

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 January 8, 2024

11 3:08 p.m.

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13
14 REGULAR SESSION

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18 SENATOR JAMAAL T. BAILEY, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

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

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

13 ACTING PRESIDENT BAILEY: The
14 reading of the Journal.

15 THE SECRETARY: In Senate, Sunday,
16 January 7, 2024, the Senate met pursuant to
17 adjournment. The Journal of Saturday, January 6,
18 2024, was read and approved. On motion, the
19 Senate adjourned.

20 ACTING PRESIDENT BAILEY: Without
21 objection, 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 there will be an immediate meeting of the
8 Rules Committee in Room 332.

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

12 SENATOR GIANARIS: The Senate
13 stands at ease.

14 ACTING PRESIDENT BAILEY: The
15 Senate will stand at ease.

16 (Whereupon, the Senate stood at ease
17 at 3:09 p.m.)

18 (Whereupon, the Senate reconvened at
19 3:29 p.m.)

20 ACTING PRESIDENT BAILEY: The
21 Senate will return to order.

22 Senator Gianaris.

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

1 ACTING PRESIDENT BAILEY: The
2 Secretary will read.

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

6 Senate Print 1460, by
7 Senator Krueger, Concurrent Resolution of the
8 Senate and Assembly concerning the rescission of
9 all previous requests by the New York State
10 Legislature;

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

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

16 Senate Print 371, by
17 Senator Gianaris, an act to amend the
18 Election Law;

19 Senate Print 610, by
20 Senator Hoylman-Sigal, an act to amend the
21 Election Law;

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

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

1 Senate Print 5943, by
2 Senator Skoufis, an act to amend the
3 Election Law;

4 Senate Print 6173B, by
5 Senator Skoufis, an act to amend the Election Law
6 and the Vehicle and Traffic Law;

7 Senate Print 6675, by
8 Senator Breslin, an act to amend the
9 Election Law;

10 Senate Print 8001, by
11 Senator Stewart-Cousins, an act to amend the
12 Village Law;

13 Senate Print 8002, by
14 Senator Thomas, an act to amend the Public Health
15 Law;

16 Senate Print 8003, by
17 Senator Cleare, an act to amend the Public Health
18 Law;

19 Senate Print 8004, by
20 Senator Skoufis, an act to amend the
21 Insurance Law;

22 Senate Print 8005, by Senator Mayer,
23 an act to amend the Public Health Law;

24 Senate Print 8006, by
25 Senator Hoylman-Sigal, an act to amend the

1 Executive Law;

2 Senate Print 8007, by

3 Senator Skoufis, an act to amend the Village Law;

4 Senate Print 8008, by

5 Senator Hoylman-Sigal, an act to amend the

6 Penal Law;

7 Senate Print 8009, by

8 Senator Rivera, an act to amend the Public Health

9 Law;

10 Senate Print 8010, by

11 Senator Brisport, an act to amend the

12 Family Court Act;

13 Senate Print 8011, by

14 Senator Kavanagh, an act to amend the

15 Administrative Code of the City of New York;

16 Senate Print 8012, by

17 Senator Hinchey, an act to amend the

18 Public Service Law;

19 Senate Print 8013, by

20 Senator Thomas, an act to amend the Public Health

21 Law and the General Business Law;

22 Senate Print 8014, by Senator May,

23 an act to amend the Real Property Actions and

24 Proceedings Law;

25 Senate Print 8015, by Senator May,

1 an act to amend the Environmental Conservation
2 Law;

