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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 10, 2023

11:13 a.m.

REGULAR SESSION

LIEUTENANT GOVERNOR ANTONIO DELGADO, President

ALEJANDRA N. PAULINO, ESQ., Secretary

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

2 THE PRESIDENT: The Senate will
3 come to order.

4 I ask everyone present to please
5 rise and recite the Pledge of Allegiance.

6 (Whereupon, the assemblage recited
7 the Pledge of Allegiance to the Flag.)

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

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

13 THE PRESIDENT: Reading of the
14 Journal.

15 THE SECRETARY: In Senate, Monday,
16 January 9, 2023, the Senate met pursuant to
17 adjournment. The Journal of Sunday, January 8,
18 2023, was read and approved. On motion, the
19 Senate adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Mr. President,
7 at this time I move to adopt the Resolution
8 Calendar.

9 THE PRESIDENT: All those in favor
10 of adopting the Resolution Calendar please
11 signify by saying aye.

12 (Response of "Aye.")

13 THE PRESIDENT: Opposed, nay.

14 (No response.)

15 THE PRESIDENT: The Resolution
16 Calendar is adopted.

17 Senator Gianaris.

18 SENATOR GIANARIS: There is a
19 Concurrent Resolution at the desk. I ask that
20 the resolution be read in its entirety and move
21 for its immediate adoption.

22 THE PRESIDENT: The Secretary will
23 read.

24 THE SECRETARY: Senate Resolution
25 174, by Senator Stewart-Cousins, Concurrent

1 Resolution of the Senate and Assembly providing
2 for a joint assembly for the purpose of receiving
3 a message from the Governor.

4 THE PRESIDENT: All those in favor
5 signify by saying aye.

6 (Response of "Aye.")

7 THE PRESIDENT: Opposed?

8 (No response.)

9 THE PRESIDENT: The resolution is
10 adopted.

11 Senator Gianaris.

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

14 THE PRESIDENT: The Secretary will
15 read.

16 THE SECRETARY: Calendar Number 2,
17 Senate Print 136, by Senator Krueger, an act to
18 amend the Election Law.

19 SENATOR LANZA: Lay it aside.

20 THE PRESIDENT: Lay it aside.

21 THE SECRETARY: Calendar Number 6,
22 Senate Print 585, by Senator May, an act to amend
23 the Election Law.

24 SENATOR LANZA: Lay it aside.

25 THE PRESIDENT: Lay it aside.

1 THE SECRETARY: Calendar Number 7,
2 Senate Print 587, by Senator Comrie, an act to
3 amend the Election Law.

4 THE PRESIDENT: Read the last
5 section.

6 THE SECRETARY: Section 2. This
7 act shall take effect on the 180th day after it
8 shall have become a law.

9 THE PRESIDENT: Call the roll.
10 (The Secretary called the roll.)

11 THE PRESIDENT: Announce the
12 results.

13 THE SECRETARY: In relation to
14 Calendar Number 7, those Senators voting in the
15 negative are Senators Borrello, Helming, Lanza,
16 Murray, Oberacker, O'Mara, Ortt, Stec, Walczyk,
17 Weber and Weik. Also Senator Rhoads.

18 Ayes, 49. Nays, 12.

19 THE PRESIDENT: The bill is passed.

20 THE SECRETARY: Calendar Number 8,
21 Senate Print 609, by Senator Hoylman, an act to
22 amend the Election Law.

23 SENATOR LANZA: Lay it aside.

24 THE PRESIDENT: Lay it aside.

25 THE SECRETARY: Calendar Number 10,

1 Senate Print 611, by Senator Mayer, an act to
2 amend the Election Law.

3 SENATOR LANZA: Lay it aside.

4 THE PRESIDENT: Lay it aside.

5 THE SECRETARY: Calendar Number 11,
6 Senate Print 612, by Senator Mayer, an act to
7 amend the Election Law.

8 THE PRESIDENT: Read the last
9 section.

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

12 THE PRESIDENT: Call the roll.

13 (The Secretary called the roll.)

14 THE PRESIDENT: Announce the
15 results.

16 THE SECRETARY: In relation to
17 Calendar Number 11, those Senators voting in the
18 negative are Senators Canzoneri-Fitzpatrick,
19 Helming, Lanza, Mattera, Murray, Oberacker,
20 O'Mara, Ortt, Rhoads, Weber and Weik. Also
21 Senator Borrello.

22 Ayes, 49. Nays, 12.

23 THE PRESIDENT: The bill is passed.

24 THE SECRETARY: Calendar Number 12,
25 Senate Print 613A, by Senator Myrie, an act to

1 amend the Tax Law.

2 THE PRESIDENT: Read the last
3 section.

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

6 THE PRESIDENT: Call the roll.
7 (The Secretary called the roll.)

8 THE PRESIDENT: Announce the
9 results.

10 THE SECRETARY: Ayes, 61.

11 THE PRESIDENT: The bill is passed.

12 THE SECRETARY: Calendar Number 13,
13 Senate Print 614, by Senator Myrie, an act to
14 amend the Election Law.

15 THE PRESIDENT: Read the last
16 section.

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

19 THE PRESIDENT: Call the roll.
20 (The Secretary called the roll.)

21 THE PRESIDENT: Announce the
22 results.

23 THE SECRETARY: In relation to
24 Calendar Number 13, those Senators voting in the
25 negative are Senators Borrello, Gallivan,

1 Helming, Mattera, Murray, Oberacker, O'Mara,
2 Rhoads, Rolison, Stec, Tedisco, Weber and Weik.

3 Also Senator Canzoneri-Fitzpatrick.

4 Ayes, 47. Nays, 14.

5 THE PRESIDENT: The bill is passed.

6 THE SECRETARY: Calendar Number 15,
7 Senate Print 617, by Senator Myrie, an act to
8 amend the Election Law.

9 THE PRESIDENT: Read the last
10 section.

11 THE SECRETARY: Section 2. This
12 act shall take effect on the 180th day after it
13 shall have become a law.

14 THE PRESIDENT: Call the roll.

15 (The Secretary called the roll.)

16 THE PRESIDENT: Senator Borrello to
17 explain his vote.

18 SENATOR BORRELLO: Thank you,
19 Mr. President.

20 You know, this is not a bad idea,
21 but unfortunately good ideas and bad ideas often
22 come out of Albany with no funding to execute
23 them, as are a lot of these bills. And after
24 10 years in county government, I can tell you
25 that unfunded mandates are crippling, especially

1 on small communities.

2 So we might have some great ideas; I
3 really suggest we put money behind the great
4 ideas. The bad ideas we should just not do.

5 But thank you, Mr. President.

6 THE PRESIDENT: Senator Borrello is
7 recorded in the negative.

8 Announce the results.

9 THE SECRETARY: In relation to
10 Calendar Number 15, those Senators voting in the
11 negative are Senators Borrello, Murray, Rhoads,
12 Weber and Weik. Also Senator O'Mara.

13 Ayes, 55. Nays, 6.

14 THE PRESIDENT: The bill is passed.

15 THE SECRETARY: Calendar Number 16,
16 Senate Print 619, by Senator Krueger, an act to
17 amend the Election Law.

18 SENATOR LANZA: Lay it aside.

19 THE PRESIDENT: Lay it aside.

20 THE SECRETARY: Calendar Number 17,
21 Senate Print 644, by Senator Mannion, an act to
22 amend the Election Law.

23 SENATOR LANZA: Lay it aside.

24 THE PRESIDENT: Lay it aside.

25 THE SECRETARY: Calendar Number 18,

1 Senate Print 645, by Senator Mannion, an act to
2 amend the Election Law.

3 SENATOR LANZA: Lay it aside.

4 THE PRESIDENT: Lay it aside.

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

7 SENATOR GIANARIS: Can we now move
8 to the reading of the controversial calendar,
9 please.

10 THE PRESIDENT: The Secretary will
11 ring the bell.

12 The Secretary will read.

13 THE SECRETARY: Calendar Number 2,
14 Senate Print 136, by Senator Krueger, an act to
15 amend the Election Law.

16 THE PRESIDENT: Senator Rhoads.

17 SENATOR RHOADS: Thank you,
18 Mr. President. Will the Senator yield to a
19 question?

20 SENATOR KRUEGER: Happily,
21 Mr. President. Good morning.

22 SENATOR RHOADS: Good morning.

23 I notice in the bill that there's a
24 discrepancy between how much New York City
25 inspectors are paid versus inspectors in the rest

1 of the state. What's the justification for that?

2 SENATOR KRUEGER: So for New York
3 City, it actually sets an amount.

4 And for New York State, the rest of
5 the state, it leaves it to county option, as long
6 as it's at least the \$300 a day base. So they
7 can go up to the level of New York City or not,
8 as they wish.

9 SENATOR RHOADS: Why is the amount
10 for New York City -- oh, sorry. Will the Senator
11 yield, continue to yield?

12 THE PRESIDENT: Does the sponsor
13 yield?

14 SENATOR KRUEGER: Yes.

15 THE PRESIDENT: The sponsor yields.

16 SENATOR KRUEGER: So I think this
17 bill dates back two years now. And the problem
18 that we've been having in the City of New York is
19 actually finding enough people to do these jobs.

20 You know, these are incredibly
21 demanding jobs, as we all know throughout the
22 state. In New York City our polls open at 6 a.m.
23 I don't think that is statewide, but they do open
24 at 6 a.m. They close at 9 p.m. So our workers
25 are actually expected to be there by 5:00 in the

1 morning and stay there till probably 10:00 at
2 night.

3 So you're talking about
4 16-to-18-hour days. Granted, it's only a couple
5 of days a year, but these are enormously long
6 days. And we are finding it very difficult to
7 find workers.

8 And so I know our previous mayor --
9 granted, we have a new mayor now. But our
10 previous mayor at the time I was working on this
11 bill was like, "I have money to give the Board of
12 Election so they can get their job done, but no
13 one's asking me for it." And technically they
14 didn't have the power to raise the amounts
15 without the state acting.

16 So we started to work on that bill,
17 and those were the numbers that we thought were
18 reasonable for the City of New York, which I
19 think most of you know is a tad more expensive in
20 everything than anywhere else in the state.

21 So then I had other colleagues
22 asking me to do this statewide because of similar
23 problems, but we decided not to go beyond a
24 certain base for the rest of the state. But if
25 that county then chooses to go up, of course they

1 can.

2 SENATOR RHOADS: Would the Senator
3 continue -- will the sponsor continue to yield?

4 THE PRESIDENT: Does the sponsor
5 yield?

6 SENATOR KRUEGER: Yes, I will.

7 THE PRESIDENT: The sponsor yields.

8 SENATOR RHOADS: Thank you.

9 The question was -- for me, the
10 question was, why is the amount in New York City
11 fixed as opposed to the rest of the state having
12 the ability to have a minimum threshold?

