NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:03 p.m.

REGULAR SESSION

LIEUTENANT GOVERNOR BRIAN A. BENJAMIN, President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

THE PRESIDENT: 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.)

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

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

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, February 6, 2022, the Senate met pursuant to adjournment. The Journal of Saturday, February 5, 2022, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Hinchey

moves to discharge, from the Committee on Rules, Assembly Bill Number 8732 and substitute it for the identical Senate Bill 7890, Third Reading Calendar 304.

THE PRESIDENT: So ordered.

THE SECRETARY: Senator Kaminsky moves to discharge, from the Committee on Rules, Assembly Bill Number 8716 and substitute it for the identical Senate Bill 7781, Third Reading Calendar 283.

THE PRESIDENT: So ordered.

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, please recognize Senator Lanza for a motion.

THE PRESIDENT: Senator Lanza.

SENATOR LANZA: Mr. President, great to see you.

Mr. President, on motion by Senator Gallivan, on page 32 I offer the

following amendments to Calendar Number 415, Senate Print 6549A, and ask that said bill retain its place on Third Reading Calendar.

THE PRESIDENT: The amendments are received, and the bill shall retain its place on the Third Reading Calendar.

Senator Gianaris.

SENATOR GIANARIS: Please take up the calendar now.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 2 --

SENATOR LANZA: Lay it aside.

THE PRESIDENT: Lay it aside.

THE SECRETARY: Calendar Number 78, Senate Print 1045, by Senator Ramos, an act to amend the Labor Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Announce the

results.

THE SECRETARY: Ayes, 63.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 101, Senate Print 700, by Senator Hoylman, an act to repeal Section 470 of the Judiciary Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Announce the results.

THE SECRETARY: In relation to Calendar 101, those Senators voting in the negative are Senators Sanders and Skoufis.

Ayes, 61. Nays, 2.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 112, Senate Print 1374, by Senator Sanders, an act to amend the Public Health Law.

SENATOR GIANARIS: Lay it aside for the day.

THE PRESIDENT: The bill will be

laid aside for the day.

THE SECRETARY: Calendar Number 191, Assembly Print Number 8714, by Assemblymember Burke, an act to amend the General Business Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Borrello to explain his vote.

SENATOR BORRELLO: Thank you, Mr. President. Good to see you again, sir.

I just want to speak briefly on this. I did support this bill.

But I can tell you that the original legislation, the so-called Security Guard Act, is not what we have today. And what this bill does today that the sponsor has put forward is try to correct the idea that everyone should be a licensed security guard.

Unfortunately, this bill only applies to one specific area. But I can tell you

from personal experience that this is a problem for every single hospitality business in New York State that has to employ someone who, whether they check I.D. at a front door or work security inside or at a gate, they have to go through this licensing process.

So what's the problem? The problem is there aren't enough people that actually want to go through this process. And so what myself and others have to do is hire private security companies, where we're paying a lot more money per hour than the actual person is getting that's doing that job of security, because they are a licensed security person.

This is something that New York State instituted several years ago and has now been converted to include so many other venues -- anyone that checks an I.D. at the front door of a bar has to pay the following fees: A $36 initial application fee; a $25 renewal fee; $102 for a fingerprint fee. However, January 1st of this year we lowered that from $102 to $101.75. We saved them 25 cents. Who says New York State isn't business-friendly.

There's a $25 employment status

notification, a $25 duplicate license registration request; a $25 change-of-status fee, all paid to the State of New York. But on top of that, you also have to pay a private company to actually do the security guard training.

So to get one person licensed is hundreds of dollars. And then they have to renew those licenses. And rightly so, we are saying we're not able to get, nor is it necessary to have every person licensed in situations like the Buffalo Bills Stadium.

So while I agree that we should make this exception in this case, we should make this exception for everybody: Not just one specific public venue owned by a county, but for every venue that faces this burdensome act, the Security Guard Act, that has been essentially twisted into something that that it was never intended to be when it passed this chamber many, many years ago.

