NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 9, 2023

3:00 p.m.

REGULAR SESSION

SENATOR SHELLEY B. MAYER, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

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

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

ACTING PRESIDENT MAYER: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, January 8, 2023, the Senate met pursuant to adjournment. The Journal of Saturday, January 7, 2023, was read and approved. On motion, the Senate adjourned.

ACTING PRESIDENT MAYER: 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: Good afternoon, Madam President. On behalf of Majority Leader Stewart-Cousins, I hand up the following committee assignments of the Majority Conference and ask that it be filed in the Journal.

ACTING PRESIDENT MAYER: The hand-up is received and shall be filed in the Journal.

SENATOR GIANARIS: On behalf of Majority Leader Stewart-Cousins, in consultation with Senator Ortt, I hand up the following committee assignments of the Minority Conference and ask that that also be filed in the Journal.

ACTING PRESIDENT MAYER: The hand-up is received and shall be filed in the Journal.

SENATOR GIANARIS: There will be an immediate meeting of the Elections Committee in Room 332, followed immediately thereafter by a meeting of the Rules Committee in the same room.

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

SENATOR GIANARIS: The Senate will stand at ease.

ACTING PRESIDENT MAYER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:02 p.m.)

(Whereupon, the Senate reconvened at 3:42 p.m.)

ACTING PRESIDENT MAYER: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Madam President, there's a report of the Rules Committee at the desk. Please take that up.

ACTING PRESIDENT MAYER: The Secretary will read.

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

Senate Print 136, by Senator Krueger, an act to amend the

Election Law;

Senate Print 242, by Senator May, an act to amend the Election Law;

Senate Print 263, by Senator Stewart-Cousins, an act to amend the Election Law;

Senate Print 350, by Senator Jackson, an act to amend the Election Law;

Senate Print 585, by Senator May, an act to amend the Election Law;

Senate Print 587, by Senator Comrie, an act to amend the Election Law;

Senate Print 609, by Senator Hoylman, an act to amend the Election Law;

Senate Print 610, by Senator Hoylman, an act to amend the Election Law;

Senate Print 611, by Senator Mayer, an act to amend the Election Law;

Senate Print 612, by Senator Mayer, an act to amend the Election Law;

Senate Print 613A, by Senator Myrie, an act to amend the Tax Law;

Senate Print 614, by Senator Myrie, an act to amend the Election Law;

Senate Print 616, by Senator Myrie, an act to amend the Election Law;

Senate Print 617, by Senator Myrie, an act to amend the Election Law;

Senate Print 619, by Senator Krueger, an act to amend the Election Law;

Senate Print 644, by Senator Mannion, an act to amend the Election Law;

Senate Print 645, by Senator Mannion, an act to amend the Election Law;

Senate Print 657, by Senator Myrie, an act to amend the Election Law;

Senate Print 811, by Senator Breslin, an act to amend the Insurance Law;

Senate Print 812, by Senator Ramos, an act to amend the Social Services Law;

Senate Print 813, by Senator Liu, an act to amend the Education Law;

Senate Print 814, by

Senator Kennedy, an act to amend the State Finance Law;

Senate Print 815, by Senator Kennedy, an act to amend the Public Authorities Law;

Senate Print 816, by Senator Hoylman, an act to amend the General Business Law;

Senate Print 817, by Senator Hoylman, an act to amend the Elder Law;

Senate Print 818, by Senator Myrie, an act to amend a chapter of the Laws of 2022 amending the Election Law;

Senate Print 819, by Senator Cleare, an act to amend the Public Health Law and the Agriculture and Markets Law;

Senate Print 820, by Senator May, an act to amend a chapter of the Laws of 2022;

Senate Print 821, by Senator Harckham, an act to amend the Tax Law;

Senate Print 822, by Senator May, an act to amend the Election Law;

Senate Print 823, by Senator Mannion, an act to amend the Mental Hygiene Law;

Senate Print 824, by Senator Sanders, an act to amend the Insurance Law;

Senate Print 825, by Senator Hoylman, an act to amend the Insurance Law;

Senate Print 826, by Senator Skoufis, an act to amend a chapter of the Laws of 2022 amending the Alcoholic Beverage Control Law;

Senate Print 827, by Senator Breslin, an act to amend the Public Health Law;

Senate Print 828, by Senator Mayer, an act to amend the Executive Law;

Senate Print 829, by Senator Sanders, an act to amend the Agriculture and Markets Law;

Senate Print 830, by Senator Brisport, an act to amend the Social Services Law;

Senate Print 831, by Senator Rivera, an act relating to the availability of training for state-approved education or training programs;

Senate Print 832, by Senator Brisport, an act to amend the Public Health Law;

Senate Print 833, by Senator Breslin, an act to amend a chapter of the Laws of 2022 amending the Insurance Law;

Senate Print 834, by Senator Kavanagh, an act to amend the Environmental Conservation Law;

Senate Print 835, by Senator Comrie, an act to amend the Public Health Law;

Senate Print 836, by Senator Breslin, an act to amend the Insurance Law;

Senate Print 837, by Senator Rivera, an act to amend the Public Health Law;

Senate Print 838, by Senator Ryan, an act to amend the Labor Law;

Senate Print 839, by Senator Breslin, an act to amend the Public Health Law;

Senate Print 840, by Senator Kennedy, an act to amend the Highway Law;

Senate Print 841, by Senator Bailey, an act to amend the Executive Law;

Senate Print 842, by Senator Kavanagh, an act to amend the Real Property Tax Law;

Senate Print 843, by Senator Liu, an act to amend the Education Law;

Senate Print 844, by Senator Skoufis, an act to amend the Agriculture and Markets Law;

Senate Print 845, by Senator Skoufis, an act to amend the Public Health Law;

Senate Print 846, by Senator Gianaris, an act to amend the General Business Law;

Senate Print 847, by Senator Hinchey, an act to amend the Agriculture and Markets Law;

Senate Print 848, by Senator Gianaris, an act to amend the Labor Law;

Senate Print 849, by Senator Persaud, an act to amend the Executive Law;

Senate Print 850, by Senator Jackson, an act to amend the Labor Law;

Senate Print 851, by Senator Ramos,

an act to amend the Labor Law;

Senate Print 852, by Senator Skoufis, an act to amend the Election Law;

Senate Print 853, by Senator Breslin, an act to amend the Education Law;

Senate Print 854, by Senator Sanders, an act to amend the Executive Law;

Senate Print 855, by Senator May, an act to amend the Public Health Law;

Senate Print 856, by Senator Harckham, an act to repeal Section 1 of a chapter of the Laws of 2022;

Senate Print 857, by Senator Mattera, an act to amend the Environmental Conservation Law;

Senate Print 858, by Senator Mannion, an act to amend the State Finance Law;

Senate Print 859, by Senator Ryan, an act to amend the Education Law and the Tax Law;

Senate Print 860, by

Senator Hoylman, an act to amend the Domestic Relations Law.

All bills reported direct to third reading.

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

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

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed?

(No response.)

ACTING PRESIDENT MAYER: The Rules Committee report is accepted.

Senator Gianaris.

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

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 3, Senate Print 242, by Senator May, an act to amend the Election Law.

SENATOR O'MARA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 4, Senate Print 263, by Senator Stewart-Cousins, an act to amend the Election Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 5, Senate Print 350, by Senator Jackson, an act to amend the Election Law.

SENATOR O'MARA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 9, Senate Print 610, by Senator Hoylman, an act to amend the Election Law.

SENATOR O'MARA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 14, Senate Print 616, by Senator Myrie, an act to amend the Election Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 14, those Senators voting in the negative are Senators Borrello, Canzoneri-Fitzpatrick, Gallivan, Helming, Mattera, Murray, Oberacker, O'Mara, Ortt, Rhoads, Rolison, Stec, Tedisco, Weber and Weik.

Ayes, 45. Nays, 15.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 19, Senate Print 657, by Senator Myrie, an act to

amend the Election Law.

SENATOR O'MARA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

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

SENATOR GIANARIS: Can we now go to the reading of the controversial calendar.

ACTING PRESIDENT MAYER: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 3, Senate Print 242, by Senator May, an act to amend the Election Law.

ACTING PRESIDENT MAYER: Senator Borrello, why do you rise?

SENATOR BORRELLO: Madam President, would the sponsor yield for some questions -- for a question.

ACTING PRESIDENT MAYER: Senator May, do you yield for a question?

SENATOR MAY: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: All right, thank

you.

Hello again, Senator May. I know we went through this last year, but certainly would like to refresh everyone's memory. So my first question is, could you please define what a portable polling station is and what it would look like?

SENATOR MAY: A portable polling station -- I think of them more as pop-up polling stations -- is a location that a board of elections can -- can, and I will say "can," is not required to, but this is at their discretion -- can set up for three days or more at some site in the -- in the district where people can vote.

And the idea is to set it up in places where people are, either where they're at a shopping center or at a major employer, on the days when people will be there, to make it easier for voters to access their -- the franchise.

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

ACTING PRESIDENT MAYER: Senator May, do you continue to yield?

SENATOR MAY: I will.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: Through you, Madam President.

So the word is "portable," and you used the term "pop-up." I know pop-up shops, I know what you're saying, that's obviously -- so you're saying that there wouldn't necessarily -- last year we talked about it and you talked about something mobile. I referred to it as a voter food truck, potentially. Are we limiting the scope? Because I'm concerned, really, about -- you know, when I think of "pop-up," I think of something that might not be secure.

What are we going to do to ensure -- because when you have a polling place, a polling place is a school, it's a fire hall, it's a place with locked doors and security. A pop-up or a mobile -- you know, some kind of a mobile unit, how are we going to ensure that they're secure?

SENATOR MAY: So there are criminal -- through you, Madam President, there are criminal consequences to interfering with a polling place.

We -- there -- there's no reason to

assume that these would be nonsecure if it was a van or if it was a location that was identified for a shorter period of time than a polling -- than an early voting place. Think about same-day polling. They're there for just one day. These would be there for three days. There is plenty of opportunity to make them secure.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MAY: Certainly.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR BORRELLO: Through you, Madam President. So, you know, I spent 10 years in county government. And, you know, when we started doing early voting when I was county executive, we had a very deliberate process that came about. And there were guardrails put in place by legislation as to where, hours, so forth.

So what guardrails do we have to ensure that these are indeed secure? What in the legislation would ensure that these portable

places, these pop-up shops, pop-up voting stations, would be secure?

SENATOR MAY: So at the level of the state board? Through you, Madam President, the state board can issue regulations to make sure that they are secure.

And then at the local level, each of -- the decision whether to employ portable polling places would be determined by the elections commissioners of both parties in advance. It wouldn't be a spur-of-the-moment decision, it would be done, I believe, two weeks -- at least two weeks in advance.

So there are plenty of opportunities for guardrails of the kind you're talking about.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MAY: Of course.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR BORRELLO: So the legislation mentions population density and considerations like public transportation. You

know, I represent rural areas. We don't have a lot of public transportation. But when you start saying "population density," are you saying that the denser populations would get a preference for a portable polling station? In other words, the more population, the more likelihood that you'd get -- you'd get a portable polling station?

SENATOR MAY: Through you, Madam President. Actually, this is likely to be more helpful for rural areas than anyplace else. In Idaho, when portable polling places were in practice, that was the idea, to make sure that people in rural areas didn't have to travel very far to access early voting.