13 SENATOR KRUEGER: So would the City
14 of New York like to go above that.

15 I think if the City of New York came
16 back to the Legislature and said "We want to go
17 even higher," we would probably say fine. The
18 City of New York has a large staff who come to
19 the Legislature and lobby for them all the time.
20 So if they are open to that, I am sure we would
21 be open to considering that also.

22 SENATOR RHOADS: Will the Senator
23 continue to yield?

24 THE PRESIDENT: Does the sponsor
25 yield?

1 SENATOR KRUEGER: Yes.

2 THE PRESIDENT: The sponsor yields.

3 SENATOR RHOADS: Was this bill
4 contemplated in conjunction with Senate Bill 609,
5 which is No. 8 on today's calendar?

6 SENATOR KRUEGER: They all went
7 through the Elections Committee. We held a
8 series of hearings around the state on things
9 that needed to be changed for elections, led by
10 the chair of our Elections Committee, Senator
11 Myrie. And many, many different proposals were
12 brought to us in testimony. I think both of
13 these proposals were testified about in the
14 various hearings.

15 But no, I don't think
16 Senator Hoylman and I specifically ever talked
17 about these two bills in relationship to each
18 other. Although he has a better memory than me,
19 so if he wants to stand up and correct me, he
20 can.

21 SENATOR RHOADS: Will the sponsor
22 continue to yield.

23 THE PRESIDENT: Does the sponsor
24 yield?

25 SENATOR KRUEGER: Yes, I do.

1 THE PRESIDENT: The sponsor yields.

2 SENATOR RHOADS: My -- my concern,
3 Senator, is that if 136 were to pass and become
4 law, in my reading of both bills there's no
5 provision for splitting the \$300 -- or \$350 in
6 the City of New York -- if there's split time, so
7 that both would be getting the \$300 or \$350 even
8 though they're doing eight hours work as opposed
9 to 15 hours work, 16 hours work.

10 SENATOR KRUEGER: I understand the
11 question. I appreciate that.

12 So I think my intent was for it to
13 be on a full day. And if I -- if I'm correct or
14 incorrect on that, I am actually quite confident
15 that through chapter amendment we can clarify
16 that.

17 SENATOR RHOADS: And will the
18 sponsor continue to yield?

19 THE PRESIDENT: Does the sponsor
20 yield?

21 SENATOR KRUEGER: Yes, I do.

22 THE PRESIDENT: The sponsor yields.

23 SENATOR RHOADS: Would -- would the
24 Senator consider withdrawing and amending
25 Senate 136 to make it clear, rather than fixing

1 it later through a chapter amendment which we may
2 or may not get to?

3 SENATOR KRUEGER: So I think that
4 we have it on the calendar today, I think it's an
5 important thing to try to do. It is of course
6 extremely early in the session, so I can actually
7 tell you that we probably have more than enough
8 time to bring back a second version of the bill
9 to the floor and correct it that way, and not
10 have to worry about the chapter amendment
11 question.

12 Usually a chapter amendment question
13 comes up when you and I have this kind of
14 debate -- excuse me, Mr. President -- on the last
15 day of session, as opposed to on the second day
16 of session. So I actually think there would be
17 time to make changes in this bill before the end
18 of session.

19 But speaking for myself, I would
20 love for us to be able to move this package of
21 election reforms and board of election reforms
22 today.

23 SENATOR RHOADS: Thank you,
24 Senator.

25 Would the Senator continue to yield

1 to one additional question?

2 THE PRESIDENT: Does the sponsor
3 yield?

4 SENATOR KRUEGER: Yes, of course.

5 THE PRESIDENT: The sponsor yields.

6 SENATOR RHOADS: Again with respect
7 to -- as Senator Borrello brought up, with
8 respect to an earlier point -- the issue of cost.
9 Is there any -- do we have any idea as to what
10 the cost to boards of elections would be
11 associated with this bill?

12 SENATOR KRUEGER: Our projections
13 are approximately \$17 million across the state.
14 Although it's tricky to know for sure, because we
15 put a base for everything outside New York City.
16 But of course those counties could decide to go
17 above the base, and then of course the cost would
18 be more.

19 But I'd say our estimate is
20 approximately 17 million annual -- um -- yes,
21 annually.

22 SENATOR RHOADS: And as an
23 attorney, this is the next last question.

24 (Laughter.)

25 THE PRESIDENT: Does the sponsor

1 yield?

2 SENATOR KRUEGER: He can have more
3 than the next to the last question, yes,
4 Mr. President.

5 (Laughter.)

6 THE PRESIDENT: The sponsor yields.

7 (Inaudible discussion.)

8 SENATOR RHOADS: Yeah, I mean,
9 with --

10 SENATOR KRUEGER: There's some mean
11 people in here.

12 (Laughter.)

13 SENATOR RHOADS: With a -- and as
14 correctly pointed out, with a split shift, and
15 obviously that could increase to \$34 million,
16 theoretically.

17 SENATOR KRUEGER: I'm quite
18 confident that if for some reason we ended up in
19 the situation where there was split shift, that
20 the intention for myself was that this would be a
21 full day's pay, so recording that cost also. So
22 I don't believe that we would move forward
23 through the both houses with it being double
24 that, but rather adjusting for the reality if
25 there are split-shift assignments.

1 SENATOR RHOADS: And third final
2 question.

3 THE PRESIDENT: Does the sponsor
4 yield?

5 SENATOR KRUEGER: Yes, I do.

6 THE PRESIDENT: The sponsor yields.

7 SENATOR RHOADS: Is there any
8 intention to provide any of the counties with
9 funding at some point in time to cover the cost
10 of \$17 million -- or 34 million -- projected
11 based upon the effect of the bill?

12 SENATOR KRUEGER: So the plus also
13 of doing this bill at the very beginning of
14 session is we haven't even started our
15 discussions about the budget yet. And this house
16 has a history of working to add additional money
17 to the state budget in appropriation language to
18 provide counties with additional funds they need
19 for election changes. Because we have been
20 making many election changes in the last several
21 years, and we have committed and been successful
22 in moving additional money to the counties to pay
23 for those things.

24 So I would love to work with you on
25 making sure that we appropriated correct monies

1 to the counties for all the different proposals
2 that we're making to improve people's ability to
3 vote in all of our counties.

4 SENATOR RHOADS: Thank you,
5 Senator.

6 Thank you, Mr. President.

7 THE PRESIDENT: Are there any other
8 Senators wishing to be heard?

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

11 Read the last section.

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

14 THE PRESIDENT: Call the roll.

15 (The Secretary called the roll.)

16 THE PRESIDENT: Announce the
17 results.

18 THE SECRETARY: In relation to
19 Calendar Number 2, those Senators voting in the
20 negative are Senators Ashby, Borrello, Gallivan,
21 Helming, Murray, Oberacker, O'Mara, Ortt, Stec,
22 Tedisco, Walczyk, Weber and Weik.

23 Ayes, 48. Nays, 13.

24 THE PRESIDENT: The bill is passed.

25 The Secretary will read.

1 THE SECRETARY: Calendar Number 6,
2 Senate Print 585, by Senator May, an act to amend
3 the Election Law.

4 THE PRESIDENT: Senator Walczyk.

5 SENATOR WALCZYK: Thank you,
6 Mr. President. Would the sponsor yield for some
7 questions.

8 THE PRESIDENT: Does the sponsor
9 yield?

10 SENATOR MAY: Yes, I would.

11 THE PRESIDENT: The sponsor yields.

12 SENATOR WALCZYK: Thank you. Good
13 morning still. Yeah, good morning.

14 Mr. President, through you, what
15 problem is this legislation trying to solve?

16 SENATOR MAY: Through you,
17 Mr. President, this legislation is designed to
18 solve a very simple problem, which is right now,
19 if there is an election commissioner who is
20 failing at the job, the only way to remove that
21 commissioner is for the Governor to do it. That
22 has proven cumbersome, not always possible to
23 make happen. And this creates one more avenue
24 for the removal of an elections commissioner who
25 is not doing the job.

1 SENATOR WALCZYK: Through you,
2 Mr. President, if the sponsor would continue to
3 yield.

4 THE PRESIDENT: Does the sponsor
5 yield?

6 SENATOR MAY: Yes.

7 THE PRESIDENT: The sponsor yields.

8 SENATOR WALCZYK: Why are we taking
9 it upon ourselves as the Legislature, in this
10 case, to take over a role and decide how the
11 Governor is going to -- to not do this job
12 anymore? Why have we decided that this is going
13 be the State Board of Elections that handles it?

14 SENATOR MAY: So we -- through you,
15 Mr. President, we are not assuming the
16 responsibility for removing elections
17 commissioners, we are simply creating one
18 additional means of doing this.

19 And I will say the reason that I am
20 carrying this bill is because I used to represent
21 two counties that were part of the old
22 Congressional District 22, where there was a race
23 in 2020 in which the judge struggled for months
24 to try to figure out what the outcome of that
25 race should be, because elections commissioners

1 in all the relevant counties had made errors and
2 some had made truly egregious errors. But there
3 was no mechanism to remove these elections
4 commissioners so that they would not go back to
5 doing the job as badly as they had been doing it
6 before.

7 So this creates one mechanism,
8 and -- and honestly, a more fair mechanism and a
9 bipartisan mechanism for removing elections
10 commissioners.

11 SENATOR WALCZYK: Through you,
12 Mr. President, if the sponsor would continue to
13 yield.

14 THE PRESIDENT: Does the sponsor
15 yield?

16 SENATOR MAY: I do.

17 THE PRESIDENT: The sponsor yields.

18 SENATOR WALCZYK: I appreciate the
19 sponsor bringing up the -- the local anecdote
20 that affected near her home. Would you describe
21 for the body whether the current process was able
22 to remove the elections commissioner that you say
23 had egregious misconduct, or the way that you put
24 it?

25 SENATOR MAY: So I'll -- I'll

1 answer it in two ways, through you,
2 Mr. President.

3 Eventually they were removed. It
4 was a lengthy and difficult process. But it
5 really doesn't matter what happened in that one
6 case. This is creating a general process that
7 is, I think, more fair and -- and relies upon
8 people who are close to and understand the
9 Election Law and the -- the issues involved,
10 rather than having to go to the Governor, who may
11 be disengaged from this particular issue.

12 SENATOR WALCZYK: And through you,
13 Mr. President, if the sponsor would continue to
14 yield.

15 THE PRESIDENT: Does the sponsor
16 yield?

17 SENATOR MAY: Yes.

18 THE PRESIDENT: The sponsor yields.

19 SENATOR WALCZYK: Why couldn't we
20 continue to rely on the duly elected Governor,
21 someone who's been selected by the people of the
22 State of New York in a free and fair election, to
23 continue, even in the instance that was
24 described, to follow the process that's laid out
25 before us in removing an elections commissioner?