So I would ask that we be concerned not just for one very significant operation, seasonal operation, but for every operation that has to deal with this and the burdensome regulations that this has created. We need to

think about our small businesses. We need to think about every single business in New York State that's been devastated by this pandemic.

The hospitality industry was by far the hardest hit by this pandemic. And it's situations like this, where we've made an exception for one while we've let every other small business in New York State continue to suffer, that is why New York State has a problem being one of the worst places to do business in the nation.

So I'm voting aye. However, I would ask that we reconsider the whole Security Guard Act.

Thank you, Mr. President.

THE PRESIDENT: Senator Borrello to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 191, voting in the negative: Senator Skoufis.

Ayes, 62. Nays, 1.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 232, Senate Print 482B, by Senator Persaud, an

act to amend the Criminal Procedure Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day after it shall have become a law.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Announce the results.

THE SECRETARY: Ayes, 63.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 235, Senate Print 1271, by Senator Brooks, an act to amend the Vehicle and Traffic Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Announce the results.

THE SECRETARY: Ayes, 63.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 267, Senate Print 6617, by Senator Gounardes, an act to amend the State Finance Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect January 1, 2023.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Announce the results.

THE SECRETARY: In relation to Calendar Number 267, voting in the negative: Senator Helming.

Ayes, 62. Nays, 1.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 270, Senate Print 410A, by Senator Biaggi, an act to establish a Minority Coordinating Council on Asthmatic Affairs.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Announce the results.

THE SECRETARY: Ayes, 63.

THE PRESIDENT: The bill is passed.

(Pause.)

SENATOR GIANARIS: Can we lay Calendar 281 aside temporarily, please.

THE PRESIDENT: Lay it aside temporarily.

THE SECRETARY: Calendar Number 283, Assembly Number 8716, by Assemblymember Englebright, an act to amend the Environmental Conservation Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Announce the results.

THE SECRETARY: In relation to Calendar 283, those Senators voting in the

negative are Senators Gallivan, Lanza, O'Mara, Ortt and Stec.

Ayes, 58. Nays, 5.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 304, Assembly Print Number 8732, by Assemblymember Peoples-Stokes, an act to amend the Public Health Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Announce the results.

THE SECRETARY: Ayes, 63.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 307, Senate Print 1416, by Senator Harckham, an act to amend the Mental Hygiene Law.

THE PRESIDENT: Read the last section.

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

shall have become a law.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Harckham to explain his vote.

SENATOR HARCKHAM: Thank you very much, Mr. President. It's wonderful to see you back in the chamber.

Recovery residences -- a cottage industry, a booming industry in New York, completely unregulated. Housing is a positive determinant of successful recovery from substance use disorder and, conversely, the absence of safe housing can impact negatively recovery.

And we know recovery houses run the gamut from being very safe to being very disreputable and downright dangerous. We hear of patients and families living in squalor in basement apartments with little access to the kind of services that they need to get back on their feet and have a healthy recovery.

Employee Assistance Program has reached out to us, and they want to reimburse successful programs so that they see that their members can get back on their feet. However, the

absence of standards has hampered that vision.

And that's what this bill does. For the first time, it will allow OASAS to create a voluntary set of standards as to what a successful recovery house should look like, what the qualifications should be. And this is an important step forward so that when people are coming out of treatment, they and their families will have a set of standards by which they can judge the recovery residences they may need to go to.

So I thank the Majority Leader for advancing this bill, and I vote aye.

Thank you.

THE PRESIDENT: Senator Harckham to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 63.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 330, Senate Print 4611, by Senator Comrie, an act to amend the Public Authorities Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Announce the results.

THE SECRETARY: Ayes, 63.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 349, Senate Print 6667, by Senator Breslin, an act to amend the Insurance Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Announce the results.

THE SECRETARY: In relation to Calendar Number 349, voting in the negative: Senator Skoufis.

Ayes, 62. Nays, 1.

THE PRESIDENT: The bill is passed.