And I know -- I have represented counties that had only one early-voting polling place, but this would enable them not to be committed to that one polling place for the entire early-voting period, but they could also put one for a few days at a place where they knew a lot of residents of the county would be.

So it actually can be better for seniors, for people who live in remote areas but tend to gather in some particular place at certain times of the week.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MAY: I do.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR BORRELLO: So whether it's early voting or Election Day, we have specified hours and specified days, and those are set by the State Board of Elections and adhered to by local boards of elections.

What if anything in this legislation would stop a local board of elections from saying, Well, in this particular area we're going to have them there at 5 o'clock in the morning or 10 o'clock at night; in this area somewhere -- are there any restrictions, any guardrails as to the hours of operation of those voter food trucks, whatever we might call them?

SENATOR MAY: Through you, Madam President. Number one, they can't supersede state law. And number two, that whole idea of seeking places where there's population density, the idea is where are people going to be

during the week so that we can make it easier for them to vote.

That is the whole point of this bill, and a lot of other legislation that we have passed, is to make sure that people can have access to their polling places.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MAY: Gladly.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR BORRELLO: Thank you.

So I want to go back to the population density question. So what you're saying is is that it's not resident population density. You're saying that if it's busy on Saturday at Walmart, we want to send the pop-up voting station to the parking lot of the local Walmart, is that the idea?

SENATOR MAY: Through you, Madam President. In the bill you can't set these up for less than three days in a row. So they -- it wouldn't be on a particular afternoon, it would

be aimed at a period of time during the week.

But yes, you could say that this is an area where a lot of people in our county are going to be on Monday, Tuesday and Wednesday by -- you know, we can predict that there will be a lot of people there; this is a good place to set up a polling station.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MAY: I will.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR BORRELLO: So, you know, one of the more -- most popular spots to shop where I am is actually right on the border of Pennsylvania. It's very -- you know, it's -- so right now in New York State we don't require you to show an ID to prove who you are. So you could have people from the State of Pennsylvania that are showing up at a very popular Walmart location that's literally a stone's throw from the State of Pennsylvania. How are we going to ensure that those people are who they say they are because

we're showing up at the Walmart parking lot for three days in a row? How do we ensure that those people are actually eligible to vote at the pop-up site?

SENATOR MAY: Through you, Madam President. The electronic poll books that we use now in New York State that are so effective at making our elections more efficient are also making our elections more secure. And they wouldn't be on the list. They would show up, but they wouldn't be in the poll book. So if they tried to vote, they would not be able to.

And I will also add there would be legal consequences if they tried to.

SENATOR BORRELLO: Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Borrello on the bill.

SENATOR BORRELLO: Thank you.

Thank you, Senator May. Appreciate it.

I think what -- when we talk about some kind of a portable station, it sounds like a nice idea. We want to send a food truck or a pop-up shop so people can vote wherever they

want. But it is less and less -- when you get into the details, there's less and less details as to how we will ensure they are secure.

When we have a polling place right now, it's in a school. Schools have, you know, unfortunately become fortresses, but they are secure for us to hold our elections. And they are secure places to ensure that overnight, wherever they might be, that they are secure.

But to do something like this, with no real parameters as to what this looks like -- we're saying it could be portable, it could be pop-up, it could be on wheels, it might not be -- there's just not enough guardrails to ensure we're doing this properly.

And I do have a lot of concerns, because at the end of the day, in New York State you don't have to show an ID. And someone could come up, knowing someone else's address and phone number, or their address and their name, and they could vote somewhere else without anyone knowing that.

Now, that certainly is the case in general in New York State, because we should require someone -- something as simple as to show

an ID to vote. But we're going to make it that much more difficult to track, and that much less secure with these portable stations.

So I'll be voting no. Thank you.

ACTING PRESIDENT MAYER: Senator Walczyk.

SENATOR WALCZYK: Thank you, Madam President. If the sponsor would yield for a couple of questions.

ACTING PRESIDENT MAYER: Senator May, will you yield?

SENATOR MAY: I will.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: Through you, Madam President. Are there examples of where this type of thing has been done before?

SENATOR MAY: Through you, Madam President. California, Georgia and Idaho are the states that I know of that have had portable polling places.

SENATOR WALCZYK: And through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you

continue to yield?

SENATOR MAY: I do.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: Through you, Madam President. How long have those systems been in place before your proposing this in New York State Election Law?

SENATOR MAY: I will say several years. Many of them came into being as a result of the pandemic, as a way for people to vote safely.

SENATOR WALCZYK: Madam Speaker, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MAY: I do.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: You mentioned in the last section of debate, a number of times, population density. Why does this work so much better in areas that are densely populated than it does in rural areas?

SENATOR MAY: Through you,

Madam President, that's exactly what I did not say. We're talking about the density of people in a place at a particular time.

And so if you have a rural county that is not at all dense and only one early-voting place, they may have to travel a very long way to get to that early-voting place.

But if a lot of people congregate at the shopping mall or at the major employer in that area on particular days of the week, then setting up a polling place there for a few days is a way to give people access to the franchise who might not be able to get to the polling place that is -- the one polling place that is set up in their county for early voting.

So this -- we're talking about density of people at any given time, not density of residents.

SENATOR WALCZYK: Thank you. And through you, Madam Speaker, appreciate the example of an employer, for instance, where people would congregate every day for their work.

If the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you

continue to yield?

SENATOR MAY: I do.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: Is there any specific employer that's worked in the examples in California or that you envision in New York State, a great employer that you think that we should have a special polling site just for the employees of their location?

SENATOR MAY: So I don't have any -- oh. Through you, Madam President, I don't have any specific examples. This is something that the two commissioners would have to agree on.

I do know, for example, in my county the community college is a place where there are a lot of people who come through on certain days of the week, and that would be an obvious place to put a polling place on three or four weekdays because it would be someplace where a lot of people would be -- would be, and would give them the opportunity to vote on those days.

SENATOR WALCZYK: Thank you for yielding for my questions.

Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Walczyk on the bill.

SENATOR WALCZYK: So a community college would be a perfect example, or a college would be a perfect example of the intent of this legislation. We know that the way college faculties and students tend to vote, it's not generally -- and while they may be condensed and somehow we're saying this is still rural but also condensed in the population density at the same time, it sounds confusing. And probably, for someone that's listening to this debate, it's actually pretty straightforward. Democrats tend to vote in more population-dense areas. College campuses would be those types of consolidated areas, even if they're in a very rural area. I represented an Assembly district that was very rural. The proclivity to vote Democrat was in the two college towns in that Assembly district.

I now represent a large Senate district in upstate New York that has some population density. And in those areas of population density -- which would make probably good early-voting mobile sites, by the sponsor of

this bill -- those areas also vote generally for one party over the other.

Madam Speaker, this is pretty obvious on its face to me. I'll be voting no and encourage my colleagues to do the same.

Thank you.

ACTING PRESIDENT MAYER: Thank you.

Senator Krueger.

SENATOR KRUEGER: Thank you, Madam President. Will the sponsor please yield to a couple of questions?

ACTING PRESIDENT MAYER: Does the sponsor yield?

SENATOR MAY: Gladly.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR KRUEGER: Thank you.

So just in follow-up to some of the discussion I've heard, my familiarity with the New York State lines are that we are a stone's throw from Massachusetts, Pennsylvania, New Jersey, Connecticut around almost all our borders. And certainly in New York City, we're a stone's throw from New Jersey.

Is there any research that shows

that people come across those state lines to vote in our elections because it's close to them?

SENATOR MAY: Through you, Madam President, I am not aware of any such research. But Senator Myrie has a bill for collecting the data, so we may know better about that.

But I believe we would hear about it if it actually happened.

SENATOR KRUEGER: Through you, Madam President, if the sponsor would yield for another question.

ACTING PRESIDENT MAYER: Will you continue to yield?

SENATOR MAY: I do.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR KRUEGER: Thank you so much.

So one of my colleagues also just raised a concern that somehow this would be different in rural versus urban or more densely populated areas. I think I do agree that rural New York probably has disproportionately greater numbers of Republican voters than urban areas. I

think that data is available.

Is there any reason we should be concerned that we would want to make it easier for Republican voters in rural areas to be able to vote?

SENATOR MAY: Through you, Madam President, I'm not sure I understand the question. But I believe we should be making it easier for everybody to vote. And that is the purpose of this and many other bills that we have passed.

SENATOR KRUEGER: Thank you.

On the bill, Madam President.

ACTING PRESIDENT MAYER: Senator Krueger on the bill.

SENATOR KRUEGER: Thank you.

I sincerely don't understand why people would oppose wanting to make it easier for people to vote -- regardless of where they live, regardless of what party. I think, in fact, it is our obligation as elected officials within a democracy where we are decided by voters, that we try to make it as accessible for people to vote as possible.

And I think clearly expanding the

number of sites increases the opportunities for more people to vote, and that in itself is a good thing.

Should we be concerned about security in elections? We should always be concerned about everything. That's what we get paid for, to some degree.

But the research is clear that when you make it easier for people to vote, it doesn't increase voter fraud. We've massively expanded voting through opportunities through early voting and absentee-ballot voting, and there's no basis to believe that somehow we have corrupted our democratic process that way. And the research nationally, by all parties, agrees that that is not a problem.

I must admit while I'm certainly not from a rural area -- it's called Manhattan Island; it's small but quite dense -- we have actually voting booths within the lobbies of residential buildings, because we find it so hard to find enough spaces for people to vote. So while it's not exactly rural pop-up, it's not exactly an armed camp, either. It's just the lobby as you come in and out of your building.

And I don't believe New York City has found to have any additional problems with security by putting voting booths and a worker or two within the lobby of a building.

So I think there is plenty of research from our own state and from our nation that any model that helps assist voters get to vote is a good thing. And I certainly am proud to be voting yes on this today.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you.

Senator Murray.

SENATOR MURRAY: Thank you. Madam President, through you, would the sponsor yield for a few questions?

ACTING PRESIDENT MAYER: Does the sponsor yield?

SENATOR MAY: I will.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MURRAY: Thank you.

Since early voting has begun, do we have any estimates regarding the overall cost of -- I'm sorry, the overall turnout of early voters?

SENATOR MAY: I do not have an answer to that, but it's many, many thousands of people have access to early voting.

SENATOR MURRAY: Through you, Madam President, would the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MAY: I do.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MURRAY: Thank you.

I guess I was looking for more of a -- like a percentage. Do we have a guesstimate as to percentage of voter turnout through early voting, over the 10-day period?

SENATOR MAY: Through you, Madam President. I think it has varied widely because we've only had early voting for a short period of time, and it's been increasing significantly year by year.

SENATOR MURRAY: Through you, Madam President, would the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you

continue to yield?

SENATOR MAY: I do.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MURRAY: So when we set up the locations for the early voting, I think some of the criteria was, I -- if I'm not mistaken, I believe it was for every 50,000 voters there had to be a location. I know I'm in the Town of Brookhaven, about a half a million people, and we have 10 early-voting locations.

So some of the criteria I believe was population density, public transportation, commuter traffic patterns, travel to polling places. Did we use that same criteria when setting up those early-voting locations that you're using for these?

SENATOR MAY: Through you, Madam President. I did get a statistic that 1.1 million people used early voting in 2022 in New York State.

Yes, those were the same criteria that were applied. And at the same time, I will also say in my county there was strong opposition to having the maximum number of polling places

for early voting from the Republican side, and we ended up with a very restricted number. And they worked very hard to make sure they were not in the places that had the most people in them.