3 Senate Print 8016, by
4 Senator Hoylman-Sigal, an act to amend the
5 Public Health Law;

6 Senate Print 8019, by
7 Senator Breslin, an act to amend the
8 Insurance Law;

9 Senate Print 8024, by Senator Webb,
10 an act to amend the Education Law;

11 Senate Print 8025, by
12 Senator Bailey, an act to amend the
13 General Business Law;

14 Senate Print 8026, by Senator Webb,
15 an act to amend a chapter of the Laws of 2023;

16 Senate Print 8028, by
17 Senator Stewart-Cousins, an act to amend the
18 Executive Law;

19 Senate Print 8029, by
20 Senator Gounardes, an act to amend the
21 Civil Service Law;

22 Senate Print 8030, by
23 Senator Skoufis, an act to amend the
24 Insurance Law;

25 Senate Print 8033, by

1 Senator Rivera, an act to amend the
2 Public Health Law;

3 Senate Print 8034, by Senator Mayer,
4 an act to amend the Public Service Law;

5 Senate Print 8035, by Senator Mayer,
6 an act to amend the Multiple Residence Law and
7 the Multiple Dwelling Law;

8 Senate Print 8036, by
9 Senator Thomas, an act to amend the
10 General Business Law;

11 Senate Print 8037, by
12 Senator Persaud, an act to amend the
13 Public Authorities Law;

14 Senate Print 8038, by
15 Senator Breslin, an act to amend the
16 Insurance Law and the Public Health Law;

17 Senate Print 8039, by
18 Senator Gounardes, an act to amend the
19 General Business Law;

20 Senate Print 8040, by
21 Senator Persaud, an act to amend the
22 Insurance Law and the Social Services Law;

23 Senate Print 8044, by Senator Myrie,
24 an act to amend the Executive Law;

25 Senate Print 8050, by Senator Liu,

1 an act to amend the General Business Law and the
2 Social Services Law;

3 Senate Print 8053, by Senator Webb,
4 an act to amend the Vehicle and Traffic Law;

5 Senate Print 8054, by
6 Senator Mannion, an act to amend the
7 Private Housing Finance Law;

8 Senate Print 8055, by
9 Senator Rivera, an act to amend the
10 Public Health Law;

11 Senate Print 8057, by
12 Senator Rivera, an act to amend the
13 Public Health Law;

14 Senate Print 8059, by
15 Senator Hoylman-Sigal, an act to amend the
16 Limited Liability Company Law;

17 Senate Print 8060, by
18 Senator Harckham, an act to amend the
19 Environmental Conservation Law;

20 Senate Print 8061, by
21 Senator Harckham, an act to amend the
22 Public Health Law;

23 Senate Print 8062, by
24 Senator Cleare, an act to amend the
25 State Technology Law;

1 Senate Print 8064, by
2 Senator Scarcella-Spanton, an act to amend the
3 General Business Law;

4 Senate Print 8065, by
5 Senator Hinchey, an act to amend the Tax Law;

6 Senate Print 8066, by
7 Senator Hinchey, an act to amend the
8 Agriculture and Markets Law;

9 Senate Print 8068, by
10 Senator Skoufis, an act to amend the
11 Alcoholic Beverage Control Law;

12 Senate Print 8069, by Senator Webb,
13 an act to amend the Alcoholic Beverage Control
14 Law;

15 Senate Print 8070, by
16 Senator Gianaris, an act to amend the Tax Law;

17 Senate Print 8073, by
18 Senator Jackson, an act to amend the
19 Civil Service Law;

20 Senate Print 8075, by
21 Senator Comrie, an act to amend the
22 Not-For-Profit Corporation Law;

23 Senate Print 8076, by
24 Senator Parker, an act to amend the
25 Mental Hygiene Law;

1 Senate Print 8078, by
2 Senator Sanders, an act to amend the
3 Environmental Conservation Law;

4 Senate Print 8079, by
5 Senator Jackson, an act to amend the
6 Civil Service Law;

7 Senate Print 8080, by Senator Brouk,
8 an act to amend the Social Services Law;

9 Senate Print 8081, by
10 Senator O'Mara, an act to amend a chapter of the
11 Laws of 2023;

12 Senate Print 8082, by
13 Senator Sanders, an act to amend the New York
14 City Charter;

15 Senate Print 8085, by
16 Senator Addabbo, an act to amend the Racing,
17 Pari-Mutuel Wagering and Breeding Law;

18 Senate Print 8086, by
19 Senator Addabbo, an act to amend the Racing,
20 Pari-Mutuel Wagering and Breeding Law;

21 Senate Print 8087, by
22 Senator Gounardes, an act to amend the
23 General Business Law;

24 Senate Print 8088, by
25 Senator Gounardes, an act to amend the

1 Real Property Tax Law;

2 Senate Print 8089, by
3 Senator Hoylman-Sigal, an act to amend a chapter
4 of the Laws of 2023;

5 Senate Print 8090, by
6 Senator Cleare, an act to amend the
7 State Technology Law;

8 Senate Print 8092, by Senator Chu,
9 an act to amend the Public Health Law;

10 Senate Print 8093, by Senator Mayer,
11 an act to amend the Executive Law and the
12 Civil Practice Law and Rules;

13 Senate Print 8094, by
14 Senator Sanders, an act to amend the Banking Law;

15 Senate Print 8095, by
16 Senator Martins, an act to amend a chapter of the
17 Laws of 2023;

18 Senate Print 8096, by
19 Senator Stavisky, an act to amend a chapter of
20 the Laws of 2023.

21 All bills reported direct to third
22 reading.

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

25 ACTING PRESIDENT BAILEY: All those

1 in favor of accepting the report of the
2 Rules Committee signify by saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT BAILEY: Opposed,
5 nay.