1 SENATOR MAY: Through you,
2 Mr. President. I think we're all familiar with
3 the case of Jason Schofield in Rensselaer County,
4 who resigned before pleading guilty to election
5 fraud. What if he had not resigned? There would
6 have been a situation where the Governor would
7 have to step in and remove that person. And in
8 this case, the Governor being a Democrat and
9 Mr. Schofield being a Republican, it would have
10 been -- there would have been accusations of
11 partisanship and who knows what.

12 So having the Governor solely in
13 charge of this process actually injects politics
14 into the process that this is intended to pull
15 out of the process.

16 SENATOR WALCZYK: Through you,
17 Mr. President, if the sponsor would continue to
18 yield.

19 THE PRESIDENT: Does the sponsor
20 yield?

21 SENATOR MAY: Yes.

22 THE PRESIDENT: The sponsor yields.

23 SENATOR WALCZYK: Are -- are you
24 aware that there's a move to remove the partisan
25 balance that currently -- that partisan balance

1 and structure that currently exists within our
2 Board of Elections?

3 SENATOR MAY: Through you,
4 Mr. President, would you please clarify that
5 question?

6 SENATOR WALCZYK: Through you,
7 Mr. President, there's a bill on the agenda today
8 that would remove the requirement that Democrat
9 and Republican co-commissioners exist, instead
10 moving more towards a professional and
11 nonpartisan way to run our elections.

12 I was wondering if the sponsor was
13 aware that there is a movement to remove the
14 partisan nature and balance in our Board of
15 Elections.

16 SENATOR MAY: Through you,
17 Mr. President, could you please clarify which
18 bill you're talking about?

19 SENATOR WALCZYK: Well, I --
20 through you, Mr. President, I'd rather stick to
21 the -- to the bill that we're on right now
22 currently. We'll debate that bill in its due
23 time with its due sponsor. I just wanted to know
24 whether you were aware that there was a movement
25 to remove the partisan balance in boards of

1 elections.

2 SENATOR GIANARIS: Mr. President,
3 in deference to Senator Walczyk, he is correct.
4 Let's keep the debate on this bill and the
5 substance of the paper before us, and Senator May
6 will be happy to answer questions about her bill,
7 not about another member's bill.

8 SENATOR WALCZYK: Thank you.

9 And through you, Mr. President, if
10 the sponsor would continue to yield.

11 SENATOR MAY: I will.

12 THE PRESIDENT: Does the sponsor
13 yield? The sponsor yields.

14 SENATOR WALCZYK: How would the
15 Board of Elections define incompetence?

16 SENATOR MAY: Through you,
17 Mr. President. The Board of Elections can issue
18 regulations that make these definitions. They
19 can also use past precedent to -- to make these
20 kinds of decisions.

21 But to be honest, they are far
22 better positioned to do so than the Governor is.
23 So I believe they are the right people to make
24 that determination.

25 SENATOR WALCZYK: Through you,

1 Mr. President, if the sponsor would continue to
2 yield.

3 THE PRESIDENT: Does the sponsor
4 yield?

5 SENATOR MAY: I do.

6 THE PRESIDENT: The sponsor yields.

7 SENATOR WALCZYK: Well, the sponsor
8 of this bill has pointed out a local case in
9 which the Governor did apply some of these terms
10 and definitions in making the determination to
11 eliminate or remove a Board of Elections
12 commissioner. I wonder if the sponsor could tell
13 us the definition, as she's written in this bill,
14 of misconduct as the Boards of Elections should
15 interpret it.

16 SENATOR MAY: Through you,
17 Mr. President. Again, it's one of those things
18 that you know it when you see it. But certainly
19 the elections commissioners would know and be
20 able to codify what that -- what constitutes
21 misconduct.

22 But for example, in one of the
23 counties in that congressional district, some --
24 well over 2,000 people showed up and registered
25 to vote in a timely fashion, but the elections

1 commissioners had somehow arbitrarily decided
2 that they weren't going to put new registrants on
3 the rolls anymore. And so when those people who
4 had duly registered to vote showed up to vote,
5 they -- their names were not on the voting list.

6 So this is one reason why, in a race
7 that was decided by about a hundred votes, we
8 will never know if that outcome actually
9 reflected the will of the voters. It was a
10 pretty clear case of misconduct on the -- on the
11 part of elections commissioners.

12 SENATOR WALCZYK: Thank you.

13 Through you, Mr. President, if the
14 sponsor would continue to yield.

15 THE PRESIDENT: Does the sponsor
16 yield?

17 SENATOR MAY: I do.

18 THE PRESIDENT: The sponsor yields.

19 SENATOR WALCZYK: I'm -- I'm
20 wondering if you could explain how the Board of
21 Elections may define "good cause" differently
22 than the Governor would in this case, and how
23 they will define "good cause" when removing a
24 commissioner of the Board of Elections.

25 SENATOR MAY: Through you,

1 Mr. President, there's no reason why they would
2 necessarily define it differently. This is just
3 creating an additional set of eyes that can make
4 that determination.

5 SENATOR WALCZYK: And through you,
6 Mr. President, if the sponsor would continue to
7 yield.

8 THE PRESIDENT: Does the sponsor
9 yield?

10 SENATOR MAY: I will.

11 THE PRESIDENT: The sponsor yields.

12 SENATOR WALCZYK: Who could bring a
13 complaint that would be forwarded to the Board of
14 Elections and ultimately allow them to make a
15 determination whether to remove a commissioner of
16 the Board of Elections or not? Who can move a
17 complaint forward?

18 SENATOR MAY: Through you,
19 Mr. President, the Boards of Elections would make
20 that decision on their own. I -- I assume they
21 could -- they might hear from people and make --
22 and -- and be prompted to make that decision.

23 But we have set up a fair process
24 where the person who is being accused of this
25 misconduct would have the opportunity to -- to

1 know what the charges were and to be heard in
2 their defense.

3 SENATOR WALCZYK: Through you,
4 Mr. President, if the sponsor would continue to
5 yield.

6 THE PRESIDENT: Does the sponsor
7 yield?

8 SENATOR MAY: I do.

9 THE PRESIDENT: The sponsor yields.

10 SENATOR WALCZYK: So if I'm
11 understanding that correctly, any citizen in the
12 State of New York that has an issue with the way
13 that their board of elections commissioner --
14 they either view them to be incompetent, have
15 some kind of misconduct or have good cause, could
16 bring a complaint forward with Board of Elections
17 and have a determination made by the State Board,
18 if this bill is enacted, as to whether that
19 commissioner will be removed or not? Is that
20 correct?

21 SENATOR MAY: Mr. President, I
22 believe that's true.

23 Through you, Mr. President, a
24 citizen could make the Board of Elections aware
25 of -- of misconduct that they believe has

1 occurred, but they do not have a right to get a
2 determination. It would be up to the Board of
3 Elections to make that -- to decide whether it
4 was worthy of having this process.

5 But I think we've set up a fair
6 process where they would, as I said, you know,
7 the person gets due process and it would have to
8 be decided by a majority of the commissioners,
9 which means a bipartisan decision.

10 SENATOR WALCZYK: Thank you.

11 Through you, Mr. President, if the
12 sponsor would continue to yield.

13 THE PRESIDENT: Does the sponsor
14 yield?

15 SENATOR MAY: Sure.

16 THE PRESIDENT: The sponsor yields.

17 SENATOR WALCZYK: What triggers
18 would cause the State Board of Elections to
19 consider or hear a case? Would it be the nature
20 of incompetence, misconduct or good cause, as
21 they've been loosely defined in this bill, or the
22 mass number of citizens of the State of New York,
23 if they've heard from 20 citizens or 200 citizens
24 about some of these things? Or is it just one
25 case where it would be a good cause or some level

1 of incompetence?

2 SENATOR MAY: Through you,
3 Mr. President. We're not setting up any new
4 process here, it is just a different group of
5 people who can make the determination. But the
6 process is the same as it would be with the
7 Governor. And -- and they -- they can determine
8 what the threshold should be, but we are not
9 setting what the threshold would be.

10 SENATOR WALCZYK: And through you,
11 Mr. President, if the sponsor would continue to
12 yield.

13 THE PRESIDENT: Does the sponsor
14 yield?

15 SENATOR MAY: I do.

16 THE PRESIDENT: The sponsor yields.

17 SENATOR WALCZYK: I'm not aware --
18 and perhaps you could make me aware. I'm not
19 aware of any threshold that exists in the current
20 process that the Governor uses, that this is held
21 in the executive branch and is something that a
22 duly elected Governor could decide, but something
23 that I think we should consider here.

24 If there's -- if there is thresholds
25 that the Governor uses in the current process

1 that you reference, would you -- would you put
2 those forward for us to consider here today?

3 SENATOR MAY: Through you,
4 Mr. President, there are not set rules for this
5 right now. So it is pretty arbitrary. I think
6 this would actually make it more fair and more
7 transparent and -- and more bipartisan, as I have
8 said before.

9 SENATOR WALCZYK: Through you,
10 Mr. President, if the sponsor would continue to
11 yield.

12 THE PRESIDENT: Does the sponsor
13 yield?

14 SENATOR MAY: Sure.

15 THE PRESIDENT: The sponsor yields.

16 SENATOR WALCZYK: Thank you.

17 Can you walk me through the hearing
18 process a little bit, as you envision it with
19 this enacted with the State Board of Elections?
20 So a -- a commissioner is accused of
21 incompetence, misconduct or good cause to have
22 any of those. What type of defense would they
23 have to have? Where would they appear?

24 SENATOR MAY: I'll read from what I
25 have here. The bill requires that before

1 removal, the local election commissioner must be
2 given a written copy of the charges against them
3 and have an opportunity to be heard in their
4 defense so that the process matches what already
5 occurs when the Governor removes a commissioner.

6 SENATOR WALCZYK: And through you,
7 Mr. President, if the sponsor would continue to
8 yield.

9 THE PRESIDENT: Does the sponsor
10 yield?

11 SENATOR MAY: Yes.

12 THE PRESIDENT: The sponsor yields.

13 SENATOR WALCZYK: It's exactly that
14 line that I was looking for qualification on.

15 So when we say "charges against him
16 or her" and "have an opportunity to be heard in
17 his or her defense," where does that hearing
18 happen at the State Board of Elections, who's
19 present, and how does that process work?

20 SENATOR MAY: Through you,
21 Mr. President, it would be an administrative
22 procedure. And once again, I will reiterate that
23 the State Board of Elections would set the
24 guidelines and the -- the procedures in advance.