So it is a -- it is a shifting landscape, I would say, of where the polling places are being located, and -- and a very political decision.

SENATOR MURRAY: Through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MAY: Mm-hmm. I will.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MURRAY: Do you have a guesstimate on how many portable locations you'd like to have throughout the state?

SENATOR MAY: Through you, Madam President. So this would not be up to me or to us, it would be up to the elections commissioners of each county to decide if this were a valuable thing for the voters of that district.

SENATOR MURRAY: Through you,

Madam President, would the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MAY: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MURRAY: Thank you.

And do you have an estimate cost of each pop-up polling place, whether per day or per three-day period?

SENATOR MAY: Through you, Madam President. We do not believe this will incur additional costs that can't be absorbed within -- within the existing resources.

But again, that would be up to the elections commissioners of each county.

SENATOR MURRAY: Through you, Madam President, would the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MAY: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MURRAY: Thank you.

I'm a little confused. So if we're staffing these pop-up locations -- and I believe it's a requirement that there be ballots on hand at all voting locations. In the event that every voter turned out, they must have those ballots on hand. How would there be no additional cost if you must staff the pop-up location and also make sure there are adequate ballots on hand?

SENATOR MAY: Through you, Madam President. So first of all, they can be printed on demand. You don't have to have the ballots in advance.

And if every single voter showed up to vote in these locations, then you could presumably save on staff at other voting locations because there would -- you know, there's a limited number of people who can vote in a district.

SENATOR MURRAY: Through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MAY: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MURRAY: But you are saying the pop-up locations will be -- there will be people on hand working the pop-up locations, correct? And they are in addition to the early-voting locations?

SENATOR MAY: Through you, Madam President, that is correct, if the elections commissioners decide that that is the best way to use their resources.

SENATOR MURRAY: Madam President, through you, would the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MAY: I do.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MURRAY: Will there also be agreements in place on who would do this, as far as liability? As you mentioned earlier, say for a Walmart parking lot or somewhere like this, who takes up the liability costs of having this location on hand?

SENATOR MAY: Through you,

Madam President, the procedure would be the same as for other polling places. The commissioners would work through the location to get the permissions and to set up the space.

SENATOR MURRAY: Through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MAY: I do.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MURRAY: Last one, I promise.

So I mentioned earlier I'm from Brookhaven. We have a special election coming up in a week or so, and I literally had to look up where the locations are. I've spoken to a lot of people, since it is still new, and a lot of people don't know where the early voting locations are now that are in existence. How would we let voters know that a pop-up location is going to be there? Or would this just be a spur of the moment, Hey, look over there, there it is?

SENATOR MAY: Through you, Madam President. The locations would be announced two weeks before the election, and the boards would have to give notice to voters where the locations are, as they do with early-voting sites.

But I will also add that this -- this idea has the advantage that if you didn't bother to look up the list but you happen to be in this place that people tend to congregate, in this particular place within your community where people are, and a voting place happens to be there, you wouldn't have had to look it up, you could just walk in and vote.

Which is one of the beauties of this -- this proposal, compared to the ones where you've got to find some remote place that the -- that the elections commissioners agreed on as a permanent early-voting site.

SENATOR MURRAY: Thank you very much. I appreciate it.

Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Murray on the bill.

SENATOR MURRAY: So as we've talked

about this -- and the percentages, by the way, of early voting, it's less than 10 percent. But -- so we won't be in danger of everyone going to a pop-up location, I assure you.

But when we talk about the ease of voting and making it easier, I can -- I find it difficult to find out what is so difficult about voting now. We have early voting, we have absentee voting, we have voting when you show up on Election Day. It doesn't seem to be that difficult.

But I worry about the cost involved, where -- whether it is liability insurance, whether it is advertising these locations, whether it is staffing these locations and providing the materials. I just wonder if the -- if the -- if it justifies -- if it's justified with the cost that we're imposing right now. We have early voting now. It's -- as you said, it's starting to become a little bit more popular. But we have, like I said, in my town, the Town of Brookhaven, 10 early voting locations. It isn't difficult to find, and it's not difficult to show up to vote. So I just wonder about does the cost justify doing this.

So I will be voting no. Thank you.

ACTING PRESIDENT MAYER: Senator Weik.

SENATOR WEIK: Thank you, Madam President. Would the sponsor yield for a few questions.

ACTING PRESIDENT MAYER: Will the sponsor yield?

SENATOR MAY: I will.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WEIK: Thank you.

So through you, Madam President, along the same lines as Senator Murray, I have some cost -- some cost-related questions.

One, how will voters know about these spots? So if they're -- are they going to pop up from election to election, whether it's a primary or a general election, from year to year? Are they going to be different places? And if so, the advertising for this, who bears the cost of that?

SENATOR MAY: Through you, Madam President. As it is now, the boards of elections have to communicate with voters about

polling locations, many of which change from year to year, as do the early-voting locations. So they are doing this outreach on a regular basis already.

In this case, they would -- if they made a decision like this, they would be making the decision in the context of what their resources were for advertising it, and they would have to put out notice two weeks in advance. They can do some of that by -- electronically, for free, but some of it might have a cost.

But presumably they wouldn't decide -- as I said at the very outset, this is entirely voluntary on their part. They wouldn't decide to do this if they couldn't afford it.

SENATOR WEIK: Through you, Madam President. Just to clarify. So would these be consistent, or would they be different from election to primary -- a general election to a primary election? Are these going to change all the time?

SENATOR MAY: Through you, Madam President. It could change if the two election commissioners agreed to that. But either way, they would have to give notice, as --

the same way they give notice about early-voting sites, about these each election cycle.

SENATOR WEIK: Through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MAY: I do.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WEIK: So right now, do we pay to use schools and fire departments in order to be polling places at this time?

SENATOR MAY: Through you, Madam President. No, we do not.

SENATOR WEIK: Through you, Madam President, would the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MAY: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WEIK: So these pop-up stores or vehicles, whatever happens to be

convenient, how are they being paid for?

SENATOR MAY: Through you, Madam President. Once again, this is entirely voluntary on the part of the boards of elections. The elections commissioners will decide what their budgets can -- can handle and whether it is a cost-effective way to use money from their budgets.

SENATOR WEIK: Through you, Madam President, would the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MAY: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WEIK: Are there going to be any determinations as to whether or not something could be, you know, donated in kind -- a storefront, possibly? Could there be any guidance on that so that there's no alleged in-kind that's done improperly or politically?

SENATOR MAY: Through you, Madam President. This is another area where the State Board of Elections can issue regulations to

make sure that nothing is being done that is a conflict of interest, for example.

But I see no reason why that couldn't happen if the boards of elections decided that -- if the elections commissioners decided that was to their advantage. And to the advantage of the voters.

SENATOR WEIK: Through you, Madam President, would the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MAY: I do.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WEIK: So none of these details are actually in the bill.

SENATOR MAY: Through you, Madam President. The bill is designed, as it was in California and Idaho and Georgia, to provide maximum flexibility to the elections commissioners to make those determinations about what is best for the voters of their county so that they can most easily access the franchise.

SENATOR WEIK: Thank you very much.

ACTING PRESIDENT MAYER: Senator

Rhoads.

SENATOR RHOADS: Thank you, Madam President. Will the sponsor yield?

ACTING PRESIDENT MAYER: Do you yield?

SENATOR MAY: I do.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR RHOADS: I am from Nassau County. We have a population of 1.4 million people, and we have 27 early-voting locations throughout the county. As a former county legislator, I have received exactly zero complaints about being able to access an early-voting location.

Is the sponsor aware of any studies that have been conducted or are there any examples that can be provided of anyone, in any area of the state, that hasn't had access to an early-voting location through the normal process?

SENATOR MAY: Through you, Madam President. I will say that I'm envious of your county, which has a much higher rate of early-voting sites than mine does.

I did represent a county that had

one early-voting site in the geographic center of the county, but that meant a 45 to an hour -- a 45-minute to an hour drive for people who lived at the corners of that county.

And this might furnish an opportunity, if the elections commissioners decided it was a valuable thing for them to make voting more accessible to people in some remote corner of that county.

SENATOR RHOADS: Will the sponsor yield for another question.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MAY: I do.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR RHOADS: Thank you, Senator.

Would there be anything that prevents a county board of elections from establishing an additional early-voting location? Or are they required to do one per 50,000?

SENATOR MAY: Through you, Madam President. I believe they can establish as many as they like. There is a minimum number set

by law, but they can -- they can have more than that.

One of the advantages of this system is that they can do this for just three days. So a -- when they establish early-voting sites, they have to have them for the entire length of the early-voting period. Which may be prohibitive in terms of the amount of staff that they can provide for those.

But if they have their -- their minimum number of early-voting sites and then they want to be more flexible with some other sites, they can do it this way.

SENATOR RHOADS: Will the Senator continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MAY: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: Thank you.

But essentially, though, the boards of elections do already have the right to be able to establish as many early-voting locations as they want, correct?

SENATOR MAY: Through you, Madam President, I believe that is true, yes.

SENATOR RHOADS: And would the Senator continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MAY: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: With respect to security, Senator Borrello brought up a point with respect to people coming in from -- from outside the area to vote.

Under your bill, would it be possible, for example, to place an early-voting location -- in the somewhat rare event that the Mets, for example, are playing in late October, would it be possible to place an early-voting location at Citi Field?

SENATOR MAY: Through you, Madam President. There's no reason that wouldn't be possible, but they have to do it for at least three days. So it might not be advantageous to do it. And the people who voted there would have to live in the relevant district in ...

SENATOR RHOADS: Thank you.

Will the Senator continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MAY: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: At a location such that, where you have a variety of people from all different areas coming into the same location, would that not make it very difficult for the board of elections, without having a tremendous number of staff on hand, to be able to handle that density of population?

SENATOR MAY: Through you, Madam President. So I understand in New York City early-voting locations are assigned; you can't go and vote at any early-voting site.

I'm not sure how that would apply to the -- I guess it would be the same. You would be assigned to this site and -- and not be able to vote at other sites.

SENATOR RHOADS: Would the Senator continue to yield.

ACTING PRESIDENT MAYER: Do you

continue to yield?

SENATOR MAY: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: Again, with respect to cost -- as many of my colleagues have raised, though -- the example that I've cited, would that not lead to an extensive amount of cost and personnel in that particular situation?

SENATOR MAY: Through you, Madam President. I will repeat this is entirely at the discretion of the Republican and Democratic elections commissioners for that area. And so if they decide it is cost-prohibitive, they won't do it. If they decide that the cost, whatever the cost might be -- it could be nothing or it could be nominal or it could be something more significant -- but they could decide if the payoff in terms of the numbers of people who would gain access to voting would be large enough.

So it's entirely -- it's giving them a tool that they don't have right now for a shorter period of time to set up a polling place in a location where they think that is a valid

thing to do.

SENATOR RHOADS: Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Rhoads on the bill.

SENATOR RHOADS: Thank you, Madam President.

It seems as though here we are -- we have a solution in search of a problem, with -- with all due respect. We have boards of elections that are already enabled to establish as many early-voting locations as they wish. We've established statewide a minimum number of locations. If there is a rural county that sees a need to be able to establish a second early-voting location, they already have the ability to do that.

But through this bill, if it were to pass, we create a situation where we have legitimate security concerns, we have legitimate cost concerns, and there's no discernible benefit that arises from doing it, since in the rare instance where you have a situation, there's already a process for local boards of elections to address that.