6 (No response.)

7 ACTING PRESIDENT BAILEY: The
8 report is adopted.

9 Senator Gianaris.

10 SENATOR GIANARIS: Mr. President,
11 there's a privileged resolution at the desk. Can
12 we please take that up, read it in its entirety,
13 and recognize Leader Stewart-Cousins.

14 ACTING PRESIDENT BAILEY: There is
15 a privileged resolution at the desk.

16 The Secretary will read.

17 THE SECRETARY: Senate Resolution
18 1466, by Senator Stewart-Cousins, mourning the
19 death of Dr. John Louis Flateau, devoted family
20 man, dedicated professor, and distinguished
21 member of his community.

22 "WHEREAS, There are certain
23 outstanding members of our community who, through
24 their selfless commitment and dedication, have
25 served to better the quality of life in our

1 community and have had a measurable positive
2 impact on the lives of its residents; Dr. John
3 Louis Flateau was one such individual; and

4 "WHEREAS, It is with profound sorrow
5 and deep regret that this Legislative Body
6 records the passing of Dr. John Louis Flateau,
7 noting the significance of his purposeful life
8 and accomplishments; and

9 "WHEREAS, Dr. John Louis Flateau of
10 Brooklyn, New York, died on December 30, 2023, at
11 the age of 73; and

12 "WHEREAS, A lifelong public servant,
13 community activist, political strategist, and a
14 dedicated mentor throughout his decades-long
15 career at Medgar Evers College, Dr. John Louis
16 Flateau served as a beloved professor and chair
17 of the Department of Public Administration at
18 Medgar Evers College, while also serving as the
19 director of the Dubois Bunche Center for
20 Public Policy; he was also the former dean for
21 both Medgar Evers College's School of Business
22 and Office of External Relations; and

23 "WHEREAS, Dr. John Louis Flateau was
24 also a lifelong learner who led by example when
25 it came to his students, earning a Ph.D. in

1 political science, public policy and American
2 politics from CUNY, while also obtaining master's
3 degrees in philosophy, in political science,
4 public administration and political science,
5 urban policy; he secured his Bachelor of Arts
6 degree in English literature from New York
7 University's Washington Square College; and
8 "WHEREAS, A true community pillar,
9 Dr. John Louis Flateau's resume was impeccable,
10 showing his servant's heart from a young age and
11 prior to joining Medgar Evers College in 1994; he
12 served as the Summer Youth Program director of
13 the Brooklyn Catholic Diocese from 1968-'72,
14 Harlem Youth Worker for the New York State
15 Division for Youth from 1978-'79, District
16 Council 37 AFSCME Education Department from
17 1971-'74, executive director of the New York
18 State Black and Puerto Rican Legislative Caucus
19 from 1975-1982, senior vice president and chief
20 diversity officer for the New York State Empire
21 State Development Corporation from 1983-1990,
22 chief of staff to Mayor David N. Dinkins from
23 1991-'93, and as deputy secretary for
24 intergovernmental relations for the New York
25 State Senate from 2009-'10; and

1 "WHEREAS, Beyond his professional
2 accomplishments, Dr. John Louis Flateau became
3 well-known for his public service, where he took
4 on a number of key roles, including member,
5 New York State Legislative Task Force on
6 Demographic Research and Reapportionment;
7 commissioner, New York City Districting
8 Commission; member, Redistricting Advisory Group,
9 New York City Board of Education; chairman,
10 U.S. Census Advisory Committee on the
11 African American Population; National Steering
12 Committee, Census Information Centers; co-chair,
13 New York City Black Advisory Committee,
14 Census 2000; and chairman, Board of Trustees,
15 Community School Board 16, Brooklyn; he was also
16 appointed to the Independent Redistricting
17 Commission by Senate Majority Leader Andrea
18 Stewart-Cousins; and

19 "WHEREAS, An intellectual giant,
20 acclaimed educator and dedicated public servant,
21 Dr. John Louis Flateau was instrumental in
22 shaping the lives of countless students, and his
23 work in both the city and state government helped
24 advance justice and equity for communities across
25 New York; and

1 "WHEREAS, Dr. John Louis Fleteau's
2 public service was only overshadowed by his
3 dedication to community service, where he was
4 involved with a plethora of organizations,
5 including the American Society for Public
6 Administration; American Political Science
7 Association; American Association of Political
8 Consultants; Population Association of America;
9 National Forum for Black Public Administrators;
10 NAACP Brooklyn Branch; Community Board 3,
11 Brooklyn; Citizens Union, Board of Directors;
12 chairman of the board, Achievement First Endeavor
13 Charter School; Vanguard Urban Improvement
14 Association; Bridge Street Development
15 Corporation; DELBAC Inc., Board of Directors,
16 Delta Sigma Theta Sorority, Brooklyn Alumnae
17 Chapter; Senior Board Of Stewards, Bridge St.
18 AWME Church; Thurgood Marshall Scholarship Fund,
19 Inc., Academic Advisory Board; chairman, Medgar
20 Evers College Community Council; NY Voting Rights
21 Consortium; and the Majority Coalition of
22 Redistricting Professionals; and