25 SENATOR WALCZYK: And through you,

1 Mr. President, if the sponsor would continue to
2 yield.

3 THE PRESIDENT: Does the sponsor
4 yield?

5 SENATOR MAY: Yes.

6 THE PRESIDENT: The sponsor yields.

7 SENATOR WALCZYK: As this is
8 considered an administrative procedure, would the
9 elections commissioner from a local county
10 elections be able to have legal defense at this
11 hearing?

12 SENATOR MAY: Through you,
13 Mr. President, yes.

14 SENATOR WALCZYK: And through you,
15 Mr. President, if the sponsor would continue to
16 yield.

17 THE PRESIDENT: Does the sponsor
18 yield?

19 SENATOR MAY: I do.

20 THE PRESIDENT: The sponsor yields.

21 SENATOR WALCZYK: Who sits on
22 the -- on the dais in this hearing, playing judge
23 and -- and jury in this instance?

24 SENATOR MAY: Through you,
25 Mr. President, it would be the State Board of

1 Elections commissioners, who are duly confirmed,
2 and they would make the rules in a bipartisan
3 fashion.

4 SENATOR WALCZYK: Thank you.

5 Thank you, Mr. President.

6 THE PRESIDENT: Senator Martins.

7 SENATOR MARTINS: Mr. President,
8 will the sponsor yield for a few questions?

9 THE PRESIDENT: Will the sponsor
10 yield?

11 SENATOR MAY: I will.

12 SENATOR MARTINS: Thank you.

13 You know, I just had a question
14 about the term "duly confirmed." Can you
15 describe for us -- Mr. President, through you --
16 what that term means?

17 SENATOR MAY: Through you,
18 Mr. President, so the State Board of Elections is
19 made up of an equal number of commissioners from
20 both parties. And I confess I don't know the
21 exact process by which they are confirmed. But
22 we're checking.

23 SENATOR MARTINS: Thank you.

24 Mr. President, through you, if the
25 sponsor would continue to yield.

1 THE PRESIDENT: Does the sponsor
2 yield?

3 SENATOR MAY: I do.

4 THE PRESIDENT: The sponsor yields.

5 SENATOR MARTINS: See, my concern
6 is that there are -- there is a process in place
7 to actually confirm members of the Board of
8 Elections. And it is not uncommon for members of
9 the Board of Elections commissioners to be
10 holdovers, to not be confirmed. And therefore, I
11 would ask if the sponsor has taken into
12 consideration the eventuality that there are
13 members who are members of the Board of Elections
14 who are not duly confirmed, and what that would
15 mean in the context of your proposed legislation.

16 SENATOR MAY: Through you,
17 Mr. President, we can take a look at that
18 question. It was not one that had occurred to us
19 in the writing of the bill. But it seems like
20 something that can easily, you know, be taken
21 into account.

22 SENATOR MARTINS: Mr. President,
23 through you, if the sponsor would continue to
24 yield.

25 THE PRESIDENT: Does the sponsor

1 yield?

2 SENATOR MAY: I do.

3 THE PRESIDENT: The sponsor yields.

4 SENATOR MARTINS: So to the -- to
5 the extent that there may be some ambiguity and
6 confusion with regard to what has been offered as
7 a bipartisan effort, would it not be best, on a
8 crucial issue of fairness and bipartisanship and
9 allowing for the equities of the bill that you
10 have frankly made a hallmark of your proposal --
11 sorry, Mr. President, through you -- would it not
12 be best to withdraw this bill at this time to
13 address that ambiguity, in the -- in an effort to
14 actually ensure that there is bipartisanship
15 included in this process and so that we are not
16 limiting the review by those members of the Board
17 of Elections who are actually duly confirmed?

18 SENATOR MAY: Through you,
19 Mr. President. First of all, doing that would
20 ensure that there was a partisan process, that
21 the only process that remained was the partisan
22 process of an elected Governor making this
23 decision.

24 But I will also reiterate what
25 Senator Krueger said, that I believe that there

1 is plenty of time and leeway to -- to address
2 this very narrow question on the bill after we
3 pass it.

4 SENATOR MARTINS: Mr. President, on
5 the bill.

6 THE PRESIDENT: Senator Martins on
7 the bill.

8 SENATOR MARTINS: And I thank the
9 sponsor, of course.

10 Again, just the nature of what we're
11 asking here would actually -- because of that
12 particular phrase, would actually change the
13 tenor of this bill. If we only have two members
14 of the Board of Elections who are duly confirmed,
15 or one, are we actually going to leave the
16 process to that one or two individuals without
17 having the necessary balance that we would expect
18 as a body?

19 And again, it's a due process issue.
20 In contrast to the bill that we considered
21 earlier that had to do with dollars, had to do
22 with whether or not we would be paying \$300 for
23 eight hours or \$600 for 16 hours and how that
24 would be constituted, this goes to the very point
25 of this piece of legislation. It's a due process

1 issue.

2 And frankly, I'm concerned that,
3 without clarity on this issue, that we're only
4 going to have decisions made by not a full board,
5 not a bipartisan commission, but by individual
6 members who are duly confirmed -- as that has not
7 been defined, but as we know, that there are
8 members of the Board of Elections right now who
9 are holdovers and continue to be holdovers.
10 They're not duly confirmed, and therefore we're
11 limiting the scope of who can or cannot make a
12 decision.

13 For that reason, Mr. President, I'll
14 be voting nay.

15 THE PRESIDENT: Are there any other
16 Senators -- Senator Rhoads.

17 SENATOR RHOADS: Thank you,
18 Mr. President. Will the -- will the sponsor
19 yield to a question?

20 THE PRESIDENT: Does the sponsor
21 yield?

22 SENATOR MAY: Yes, I will.

23 THE PRESIDENT: The sponsor yields.

24 SENATOR RHOADS: Thank you,
25 Senator. Good morning.

1 SENATOR MAY: Sure. Is it morning?

2 SENATOR RHOADS: It's still

3 morning.

4 SENATOR MAY: Yup. Good morning.

5 SENATOR RHOADS: My understanding
6 of -- of your rationale behind the bill is that
7 there needs to be other people involved in the
8 process of deciding whether an elections
9 commissioner committed misconduct and needs to be
10 removed. Is that correct?

11 SENATOR MAY: Through you,
12 Mr. President, not exactly. The idea is here
13 there needs to be an additional method available,
14 because removal by the Governor is -- is actually
15 extremely difficult to -- to make happen.

16 SENATOR RHOADS: And if the sponsor
17 would continue to yield.

18 THE PRESIDENT: Does the sponsor
19 yield?

20 SENATOR MAY: Of course.

21 THE PRESIDENT: The sponsor yields.

22 SENATOR RHOADS: Is that -- is that
23 because of the Governor's time, the limits of her
24 time? Is it because of the limits of her
25 experience with respect to this particular issue?

1 What's the rationale?

2 SENATOR MAY: Through you,
3 Mr. President, this isn't about this governor, it
4 is about any governor.

5 SENATOR RHOADS: Any governor.

6 SENATOR MAY: And I believe it's
7 always better to have people with expertise in
8 the issue being -- making these, you know,
9 consequential decisions.

10 SENATOR RHOADS: Would the sponsor
11 continue to yield?

12 THE PRESIDENT: Does the sponsor
13 yield?

14 SENATOR MAY: Yes.

15 THE PRESIDENT: The sponsor yields.

16 SENATOR RHOADS: There are several
17 other processes and several other positions where
18 the process is removal only by the Governor. For
19 example, a district attorney may only be removed
20 by the Governor. Would you consider allowing
21 other district attorneys, the state district
22 attorneys, to decide whether or not an individual
23 district attorney should be removed for
24 misconduct?

25 SENATOR MAY: Through you,

1 Mr. President, the -- the question is about
2 elections commissioners right here. I -- I don't
3 want to get into other offices.

4 SENATOR RHOADS: Will the sponsor
5 continue to yield?

6 THE PRESIDENT: Does the sponsor
7 yield?

8 SENATOR MAY: Yes.

9 THE PRESIDENT: The sponsor yields.

10 SENATOR RHOADS: The issue is with
11 respect to a process. You're creating a
12 precedent through this bill. Would you see that
13 precedent extending to things like removal of a
14 district attorney, removal of any elected
15 official, removal of a member of the Senate?

16 SENATOR MAY: Through you,
17 Mr. President, elections commissioners are not
18 elected officials in the way that a district
19 attorney is. So this is really a -- a different
20 process altogether we're talking about.

21 SENATOR RHOADS: On the -- on the
22 bill.

23 THE PRESIDENT: Senator Rhoads on
24 the bill.

25 SENATOR RHOADS: What we have here

1 is a process, as Senator Martins has alluded to,
2 that has not been well thought out in the sense
3 that we're not sure exactly what the criteria
4 are, we're not sure what the definitions are with
5 respect to what constitutes misconduct or
6 malfeasance. And we have a process that -- where
7 we're making elections commissioners unique, as
8 opposed to how the process is for other either
9 appointed or elected officials to be removed.

10 I see no difference between the
11 removal of an elections commissioner and the
12 removal of a district attorney. If the idea
13 behind this legislation is that we're going to
14 give others a voice so that the power is not
15 vested in one individual -- regardless of what
16 party that individual is from -- and including
17 more people in that process, then that should be
18 carried out across a number of other areas, not
19 just this one.

20 And I don't know why we're making
21 the position of an elections commissioner and
22 drawing a distinction for that when the same
23 process can be applied to many others if it's
24 such a good idea.

25 That's why I'll be voting no and

1 encourage my -- my colleagues to do so as well.

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

4 Seeing and hearing none, debate is
5 closed. The Secretary will ring the bell.

6 Read the last section.

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

9 THE PRESIDENT: Call the roll.

10 (The Secretary called the roll.)

11 THE PRESIDENT: Senator Helming to
12 explain her vote.

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

15 So I rise to explain my reason for a
16 no vote on the bill before us, which is a
17 proposal to amend Election Law in relation to the
18 removal of an elections commissioner.

19 Mr. President, as we clearly heard
20 the sponsor state, we have a process in place, a
21 process in place that works. We are given a
22 specific example of how this process has worked.

23 The second reason why I'll be voting
24 no on this bill is that it's -- it's just a
25 poorly written bill. The bill proposes the

1 standard for removal would include competence --
2 incompetence, misconduct or other good cause, but
3 these terms are not defined. I don't see them
4 anywhere in the bill language. In fact, when the
5 bill's sponsor was asked about definitions, the
6 response was "It's something you know when you
7 see it."

8 I would offer that as a legislative
9 body, we can do better than that and we need to
10 start doing better than that. We need to provide
11 objective definitions. We need to make sure that
12 our legislation is clear and concise.