So I will be -- I will be voting no on the bill, and I would urge my colleagues to do the same. Thank you, Madam President.

ACTING PRESIDENT MAYER: 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 MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator May to explain her vote.

SENATOR MAY: Thank you, Madam President. And thank you to my colleagues for a spirited debate.

I -- I want to say this is, as I said, a tool in the toolbox of our boards of elections to make it easier for people to vote. Instead of having to create a whole new early-voting site for the full 10 days of early voting, they can make one for just three in a location that they think is a valuable place to

do it.

I am concerned about one thing that one of my colleagues said, which was that we need to make sure that we're not putting polling places in places where people are, because that might lead to more Democrats voting. This is a deeply concerning concept and one that -- I mean, the extension of that would be you'd only put polling places in the most remote locations so that the fewest people could vote.

Our whole idea behind Democracy Day today and the last five years that I have been voting in this body has been to make voting more accessible, more fair, more transparent, and more reliable. And I believe we have done that through more than a hundred bills that we have passed in the last five years to strengthen our democracy from one of the worst set of voting laws in the country to some of the best.

I am proud to vote for this bill and to have voted for some of those other changes to our election laws that really have made our elections far more accessible to New Yorkers of all walks of life in all corners of the state.

I vote aye.

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

Senator Stec to explain his veto.

SENATOR STEC: Thank you, Madam President.

I've enjoyed listening to my colleagues discuss this and many related issues today regarding our elections. I particularly was caught by the sponsor mentioning over and over again that local boards of elections locally would have this kind of flexibility to make a decision that made the most sense for that county. I applaud that.

However, I will point out that this bill is different from a lot of other election laws where we have refused those boards of elections that kind of flexibility. There is at least 10 bills from 10 different counties, members of both sides of the aisle, that went nowhere last year that wanted to allow -- make for deviations on something that they had no flexibility in, where the early-voting sites went. My -- one county of mine in particular, the county board of supervisors unanimously wanted to ask us to change so that it didn't have

to go into the lone city in the county because it made more sense to have the early-voting location at the county seat where there's security, where there's disability accessibility. And instead, they insisted -- the bills moved nowhere. The elections commissioners both wanted it, the City of Glens Falls wanted it, the county board unanimously wanted it, but the law was inflexible and denied them that opportunity.

So I'd like to see a little more consistency if we're going to throw around "We're going to give the locals a little more flexibility." And for that and many other reasons, I am voting against this bill.

ACTING PRESIDENT MAYER: Senator Stec to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 3, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Helming, Mattera, Murray, Oberacker, O'Mara, Ortt, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 43. Nays, 17.

ACTING PRESIDENT MAYER: The bill

is passed.

Senator Gianaris.

SENATOR GIANARIS: Can we now move on to Calendar 19, by Senator Myrie.

ACTING PRESIDENT MAYER: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 19, Senate Print 657, by Senator Myrie, an act to amend the Election Law.

ACTING PRESIDENT MAYER: Senator Walczyk.

SENATOR WALCZYK: Explanation, please.

ACTING PRESIDENT MAYER: Senator Walczyk, are you asking Senator Myrie to explain the bill?

SENATOR WALCZYK: Yes.

ACTING PRESIDENT MAYER: Excellent.

Senator Myrie.

SENATOR MYRIE: Let's be clear; you want me not explaining my vote but responding to an on-the-bill question, correct?

ACTING PRESIDENT MAYER: Correct.

SENATOR MYRIE: Okay.

The purpose of this bill -- you don't have to look much further than some of the questioning from some of my colleagues on the other side of the aisle. They asked about data. They said, Have you found any studies? Have you seen any research? Is there anything that indicates percentages? All of those things are things that this bill would help accomplish.

Establishing an institute, a central repository for election data -- many of which is already collected, but centralizing it to relieve the pressure on local county boards of elections, to relieve their obligation to have to respond to FOIA requests, to relieve the costs they have to pay for voting litigation. If we consolidate this into a center institute where all of this information can be available, I think that we would make a lot of progress towards picking out some of these patterns that my colleagues are so concerned about.

ACTING PRESIDENT MAYER: Senator Walczyk.

SENATOR WALCZYK: Thank you, Madam President. Would the sponsor yield for some questions.

ACTING PRESIDENT MAYER: Senator Myrie, do you yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: And I appreciate his explanation.

Through you, Madam President, why can't we seek some of this data and analysis from the private institutions, private colleges in the State of New York?

SENATOR MYRIE: Through you, Madam President. Primarily because the information gathered all together does not yet exist.

Right now we have a hodgepodge of information where some local boards collect this information, some school districts collect this information, some other local elections -- sewer, sewage races, water districts, they collect information. But many of them don't. So we don't know as a state, for instance, what are all the results for the school district elections last year. We don't have that.

So this is meant, again, to wrap

this all around into a central repository. And it makes sense that we would turn to our public institutions, because we are a public body and it's important for us to support the work that SUNY does and CUNY does, the opportunity that this would provide, both for students and faculty, to dig into this data and really give us the things that we need to help our elections run smoother I think is an opportunity that should be welcomed by all.

SENATOR WALCZYK: Through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: And my understanding from the conversation in our committee meeting today was that this language came from the John Lewis Voting Rights Act. Is that correct?

SENATOR MYRIE: Through you, Madam President, this -- in a slightly different

iteration -- was contained in the first draft of that bill .

SENATOR WALCZYK: And through you, Madam President, why was that language taken -- if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: Why was that language removed before the bill was voted on in this house?

SENATOR MYRIE: Through you, Madam President. We thought it would make sense, because of how robust this institute might be, that we break it out into a separate bill.

SENATOR WALCZYK: Through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MYRIE: Sure.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: Does SUNY and CUNY support the language that it is today in the -- in the bill that we're about to vote on?

SENATOR MYRIE: Through you, Madam President. We drafted this in many conversations with the -- with both CUNY and SUNY and with professors that work closely in this area at both institutions.

SENATOR WALCZYK: Through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: Has SUNY or CUNY issued that support publicly?

SENATOR MYRIE: Through you, Madam President, there is no official statement from SUNY or CUNY on this bill.

SENATOR WALCZYK: Through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you

continue to yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: I understand in public policy and legislation that's pending, sometimes SUNY or CUNY won't issue a statement, they'll often push you to the Second Floor. So I wonder, through you, Madam President, if the sponsor could explain whether the Governor's office supports this piece of legislation or not.

SENATOR MYRIE: Through you, Madam President, I will never divine what the Governor is thinking or supporting, absent that being on the record.

SENATOR WALCZYK: And through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: Is there a fiscal note that goes along with this bill?

SENATOR MYRIE: Through you, Madam President, there is. This would cost $2 million. My understanding is that most of that comes up-front, and so that's for the building of the technology that would be necessary, and the staffing. But that cost would bear itself out as we go down the line not forcing local boards of elections to have to promulgate some of this information themselves.

SENATOR WALCZYK: Madam President, on the bill. Thank you.

ACTING PRESIDENT MAYER: Senator Walczyk on the bill.

SENATOR WALCZYK: Two million dollars I know in this house can seem like small potatoes. This is the type of legislation that has a fiscal impact. And just for context and to get it into the record, I became the ranking member on the Elections Committee. We called an Elections Committee off the floor today on our first day of regular business in session. Found out about the bills that were on the agenda in the middle of the weekend, and today is Monday, so I didn't have a whole lot of time -- and that's part of the reason that I asked about

support and opposition -- didn't have a lot of time to interface with SUNY institutions that I represent, or SUNY and CUNY at large, to get feedback. Nor did I have an opportunity to reach out to the Governor's office and get feedback from their people in higher education. So I think it's important to get some of those things on the record.

But with the Governor -- we know the Governor is going to present her State of the State tomorrow, and we know that after the State of the State is going to come the Governor's budget and an address that will go along with that that will outline the priorities of the executive branch. We have a new chancellor at SUNY and CUNY. And those are the types of things that I would hope that we as a legislative body wouldn't just put on our higher education institutions without hearing from them first, so I won't feel comfortable in moving forward and supporting this.

In concept, I think it sounds great to say we should have our public institutions look at our elections and then recommend policy back to us. But just saying that SUNY and CUNY

alone, without any private institution or outside entity, should have some kind of impact or some kind of input to how we run our elections in New York State, I think we're missing a grand opportunity here and could wash over a lot of institutional knowledge for great schools that have done a phenomenal job, nationwide names in schools that have done a phenomenal job in the area of polling, how elections run, what motivates voters, how we make sure that people feel enfranchised and actually are enfranchised.

If we just do this in our, you know, castle down the hill or the castle up the hill -- that's SUNY down the hill and this one up the hill -- I think we miss a grand opportunity to make good public policy, and that's why I'll be voting no and encourage my colleagues to do the same. Thank you, Madam Speaker -- or Madam President.

ACTING PRESIDENT MAYER: Senator Weik.

SENATOR WEIK: Thank you, Madam President. Would the sponsor yield for a question.

ACTING PRESIDENT MAYER: Senator

Myrie, do you yield?

SENATOR MYRIE: Yes. Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WEIK: Thank you. So State Board of Elections has oversight with both a Republican and a Democrat. And I'm just curious, because the New York State Board of Elections has no authority over New York State schools, who will be the authority to conduct oversight over this data collection?

SENATOR MYRIE: Through you, Madam President. The data collected by this institute would also have to be sent to the State Board of Elections.

SENATOR WEIK: I'm sorry, I didn't hear what he said.

SENATOR MYRIE: The -- sure. The data that is collected by this institute would also have to be sent to the State Board of Elections.

SENATOR WEIK: Will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WEIK: So, I'm sorry, maybe you could clarify. What is the authority who is going to be overseeing to make sure that this is bipartisan data that's being collected on the part of the SUNY and the CUNY institutes?

SENATOR MYRIE: Through you, Madam President, if I could just explain the process.

This would require local boards of elections to send the data that they have to this institute. And we mention in the bill explicitly that it has to be nonpartisan. And so this wouldn't be the institute going in and taking information from several -- it's a reporting requirement on the local boards of elections and other school districts to report that information to the institute.

And just to address -- I forgot to mention this. This data would be made publicly available. And so this isn't proprietary, this would allow for private institutions, should they so wish, to figure out what the data means to them. But this is really an attempt for us,

again, to make a central repository from a lot of data that is already being collected.

SENATOR WEIK: Thank you, Madam President. Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WEIK: So the information coming from the State Board of Elections would be made public before it goes to the institutions, so that individuals could verify that information before it becomes part of this collection with the institute?

SENATOR MYRIE: Yes. The board is required to publish the information within five days of receipt.

SENATOR WEIK: Okay. Thank you.

ACTING PRESIDENT MAYER: Senator Martins.

SENATOR MARTINS: Thank you, Madam President. Would the sponsor yield for a few questions.

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MARTINS: Thank you, Senator.

I'm concerned about those municipalities that don't have board of elections oversight. For example, Madam President, our school boards in suburban communities and rural communities, they oversee their own elections. So they're not subject to board of elections oversight. Our villages have their own oversight; typically it's the village clerk that oversees elections in the village, and so they don't have board of elections oversight. Districts -- water districts, fire districts and the like -- they have their own oversight over their own elections, and therefore they're responsible for those.