23 "WHEREAS, A tremendous leader who
24 uplifted and inspired his community, Dr. John
25 Louis Fleteau and his enormous contributions

1 will have a lasting impact for many years to
2 come; he is survived by his wife, Lorraine; two
3 sons, Marcus and Jonathan, and their families;
4 and four siblings, Anne, Alice, Adele, and
5 Richard; and

6 "WHEREAS, Dr. John Louis Fleteau's
7 infinite selflessness and benevolence will shine
8 on through his family's vivid and happy memories;
9 his insight and strength will forever serve as a
10 beacon of love, light and hope to the countless
11 lives he touched; and

12 "WHEREAS, Armed with a humanistic
13 spirit and imbued with a sense of compassion,
14 Dr. John Louis Fleteau leaves behind a legacy
15 which will long endure the passage of time and
16 will remain as a comforting memory to all who
17 were privileged to have known and loved such an
18 amazing man; he will be deeply missed and truly
19 merits the grateful tribute of this Legislative
20 Body; now, therefore, be it

21 "RESOLVED, That this Legislative
22 Body pause in its deliberations to mourn the
23 death of Dr. John Louis Fleteau, and to express
24 its deepest condolences to his family; and be it
25 further

1 "RESOLVED, That a copy of this
2 resolution, suitably engrossed, be transmitted to
3 the family of Dr. John Louis Flateau."

4 ACTING PRESIDENT BAILEY: Majority
5 Leader Andrea Stewart-Cousins on the resolution.

6 SENATOR STEWART-COUSINS: Thank you
7 so much, Mr. President.

8 And I rise to certainly give my
9 condolences to Dr. Flateau's family and all the
10 all those who benefited from the great work that
11 he did throughout our state.

12 I was just thinking about what
13 normally happens in January the first time
14 that -- besides the welcome address, the first
15 time we really talk and I really pay tribute to
16 someone in January is to Reverend Dr. Martin
17 Luther King, Jr. And the fact that we are paying
18 tribute to Dr. John Louis Flateau is certainly
19 sad but appropriate, because he was a giant in
20 civil rights, in voting rights -- everything that
21 Dr. King stood for nationally, Dr. Flateau stood
22 for not only in his community but beyond.

23 The second thing that I want to say
24 is that after the Governor signed the Reparations
25 Commission legislation, I got a call from

1 Dr. Flateau. I wasn't available, it was on
2 December 20th, and it went into voicemail. So he
3 took the time to text, and the text was saying
4 that he appreciated not only what was done, but
5 sharing the story of my family and the story of
6 their history and our history on that day.

7 And I look back at that text, and
8 I'm just so happy that the fulfillment of
9 something that he worked for so long in so many
10 ways happened before he transitioned.

11 I also want to say that nothing is
12 guaranteed. And the fact that I missed his
13 call -- I'm sorry, I responded to his text, but
14 little did I know when I woke up on December 30th
15 that I would have the news that he was no longer
16 with us.

17 So again, I just want to pay tribute
18 to all that he's done for us, certainly as a
19 member of our Independent Redistricting
20 Commission. I want to remind people that this is
21 fleeting. I know we all know this, we're all
22 grownups. But take that time to answer that call
23 or answer that text.

24 And lastly, at the press conference
25 this morning, someone said, "Are you going to

1 replace Dr. Flateau?" And my answer then was my
2 answer: I'm certainly looking at his
3 replacement. None of us are irreplaceable, but
4 Dr. Flateau will not easily be replaced. He was
5 a giant, iconic, and his legacy will live on in
6 this state and beyond forever.

7 Thank you, Mr. President.

8 ACTING PRESIDENT BAILEY: Thank
9 you, Madam Leader.

10 Senator Comrie on the resolution.

11 SENATOR COMRIE: Thank you. Thank
12 you, Mr. President.

13 I want to thank the resolution being
14 brought forth by Majority Leader Stewart-Cousins
15 to mourn the passing of a person that was ever so
16 humble, ever so talented, a person that was
17 greatly respected by so many of us: Dr. John
18 Flateau.

19 Dr. Flateau was a man of rare
20 intelligence who looked at a period marked by
21 injustice and black disempowerment and saw a way
22 out for us.