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

SENATOR GIANARIS: Before we leave the calendar, can we go back to Calendar 281, remove the lay-aside and take that up.

THE PRESIDENT: There is a substitution at the desk.

The Secretary will read.

THE SECRETARY: Senator Kaplan moves to discharge, from the Committee on Rules, Assembly Bill Number 8847 and substitute it for the identical Senate Bill 7769, Third Reading Calendar 281.

THE PRESIDENT: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 281, Assembly Print Number 8847, by Assemblymember Sillitti, an act to amend a chapter of the Laws of 2021.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Announce the

results.

THE SECRETARY: In relation to Calendar Number 281, voting in the negative: Senators Lanza and Ortt.

Ayes, 61. Nays, 2.

THE PRESIDENT: The bill is passed.

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

SENATOR GIANARIS: Let's move on to the controversial calendar, please.

THE PRESIDENT: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 2, Senate Print 284B, by Senator Myrie, an act to amend the Election Law.

THE PRESIDENT: Senator Borrello.

SENATOR BORRELLO: Thank you, Mr. President. Would the sponsor yield for a question.

THE PRESIDENT: Does the sponsor yield?

SENATOR MYRIE: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: Thank you very

much.

Hello, Senator Myrie. Good to see you again.

Let me just start off by asking -- you know, I understand the intent of this bill: If someone shows up at the wrong polling place, that they would still be able to cast a ballot.

But can you explain the difference -- because this is something we did last year -- can you explain the difference between the A print and the B print? In other words, the amendment that we now have in front of us?

SENATOR MYRIE: Sure.

The B print reflects a change in the laws as it pertains to canvassing of ballots. We passed that last year, had to adjust this. It's a technical amendment as well as a change to the effective date. The A print had an effective date of immediately. This has an effective date of 120 days after the bill shall become law.

SENATOR BORRELLO: Thank you.

Mr. President, will the sponsor yield for another question.

THE PRESIDENT: Does the sponsor

yield?

SENATOR MYRIE: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: Yes, thank you. So we've got a little bit more time to implement this, is what it sounds like.

But let me just walk through the entire bill and ask -- you know, we have a lot of elections, several layers of government. We've got school boards, we've got village elections, we've got local, county, state.

So does this particular bill, which will require -- would allow someone to show up in the wrong place and still be able to cast a ballot, will that apply to every election in New York State -- school board, village elections, everything?

SENATOR MYRIE: Through you, Mr. President, this bill does not allow any voter to vote for an election in which they are not eligible to vote for.

Let me give an example. If you show up to the wrong polling place, you cannot vote for any of the local elections that you mentioned that you would not be eligible for, period.

However, if you showed up in the same county and you were voting for a countywide election or a statewide election, you would still be eligible to vote.

SENATOR BORRELLO: Thank you.

Mr. President, will the sponsor continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR MYRIE: Yes. Yes.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: Through you, Mr. President. All right, so you show up in the wrong location, you still want to cast a ballot, but it's likely that you may not be eligible. So let's say you show up in the wrong polling place and you may not be eligible to vote for, say, Senate and Assembly, but you would be eligible to vote for, say, a local election.

Is the Board of Elections required to tell that voter that their votes won't count? In other words, even if they do mark those Senate and Assembly, you know elections, votes, are they required to be told that those won't count?

SENATOR MYRIE: Through you,

Mr. President. The status quo now is that that ballot, the hypothetical ballot that my colleague proposes would be thrown out in its entirety even if there were votes cast for offices that that individual was eligible to vote for.

The affidavit process as it stands now, we believe -- not we believe, it actually is borne out by the data -- disenfranchises individuals who show up in the wrong polling place and are given wrong instructions by poll workers or the boards of elections.

This does not -- it bears repeating, does not allow any eligible voter to vote in an election in which they are not eligible to vote for.

SENATOR BORRELLO: Thank you.

Mr. President, will the sponsor continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR MYRIE: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: So prior to the passing of this bill, if someone showed up at the wrong polling place, they would be told: This is

not your polling place and if you vote here, your vote won't count, so you need to go to the proper polling place so that your vote does count.