And so the idea of passing that information on to someone else where there isn't that jurisdiction now -- I just had a question. Is that what you envision by this bill requiring municipalities that do not and are not subject to State Board of Elections or county board of

elections oversight, that they would have to make this data available to that board of elections?

SENATOR MYRIE: Through you, Madam President. School districts would only be required to send this information to the institute, not the -- not the State Board of Elections.

But to the larger point of who is bearing -- who is bearing the cost and what that -- what the implications might be, part of the reason, part of the impetus for this bill is exactly as you stated, Senator, that there are water districts, school districts, sewer districts where we have very little to no information.

And so we know for a fact that there has been litigation in school districts and fire districts where language minorities, racial minorities have never seen themselves elected to any of those positions. But it is hard to bring litigation to prove that, because there's no information, and there's no collective information.

And so that's part of why we are asking that this reporting be -- be done and be

done in a swift way, such that anyone who is looking to vindicate some of those rights or to just pick up how we can run our elections better, will have that information.

SENATOR MARTINS: Madam President, through you, would the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MARTINS: Thank you.

You mentioned perhaps discrimination, racial profiling and other measures that may prevent classes of citizens who would otherwise participate in the process from participating when it comes to districts.

Do you have any examples that you'd like to talk to us about or anything you'd like to share with us as part of your incentive for including those districts as part of your legislation?

SENATOR MYRIE: Through you, Madam President, I would be happy to provide a list of lawsuits that have been brought, both in

the school district context and in the village context, where they were trying to prove that there was discrimination of some sort.

I'm very happy to provide that to you and to your entire conference.

SENATOR MARTINS: Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MARTINS: So if there is going to be this additional reporting requirement for entities that did not have that requirement in the past -- and the legislation is specific that it has to be in electronic format and it has to include certain data -- does your bill include any reimbursement -- that is, payment -- for this new mandate that would be placed on what would relatively be a small district or village that would not otherwise have a requirement to provide this information?

We're talking about school districts, water districts, fire districts,

villages. Is there any reimbursement for those expenses to offset the impacts of this new state mandate?

SENATOR MYRIE: Through you, Madam President, the bill does not explicitly provide a reimbursement mechanism. That's certainly a discussion we're willing to have.

I will note that the bill is the creation of a fund in order to help with the operations of the institute, and I can see a scenario in which both SUNY and CUNY, having gone through the paces a bit, make a determination that this is something that might be utilized for their fund. But I'm certainly willing to have more of a discussion on that.

SENATOR MARTINS: And Madam President, through you, if the sponsor would continue to yield for one last question.

ACTING PRESIDENT MAYER: Senator, do you continue to yield?

SENATOR MYRIE: Of course.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MARTINS: Thank you.

Senator, you mentioned that there

may be lawsuits or there may have been lawsuits claiming some discriminatory intent or that the process in itself was discriminatory. Aside from lawsuits, have there ever been a judgment or adjudication of an issue of discrimination when it comes to any of these entities, districts, villages, when it comes to elections such that would form the basis of such a broad, expensive and far-reaching requirement for, in many instances, institutions that have limited resources and would have to take those resources and spend them to provide this information, rather than providing the resource that they provide for their local community?

Is there any actual adjudication where any of these districts have been found to have acted in a discriminatory manner?

SENATOR MYRIE: Through you, Madam President, the short answer to that is yes. And I'm again happy to provide it.

But I'd argue that this bill actually helps ameliorate that issue because if you bring a lawsuit or bring an action because you feel that an election or a district was discriminatory in some fashion, oftentimes what's

spent -- what the most money is spent on is experts. And you hire experts to look at the election data, and both sides can't agree on which data is the one that we're going to rely on.

This, however, would change that process to say that the data provided by this institute, nonpartisan, would have a rebuttable presumption of validity such that we wouldn't have to spend money or time on the data in determining whether or not this is reliable, and it might help evince no discrimination. If you're in a village or a town or a school district and the information from the institute shows that, wait a second, actually there isn't -- this doesn't bear out in the facts, then we're avoiding the cost of litigation, the cost to the municipalities, all of the things that you guys are worried about.

SENATOR MARTINS: Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Martins on the bill.

SENATOR MARTINS: Thank you.

Madam President, I'm concerned about

this bill. I'm concerned about the costs that it would pass on to small municipalities, whether they be villages or districts, that have limited resources. They take those resources, they marshal their resources -- they tend to be the most capable and most efficient forms of government, at least in my experience.

And here we are going to impose a requirement wholesale that data has to be provided in a certain form. They may not have the ability to provide that data, they may not have ever had to provide it that way, but now they have to upgrade their own computer systems, their own reporting requirements, all for the sole purpose of some abstract -- without there actually being a concrete example.

I have no doubt that our county boards of elections throughout the state have the capacity to provide this information. But once we start getting into towns, villages, special districts -- the kinds of communities, frankly, that I represent -- it gets onerous, it's expensive. And although I understand that there may be those in this body that represent a community that is far larger and has the

resources to do that -- but I don't.

And certainly my communities are stretched to the limit when it comes to making ends meet, continuing to provide resources, continuing to serve the community, and shouldn't be asked to take resources from those things that they do, whether it's a fire district, whether it's a water district, whether it's a village -- take resources from the things that they do, that they were elected to do, in order to create a database.

And if the state wants it, then they should be prepared to reimburse them for it and this bill should wait for that reimbursement to be included in it before it's passed by this body. And so I'll be voting no.

ACTING PRESIDENT MAYER: 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 8. This act shall take effect immediately.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Canzoneri-Fitzpatrick to explain her vote.

SENATOR CANZONERI-FITZPATRICK: Thank you, Madam President.

For the reasons recently just stated by my colleague Jack Martins, my district contains many special districts: Local villages, sanitation districts, fire districts, water districts and multiple incorporated villages. As a former trustee and deputy mayor in the local Village of Malverne, I had the task of balancing a budget of a small local village with unfunded mandates that came down from this body. And it is extremely onerous on local government to balance those burdens and take away from the tasks that they're trying to accomplish.

So for those reasons, I voted no. Thank you.

ACTING PRESIDENT MAYER: Senator Canzoneri-Fitzpatrick to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 19, those Senators voting in the

negative are Senators Borrello, Canzoneri-Fitzpatrick, Gallivan, Helming, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 43. Nays, 17.

ACTING PRESIDENT MAYER: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Can we now, Madam President, move on to Calendar Number 9, by Senator Hoylman.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 9, Senate Print 610, by Senator Hoylman, an act to amend the Election Law.

ACTING PRESIDENT MAYER: Senator Walczyk, why do you rise?

SENATOR WALCZYK: Madam President, would the sponsor yield for some questions.

SENATOR HOYLMAN: Yes.

ACTING PRESIDENT MAYER: Senator Hoylman, do you ri --

SENATOR HOYLMAN: Yes.

ACTING PRESIDENT MAYER: Obviously you rise.

(Laughter.)

SENATOR HOYLMAN: I rise and I say yes.

ACTING PRESIDENT MAYER: He rises and says yes. Thank you.

The Senator will respond.

SENATOR WALCZYK: Through you, Madam President. What is the -- what is the goal of this bill?

SENATOR HOYLMAN: Through you, Madam President, the goal of this bill is to make it easier to vote. I think the goal of all these bills are to make it easier to vote, to bring democracy to the people so we can actually fulfill our duties as citizens.

I think many of my colleagues have constituents who remember that casting a mail ballot for the first time in 2020 was due to the COVID-19 pandemic. But I think a lot of people would be surprised to know that one in five absentee ballots from New York City were invalidated during the June 2020 primaries for reasons related to the mail-in process.

So what we're doing with this legislation, Madam President, is allowing county boards of elections to set up drop boxes outside of traditional polling places or board of election offices, where voters can easily and conveniently return their absentee ballots and help avoid these mail-related invalidations and ensure every vote is counted.

In 2020, all but 10 states allowed absentee ballots to be submitted via drop boxes. And nationwide, there are 23 states that already allow absentee ballot drop boxes by statute, so we will be conforming with more than half of the -- about half of the states in this country.

SENATOR WALCZYK: Thank you for the explanation of the goal of the bill.

Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR HOYLMAN: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: You mentioned one in five votes by mail in New York City were

invalidated. Should we be very concerned about the ability for the United States Postal Service to deliver ballots effectively?

SENATOR HOYLMAN: Through you, Madam President, what we're -- what we're focused on here is ballot drop boxes. We know that the post office has its issues, and I assume, you know, we have -- we have legislation that will address some of those defects.

But what we're doing with ballot drop boxes is creating another secure alternative to the U.S. Post Office that is convenient. It's as convenient as dropping off a book in a book repository at your -- at your local library.

SENATOR WALCZYK: Through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR HOYLMAN: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: To your knowledge, has the United States Postal Service lost ballots in the State of New York?

SENATOR HOYLMAN: Through you, Madam President, no.

SENATOR WALCZYK: And through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR HOYLMAN: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: Has the United States Postal Service committed fraud in -- in the State of New York?

SENATOR HOYLMAN: Through you, Madam President, not to my knowledge.

SENATOR WALCZYK: And through you, Madam President, if the sponsor could continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR HOYLMAN: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: If we're concerned about mailing in ballots, should we be

requiring people to pick up their ballots in person?

SENATOR HOYLMAN: Through you, Madam President, no. We are simply creating more opportunities for convenience, secure drop-off, and ease of voting -- which should be our goal, as my colleagues have reiterated today, as a democratic institution representing the people of the State of New York.

SENATOR WALCZYK: And through you, Madam President, if the sponsor would be so kind as to continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR HOYLMAN: Yes, I would be so kind.

(Laughter.)

SENATOR WALCZYK: In your opening remarks on the goal of this legislation, you did mention one in five ballots were invalidated in New York City, and the goal of this is to fix that.

Was that because of an error done by the United States Postal Service?

SENATOR HOYLMAN: Through you,

Madam President, no, not to my knowledge.

SENATOR WALCZYK: And through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR HOYLMAN: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: Is the sponsor aware that there are a fair number of people that don't trust a drop box for their ballot?

SENATOR HOYLMAN: Through you, Madam President. Oh, boy, do I ever. One of them is the 45th President of the United States --

(Laughter.)

SENATOR HOYLMAN: -- who perpetrated the big lie that the 2020 election was stolen because of ballot drop boxes.

There have been conspiracy theorists from one side of our nation to the other who have perpetrated these mistruths without a single scintilla of evidence. It's shocking to me that we would even be mentioning this the week after

the January 6th insurrection.

SENATOR WALCZYK: Through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR HOYLMAN: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: While we may have disparaging things to say about the certain ways that some people think or don't think, would you acknowledge that there are certain people who don't trust drop boxes, that that could be considered a disenfranchisement of some voters in the State of New York?

SENATOR HOYLMAN: Through you, Madam President, no. There is no evidence that fraud has been perpetrated through drop boxes. I know it is the bugbear of the far right and QAnon conspiracy theorists, but study after study after study -- academic, reporters, nonpartisan -- have all come to the same conclusion about fraud about drop boxes. There's no evidence.

SENATOR WALCZYK: Through you --

SENATOR HOYLMAN: In fact -- if I may continue. In fact, just the opposite. There's a recent study that showed that ballot drop boxes increase participation by .65 percent, depending on the proximity to the voter.

SENATOR WALCZYK: Through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR HOYLMAN: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: In the last provision of your bill, I notice that these drop boxes would be available even up until the close of the polls on Election Day, is that correct?