23 I was fortunate enough to know him
24 back in my early days, learning in my political
25 life from my former mentor, Councilmember Archie

1 Spigner, who got me involved in politics on a
2 citywide level back when they were moving from
3 35 members of the City Council to 51. And I saw
4 what he was doing, how he worked to work the
5 numbers, how he worked to inform people and be
6 able to relate to people, how he could teach from
7 a scientific level, a theoretical level, a
8 personal level, and a level that anyone could
9 understand.

10 Even though he had the ability to
11 speak to every level, he understood how to speak
12 to the individual that he was encountering, how
13 to talk to people on a level that they could
14 appreciate; how to respect people in a way that
15 they could understand it. While he knew what he
16 was talking about, he wanted you to be part of
17 that. He wanted you to be empowered. He wanted
18 you to understand his passion, and he figured out
19 a way to get it straight to you.

20 Dr. Flateau learned from some of the
21 great leaders that have passed, including the
22 late Al Vann and Mayor Dinkins. And as you've
23 heard, he's done so many different things. Among
24 the first, he was the first director for the
25 Black, Latino, Hispanic and Asian Caucus.

1 But I could go on and on about his
2 history, but the resolution was so wonderfully
3 written about his achievements, about his -- the
4 things that he had done, about the many roles
5 that he played to try to make sure that
6 Medgar Evers became a Black think-tank location,
7 to make sure that -- he was also the executive
8 director, first director of the Dubois Bunche
9 Center for Public Policy. And he authored many
10 books, but his first one, Black Brooklyn: The
11 Politics of Ethnicity, Class and Gender.

12 He worked on so many campaigns. He
13 helped map strategy for so many people, including
14 the legendary operative Bill Lynch, leading to
15 the election of David Dinkins, our first Black
16 mayor.

17 Our state owes a debt to John
18 Flateau, because he made his time, he made his
19 focus on making sure that there was fairness and
20 equity, that people could understand that there
21 were opportunities by making sure that he taught
22 other people how to do numbers, how to understand
23 how to make numbers work to empower people, and
24 how to make sure that he was able to pass his
25 passion on to so many others.

1 As the leader said, it's hard to say
2 anyone's irreplaceable, but he truly was a
3 mountain of a man and a humble spirit and a
4 giving spirit.

5 So I want to thank -- in closing, I
6 want to thank our leader for pausing our
7 deliberations to honor Dr. Flateau's legacy here
8 today. I wish his family, his friends, and all
9 who knew and loved him condolences, and peace,
10 and we can continue to honor him over time.

11 Thank you very much.

12 ACTING PRESIDENT BAILEY: Senator
13 Mayer on the resolution.

14 SENATOR MAYER: Thank you,
15 Mr. President.

16 It truly is an honor to get up and
17 speak about Dr. John Flateau. When you look back
18 at his years of service -- 55 years, starting
19 from the Summer Youth Program director of
20 Brooklyn Catholic Diocese, until his death in
21 2023 -- all of which were devoted to public
22 service and particularly to fighting for equity
23 and justice, and a particular attention to the
24 African-American community. And don't forget how
25 difficult it was in those days to be the smartest

1 and the most diligent person on these issues.

2 I had the honor of working with him
3 and knowing him twice during his tenure in state
4 government: When he worked for the EDC, when
5 Governor Mario Cuomo was the governor, and he was
6 the leader on attention to the use of state funds
7 and ensuring they went to qualified WMBE
8 contractors. Nobody else was paying attention to
9 it. Dr. John Flateau started the movement of
10 attention by the state's dollars being paid
11 equitably to contractors.

12 And then in 2009 to 2010, when he
13 was deputy secretary for intergovernmental
14 relations for the State Senate, and the Democrats
15 were in the minority, and I was honored to be the
16 counsel to the Senate Minority. Dr. John Flateau
17 theoretically worked for me, and I really worked
18 for him. He was the boss of all the information
19 that nobody else knew about elections and
20 redistricting, these technical things that my
21 colleague Senator Comrie referenced.

22 He was truly the greatest expert we
23 ever had here on these issues. I was honored to
24 work with him and really for him. His legacy
25 will live on. And it's our obligation to make

1 sure that we continue the work that he started
2 and not lose focus on what he was so focused on.

3 May his memory be a blessing.

4 ACTING PRESIDENT BAILEY: Senator
5 Myrie on the resolution.

6 SENATOR MYRIE: Thank you,
7 Mr. President.

8 I would not be standing here today
9 if not for Dr. Flateau. He paved a way for many
10 of us, but particularly for people that look like
11 me, that look like Kevin, and particularly for
12 young Black men in Brooklyn. Because we didn't
13 have too many examples of brothers who were
14 smart, sharp, politically active, and who cared
15 about the community as well. And Dr. Flateau was
16 all of that and much more.

