: Announce
5 the results.

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

13 Ayes, 43. Nays, 20.

14 ACTING PRESIDENT BAILEY: The bill
15 is passed.

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

19 ACTING PRESIDENT BAILEY: Read the
20 last section.

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

23 ACTING PRESIDENT BAILEY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BAILEY: Announce
2 the results.

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

10 Ayes, 43. Nays, 20.

11 ACTING PRESIDENT BAILEY: The bill
12 is passed.

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

16 ACTING PRESIDENT BAILEY: Read the
17 last section.

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

20 ACTING PRESIDENT BAILEY: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BAILEY: Announce
24 the results.

25 THE SECRETARY: In relation to

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

6 Ayes, 44. Nays, 19.

7 ACTING PRESIDENT BAILEY: The bill
8 is passed.

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

12 ACTING PRESIDENT BAILEY: Read the
13 last section.

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

16 ACTING PRESIDENT BAILEY: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BAILEY: Senator
20 Rath to explain his vote.

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

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

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

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

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

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

21 And for these reasons, I vote in the
22 negative.

23 Thank you, Mr. President.

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

1 Announce the results.

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

9 Ayes, 42. Nays, 21.

10 ACTING PRESIDENT BAILEY: The bill
11 is passed.

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

15 ACTING PRESIDENT BAILEY: Read the
16 last section.

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

19 ACTING PRESIDENT BAILEY: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BAILEY: Announce
23 the results.

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

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

5 Ayes, 45. Nays, 18.

6 ACTING PRESIDENT BAILEY: The bill
7 is passed.

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

12 ACTING PRESIDENT BAILEY: Read the
13 last section.

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

16 ACTING PRESIDENT BAILEY: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BAILEY: Announce
20 the results.

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

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

11 Nays, 63.

12 ACTING PRESIDENT BAILEY: The bill
13 is defeated.

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

18 ACTING PRESIDENT BAILEY: Read the
19 last section.

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

22 ACTING PRESIDENT BAILEY: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BAILEY: Announce

1 the results.

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

17 Nays, 63.

18 ACTING PRESIDENT BAILEY: The bill
19 is defeated.

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

24 ACTING PRESIDENT BAILEY: Read the
25 last section.

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

3 ACTING PRESIDENT BAILEY: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BAILEY: Senator
7 Lanza to explain his vote.

8 SENATOR LANZA: Thank you,
9 Mr. President.

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

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

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

1 maps in the State of New York.

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

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

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

25 With all its flaws, with all the

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

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

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

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

18 Senator Gianaris to explain his
19 vote.

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

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

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

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

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

1 the then-Majority did.

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

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

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

20 I vote in the negative on this map.

21 Thank you.

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

24 Announce the results.

25 THE SECRETARY: In relation to

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

12 Ayes, 17. Nays, 46.

13 ACTING PRESIDENT BAILEY: The bill
14 is defeated.

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

19 ACTING PRESIDENT BAILEY: Read the
20 last section.

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

23 ACTING PRESIDENT BAILEY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BAILEY: Announce
2 the results.

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

14 Ayes, 19. Nays, 44.

15 ACTING PRESIDENT BAILEY: The bill
16 is defeated.

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

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

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

23 ACTING PRESIDENT BAILEY: The
24 Secretary will ring the bell.

25 The Secretary will read.

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

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

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

9 ACTING PRESIDENT BAILEY: Senator
10 Myrie, will you yield?

11 SENATOR MYRIE: Yes.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR RATH: Thank you.

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

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

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

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

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

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

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

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

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

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

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

7 ACTING PRESIDENT BAILEY: Does the
8 sponsor continue to yield?

9 SENATOR MYRIE: Yes.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

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

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

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

24 ACTING PRESIDENT BAILEY: Will the
25 sponsor yield?

1 SENATOR MYRIE: Yes.

2 ACTING PRESIDENT BAILEY: The
3 sponsor yields.

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

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

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

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

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

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

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

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

13 ACTING PRESIDENT BAILEY: Will the
14 sponsor yield?

15 SENATOR MYRIE: Yes.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

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

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

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

5 SENATOR MYRIE: Mr. President, on
6 the bill.

7 ACTING PRESIDENT BAILEY: Senator
8 Rath on the bill.

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

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

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

1 Thank you, Mr. President.

2 ACTING PRESIDENT BAILEY: Thank
3 you, Senator Rath.

4 Are there any other Senators wishing
5 to be heard?

6 Seeing and hearing none, debate is
7 closed.

8 The Secretary will ring the bell.

9 Read the last section.

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

12 ACTING PRESIDENT BAILEY: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BAILEY: Senator
16 Myrie to explain his vote.

17 SENATOR MYRIE: Thank you,
18 Mr. President.

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

25 Last week we unfortunately had to

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

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

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

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

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

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

9 Thank you, Mr. President.

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

12 Senator Ramos to explain her vote.

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

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

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

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

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

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

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

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

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

6 ACTING PRESIDENT BAILEY: Senator
7 Ramos to be recorded in the affirmative.

8 Announce the results.

9 THE SECRETARY: In relation to
10 Calendar 1, those Senators voting in the negative
11 are Senators Akshar, Borrello, Boyle, Gallivan,
12 Griffo, Helming, Jordan, Lanza, Martucci,
13 Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath,
14 Ritchie, Serino, Stec, Tedisco and Weik.

15 Ayes, 43. Nays, 20.

16 ACTING PRESIDENT BAILEY: The bill
17 is passed.

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

21 ACTING PRESIDENT BAILEY: Senator
22 Borrello.

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

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield for a question?

2 SENATOR MAY: Yes, of course.

3 ACTING PRESIDENT BAILEY: The
4 sponsor yields.

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

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

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

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

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

25 And it can look like a food truck.

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

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

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

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor continue to yield?

12 SENATOR MAY: Of course.

13 ACTING PRESIDENT BAILEY: The
14 sponsor yields.

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

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

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

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

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

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor continue to yield?

16 SENATOR MAY: Of course.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

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

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

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

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

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

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

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

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor continue to yield?

2 SENATOR MAY: I will.

3 ACTING PRESIDENT BAILEY: The
4 sponsor yields.

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

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

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

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

1 are not being abused?

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

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

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

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor yield?

16 SENATOR MAY: I will.

17 ACTING PRESIDENT BAILEY: The
18 sponsor continues to yield.

19 SENATOR BORRELLO: Thank you.

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

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

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

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

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

16 SENATOR BORRELLO: Mr. President,
17 on the bill.

18 ACTING PRESIDENT BAILEY: Senator
19 Borrello on the bill.

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

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

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

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

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

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

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

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

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

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

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

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

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

7 Thank you.

8 ACTING PRESIDENT BAILEY: Are there
9 any other Senators wishing to be heard?

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

12 Read the last section.

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

15 ACTING PRESIDENT BAILEY: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BAILEY: Senator
19 May to explain her vote.

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

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

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

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

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

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

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

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

6 Announce the results.

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

13 Ayes, 43. Nays, 20.

14 ACTING PRESIDENT BAILEY: The bill
15 is passed.

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

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

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

22 SENATOR GIANARIS: Move to adjourn
23 until tomorrow, Tuesday, January 11th, at
24 3:00 p.m.

25 ACTING PRESIDENT BAILEY: On

1 motion, the Senate stands adjourned until

2 Tuesday, January 11th, at 3:00 p.m.

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

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