SENATOR HOYLMAN: Through you, Madam President, yes.

SENATOR WALCZYK: And through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR HOYLMAN: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: It is the current practice and in statute to allow the postmark right up until the close of polls on Election Day? Or do you need it received -- in order to have a absentee ballot acceptable, does it have to be postmarked that day? Through you, Madam President.

SENATOR HOYLMAN: It will need to be postmarked by Election Day.

We do know that there are delays with the post office. We hope that ballot drop boxes would circumvent some of those delays.

SENATOR WALCZYK: And through you, Madam President, whether it's early-voting pop-up sites or polling locations, as they've traditionally been, what would be the benefit to a voter in the State of New York to drop an absentee ballot in a drop box rather than go to their polling place on Election Day?

ACTING PRESIDENT MAYER: Excuse me. Senator Walczyk, I assume you meant to ask if the sponsor would yield.

SENATOR WALCZYK: I did. I did

mean to ask whether the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Will you yield? Senator Hoylman, do you yield?

SENATOR HOYLMAN: Yes, I do.

ACTING PRESIDENT MAYER: Okay. The question has been asked.

SENATOR HOYLMAN: The benefit to the voter is ease, convenience, proximity. Exercising their right to vote. That's not just a benefit to the voter, it's a benefit to the entire State of New York.

SENATOR WALCZYK: Thank you, Madam President.

I appreciate your answers.

On the bill.

ACTING PRESIDENT MAYER: Senator Walczyk on the bill.

SENATOR WALCZYK: There's a -- there's a couple of questions in this -- in this line-up. You know, obviously we can -- we can have differences in opinion in how the Election Law should be administered in the State of New York. I think if you were to put this out on the ballot, voters would have a different

opinion. It would be nice to afford them that opportunity.

But I think New Yorkers that we represent realize that there's plenty of distrust for the way that elections have run, and I think probably not just your QAnon conspiracy theorists, but on both sides of the aisle. Sometimes when you lose, whether it's in a sporting event, you blame it on the refs, or sometimes in the arena of politics, you could blame it on the rules that seem to be fixed in one direction or the other. And I'm sensitive to that. I mean, we all play by the same rules.

But not to consider that there's a significant amount of the population that doesn't trust the way that you run an election, or are proposing to change that we run an election, is really missing the point on encouraging people to vote and enfranchising their vote.

And on the portion where we -- I mean, that seems like a new precedent to me, where we're saying your absentee ballot, right up until the moment the polls -- I mean, I'm aware of a process called exit polling, where people are asked whether they voted for one candidate or

another when they come out of the polling place, Madam President.

And I'm aware that campaigns have a mechanism to track by calling their local board of elections and voting sites to track exactly which people have voted and where. Which means that by the end of Election Day, before polls close -- while your drop box, by this proposal, is still technically open to accept ballots -- a campaign would know precisely who in that electoral district has voted and not voted.

And I'm not saying that anybody would ever create fraud in this business. But certainly for a citizen in New York State to look at that process and stand up and say, Something doesn't smell right, and I see an opportunity -- and then to further distrust this system, I think with this legislation in place would have a grand opportunity to feel like their vote doesn't count.

And that would be my biggest concern going into this vote, Madam President. That's why I'll be voting no and encourage my colleagues to do the same. Thank you.

ACTING PRESIDENT MAYER: 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 4. This act shall take effect immediately.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar Number 9, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Helming, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 42. Nays, 18.

ACTING PRESIDENT MAYER: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Last but not least, Madam President, can we take up Calendar Number 5, by Senator Jackson.

ACTING PRESIDENT MAYER: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 5, Senate Print 350, by Senator Jackson, an act to amend the Election Law.

ACTING PRESIDENT MAYER: Senator Walczyk.

SENATOR WALCZYK: Thank you, Madam President. Would the sponsor yield?

ACTING PRESIDENT MAYER: Senator Jackson, do you yield?

SENATOR JACKSON: Yes, I will.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: Thank you.

Through you, Madam President, what's the problem that we're trying to solve with this bill today?

SENATOR JACKSON: The problem is we're trying to put forward a bill that has standard operating procedures as far as filing appeals or any type of litigation in the process. And that is with four Appellate Division court areas: One in the first department, in New York

County; the second department, in Westchester County; the third in Albany; and the last one in Erie County -- in essence, Buffalo.

And then it would be standard operating procedure, if you disagreed with any type of electoral process, this is where you go to do it.

SENATOR WALCZYK: And through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR JACKSON: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: The sponsor mentioned standard operating procedure. Whose standard operating procedure would that be? Would that be in statute, is that by the Office of Court Administration?

SENATOR JACKSON: What we're doing is trying to avoid bad faith, you know, processing of -- of appeals in order to circumvent or slow up the democratic process as far as voting is concerned.

SENATOR WALCZYK: Through you, Madam President, I wonder if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR JACKSON: Yes.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR WALCZYK: In that standard operating procedure, whose bad faith are you referring to?

SENATOR JACKSON: Anyone that wants to destroy the democratic process for people to vote with -- you know, knowing that their votes will be counted, and with transparency. It could be anyone.

SENATOR WALCZYK: And through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR JACKSON: Yes.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR WALCZYK: Did the Office of

Court Administration ask specifically for this change in their standard operating procedure?

SENATOR JACKSON: No, not to my knowledge.

But there's other areas in which things are happening not only in New York State, but around the entire country regarding this.

SENATOR WALCZYK: And through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR JACKSON: Yes.

ACTING PRESIDENT MAYER: Yes, the sponsor yields.

SENATOR WALCZYK: I think you've explained why you're restricting the venue to four specific counties. Does it have anything to do with the political makeup of the four counties, or was that a consideration?

SENATOR JACKSON: No, it has to do with the fact that in areas in New York City -- Manhattan, Bronx and what have you -- that's the First Department; Long Island and Westchester County is the second, and so forth and so on. It

goes all the way up to Erie County and Buffalo.

SENATOR WALCZYK: Through you, Madam President, would the sponsor continue to yield.

SENATOR JACKSON: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: Why a New Yorker that wants to challenge the constitutionality of an election law, for example, why would they want to travel from the east end of Long Island to Westchester in order to do so?

SENATOR JACKSON: Because that's the jurisdiction of the Appellate Division in the -- in the areas where people live at.

SENATOR WALCZYK: And through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR JACKSON: Yes.

ACTING PRESIDENT MAYER: Yes, the sponsor yields.

SENATOR WALCZYK: And why would some New Yorker that wants to challenge the

constitutionality of New York State's election law want to travel from St. Lawrence County to Albany County?

SENATOR JACKSON: I'm so sorry. Can you repeat the question, please?

SENATOR WALCZYK: Through you, Madam President, I would. Why would a New Yorker that feels possibly disenfranchised or that one of the election laws that we put in place today is not in keeping with our oath of office and against the New York Constitution that we swore to uphold, why would that voter have to travel from St. Lawrence County to Albany County?

SENATOR JACKSON: As far as this bill is concerned, it would be in the jurisdictions that, one, that they live in, based on already established -- where the departments are located at. So first department, second, third, fourth.

SENATOR WALCZYK: Through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR JACKSON: Yes,

Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: Are there other areas of the law where we've given this strict and narrowed approach to the judiciary?

SENATOR JACKSON: In my understanding, the answer is yes.

SENATOR WALCZYK: And through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you --

SENATOR JACKSON: Yes.

ACTING PRESIDENT MAYER: Yes, the sponsor yields.

SENATOR WALCZYK: What areas of law would those be?

SENATOR JACKSON: With the Albany Commercial Division, regarding insurance policies. And these four areas of the courts where an appeal should be filed was the same put forward last year when we voted on the John Lewis Voting Rights Act.

SENATOR WALCZYK: Through you, Madam President, would the sponsor continue to

yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR JACKSON: Yes.

ACTING PRESIDENT MAYER: Yes, the sponsor yields.

SENATOR WALCZYK: Have any of those provisions of the John Lewis Voting Rights Act been challenged for their constitutionality yet?

SENATOR JACKSON: Not to my knowledge.

SENATOR WALCZYK: And through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR JACKSON: Yes.

ACTING PRESIDENT MAYER: Yes, the sponsor yields.

SENATOR WALCZYK: Has the Attorney General issued an advisory opinion on the constitutionality of this legislation that you're proposing today?

SENATOR JACKSON: Not to my knowledge.

SENATOR WALCZYK: And through you, Madam President, would the sponsor --

SENATOR JACKSON: That that is why -- why am I putting this forward? I think that in -- in the explanation here, this bill attempts to reduce the partisan gamesmanship that occurs in Election Law-related litigation.

Currently it is too -- far too easy for those seeking to destabilize the electoral process to do so through frivolous litigation. So this bill aims to reduce that and prevent the forum shopping that seems recently -- by designating one court in each judicial department in the state as the appropriate venue to challenge the Election Law.

And I said to you earlier, in answering an earlier question -- I didn't say it was Republicans. It could be Republicans, Democrats, independents, whoever it is. It's putting order in our process and not -- and to avoid, you know, filing litigation which tries to stop the system from going forward in a democratic way.

SENATOR WALCZYK: Through you, Madam President, would the sponsor continue to

yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR JACKSON: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: If we're going to make a determination on how the judicial branch should do their business, why wouldn't we just make an amendment to the State Constitution and -- and restructure the way that the Appellate Division works in these challenge cases?

SENATOR JACKSON: You can do that yourself, sir.

SENATOR WALCZYK: Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Walczyk on the bill.

SENATOR WALCZYK: I mean, this seems like insider baseball stuff, and it -- and it really is -- the constitutionality of -- of certain provisions of the John Lewis Voting Act haven't been challenged yet.

And I -- I just bring up the

Constitution in this debate a couple of times because I -- I think it's important. Actually, we all think it's important, because we were all in this room with our left hand on a Bible, many of us, and all our right hands in the air, and we swore to uphold it.

The Office of Court Administration didn't ask specifically for this legislation. The Attorney General hasn't ruled on it. The provisions that are anything like it haven't been challenged on a constitutional basis. And it has a constitutional bearing. We're telling the judicial branch and, really, New Yorkers that may feel that some of the laws in New York State that affect the way that we do elections in New York State are challenged for their constitutionality. It's -- it's funny that coming off of a debate where we talked about putting drop boxes as close to people's homes all over New York State so that they could feel so enfranchised that, even on Election Day up until the moment that the polls close, they could put that absentee in the -- in the drop box and don't worry, they will be enfranchised. Those same exact voters, if they want to challenge a law in the State of New York,

well, congratulations, if you're out east on Long Island, you've got to drive to Westchester and pay an attorney to do that. And congratulations if you're up on the Canadian border; you have to drive to either Rochester or Albany if you want to challenge that. Talk about disenfranchisement.

Since you're amending the New York State Constitution and you're telling courts how to challenge the Constitution, we're essentially -- and I understand the -- the gentleman's comments, you know, concerns about cherry -- cherry-picking judges from certain counties or certain areas. This is exactly what you're doing in reverse. You're saying now only our judges, only the judges that we select in these four counties, and you will drive to go see them. Well, that doesn't seem very fair.

Last week we swore -- we swore an oath to uphold the Constitution, and this week, well, we'll have an opportunity, just with this vote right here, to hold up our end of that bargain to the State of New York. I'm not going to violate this oath, not this guy. I'll be voting no.

And I appreciate the opportunity, Madam President.