13 So, Mr. President, those are just
14 two of the reasons why I will be voting no on
15 this legislation.

16 THE PRESIDENT: Senator Helming
17 recorded in the negative.

18 Senator Walczyk.

19 SENATOR WALCZYK: Thank you,
20 Mr. President, to quickly explain my vote.

21 I think many of the points were made
22 in -- in debate. But as Senator Helming points
23 out, and I think most of this body has probably
24 realized, you should probably be pretty
25 deliberate when you're talking about something as

1 serious as removing a commissioner of a local
2 board of elections. That's not a process that
3 you want to say, gosh, that one time that we had
4 an elections commissioner that didn't work out, I
5 really wish it was a lot faster, I really wish
6 that we had an administrative process that just
7 could have quickly removed that elections
8 commissioner.

9 And look, in that instance, sure,
10 looking back, yeah, you want to remove someone
11 that's doing wrong, preventing us from having
12 free and fair elections, preventing from
13 people -- people from getting the franchise that
14 we all hold so dear and brings us back here or
15 here for the first time.

16 But you set a very dangerous
17 precedent when you say, I want this process to be
18 quick and administrative and held on high in
19 Albany -- I don't want to have to worry about
20 jumping through too many hoops or having too many
21 hearings or having a Governor who's duty elected
22 be involved in it whatsoever, let's just get that
23 Republican commissioner out of there real quick.

24 Mr. President, I vote no.

25 THE PRESIDENT: Senator Walczyk

1 recorded in the negative.

2 Announce the results.

3 THE SECRETARY: In relation to
4 Calendar 6, those Senators voting in the negative
5 are Senators Borrello, Canzoneri-Fitzpatrick,
6 Gallivan, Helming, Lanza, Mattera, Murray,
7 O'Mara, Ortt, Rhoads, Rolison, Stec, Tedisco,
8 Walczyk, Weber and Weik. Also Senator Martins.

9 Ayes, 44. Nays, 17.

10 THE PRESIDENT: The bill is passed.

11 THE SECRETARY: Calendar Number 8,
12 Senate Print 609, by Senator Hoylman-Sigal, an
13 act to amend the Election Law.

14 THE PRESIDENT: Senator Walczyk.

15 SENATOR WALCZYK: Mr. President,
16 good afternoon. I wonder if the sponsor could
17 yield for some questions.

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1 THE PRESIDENT: Does the sponsor
2 yield?

3 (No response.)

4 THE PRESIDENT: Does the --

5 (Inaudible; laughter.)

6 SENATOR HOYLMAN-SIGAL: I was
7 taking a picture of my friend up in the gallery.

8 (Laughter.)

9 THE PRESIDENT: Wait a minute. Is
10 that a yes? Does the sponsor yield?

11 SENATOR HOYLMAN-SIGAL: Yes.

12 THE PRESIDENT: The sponsor yields.

13 SENATOR HOYLMAN-SIGAL: Thank you.

14 SENATOR WALCZYK: Disregard,
15 Mr. President. I don't have questions on this
16 bill, thanks very much. But a good afternoon to
17 you, sir.

18 (Laughter.)

19 SENATOR HOYLMAN-SIGAL: Micah
20 Lasher, who's the director of policy for Governor
21 Hochul, is in the gallery. And his children and
22 wife.

23 THE PRESIDENT: Are there any other
24 Senators wishing to be heard?

25 Senator Rhoads.

1 SENATOR RHOADS: Thank you,
2 Mr. President. Will the sponsor yield?

3 THE PRESIDENT: Does the sponsor
4 yield?

5 SENATOR HOYLMAN-SIGAL: Yes.

6 THE PRESIDENT: The sponsor yields.

7 SENATOR RHOADS: No pictures?

8 (Laughter.)

9 SENATOR RHOADS: The issue that I
10 raised with Senator Krueger earlier with respect
11 to this bill passing and creating the unintended
12 result, potentially, of having individuals or
13 county boards of election having to pay \$600 or
14 \$700, depending on a 300 or 350 rate -- has there
15 been any accounting in -- in this particular bill
16 now that -- now that 136 has passed? Has there
17 been any accounting in your legislation to adjust
18 for the fact that there may very well be
19 increased rates and a split of time?

20 SENATOR HOYLMAN-SIGAL: Yes, thank
21 you for raising that. Through you,
22 Mr. President.

23 In fact our legislation, if you had
24 a chance to read it, says the Board of Elections
25 may employ election inspectors or poll workers to

1 work split shifts with adjusted compensation. So
2 in fact you are able to divide the compensation
3 accordingly.

4 SENATOR RHOADS: Thank you, sir.
5 Thank you, Mr. President.

6 THE PRESIDENT: Are there any other
7 members -- or Senators wishing to be heard?
8 Seeing and hearing none, debate is closed.

9 The Secretary will ring the bell.
10 Read the last section.

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

13 THE PRESIDENT: Call the roll.
14 (The Secretary called the roll.)

15 THE PRESIDENT: Announce the
16 results.

17 THE SECRETARY: Ayes, 61.

18 THE PRESIDENT: The bill is passed.

19 THE SECRETARY: Calendar Number 10,
20 Senate Print 611, by Senator Mayer, an act to
21 amend the Election Law.

22 SENATOR WALCZYK: Mr. President, if
23 the sponsor -- and good afternoon to you again.

24 THE PRESIDENT: Senator Walczyk.

25 SENATOR WALCZYK: Would the sponsor

1 yield?

2 SENATOR MAYER: Yes, I'm happy to
3 yield.

4 THE PRESIDENT: The sponsor yields.

5 SENATOR WALCZYK: Thank you.

6 Through you, Mr. President, what's
7 the purpose of this bill?

8 SENATOR MAYER: Well, the purpose
9 of the bill is to address really a -- a lack of
10 confidence in all of our boards of elections and
11 the need to restore confidence for all voters
12 that those that are commissioners of boards of
13 elections are full-time employees dedicated to
14 the work that must be done, and that voters know
15 that they have the full attention of the
16 commissioners.

17 So that is all the bill does, and
18 that is what it requires.

19 SENATOR WALCZYK: Through you,
20 Mr. President, if the sponsor would continue to
21 yield.

22 THE PRESIDENT: Does the sponsor
23 yield?

24 SENATOR MAYER: Yes.

25 THE PRESIDENT: The sponsor yields.

1 SENATOR WALCZYK: When you say
2 elections commissioners, are you talking about
3 state elections commissioners of the State Board
4 of Elections or are you talking about local
5 county elections commissioners?

6 SENATOR MAYER: Commissioners in
7 county boards of elections and in the New York
8 City Board of Election.

9 SENATOR WALCZYK: Through you,
10 Mr. President, if the sponsor would continue to
11 yield.

12 THE PRESIDENT: Does the sponsor
13 yield?

14 SENATOR MAYER: Yes.

15 THE PRESIDENT: The sponsor yields.

16 SENATOR WALCZYK: Did the New York
17 State Association of Counties support or request
18 this legislation?

19 SENATOR MAYER: Through you,
20 Mr. President, we have not seen either support or
21 opposition from them.

22 SENATOR WALCZYK: Through you,
23 Mr. President, if the sponsor would continue to
24 yield.

25 THE PRESIDENT: Does the sponsor

1 yield?

2 SENATOR MAYER: Yes.

3 THE PRESIDENT: The sponsor yields.

4 SENATOR WALCZYK: How many of
5 New York's great 62 counties have requested this
6 legislation by passing resolutions requesting the
7 Legislature take action on it?

8 SENATOR MAYER: Through you,
9 Mr. President, I'm not aware of that.

10 I am aware, though, of several who
11 testified at the bipartisan hearings of the
12 New York State Senate Elections Committee and the
13 report that was issued in November of 2021. For
14 example, Tim Perfetti, vice chair of the
15 Democratic Rural Conference, testified in support
16 of this, as well as others.

17 So I'm confident that if we asked,
18 on a bipartisan basis, we would find a great deal
19 of support, but this bill is not dependent on
20 that.

21 SENATOR WALCZYK: Through you,
22 Mr. President, if the sponsor would continue to
23 yield.

24 THE PRESIDENT: Does the sponsor
25 yield?

1 SENATOR MAYER: Yes.

2 THE PRESIDENT: The sponsor yields.

3 SENATOR WALCZYK: I'm not familiar
4 with Mr. Perfetti. Is he a commissioner of the
5 board of elections in a particular county in
6 New York State?

7 SENATOR MAYER: Through you,
8 Mr. President, I don't believe he's a
9 commissioner. But he testified at public
10 hearings held throughout the state for both rural
11 and urban and suburban counties about the
12 operations of boards of elections, in which this
13 was a recommendation of that bipartisan group.

14 SENATOR WALCZYK: Thank you. And
15 I'm glad the sponsor brought up rural counties.

16 Through you, Mr. President, if the
17 sponsor would continue to yield.

18 THE PRESIDENT: Does the sponsor
19 yield?

20 SENATOR MAYER: Yes.

21 THE PRESIDENT: The sponsor yields.

22 SENATOR WALCZYK: Have you ever
23 heard of Hamilton County, named after Alexander
24 Hamilton?

25 SENATOR MAYER: Through you,

1 Mr. President, yes, of course I have heard of
2 Hamilton County.

3 SENATOR WALCZYK: And through you,
4 Mr. President, if the sponsor would continue to
5 yield.

6 THE PRESIDENT: Does the sponsor
7 yield?

8 SENATOR MAYER: Yes.

9 THE PRESIDENT: The sponsor yields.

10 SENATOR WALCZYK: Do you know how
11 many residents there are in Hamilton County?

12 SENATOR MAYER: Through you,
13 Mr. President, I do not know, but I know it is
14 small.

15 SENATOR WALCZYK: I'd be happy to
16 inform the sponsor, Mr. President, it's a little
17 over 5,000 residents -- 5,119 residents in
18 Hamilton County.

19 Through you, Mr. President, would
20 the sponsor continue to yield.

21 THE PRESIDENT: Does the sponsor
22 yield?

23 SENATOR MAYER: Yes.

24 THE PRESIDENT: The sponsor yields.

25 SENATOR WALCZYK: Why would

1 Hamilton County require two full-time
2 commissioners on the board of elections?

3 SENATOR MAYER: Through you,
4 Mr. President. The premise of this bill is that
5 every voter in every county, whether they're in
6 Hamilton County or in Bronx County, is entitled
7 to have full confidence that the two
8 commissioners, at least, that are employees of
9 the county board of elections take this job
10 seriously enough, and are paid accordingly, to
11 work full-time and devote all their energies.

12 We've seen a series of mistakes and
13 errors by our boards of elections. This is part
14 of an effort to instill confidence for every
15 voter, regardless of whether they live in a rural
16 county, an urban county, or a suburban county.