17 We have a personal connection to him
18 in Brooklyn because he taught at Medgar, amongst
19 many other things. And I of course have the
20 honor of representing Medgar Evers College now.
21 But it's even more personal because there's so
22 many amongst us that were students of his, both
23 literal and figurative. I was a figurative
24 student of Dr. Flateau; my wife was an actual
25 student of Dr. Flateau.

1 And what he cared about and fought
2 for aren't just the things that we care about or
3 that had any partisan leaning. Dr. Flateau was a
4 perfector of democracy. In this country's
5 history we have said we care about democracy;
6 we've even passed laws that say we care about
7 democracy. But it took the struggle particularly
8 of Black Americans to perfect our democracy, to
9 hold us to that highest standard. And
10 Dr. Flateau was such a perfecter. Because he
11 didn't just know about the grand and big ideas,
12 he knew the minutiae. And he knew that the
13 minutiae was where the momentum actually was, and
14 that that's how they had kept people down for a
15 long time, in the details. He knew the details,
16 better than anyone else.

17 And so I find it appropriate that
18 today not only are we honoring him with this
19 resolution, but we are naming a bill after him to
20 create an elections and voting academic center
21 here in this state. Because the details matter.
22 We can only perfect our democracy with people who
23 care deeply about those it affects the most. And
24 Dr. Flateau was such a person.

25 So we honor him today, but it's just

1 the beginning. We will honor him always for what
2 he meant to every single New Yorker in this
3 state.

4 Thank you, Mr. President.

5 ACTING PRESIDENT BAILEY: Senator
6 Sanders on the resolution.

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

9 I thank you, Madam Leader, for
10 putting this resolution forward.

11 I got to know Dr. Flateau through
12 his family. I went to school with his sister,
13 who was getting one of her numerous degrees.
14 This is a very elite family. This is a very
15 noble family. And I got to know him then and
16 started working with him a little later.

17 What can we say of this author, this
18 master of demographics, this administrator?
19 You've heard my colleagues speak of him earlier.
20 I started working with him on a disparity study
21 when we were at the City Council of New York,
22 where several of my colleagues in here were
23 working with us.

24 And I found a person who was the
25 master of details, who loved the small points,

1 really rejoiced in matters that most of us would
2 brush past. But he would stop you and say no,
3 no, no, this will lead to this and this will lead
4 to that. Of course we didn't understand how
5 until later on it did, and then we said, Oh,
6 yeah, we knew it all the time.

7 (Laughter.)

8 SENATOR SANDERS: Or at least I
9 did.

10 So I really saw him and struggled --
11 in fact, it was done so well that this disparity
12 study was never challenged. And this is an area
13 of law that everyone challenges. This was never
14 challenged. We did it back in 2005 or something
15 of that nature. It's still the law of the land
16 in New York City to this day and has withstood
17 all challenges. And if you know me, you will
18 know that Dr. Flateau's hand was very firmly on
19 it.

20 He was indeed very passionate in his
21 own way. He was not one of these flamboyant,
22 in-your-face kind of guys. He was passionate
23 about the idea of truth and democracy and things
24 of that nature. And he really believed in this.
25 This was not something that was nice words that

1 he would say. This guy was prepared to die over
2 these words. And he lived over it.

3 He was well-reasoned, strategic. If
4 you know anything about him, he was a strategic
5 thinker. I regret that I never played him in
6 chess -- not because I would have beat him, but
7 because it would have been a joy watching him
8 demolish me.

9 (Laughter.)

10 SENATOR SANDERS: He probably would
11 be that good.

12 But if you really want to know him,
13 you've got to understand the idea of humility.
14 This was one humble guy who could sit down and he
15 wouldn't throw all of his degrees in your face.
16 He would really work with you and he would take
17 you from wherever you are to where you need to be
18 if you were disciplined enough.

19 It was an honor to have worked with
20 him. And yes, he absolutely had his hands in
21 these reparations and figuring and trying to make
22 sure that we wouldn't mess it up or whatever.

23 We will miss him. He -- may we
24 have -- may we have really listened to his
25 guidance. We're going to need it in the days to

1 come. And if there is a way, let him send some
2 now; we need it.

3 Thank you very much, and thank you
4 for this resolution.

5 ACTING PRESIDENT BAILEY: Senator
6 Martins on the resolution.

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

9 I too rise to remember my time with
10 Dr. Flateau. I first want to thank
11 Leader Stewart-Cousins for bringing forth this
12 resolution.