ACTING PRESIDENT MAYER: Senator -- Senator Stec, why do you rise?

SENATOR STEC: Thank you, Madam President. If the sponsor would please yield for questions.

ACTING PRESIDENT MAYER: Senator Jackson, do you yield?

SENATOR JACKSON: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR STEC: Thank you. Thank you, Senator Jackson. Happy New Year.

SENATOR JACKSON: Happy New Year.

SENATOR STEC: So I'm -- I'm not the ranking member on the Elections Committee. Certainly like, I think, everyone in this room and all of our staff and hopefully the vast majority of our constituents, I care deeply about our elections process.

I want to make sure I understand this bill. I think I do, but I want to make it clear for perhaps those watching at home. This bill would limit challenges to Elections Law

constitutionality issues to four counties. If you have an issue that you want to bring forth to question the constitutionality of some sort of -- a portion of our Elections Law, you'd have to either go to New York City, Westchester County, Albany County, or Erie County. Is that correct?

SENATOR JACKSON: Only if it's the constitutionality of the allegations.

SENATOR STEC: All right, so on -- Madam President, if the sponsor would continue to yield, please.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR JACKSON: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR STEC: Thank you. So there's 62 counties in the State of New York. I represent all the parts of six of them. Out of those 62 counties, the only place to bring that kind of lawsuit, that kind of question, would be judges in those four counties. Is that correct?

SENATOR JACKSON: Yes, depending on where you lived at. So if you lived upstate in the county next to Erie County, the jurisdiction

would be in Buffalo. I mean, why would you travel all the way to New York to file it?

SENATOR STEC: Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR JACKSON: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR STEC: All right. It's a beautiful state that we live in. It's a very large and diverse state. It can be difficult to travel, depending on the time of year, depending on where you live in the state. I'm just curious, you know, have you ever been to Franklin County?

SENATOR JACKSON: Frankly, no, I have not. I don't even know where it is.

SENATOR STEC: That would have been my sub-question, but thanks for answering that for me.

Madam President --

SENATOR JACKSON: I've been to Buffalo. My daughters went to University of Buffalo, so I've been up there, many years.

SENATOR STEC: All right. That -- that's farther away than New York City for me, but -- Madam President, if the sponsor would continue to yield, please.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR JACKSON: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR STEC: All right, thank you, Madam President. I won't go through all the counties I represent. But just real quick, have you ever been to Clinton County or Warren County?

SENATOR JACKSON: I -- I don't know. I may have driven through there. I mean, when I played basketball at SUNY New Paltz I went to many places upstate.

SENATOR STEC: All right, fair enough -- well, SUNY New Paltz, okay. Back home they're laughing right now.

SENATOR JACKSON: I said there was many other places that we went to play -- Cortland and all over the place.

SENATOR STEC: Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Stec on the bill.

SENATOR STEC: All right, thank you. I appreciate Senator Jackson's time, and thank you for allowing me to have a little bit of fun with him here. But this is a very important issue to me and to everybody.

You know, my Senate district -- excuse me. My Senate district is larger than the -- the states of Connecticut and Rhode Island combined. When I leave my house and I drive to the farthest point of my district, that's a three and a half hour drive.

This bill would ask those people that live up on the Canadian border -- in Potsdam, in Messina, in Canton, in Malone, in Plattsburgh -- to drive three, four, five hours to Albany. That is not equal access to the law. That is not equal access to their government. That is not equal access to the courts. You are disenfranchising rural voters with this legislation.

Somebody that lives in Franklin County -- that's Saranac Lake, that's Tupper Lake, that's Malone, a good part of the

Adirondacks, a gorgeous part of our state -- they have every right to expect to have the same treatment by the laws of the State of New York as somebody that lives in Westchester County or New York City or Erie County. Their money's as green as yours and mine, their taxes are as high as yours and mine.

They should not have to -- and oh, by the way, in every other aspect of New York State they're paying through the nose because they live so rural. If you want medical treatment, if you want mental health treatment, people up there likely have to drive to Syracuse or Albany for the services that many of you hop on the subway for or walk down the block for.

But one of the most basic tenets of our democracy is that they should have equal access to the law. Equal justice for all. All you're doing here is you're penalizing rural voters -- and we've all seen the maps. We've all seen the maps. We know what red or blue -- where red or blue tend to live. I find it impossible to believe that this was not done with that lens at all.

There's no -- I don't see a benefit

to anyone, except for somebody looking for partisan advantage, to making it more difficult for somebody that lives in Steuben County or Clinton County or Franklin County or Essex County or Warren County or Washington County to access the courts. And that's exactly what this bill would do.

It is wrong on so many levels. It is beneath us as elected officials to tolerate legislation like this. I'll be voting against it, and I hope that everyone else does too.

ACTING PRESIDENT MAYER: Senator Martins.

SENATOR MARTINS: Thank you, Madam President. If the sponsor would yield for a few questions.

ACTING PRESIDENT MAYER: Senator Jackson, do you yield?

SENATOR JACKSON: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MARTINS: Thank you, Madam President. Through you, the sponsor had mentioned that the purpose of this bill is to combat frivolous challenges and lawsuits

involving the Election Law. I was hoping that the Sen -- the sponsor would be able to provide us with perhaps an example of the type of frivolous lawsuits to which he is referencing.

SENATOR JACKSON: So let me say that this bill was brought about by a member of my team with discussing electoral process. And this lawsuit was filed to challenge absentee ballots. And Republican and Conservative parties filed a lawsuit in October of 2022 to challenge the constitutionality of the absentee ballot law that allows an excuse to be fear of catching COVID. Okay? Everybody had, you know, the COVID pandemic.

So approximately 188,000 voters used absentee ballots to cast votes in the 2022 election. The lawsuit was filed in Saratoga County, presided over by Justice Dianne Freestone. Justice Freestone was the first vice chair of the Saratoga County Republican Party. Justice Freestone ruled that the law for canvassing absentee ballots was unconstitutional. And the Appellate Division overturned Justice Freestone's ruling and held that the lawsuit was filed too late.

So what we're saying, it doesn't matter if you're Republican, Conservative, Democrat -- but if you file a frivolous lawsuit, we want to make sure that you go through the process to file it correctly in the four geographical areas when you're challenging the constitutionality of any of the matters.

And this is what we're trying to do to make sure that democracy is really in action, where people can file absentee ballots and expect those absentee ballots to be counted and not challenged six, eight months later when there should have been, if any -- a real challenge should have been challenged right when -- when, you know, one -- within one month of when the violation occurred. And so that's what this -- that's what brought about this bill.

SENATOR MARTINS: Madam President, through you, if the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Jackson, do you continue to yield?

SENATOR JACKSON: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MARTINS: Thank you.

Senator, in that action that was brought in Saratoga County, was the plaintiff a resident of Saratoga County?

SENATOR JACKSON: I have no idea.

SENATOR MARTINS: Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Martins on the bill.

SENATOR MARTINS: So we've spent the good part of today in the afternoon talking about expanding the right to vote, access to government for people to be able to participate in the process. And yet here we are. Because someone in this state chooses to challenge the constitutionality of a law that happens to be an election law, we're going to limit their ability to do so.

As was mentioned earlier, there are 62 counties in this state. That means there are 62 Supreme Courts, each in a separate county. That was done for a reason, Madam President. That was done so that everyone would have access to justice locally.

Now, I'm not going to presuppose whether a lawsuit in Saratoga County was

frivolous or whether there was a lawsuit in Nassau County that was frivolous, or in Erie County or any other county. But I will defend the right of every citizen in this state and every person in this state to avail themselves of the justice system as it was set up by the state's Constitution.

The New York State Constitution recognizes the Supreme Court of the State of New York in each county as a court of general jurisdiction. That means that the citizens and residents of that state county have the right to go to that county court to challenge any laws that they want. It's up to them. And they may be frivolous. They may be wrong. But they may be right. And they have an absolute right, under the State Constitution, to challenge their laws.

Now, Madam President, as you know, I represent an area of the North Shore of Nassau County. I happen to be in the Second Appellate Division. And anyone -- myself included, if I wanted to challenge a law -- would have to go up to Westchester.

Now, our colleague Senator Stec mentioned that it can take three and a half hours

for him to drive from one end of his district to the other. Being in Nassau County and having to go through New York City, it may well take me more than four hours to go from Nassau County to Westchester. But how about -- but how about -- and this is -- how about understanding that there is a system in place and that every resident in this state should be able to avail themselves and to seek justice when they want?

Not because we choose to allow them, not because we believe that certain lawsuits are frivolous, but because they have a fundamental right under the Constitution to challenge those laws, to challenge us. Because we, as a body, certainly can make mistakes. And if we do, and if we overstep, they should be able to go to their local Supreme Court and file that challenge. Not because we've decided they're going to go to Erie, Albany, New York or Westchester County.

My colleagues, please, let's understand what we're doing here. We're creating winners and losers because we've decided that we're going to make it less -- or more difficult, let me put it that way, for our residents, for

those we represent, to seek justice and to challenge government. And that's not something I can tolerate.

Madam President, I'll be voting no, and I urge my colleagues to do the same.

Thank you.

ACTING PRESIDENT MAYER: Senator Rhoads.

SENATOR RHOADS: Thank you, Madam President. Will the sponsor yield?

ACTING PRESIDENT MAYER: Senator Jackson, do you yield?

SENATOR JACKSON: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: Thank you, Senator Jackson.

SENATOR JACKSON: Happy New Year to you.

SENATOR RHOADS: Very nice to meet you. Happy New Year.

Article VII of the New York State Constitution sets forth the jurisdiction of the Supreme Court as the court of original jurisdiction. This legislation, however,

restricts the ability of local Supreme Courts to be able to hear cases involving the constitutionality and sends it directly to the Appellate Division.

Have you sought any opinion as to whether or not this bill is constitutional and why this was not presented as an amendment to the Constitution, given what Article VII says?

SENATOR JACKSON: So it doesn't start at the Appellate Division. As you know, it would have to be started at the Supreme Court level within the jurisdiction of that Appellate Division.

So in regards to Nassau County, you can file it in Nassau County as far as Supreme Court, but the Appellate Division has to be -- it has to be filed within the jurisdiction of the Appellate Division.

SENATOR RHOADS: It has to be filed within the jurisdiction of the Appellate Division? Sorry.

SENATOR JACKSON: It has to be filed in a certain court. Or the whole part of the Supreme Court.

So yes, you would have to file it

within the Appellate Division wherever you live at.

SENATOR RHOADS: Will the sponsor yield to another question, Madam President?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR JACKSON: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR RHOADS: So if I want to -- if I want to challenge the constitutionality of a provision of the Election Law as a Nassau County resident, right now I would go to the Nassau County Supreme Court and I would file my challenge.

If I want to challenge this under your law, where would I now have to go?

SENATOR JACKSON: In response, Madam -- this -- these -- these lawsuits are being filed by political parties and people that are representatives of political parties, and that -- they are challenging the constitutionality of it.

SENATOR RHOADS: Will the sponsor yield to another question?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR JACKSON: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR RHOADS: But as a private citizen, don't I have to right to file a challenge? Does it have to be a political party?

SENATOR JACKSON: No. You -- you -- anyone can file a lawsuit. But that's not really what the reality is.

The reality is that political parties are throwing themselves in there in order to stop the system where, in this particular case that I cited, 188,000 absentee ballots, they were trying to throw those out. And where? It wasn't in New York City.