17 SENATOR WALCZYK: Through you,
18 Mr. President, would the sponsor continue to
19 yield.

20 THE PRESIDENT: Does the sponsor
21 yield?

22 SENATOR MAYER: Yes.

23 THE PRESIDENT: The sponsor yields.

24 SENATOR WALCZYK: Thank you.

25 And obviously coming fresh off of a

1 debate where we talked about how to remove a
2 commissioner of board of elections for their
3 incompetence, misconduct or good cause, I could
4 be a little bit sensitive representing a large
5 rural area that just the nature that a
6 commissioner might be working part-time, is that
7 that they're automatically incompetent.

8 I wondered, who's going to -- who's
9 going to pay for this?

10 SENATOR MAYER: Through you,
11 Mr. President. As Senator Krueger mentioned in
12 her earlier remarks about a number of these
13 bills, one, we are at the beginning of the budget
14 process. And we look forward to ensuring that as
15 many of the costs associated with these
16 improvements and ways to improve confidence, that
17 there are funds for them.

18 But alternatively, there are boards
19 who could make choices about reallocating their
20 own resources. This bill does not proscribe
21 either approach.

22 SENATOR WALCZYK: Through you,
23 Mr. President, would the sponsor continue to
24 yield.

25 THE PRESIDENT: Does the sponsor

1 yield?

2 SENATOR MAYER: Yes.

3 THE PRESIDENT: The sponsor yields.

4 SENATOR WALCZYK: So would it be
5 the -- the counties that are upgrading their
6 part-time board of elections commissioners --
7 Hamilton County, for example, 5,000 residents,
8 only, in my view, in need of part-time elections
9 commissioners, and probably not in need of much
10 staff -- is it on the county to then pay two
11 full-time salaries in Hamilton County?

12 SENATOR MAYER: Through you,
13 Mr. President, yes. But that isn't to say that
14 we won't continue to fight for additional funds.

15 SENATOR WALCZYK: Mr. President, on
16 the bill.

17 THE PRESIDENT: Mr. Walczyk on the
18 bill.

19 SENATOR WALCZYK: I appreciate --
20 and thank you for -- for answering my questions.
21 I appreciate it. I think -- and this will come
22 up from time to time with legislation on -- on
23 this floor that has a fiscal impact. We call
24 them unfunded mandates in upstate New York, and
25 our counties are more than frustrated with them,

1 especially when they make as little sense as this
2 bill does for particular counties in the State of
3 New York.

4 This piece of legislation hasn't
5 been requested by the counties, hasn't been
6 supported by any of our 62 counties, hasn't been
7 interfaced with the New York State Association of
8 Counties. And yet a bill that will make no sense
9 and really have no bearing on the way that they
10 ensure -- in Hamilton County there's 5,000
11 residents that you have to -- to work for when
12 you're the board of elections commissioner. And
13 there's 4600, that's -- which is a high
14 propensity -- registered voters in Hamilton
15 County. It's not going to take a team of
16 full-time staff and two commissioners that are
17 just there at their computer ready to answer
18 every call and question and every registration
19 that's coming in the door.

20 We have to make responsible policy
21 in this body that fits everyone. And in this
22 case, rural counties, this doesn't make sense for
23 some of them.

24 So the one-size-fits-all doesn't
25 work for me because it doesn't work for the seven

1 counties that I represent. And that's why I will
2 be voting no and encourage my colleagues to do
3 the same. Thank you, Mr. President.

4 THE PRESIDENT: Senator Stec.

5 SENATOR STEC: Thank you. If the
6 sponsor would yield, please.

7 THE PRESIDENT: Does the sponsor
8 yield?

9 SENATOR MAYER: Yes.

10 THE PRESIDENT: The sponsor yields.

11 SENATOR STEC: Good afternoon,
12 Senator.

13 So I just wanted to make sure I -- I
14 heard you correctly. A minute ago a colleague
15 asked a question and your response to it was that
16 the purpose of this bill was that -- for, quote,
17 every voter in every county is entitled to
18 full-time election commissioners. Am I fairly
19 accurate with that? Is that your sentiment?

20 SENATOR MAYER: It's not my
21 sentiment. The bill requires that every -- that
22 two commissioners in every county and the
23 commissioners in New York City be full-time
24 commissioners, yes.

25 SENATOR STEC: If the sponsor would

1 continue to yield.

2 THE PRESIDENT: Does the sponsor
3 yield?

4 SENATOR MAYER: Yes.

5 THE PRESIDENT: The sponsor yields.

6 SENATOR STEC: Did you say a moment
7 ago that every voter in every county is entitled
8 to full-time election commissioners?

9 SENATOR MAYER: Yes, I said that.

10 SENATOR STEC: Thank you. If the
11 sponsor would continue to yield.

12 THE PRESIDENT: Does the sponsor
13 yield?

14 SENATOR MAYER: Yes.

15 THE PRESIDENT: The sponsor yields.

16 SENATOR STEC: So did you also say
17 that the burden of paying for this mandate in
18 this legislation would fall to the county
19 taxpayer and not the state?

20 SENATOR MAYER: Through you,
21 Mr. President, as I said previously, the burden
22 falls on the county. But we as an -- we have an
23 obligation as legislators to fight to offset the
24 costs of any county for any of these things, and
25 we will fight in the budget to get that done.

1 SENATOR STEC: Will the sponsor
2 continue to yield?

3 THE PRESIDENT: Does the sponsor
4 yield?

5 SENATOR MAYER: Yes.

6 THE PRESIDENT: The sponsor yields.

7 SENATOR STEC: Does this
8 legislation provide any funding for this mandate?

9 SENATOR MAYER: Through you,
10 Mr. President, no.

11 SENATOR STEC: If the sponsor will
12 continue to yield.

13 THE PRESIDENT: Does the sponsor
14 yield?

15 SENATOR MAYER: Yes.

16 THE PRESIDENT: The sponsor yields.

17 SENATOR STEC: All right, thank
18 you. I'm sure that you're -- you've heard of and
19 you're familiar with and have likely been to
20 Essex County. We're all going to be focused on
21 the World University Games that are about to
22 start there in a few days, and I'm personally
23 excited about it.

24 But do you happen to know
25 approximately the population of Essex County?

1 SENATOR MAYER: Through you,
2 Mr. President, again, I don't know the
3 population. I have been there, and I know the
4 population is a low number. And those voters are
5 entitled to the same protections as the voters in
6 my county of a million people.

7 SENATOR STEC: On the bill.

8 THE PRESIDENT: Senator Stec on the
9 bill.

10 SENATOR STEC: Thank you very much.
11 Thank you, Senator Mayer.

12 The population of Essex County is a
13 little over 37,000 residents. So by comparison
14 to Hamilton county, it is a giant. However,
15 Essex County has had a long history of having
16 part-time elections commissioners. They've done
17 a great job.

18 As a matter of fact, some of our
19 political operatives that like to, on the
20 other -- on your side of the aisle that like to
21 venue shop would go after little counties like
22 Essex County to challenge election laws that they
23 wanted to go after, including absentee ballots
24 and -- and access to them and who -- what is and
25 isn't FOILable.

1 And yet this little county, with a
2 part-time election commissioner, was able to fend
3 off an attack by political operatives, as one of
4 my colleagues was talking about yesterday.

5 So my point here being is that it's
6 not necessary for every county to have a
7 full-time election commissioner. Frankly, it
8 should be up to them to make that decision on
9 their own, especially if we are going to require
10 that they pay for it.

11 I am also astounded that just now
12 we're talking about every voter in every county
13 is entitled to a full-time election commissioner,
14 but yesterday this body voted to deny every voter
15 in every county to have equal access to Supreme
16 Court proceedings. So I hope you all remember
17 yesterday's discussion and vote accordingly.

18 I'll be voting in the negative.

19 THE PRESIDENT: Senator Krueger.

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

22 If Senator Walczyk would please
23 answer a question for me.

24 THE PRESIDENT: Senator Walczyk,
25 will you yield for a question?

1 SENATOR WALCZYK: I'll yield.

2 SENATOR KRUEGER: Thank you.

3 You referenced Hamilton County
4 having 5,000 people and that -- being concerned
5 about a full-time board of -- board of elections
6 commissioners.

7 Can you tell me how many school
8 districts are in Hamilton County?

9 SENATOR WALCZYK: One.

10 SENATOR KRUEGER: Through you,
11 Mr. President. It's interesting, it's reported
12 as 22 different districts, with only 500
13 students. So perhaps my information is wrong.

14 But I think that my colleague's --
15 and thank you for your answer. That's the only
16 question. My colleague's point about everyone in
17 every county deserving the same right to equal
18 voting -- the reality is in our state, if you
19 look at all kinds of different critical services
20 that we provide, and we actually often expect
21 counties to share in the cost of, whether it's
22 education or voting, the -- the distribution of
23 population to staff is often radically different.

24 So we have one school district for
25 New York City, and I thought the Google report

1 was 22 districts for Hamilton County; perhaps
2 it's just one. But obviously there's a
3 difference in population served in the two
4 counties, with the recognition of still needing
5 the correct people running the services for all
6 the people in each of these areas, even though
7 they are enormously different in size.

8 Thank you, Mr. President. I support
9 this bill and will be voting for it.

10 THE PRESIDENT: Are there any other
11 Senators wishing to be heard?

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

14 Read the last section.

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

17 THE PRESIDENT: Call the roll.

18 (The Secretary called the roll.)

19 THE PRESIDENT: Senator Mayer.

20 SENATOR MAYER: Thank you,
21 Mr. President, to explain my vote.

22 This -- this bill is in the context
23 of serious failures of our boards of elections
24 throughout the state, without pointing fingers at
25 anyone or any party.

1 The report and findings of the
2 Senate Elections Committee after their hearings,
3 which were held on a bipartisan basis throughout
4 the state, found that -- and I urge you to read
5 page 5 -- "in the last 18 months alone" -- and
6 this was written in November of 2021,
7 "New Yorkers have witnessed numerous
8 confidence-shaking incidents where our elections
9 have fallen short of the standards we must
10 expect." And it goes through them.

11 And they took testimony around the
12 state, and from anyone who wished to be heard.
13 And a recommendation of this bipartisan group was
14 to have full-time commissioners in every county.

15 This bill occurs in the context of
16 the work of this Majority to improve election
17 access and confidence in the workings of our
18 boards of elections. We are not punishing
19 anyone; in fact, we are probably increasing some
20 people's salaries, which they might be grateful
21 for at the end of the day. We will fight for the
22 money.

23 But this is an effort to restore
24 confidence and belief that our system of
25 elections are fair and just and carried out

1 according to the law.