13 I had the opportunity to serve on
14 the Independent Redistricting Commission with
15 John. A gentleman, a scholar, a person of strong
16 convictions -- fierce convictions -- but someone
17 I've never heard raise his voice, not once. A
18 person who can convince a room that he was right
19 without ever raising his voice.

20 A scholar. Obviously a person who
21 was passionate about democracy -- for all,
22 regardless of who they were, regardless of where
23 they lived, in New York City or New York State,
24 be they from Long Island or Western New York or
25 the five boroughs. He was passionate about

1 making sure that everyone had a seat at the
2 table.

3 So I did not know that John was ill.
4 I had no idea until this resolution hit the
5 floor. But I will miss him. And I will miss the
6 opportunities we had and I had to learn from him
7 because of the influence he had not only on us on
8 the commission, but certainly on New York State
9 and on New York City. And I think that
10 influence -- and we've heard it here on the floor
11 today -- that influence will continue well beyond
12 his years.

13 My condolences to the family and to
14 all who knew him.

15 Mr. President, thank you for the
16 opportunity.

17 ACTING PRESIDENT BAILEY: Senator
18 Parker on the resolution.

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

21 And I rise to add my voice to those
22 who are celebrating the life of Dr. John Flateau,
23 somebody who's a believer, a member of Bridge
24 Street AME Church, who would really be
25 embarrassed by what's happening here today. He

1 would be just like, Why are you all making such a
2 fuss. He'd say, Surely you have other things to
3 be doing than talking about me.

4 But I wanted to thank the leader for
5 her leadership and in saying that this is in fact
6 the right moment.

7 This is the part of the session
8 where everything has been said but everybody just
9 hasn't said it yet.

10 But Dr. Flateau was very, very much
11 a personal mentor to me. And his passing and
12 this conversation today and the reading of the
13 resolution made me think through my career,
14 because my career has been absolutely directly
15 shaped by Dr. Flateau. He was somebody who was
16 about black political empowerment, period.
17 Right? And particularly in Brooklyn.

18 And for a lot of you, you should
19 really read his book, because, you know, we kind
20 of take it for granted now that Brooklyn is the
21 center of the political universe. But John was
22 someone who came in at a time -- and particularly
23 the Black political universe, right? There was a
24 time when everybody used to run to Harlem -- I
25 don't want to call it or everybody will get

1 mad --

2 (Laughter.)

3 SENATOR PARKER: But everybody used
4 to run to Harlem to get everything done. And we
5 kept saying, Why everybody running to Harlem when
6 all the people live in Brooklyn? Right?

7 (Laughter.)

8 SENATOR PARKER: We still have the
9 largest concentration of people of African
10 descent in the Western Hemisphere outside of
11 Bahia, Brazil. Right?

12 And it was really Al Vann and people
13 like John Flateau who really fought to create a
14 Black political power base that demanded people
15 come to Brooklyn and do things in Brooklyn.

16 He was somebody -- but also saw
17 himself connected to the larger Black community.
18 So John -- and so we all stand on the shoulders
19 of people who have come before us. And I
20 certainly stand on Dr. John Flateau's shoulders.
21 But he stood on the shoulders of Bill Lynch.
22 Right? And, you know, if people don't know who
23 Bill Lynch is, you should look him up. Right?
24 Like he was -- he was David Dinkins' campaign
25 manager, which might have been not even the

1 biggest thing he did, when you look at it. He
2 was Nelson Mandela's campaign manager. People --
3 you know, people forget that. Right?

4 And John Liu's campaign manager,
5 right. Right?

6 (Laughter.)

7 SENATOR PARKER: I mean -- I mean,
8 Bill Lynch is -- is -- you know, was somebody who
9 we all kind of worked with, and John learned very
10 closely from him.

11 So in the David Dinkins second
12 election, I went to work for John, right, and
13 worked on that campaign, which was one of many
14 that he literally like held my hand and showed me
15 how to do politics, showed me how to win
16 elections.

17 And, you know, he was -- you know, I
18 worked at what used to be the Urban Development
19 Corporation, which is now the Empire State
20 Development Corporation. As Shelley mentioned,
21 he used to run the MWBE program there, right?
22 And now we just all like talk about MWBE kind of
23 flippantly -- we all know what it means. At the
24 time, he actually was the first person to help
25 create that program at the Urban Development

1 Corporation, and was the first vice president of
2 the MWBE program before anybody talked about, you
3 know, disparity studies and MWBEs and how do you
4 in fact turn political power into economic power
5 and how you use that to fortify communities.