You know, we -- we must allow the democratic process for people to vote by absentee ballots that they're entitled to do that, especially during the pandemic. And that's what that was about. And you mean to tell me you would want these ballots not to be counted? Come on.

SENATOR RHOADS: On the bill.

ACTING PRESIDENT MAYER: Senator Rhoads on the bill.

SENATOR RHOADS: Thank you, Madam President.

And thank you for yielding to my questions.

I believe that this bill is flatly unconstitutional. The bottom line is Article VII of the State Constitution establishes the jurisdiction of the court, establishes where those courts are supposed to be heard. And this bill essentially is changing that without amending the Constitution.

Essentially what Senator Jackson, I believe, is concerned about is forum shopping. But the solution to forum shopping is not the State Legislature choosing the forum for litigants. There are provisions if someone brings a frivolous lawsuit. Judges have discretion to be able to order sanctions. Appellate Divisions have the ability to order sanctions for frivolous lawsuits.

And in the particular example that the Senator gave, I have no idea what the outcome was, but I suspect that the costs of the

litigation as well as the sanction, if it was frivolous, probably was imposed on whatever party brought it frivolously. The courts have the ability to handle that.

So to try and solve a problem or a perceived problem, on a day when what we've been talking about with respect to all of the other bills that we've considered is how to provide people additional access to the government -- we are now effectively telling somebody that lives in Montauk, out in the far end of Suffolk County, that you have to drive two hours to get to Westchester in order to be able to access the court that you would ordinarily just have to go to Riverhead to be able to access, 40 minutes away.

Or, as in Senator Stec's example, you might have to drive three and a half or four hours to be able to access a venue.

So I'm concerned about this on a number of levels. Whereas we've been talking about providing access, what this bill effectively does is deny access to the courts. Because we're concerned about political parties acting, we're going to take away the rights of

every single constituent to be able to access the courts when they have concerns about the constitutionality of the election system.

Protecting democracy? This is in effect destroying democracy, because you're refusing to allow people to have the ability, when they're challenging a law that this body passes, denying them the opportunity to effectively be able to appeal that law. Because for most people, it's not worth driving three hours to get to a courthouse when they could drive 10 minutes away from their location. They're simply not going to do it. It's ensuring that only political parties will be the ones.

And then to substitute our judgment as to what the forum of litigation should be for decisions made by individual litigants? That's not the way the process is supposed to work.

So I would urge my colleagues, take a look at what we're doing here. Instead of giving rights, we're effectively taking rights away. And we're doing so in a form that if it were challenged, the constitutionality of it were challenged, I certainly don't think passes muster if you take a look at Article VII.

So I will be voting against this bill to protect my residents' rights to be able to access the courts in a convenient manner, and I would encourage my colleagues to do the same.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Senator Murray.

SENATOR MURRAY: Madam President, can I speak on the bill?

ACTING PRESIDENT MAYER: Senator Murray on the bill.

SENATOR MURRAY: Thank you.

I'm just trying to figure out what we're doing here right now. We've voted on multiple bills with the -- under the premise of making it easier, giving greater access to voters to letting them participate in the process, and to make it easier for everyone. Now we're voting on a bill that would make it more difficult to challenge that process?

I live in Suffolk County. Last night -- I had an early morning radio interview this morning, so I figured I'm going to come up, be well rested, so I left a little late last night. I left right when the Green Bay-Detroit

game kicked off, and I'm listening to it on the radio. I left my office in my home in East Patchogue. By the time I hit Westchester, which is where I would have to go if I wanted to file a grievance, we were entering the fourth quarter of the game.

Meanwhile, I could have gone 20 minutes to Riverhead. I bypassed Mineola. This is making it easier? How can we possibly justify this? How can we possibly say, after voting on the previous bills -- again, under the guise of making it easier -- we're now going to make it harder? I just don't understand what we're doing here when we want people participating.

And if they have questions on the process, they should be able to do that. As you said, you said -- the sponsor himself said there were frivolous lawsuits brought about, and they were found to be frivolous. That's how the system works. But we don't limit the ability to file these grievances because we think they may be frivolous. We let the system work.

But by limiting it in this basis -- as previous speakers have said, there are

62 counties, 62 Supreme Courts. We're going to limit it down to four. And we're making it easier? I don't think so.

For that reason I'll be voting no, and I urge everyone in this chamber to do the same.

ACTING PRESIDENT MAYER: Senator Stec on the bill.

SENATOR STEC: Thank you. I apologize. Very briefly on the bill.

As I've listened, the more concerned I am. I've been in the Legislature -- this is my 11th year now, and I've seen a lot of legislation that I did not like. I saw a lot of legislation that, in my opinion, was clearly unconstitutional. I am not an attorney. A simple layman's read, this is -- it may not be the most controversial, it may be inside baseball, it may be the kind of thing that a lot of people are going to be knowingly affected by. But this is the most blatantly unconstitutional piece of legislation that I've seen in over my decade in -- in the house.

It is -- we are disenfranchising residents of 58 counties, and we're showing

preference to residents of four counties, four of the biggest and bluest counties in the State of New York. The point was just made, we just spent the better part of today trying to increase, bend over backwards to make it really, really easy -- and perhaps not as secure -- to access the ballot box. Personally I -- I struggle to see how it's a big deal to find a way to vote on Election Day, and all the other access that we had already I thought was a tremendous improvement or extension.

But to say that that doesn't go far enough and to pass the legislation that we earlier did today, and then turn around in the same breath and try to constrict access to the courts -- 58 out of 62 counties, you won't be able to challenge the constitutionality of election law because of this. It's outrageous.

ACTING PRESIDENT MAYER: 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 immediately.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Myrie to explain his vote.

SENATOR MYRIE: Thank you, Madam President.

Just for the record -- and I hear my colleagues' outrage -- this is not a unique structure in our law. Particularly as it pertains to voting rights, you've heard for -- for the John Lewis Voting Rights Act of New York. But for the strongest voting rights act ever passed prior to Shelby County, the Supreme Court ruling in the 2013, it used to be the case that all of those individual grievances or perceived violations of that were also relegated to certain courts in this state. If you were bringing a voting rights action that was federal, you had to go to certain courts in this state. And that's been the case for 50 years.

So this isn't abnormal. This isn't something that we have not seen. Part of the reasoning there is that we have stability when it comes to the constitutionality of election law.

As all of us know in this chamber, there is something unique about the Election Law as it pertains to elections happening. And what we've seen is constitutionality challenges during elections, at the -- right at the end of an election, that disturb the democratic process.

So in order to insert predictability, stability, and to compare it to what we have done for over 50 years on the federal level, that is why I'll be voting yes. Thank you.

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

Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you, Madam President.

Having listened to the debate in this chamber over the last couple of hours, I think the takeaway I have is a pretty simple one. My Democratic colleagues want to make it easier to vote and harder to bring frivolous lawsuits to disenfranchise people, and my Republican colleagues want to make it harder to vote and easier to bring frivolous lawsuits to

disenfranchise people.

I proudly vote in the affirmative.

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

Senator Skoufis to explain his vote.

SENATOR SKOUFIS: Thanks very much, Madam President.

I've listened attentively to -- to this debate, and one would think that filing election lawsuits are as American as apple pie, that people just wake up the day after Election Day and they decide to defend our democracy and go to court and go to their nearest county courthouse.

We all know better than that, because half the people in this room have probably filed -- or people on our behalf, our campaigns' behalf, have filed election lawsuits. We know that's not how that happens. Tim Harkenrider and three other people in Steuben County didn't wake up one day and say, I'm going to file a lawsuit against the redistricting maps. Ed Cox and a few other people in the state party call up the locals and say, Hey, we want to be in Steuben County, find

us some committee members, find us some lawyers to work with, and put their name on a lawsuit.

That's how election lawsuits happen in New York State. We're not disenfranchising anybody here. Folks in the North Country aren't going to have to travel four hours to file a lawsuit in Albany. The same way it works now will be the same way it works after this is enacted. Those folks in the North Country will call up John Ciampoli in Albany and say, Hey, we've got a problem, we need you to file a lawsuit on our behalf. That's what happens in New York State.

So on -- for the 29 people who are watching this live feed --

(Laughter.)

SENATOR SKOUFIS: -- and are questioning after watching this debate: Oh, my God, they're disenfranchising people, I'm not going to be able to file a -- nobody does that in New York State. That's the truth. That's how it worked before. That's how it will work after. The only difference being you won't be able to forum shop.

ACTING PRESIDENT MAYER: How do you

vote, Senator Skoufis?

(Laughter.)

SENATOR SKOUFIS: I vote up.

(Laughter.)

ACTING PRESIDENT MAYER: Senator Stec to explain his vote.

SENATOR STEC: I think we finally got to the cusp of it here. And it came out, and I thank my colleague for bringing it out. And thank God for Steuben County and that Supreme Court that caught that case. Wow, they were venue shopping. Well, it happened to go there where it got a fair hearing. And how do I know it got a fair hearing? Because it went to the level -- the next level after the next level after the next level till it finally got to the Court of Appeals, justices all appointed by the Governor, all by Democratic governors. And it still reeked so bad that no matter how hard they tried to look at an angle on those maps, your party's court designees ruled it unconstitutional and we got a fair map out of that. The congressional maps were fair out of that. And frankly, the balance of power in the House of Representatives may have very well turned on that

Supreme Court judge in Steuben County.

So you -- you all -- they did the venue shopping. You would have, under this legislation, this body venue shop and determine that instead of going to Steuben County, it would have been -- gone to somebody in New York City. And I question whether or not we'd have gotten the same outcome on that redistricting challenge as we did here.

But again, it started in Steuben County, a rural county, but it went all the way to the Court of Appeals, and the Court of Appeals had to -- and I'm sure that it bugged a lot of them. And frankly, from what I see about the future of our Judiciary Committee and the direction we're going in on appointing the next chief judge, apparently the courts bother a lot of people on the other side of the aisle in this chamber.

I'm proudly voting no.

ACTING PRESIDENT MAYER: Senator Stec to be recorded in the negative.

Senator Borrello to explain his vote.

SENATOR BORRELLO: Thank you,

Madam President.

I find it interesting that we're talking about trying to reduce frivolous lawsuits in New York State. This body passes legislation after legislation after legislation that includes private rights of action. What is a private right of action? It's so one person can create what is essentially a class action lawsuit. And that in itself creates many, many frivolous lawsuits, billions of dollars paid out, problems that have been created. New York State is the most litigious state in the most litigious country in the nation.

But all of a sudden, we want to take the high road and we're going to stop frivolous lawsuits in New York State. No. You are indeed trying to stop the process of bringing a constitutional challenge. Because if you're really concerned about frivolous lawsuits in New York State, half the bills that we pass here wouldn't include a private right of action. That is exactly what that is. Frivolous lawsuits, that's what we do here. We incubate them in this chamber. And you're -- today we're drawing a line in the sand to stop people from being able

to successfully challenge the unconstitutionality of a particular law.

So I'll be voting no. Thank you.

ACTING PRESIDENT MAYER: Senator Borrello to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 5, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Helming, Mannion, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 41. Nays, 19.

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

SENATOR GIANARIS: I move to adjourn until tomorrow, Tuesday, January 10th, at 11:00 a.m.

ACTING PRESIDENT MAYER: On motion, the Senate stands adjourned until Tuesday, January 10th, at 11:00 a.m.

(Whereupon, at 5:49 p.m., the Senate adjourned.)