2 So I'm proud of the work of this
3 conference, and I'm very appreciative that this
4 bill is again on the calendar. I vote aye.

5 THE PRESIDENT: Senator Mayer to be
6 recorded in the affirmative.

7 Senator Borrello.

8 SENATOR BORRELLO: Thank you,
9 Mr. President, to explain my vote.

10 I've heard a couple of times today
11 that we'll try to find the money, we'll fight for
12 the money, and I appreciate that. But again,
13 coming from a decade in county government, I can
14 tell you that that doesn't often happen. In
15 Chautauqua County, where I was county executive,
16 85 cents of every dollar that was collected in
17 property taxes went to unfunded mandates.

18 In Erie County, my friends to the
19 north, every dollar that's collected in property
20 taxes goes just to pay the local share of
21 Medicaid.

22 So we can look to find the money,
23 but apparently we don't find it very often here
24 in Albany as we really burden our local
25 governments. And things like this are just one

1 more burden. So I've got to ask, if you think
2 it's a good idea, let's find the money before we
3 put the bill up.

4 And now, thank you, Madam President.

5 ACTING PRESIDENT PERSAUD: Senator
6 Borrello to be recorded in the negative.

7 Senator Canzoneri-Fitzpatrick.

8 SENATOR CANZONERI-FITZPATRICK:

9 Thank you, Madam President.

10 I'm a new Senator, and I understand
11 that I have a lot to learn. However, listening
12 to the bills that were proposed yesterday and
13 today, I think we have to be consistent in the
14 message that we are -- are conveying. Because in
15 one sense we're trying to secure elections and
16 enfranchise our voters to make sure that their
17 vote counts, that it is counted properly, that it
18 is secure, and that the people supervising this
19 system have checks and balances.

20 Yet yesterday we talked about
21 drop-off portable boxes, and now we're -- and
22 removed the right, I think, limiting the
23 jurisdiction of our Supreme Court to hear cases
24 to make it convenient for the voters to have
25 their complaints heard. And now today we're

1 doing things that are contrary to that.

2 And again, as it's been stated
3 our -- our smaller counties have to be considered
4 in the fact that we are burdening them
5 financially and not providing the funding to
6 implement the things that we are dictating from
7 this body.

8 We need to be better at having
9 standards that are reviewable, that are
10 subjective -- that are not subjective, excuse me,
11 so that we can ensure that we are giving
12 everybody confidence, giving our voters, our
13 residents confidence in our election systems.
14 And I -- I don't think that we've done that well
15 today or yesterday.

16 And for that reason, I voted no.
17 Thank you.

18 ACTING PRESIDENT PERSAUD: Senator
19 Canzoneri-Fitzpatrick to be recorded in the
20 negative.

21 Announce the results.

22 THE SECRETARY: In relation to
23 Calendar 10, those Senators voting in the
24 negative are Senators Borrello,
25 Canzoneri-Fitzpatrick, Gallivan, Helming,

1 Martins, Mattera, Murray, Oberacker, O'Mara,
2 Ortt, Rhoads, Rolison, Scarcella-Spanton, Stec,
3 Tedisco, Walczyk, Weber and Weik.

4 Ayes, 43. Nays, 18.

5 ACTING PRESIDENT PERSAUD: The bill
6 is passed.

7
8 THE SECRETARY: Calendar Number 16,
9 Senate Print 619, by Senator Krueger, an act to
10 amend the Election Law.

11 ACTING PRESIDENT PERSAUD: Senator
12 Lanza.

13 SENATOR LANZA: Madam President,
14 good afternoon. Would the sponsor yield for some
15 questions?

16 ACTING PRESIDENT PERSAUD: Senator
17 Krueger, would you yield for a question?

18 SENATOR KRUEGER: Yes, indeed I
19 will.

20 ACTING PRESIDENT PERSAUD: The
21 sponsor yields.

22 SENATOR LANZA: Thank you. Thank
23 you. Through you, Madam President.

24 Could the sponsor tell us why she
25 believes this bill is necessary?

1 SENATOR KRUEGER: Thank you very
2 much. Thank you for the question.

3 I just want to reference, we passed
4 it last year on a day I was out sick, so I want
5 to thank Senator Myrie for playing my role in
6 last year's discussion. So I look forward to
7 this discussion today.

8 So I have been a voter in New York
9 City since 1983, when I moved to the City of
10 New York. And I have now observed for that many
11 decades a board of election that doesn't seem to
12 be able to get us through one election cycle
13 successfully without some publicized set of
14 scandals in our local newspapers and sometimes
15 our national newspapers.

16 And to be honest, it is embarrassing
17 to me, as a resident of the City of New York and
18 a representative in Albany to cover the City of
19 New York, that we are the largest city in the
20 state and yet we don't seem to have an operation
21 called the board of election that seems to be
22 able to handle elections properly.

23 And I won't spend a lot of time,
24 because we don't have much with the Governor
25 calling us into a State of the State, to read

1 through endless newspaper reports of the problems
2 of the New York City Board of Election, other
3 than to say anyone can Google them or ask me to
4 give them the reports later, or they might get
5 the test -- the transcripts from the series of
6 public hearings that our Election Committee held
7 in New York City. I think there were three or
8 four in the City of New York -- okay, we're not
9 sure about the number. But you can get the
10 transcripts and you can hear from people who
11 testified about the problems.

12 In a recent New York Times exposé
13 about it, it had a series of people who work for
14 the Board of Elections talking to the New York
15 Times reporters about the problems that they kept
16 seeing at the board and the embarrassing
17 situations for them that we weren't prepared.

18 So I think we're way past the time
19 where there's much of a dispute that we need to
20 professionalize the New York City Board of
21 Election in a way that we can assure all
22 New Yorkers that we can operate elections
23 successfully and effectively and not prevent
24 people who are entitled to vote from voting in
25 the great City of New York.

1 SENATOR LANZA: Madam President,
2 would the sponsor yield?

3 ACTING PRESIDENT PERSAUD: Does the
4 sponsor yield?

5 SENATOR KRUEGER: Absolutely.

6 ACTING PRESIDENT PERSAUD: The
7 sponsor yields.

8 SENATOR LANZA: Through you,
9 Madam President.

10 Let's stipulate with respect to the
11 amount of scandal that we've unfortunately
12 witnessed at the Board of Elections.

13 But through you, Madam President,
14 why does the sponsor believe that reducing the
15 number of commissioners from 10 to two would
16 somehow address that -- that -- those scandals?

17 SENATOR KRUEGER: Because
18 technically the commissioners are the ones who
19 are responsible for the ineffectiveness of the
20 City Board of Election.

21 And I actually think having so many
22 commissioners has added to the problems. There's
23 not a smooth chain of command, so to speak, in
24 either the professionalization of the staffing,
25 which is desperately needed, nor is there a model

1 for commissioners to reasonably and easily come
2 to agreement on major decisions that should be
3 their responsibility. When there are 10 of them,
4 there is too much room for dispute and
5 infighting. And so often, if you've ever gone to
6 or observed a commission or a meeting at the
7 Board of Election, they table critical issues,
8 they don't get to them on time, or they blame
9 each other afterwards for whose fault it was.

10 It's just too many people to try to
11 run an agency. We don't have 10 commissioners of
12 our fire department or our school system or our
13 health department, and it just isn't working,
14 frankly.

15 SENATOR LANZA: Madam President,
16 would the sponsor yield.

17 ACTING PRESIDENT PERSAUD: Does the
18 sponsor yield?

19 SENATOR KRUEGER: Yes.

20 ACTING PRESIDENT PERSAUD: The
21 sponsor yields.

22 SENATOR LANZA: Through you, Madam
23 President. Senator Krueger and I could disagree
24 with respect to the difference between dispute
25 and disagreement and accountability and scandal.

1 I just don't see how -- in fact, I would disagree
2 with the -- the premise that going from
3 10 commissioners to two would somehow bring us
4 a -- more integrity.

5 But Madam President, through you, a
6 moment ago in the last debate my good friend and
7 colleague Senator Mayer said that every county,
8 big and small, should have representation on the
9 board. Through you, Madam President, would
10 Senator Krueger agree with that?

11 SENATOR KRUEGER: I do. Although
12 in the City of New York, unlike the rest of the
13 state, five counties now joined together back in
14 the 1800s and decided to be one municipality.
15 Again, we don't have five fire departments, we
16 don't have five school systems, we don't have
17 five police forces. We don't have five mayors.
18 We have one City of New York. We have one Board
19 of Election.

20 And so I think it is more than
21 appropriate that we have a system that recognizes
22 it's one Board of Election, one set of state,
23 federal, and city election laws that apply in all
24 five counties. And that the rational approach to
25 moving forward is to go to the model that each of

1 the other counties in our state have, which is
2 two commissioners.

3 SENATOR LANZA: Will the sponsor
4 yield, Madam President.

5 ACTING PRESIDENT PERSAUD: Does the
6 sponsor yield?

7 SENATOR KRUEGER: I do.

8 ACTING PRESIDENT PERSAUD: The
9 sponsor yields.

10 SENATOR LANZA: Through you,
11 Madam President.

12 In fact, Senator Walczyk pointed out
13 that Hamilton County has a population of a little
14 more than 5,000 residents. As my colleague and
15 friend across the aisle is aware, the smallest
16 county in New York City, Staten Island, my
17 hometown, has more than 500,000 residents. And
18 yet if this bill becomes law, Senator, Hamilton
19 County will have two commissioners and
20 Staten Island -- Richmond County -- would
21 conceivably have none.

22 Madam President, through you, why
23 does my colleague believe that that is fair and
24 balanced?

25 SENATOR KRUEGER: Through you,

1 Madam President. Again, we're one city, the City
2 of New York, with one Board of Election, one set
3 of rules, regulations and laws that should apply
4 equally in all five boroughs.

5 And of course when you're talking
6 about the delivery of services through the Board
7 of Election, it's not through two commissioners
8 versus 10 commissioners, it's the total number of
9 staff there are to operate elections. And
10 without counting, I'm pretty sure New York City's
11 Board of Election has more staff than the
12 Hamilton County Board of Election.

13 SENATOR LANZA: Madam President,
14 would the sponsor yield.

15 ACTING PRESIDENT PERSAUD: Does the
16 sponsor yield?

17 SENATOR KRUEGER: Yes, I will.

18 ACTING PRESIDENT PERSAUD: The
19 Senator yields.

20 SENATOR LANZA: Through you,
21 Madam President. Does the sponsor believe, as I
22 listened to the fact that there's one mayor and
23 one police commissioner and et cetera -- does the
24 sponsor believe that there should only -- there
25 should not be five borough presidents in the City

1 of New York?