So what this bill is essentially doing is you're almost disenfranchising someone. Because they're going to show up, they're going to cast a ballot, it's going to be an affidavit ballot, and then after Election Day they may find out that their ballot was invalidated because they did not vote correctly. And there's no requirement here for BOE or the poll workers to tell those folks that they have cast an invalid ballot.

So aren't we disenfranchising folks by initiating this law?

SENATOR MYRIE: Through you, Mr. President. Thankfully we do not have to hypothesize about disenfranchisement. The status quo right now, in 2020, disenfranchised almost 14,000 voters across the State of New York who showed up in the wrong polling place but who had the ability to vote for some of those offices that were on the ballot.

This bill is an attempt to rectify that, to allow for individuals who can vote for

that particular race on that particular ballot, to do so. This isn't hyperbole, it's already happening now. Voters are already showing up to polling places and having their votes thrown out by way of affidavit ballot. This bill just seeks something to correct that.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR MYRIE: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: Through you, Mr. President. Okay, so you said 14,000 people were disenfranchised. But what actually happened was 14,000 people showed up at the wrong polling site, were told "This is not your polling site," and then hopefully they went, in the 10 days that they have to vote in New York State, they went and voted at the proper location.

With this current bill, that's not going to happen, nor is anyone required to be told that their vote may not count or their entire ballot could be thrown out. So you're actually going to -- those 14,000 people weren't

disenfranchised. They showed up at the wrong location, and I would imagine most of them went somewhere else and voted properly in the place that they were supposed to vote. So I question whether or not there's disenfranchisement.

But there will be, under this bill, if someone is not told that if you cast every vote, even the ones that you're not eligible for, your ballot will be thrown away.

SENATOR MYRIE: Is there a question, Mr. President?

SENATOR BORRELLO: The question is, is someone going to tell them -- sorry, I got a little carried away. Is someone going to tell them that they're actually going to have their ballot thrown away if they cast the incorrect, ineligible votes? Like, for example, for Senate and Assembly in a district that they're outside of.

SENATOR MYRIE: Through you, Mr. President. Again, I remain a little confused by the questioning, but I will say this, that the votes that individuals have had cast for the elections in which they were eligible to vote for, the status quo right now has it such that

they -- even for the offices for which they can vote for, the entire affidavit ballot is set aside.

This isn't -- this doesn't mean making up disenfranchisement. In the 22nd Congressional District, one which was infamous for many irregularities that occurred, the judge in that case pointed to this very instance, where many voters -- and as you might recall, that vote was decided by less than 200 votes -- many voters who were eligible to vote simply had their votes set aside because they showed up in the wrong polling place.

I want to underscore again how important it is for individuals, if they are eligible to vote, for them to be able to do that.

And let me also say that I find the line of questioning curious given the posture last week and given how much wailing and gnashing of teeth there was at disenfranchisement and the alleged affronts to democracy.

Here we have a bill where it is proven that individuals who wanted to vote could not vote. We have changed the law -- or we're proposing to change the law to allow those

individuals to vote. It's simply giving them -- eligible voters -- the opportunity to do so.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR MYRIE: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: So let me ask this a different way; maybe it will be a little clearer.

Under the current law, if I show up in a polling place where I am not an eligible voter, I am told that "You are not an eligible voter here. You need to go find your proper polling place."

Now, under this new law, I will show up at the wrong polling place and I will be handed a ballot. Number one, do we even know that -- say it's a village election -- if they have the equipment to print an on-demand ballot. And if they don't, they're going to hand them the ballot at that location. And let's just say hypothetically that I am not eligible to vote for the Senate and Assemblymember, but I am eligible

to vote for the local judge race or town supervisor race.

And is that poll worker, when they hand them that ballot, going to tell them "Don't vote for Senate and Assembly, otherwise your entire ballot will be invalidated"?