2 SENATOR KRUEGER: Through you,
3 Madam President, it's an interesting question.
4 And I think it's a reasonable debate. It's not
5 one for us to have on the floor of the Senate,
6 because of course municipal government and how it
7 decides to create its local officials is done
8 through municipal charter, not through the State
9 of New York or our Constitution.

10 There have been debates like that in
11 the City of New York. I am old enough to
12 remember when we had a different system with a
13 weaker City Council and stronger borough
14 presidents, and then we changed that through
15 charter vote in the City of New York.

16 And if the people of the City of
17 New York decide that they don't think they should
18 have borough presidents, I don't think that will
19 be a debate on the floor of this house, but each
20 of us representing a part of New York City might
21 have our own opinion at that time.

22 SENATOR LANZA: Would the sponsor
23 yield.

24 ACTING PRESIDENT PERSAUD: Does the
25 sponsor yield?

1 SENATOR KRUEGER: Of course.

2 ACTING PRESIDENT PERSAUD: The
3 sponsor yields.

4 SENATOR LANZA: Through you, Madam
5 President. Am I correct in my observation that
6 if this were to become law, that at least three
7 counties, three boroughs -- and potentially four
8 boroughs -- within New York City would not have
9 representation on the board or would not have a
10 commissioner from those respective boroughs?

11 SENATOR KRUEGER: That is correct.

12 Again, we're one city. Depending on
13 how you look at the count on even actual elected
14 officials, which commissioners of the Board of
15 Election are not, some of us wonder whether
16 Brooklyn actually controls all of New York City
17 at this point. But that's the decision of the
18 voters of New York City.

19 But commissioners of the Board of
20 Election are not that kind of elected official.

21 SENATOR LANZA: Would the sponsor
22 yield.

23 ACTING PRESIDENT PERSAUD: Does the
24 sponsor yield?

25 SENATOR KRUEGER: Yes. Of course.

1 ACTING PRESIDENT PERSAUD: The
2 sponsor yields.

3 SENATOR LANZA: Through you,
4 Madam President. The problem with this
5 legislation, though, my friend, is that this
6 would not be a matter of election, this would be
7 made by the mayor and I believe the public
8 advocate and I think someone else. I think
9 three, the appointing body as defined in this
10 legislation. But nevertheless.

11 So currently there are 10
12 commissioners. This bill would bring it to two.
13 Again, we're talking about New York City, the
14 most populous -- populated city in -- in America.
15 Five counties. If this becomes law, potentially
16 only one of those counties would have
17 representation.

18 But even more than that --
19 Madam President, through you -- am I correct in
20 my observation that this would potentially also
21 remove the deputy director position?

22 SENATOR KRUEGER: Through you,
23 Madam President, the executive director, which --
24 who would be nominated through a process of the
25 City Council, representing all the boroughs, and

1 then chosen, could then choose a deputy director.

2 Again, it is so rare in New York
3 City that people who are hired into professional,
4 proficient positions in government are given a
5 litmus test of what address they live at as far
6 as the borough they live in. I'm just not sure
7 how that is relevant. Because of course the
8 Board of Election must implement laws that treat
9 all voters of New York City, whichever borough
10 they live in, equally under the same laws and
11 regulations.

12 SENATOR LANZA: Will the sponsor
13 yield?

14 ACTING PRESIDENT PERSAUD: Does the
15 sponsor yield?

16 SENATOR KRUEGER: Yes.

17 ACTING PRESIDENT PERSAUD: The
18 sponsor yields.

19 SENATOR LANZA: So yes, from that
20 answer, the deputy director position could
21 potentially go away.

22 And as my colleague knows, that
23 traditionally the construct has been that the
24 executive director and the deputy director have
25 been from each party. And so we're going to

1 lose, if this becomes law, just one more aspect
2 of bipartisan accountability, and that's
3 something that concerns me dearly.

4 I -- I also see in this legislation
5 that the executive director can be removed
6 without cause. Through you, Madam President, why
7 is that a good idea?

8 SENATOR KRUEGER: Through --
9 through you, Madam President, on the first
10 question, there is a constitutional requirement
11 for employees of the Board of Election to have a
12 balance between the parties. Nothing is said
13 about the boroughs. And that would continue. We
14 didn't change anything about the constitutional
15 distribution by party.

16 And on the second question, on
17 without cause -- I'm just checking with our
18 counsel's office. (Pause.)

19 Through you, Madam President. The
20 two commissioners would have to agree to remove
21 the director. So it can be without cause in some
22 broader sense, but not without the approval of
23 both commissioners.

24 SENATOR LANZA: Madam President, on
25 the bill.

1 ACTING PRESIDENT PERSAUD: Senator
2 Lanza on the bill.

3 SENATOR LANZA: Madam President,
4 I want to thank Senator Krueger for the
5 discussion.

6 Madam President, I -- I think this
7 is a terrible idea. The idea that, well, you've
8 got the five largest counties -- or five of the
9 largest counties in all of New York State, with
10 four of those potentially, at least three of
11 those potentially not having representation on
12 the Board of Elections, is really the opposite of
13 what we ought to be doing in terms of fairness,
14 transparency, accountability.

15 In an institution as important as
16 this -- I've heard my colleagues repeatedly talk
17 about how important it is to make sure that we
18 have free and fair elections and that we have, to
19 the best extent possible, independent,
20 fair-minded people overseeing those elections.
21 Now, the system has not been perfect. But I
22 think this will make it worse.

23 We talk about the scandals that you
24 have. At least with 10 commissioners, there are
25 more eyes on the problem, if you will. There is

1 more give-and-take with respect to the process.
2 Now we're going to consolidate power in two
3 individuals. Two individuals who might not care
4 as much as about the other four counties as would
5 people from those counties. It's common sense.
6 It's why we have members from the Senate
7 representing each and every part -- almost
8 neighborhood -- throughout New York City and
9 New York State. It's a good idea. The more
10 representation in our system, the better.

11 I would point out that we're just
12 not talking about, with all due respect -- and I
13 have much love for Hamilton County. We're
14 talking about the largest counties in the State
15 of New York. Each county that compromises
16 New York City, each borough, if it were a
17 separate city -- an idea which I favor and long
18 have supported, I might add -- would be the first
19 or second largest city in the State of New York.
20 And yet we're telling these counties: You will
21 no longer have representation on the Board of
22 Elections.

23 I think that is a terrible -- it's a
24 bad idea. I don't have a crystal ball, but I
25 don't think you need one to know which will be

1 the first county to lose its representation. I
2 daresay it will be Staten Island. But that's
3 only one. You've got to go at least two more.
4 Is it going to be Queens? Will it be Brooklyn?
5 Will it be the Bronx? You might need to go three
6 more, with only one standing. I'll leave it to
7 you to figure which, but that will not be in the
8 best interests of the people of the City of New
9 York.

10 You want to talk about minority
11 interests in terms of political interests? We
12 have a very diverse city in New York City. It's
13 what makes it one of the greatest cities on
14 earth. And we need to hear from all corners of
15 that city. And what this legislation says is
16 that we don't care that Staten Island, that
17 Brooklyn, that Queens, Bronx, et cetera, should
18 have representation on the Board of Elections.

19 And that's wrong, and it's why I
20 will be voting in the negative.

21 ACTING PRESIDENT PERSAUD: Thank
22 you, Senator Lanza.

23 Are there any other Senators wishing
24 to be heard?

25 Seeing and hearing none, debate is

1 closed. The Secretary will ring the bell.

2 Read the last section.

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

5 ACTING PRESIDENT PERSAUD: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT PERSAUD: Senator
9 Stec to explain his vote.

10 SENATOR STEC: Thank you very much.

11 I've enjoyed listening to this
12 debate. I think we're pulling together a lot of
13 important issues in the theme of the last couple
14 of days.

15 For -- in part of explaining my
16 vote, for the benefit of the body and the purpose
17 of correcting the record, I think it is important
18 to note that while Hamilton County, Ohio, has
19 22 school districts, Hamilton County, New York,
20 only has seven.

21 A fun fact on Hamilton County, which
22 we're giving a lot of well-deserved love to
23 today -- and if it wasn't in the 45th Senate
24 District, it would be one of my favorite
25 counties. But outside of the 45th Senate

1 District, it is my favorite county. Five
2 thousand people, not a single traffic light. Not
3 a single one. So I encourage everyone to visit
4 Hamilton County. It is gorgeous. And I think in
5 getting there, you will learn a lot about
6 infrastructure and rural communities. I think
7 there would be a lot of benefit for everyone to
8 take a trip, bring your wallet, bring your
9 significant others, and spend some time in
10 Hamilton County.

11 With that said, though, we are
12 disenfranchising, again, people in the City of
13 New York this time in having access to an
14 election commissioner in every county. We want
15 election commissioners to be full-paid in every
16 county, but we don't want every county
17 necessarily to have an election commissioner.
18 Those two bills seem to go against each other.
19 And certainly they're not in keeping with, you
20 know, all Supreme Courts being equal in all
21 62 counties.

22 So I think we've got some
23 soul-searching here to do as far as trying to
24 find consistency in our legislation. I will be
25 voting no.

1 ACTING PRESIDENT PERSAUD: Senator
2 Stec to be recorded in the negative.

3 Thanks for the love for New York
4 City.

5 (Laughter.)

6 ACTING PRESIDENT PERSAUD: Announce
7 the results.

8 THE SECRETARY: In relation to
9 Calendar Number 16, those Senators voting in the
10 negative are Senators Ashby, Borrello,
11 Canzoneri-Fitzpatrick, Gallivan, Helming, Lanza,
12 Martins, Mattera, Murray, Oberacker, O'Mara,
13 Ortt, Rhoads, Rolison, Scarcella-Spanton, Stec,
14 Tedisco, Walczyk, Weber and Weik.

15 Ayes, 41. Nays, 20.

16 ACTING PRESIDENT PERSAUD: The bill
17 is passed.

18 Senator Gianaris.

19 SENATOR GIANARIS: Madam President,
20 in deference to the Governor's State of the State
21 speech and our desire to get over there on time,
22 we're going to lay aside for the day
23 Calendar Numbers 17 and 18, which we will take up
24 when we return next week.

25 ACTING PRESIDENT PERSAUD: The

1 calendar will be laid aside for the day.

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

4 ACTING PRESIDENT PERSAUD: There is
5 no further business at the desk.

6 SENATOR GIANARIS: Move to adjourn
7 until Tuesday, January 17th, at 3:00 p.m.,
8 intervening days being legislative days.

9 ACTING PRESIDENT PERSAUD: On
10 motion, the Senate stands adjourned until
11 Tuesday, January 17th, at 3:00 p.m., intervening
12 days being legislative days.

13 (Whereupon, at 12:43 p.m., the
14 Senate adjourned.)

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