SENATOR MYRIE: I can't speak to the hypothetical that you are proposing, Senator Borrello. I can't conjure up every scenario in which a poll worker will be communicating to an individual voter.

We do know that the overwhelming majority of individuals that look to participate in their democracy show up to the correct place. But in the instance that they don't, this is an attempt to allow for their ballot to still count for the races that they can still vote for.

I'm not sure if you're suggesting that we keep the status quo such that if a person happened to show up in the wrong polling place, that they have no opportunity to participate in their democracy. Are you suggesting that that is the better alternative, as opposed to allowing them to vote for the eligible races that they would like to vote for?

SENATOR BORRELLO: Is that a question for me?

Will the sponsor continue to yield.

THE PRESIDENT: Does the sponsor yield?

SENATOR MYRIE: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: All right. So I guess what we have is that right now, if someone shows up at the wrong polling place, they'll be told "This is the wrong place." And then they will be afforded that opportunity to go to the correct polling place.

So those 14,000 examples that you gave previously -- I wouldn't know the data, but I would imagine that most of those people just went to the right polling place.

But under this change of the law, they will not. They will say, "Give me a ballot."

And when you say you can't -- you know, you can't think of every possible scenario, I think this is a very real scenario. The real scenario is does this bill ask that rules are promulgated to ensure that poll workers and

boards of elections instruct people that you are at the wrong polling place, and if you cast the following votes, your entire ballot will be invalidated? Which is what the bill says.

So there's a much higher chance of disenfranchising someone under that scenario than simply telling them "You're at the wrong polling place, and you should go try and go to the correct polling place." Wouldn't that be the case?

SENATOR MYRIE: I would disagree with the premise of your argument that this bill disenfranchises more people than are currently disenfranchised.

I think the -- where we are having the disconnect is the assumptions built into where people go to the wrong polling location. I think in your hypotheticals every single person that is told by a poll worker that this is the wrong polling location immediately then goes to the correct polling location.

But you know this, I think all of us are somewhat familiar with voter behavior, particularly for working-class voters, particularly for voters who have other

obligations and don't have the time to hop from polling location to polling location, that this again is an attempt to correct what we believe to be a hole in the law that disallows individuals to vote in races that they are eligible to vote for.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR MYRIE: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: So the next question is, then, how will this work procedurally if the polling site doesn't have an on-demand printer to be able to print out the correct ballot?

SENATOR MYRIE: The status quo now is that an affidavit ballot be provided.

So I'm not sure what exactly you're asking regarding on-demand ballot location.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR MYRIE: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: So just to clarify, is the boards of elections -- are they going to be required to essentially take that ballot and, you know, ensure that it's in the right spot? I mean, that's my question.

They're not -- if they don't have an on-demand printer, they're going to print out essentially the wrong ballot or hand somebody the wrong ballot. What's the BOE's responsibility at that point to ensure that it's actually a valid ballot?

SENATOR MYRIE: Thank you for that.

So you vote on the ballot that is given to you at the polling site. The votes that you are eligible to be counted in will be counted, and the offices that you are not eligible to vote in will not be counted.

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

THE PRESIDENT: Does the sponsor yield?

SENATOR MYRIE: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: I believe the bill actually reads -- if you go to line 9 of the bill, which is the new text that was added in your bill, it says that if they vote on those lines that they're not eligible for, the entire ballot is invalidated.

So you're saying that if you vote for, say, Senate and Assembly and you're not in the Senate and Assembly district, you said that we're just going to count the ones that are in their district. But according to line 9 and 10, it looks like they'll be thrown out.

SENATOR MYRIE: I didn't hear a question.

But through you, Mr. President, the line reads "provided that such votes shall not be cast and canvassed" -- it's the key phrase -- "for such contests for which the person was not entitled to vote." Which is exactly what we've been saying this entire time.

The converse of that is if you are entitled to vote, it will count.

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

THE PRESIDENT: Does the sponsor

yield?

SENATOR MYRIE: Yes.

THE PRESIDENT: The sponsor yields.

SENATOR BORRELLO: I'm going to move on at this point.

So I show up at Village A and I live in Village B. Village A doesn't have an on-demand printer, but I want to vote. They hand me a ballot. I say I'm so-and-so. Do I have to show an I.D. -- since I'm not in my proper polling site, do I have to show identification to ensure that I am who I say I am? That's the question.

SENATOR MYRIE: Are you asking what the affidavit ballot process is? Because this doesn't --

SENATOR BORRELLO: I'm asking a very simple question. Do I have to show I.D.? Because I'm showing up at a poll site where I'm actually not in the books. So do I have to show an I.D. to prove who I am?

(Pause.)

SENATOR MYRIE: No.

SENATOR BORRELLO: Okay. Mr. President, on the bill.

THE PRESIDENT: Senator Borrello on the bill.

SENATOR BORRELLO: Thank you, Senator Myrie, for engaging today.

So I guess I have to ask the question of, you know, is -- the cost versus the benefit. The risk versus the reward. When you're a business owner, that's the basic analysis, the risk versus the reward.

What I heard today was my ballot might be in jeopardy if I show up somewhere, because there's nothing in this legislation that instructs the poll worker or the Board of Elections to tell someone that you're in the wrong place, we're going to hand you a ballot that may have elections on it that you're not actually eligible to vote for, and they're going to cast that ballot anyway. Because no one is required to say anything to that voter, not even "You're in the wrong place."

Under the current law, you will be told "You are not eligible to vote here." And I would say the vast majority of people would, in the 10 days that they have to vote in New York State, will just go to their proper polling

place.

But now we're going to muck up the waters, because the last election there were 14,000 people -- out of the 20 million people in New York State, 14,000 of them showed up at the wrong poll site.

So instead of just saying we're going to help those people, why don't we have a map or a book or an app that shows those people where to go, where their proper site is, the poll site is? Because I can only see this really happening to people that moved into a new area. I voted in the same location for the entire time that I've lived where I am.

But instead, we're going to upend the whole system. We're going to create confusion. We're going to jeopardize the fact that is that ballot really going to be counted or not. Is that voter going to know that their ballot was invalidated? Were they disenfranchised? We're not going to know any of that because of this bill.

So the sponsor keeps referring to the status quo. I think the status quo -- yeah. Because under the current law, the status quo is

I will be told that this is not the correct polling place. Now, after this bill passes, which I'm assuming it will, they're not going to be told anything. They're going to be handed a ballot and they're going to vote for people who may or may not be people they're allowed to vote for because of where they're actually registered to vote. All so that we can essentially cater to what has to be 1/100th of a percent of the population.

So I understand that we want to give -- ensure that people are enfranchised, that they're able to vote. But by creating more chaos and confusion and uncertainty, that's not ensuring that. And clearly, based on the discussion today, there will be folks that are disenfranchised, that will cast ballots in elections that they're not eligible to cast ballots in.

And that we're just hoping that somewhere along the way the Board of Elections will figure out that, number one, that's not a valid ballot, and that, number two, they'll separate out the right from the wrong and then make sure that the two that they're eligible for

out of the six, that they somehow -- that those votes get properly counted.

I think that's asking a lot when the simple solution is what we do now: You're not in the right place, please go vote at the proper place. That's just common sense. This is just more confusion and creates more opportunity for things to go wrong.

So Mr. President, with that said, I'm going to vote no. Thank you.

THE PRESIDENT: 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 120th day after it shall have become a law.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Announce the results.

THE SECRETARY: In relation to Calendar Number 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.

THE PRESIDENT: The bill is passed.

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

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

THE PRESIDENT: There is no further business at the desk.

SENATOR GIANARIS: I move to adjourn until tomorrow, Tuesday, February 8th, at 3:00 p.m.

THE PRESIDENT: On motion, the Senate stands adjourned until Tuesday, February 8th, at 3:00 p.m.

(Whereupon, at 3:36 p.m., the Senate adjourned.)