6 He was at the forefront of every
7 single both electoral and empowerment strategy
8 conversation that we had in the day. He was one
9 of the people who helped create an organization
10 that we used to have, the Council on Black
11 Democrats. Right? We really don't talk about it
12 anymore. But -- right? You remember that,
13 Leroy, right? I mean, he was one of the shapers
14 of that organization that helped many people, you
15 know, get elected and create the power that you
16 see in Black communities now.

17 I had a second time to work for him,
18 because when he created the Dubois Bunche Center
19 at Medgar Evers College, he hired two people,
20 Gregorio Mayers and me. And I was at the bottom
21 of the totem pole, according to Greg (laughing).
22 And so it's been a long journey.

23 And I was actually in the Ph.D.
24 program along with Gustavo Rivera when he came to
25 the CUNY Grad Center to get his Ph.D. -- me and

1 Gustavo were still working for a living, and he's
2 Dr. Flateau. So you know how that -- how that
3 went.

4 But he just, as everyone said, was a
5 master of the information -- and more importantly
6 than anything else, was never stingy with it.
7 You know, he would call you and tell you, Hey,
8 you should be paying attention to this, you
9 should be doing this, this is the thing that was
10 going on. And he lifted -- he lifted as he
11 climbed. Right? Not just, you know, helping,
12 you know, people who are state senators and, you
13 know, the leaders of the Senate, but students.
14 Right?

15 You know, my -- my chief of staff
16 was -- started with me as an intern, and I still
17 remember the call, when John called me. It was
18 like, Yo, I got this kid, you need to bring him
19 over and like put him in your operation. And
20 like literally I think 12 years later, 15 years
21 later, he's still working for me. Right? I
22 mean, maybe that means he just can't find another
23 job. But I'm just saying --

24 (Laughter.)

25 SENATOR PARKER: -- it's been --

1 it's been great for me.

2 But it was oftentimes John who
3 connected you with the information, with the
4 people, with the resources, with the next thing
5 that was happening that you needed to pay
6 attention to.

7 And so it's appropriate that we
8 remember him, because he's had so much impact
9 on -- on where we are and -- and who we are --
10 and who we are today. Not just, you know, coming
11 out of Bill Lynch, but the work with Al Vann,
12 connected to people like Esmeralda Simmons and
13 Judge Paul Wooten. Letitia James came, you know,
14 right after, another mentee in that -- in that --
15 in that string of people who were coming out of
16 Brooklyn looking to empower our communities and
17 make this -- this state and our city as great as
18 it possibly can be.

19 And so as I take my seat, I just
20 want to say thank you, John, for not seeing it
21 {unintelligible} to pour into a young man who
22 knew nothing about government, just knew that he
23 wanted to run for office one day and help his
24 community. And for teaching him what he needed
25 to know in order to be successful, and never

1 letting him go even when he made mistakes, even
2 when things didn't go the way you told him to do
3 things -- never forgetting and never letting go
4 of my hand during that whole process.

5 We miss you, we love you, and we're
6 going to continue to work towards living up to
7 your legacy.

8 Thank you, Mr. President.

9 ACTING PRESIDENT BAILEY: The
10 question is on the resolution. All in favor
11 please signify by saying aye.

12 (Response of "Aye.")

13 ACTING PRESIDENT BAILEY: Opposed?

14 (No response.)

15 ACTING PRESIDENT BAILEY: The
16 resolution is adopted.

17 Senator Gianaris.

18 SENATOR GIANARIS: Mr. President,
19 Leader Stewart-Cousins would like to open this
20 resolution for cosponsorship.

21 ACTING PRESIDENT BAILEY: The
22 resolution is open for cosponsorship. Should you
23 choose not to be a cosponsor, please notify the
24 desk.

25 Senator Gianaris.

1 SENATOR GIANARIS: Can we now take
2 up the supplemental calendar.

3 ACTING PRESIDENT BAILEY: The
4 Secretary will read.

5 THE SECRETARY: Calendar Number 1,
6 Senate Print 242, by Senator May, an act to amend
7 the Election Law.

8 SENATOR LANZA: Lay it aside.

9 ACTING PRESIDENT BAILEY: Lay it
10 aside.

11 THE SECRETARY: Calendar Number 2,
12 Senate Print 263, by Senator Stewart-Cousins, an
13 act to amend the Election Law.

14 ACTING PRESIDENT BAILEY: Read the
15 last section.

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

18 ACTING PRESIDENT BAILEY: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BAILEY: Announce
22 the results.

23 THE SECRETARY: Ayes, 62.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number 3,
2 Senate Print 371, by Senator Gianaris, an act to
3 amend the Election Law.

4 ACTING PRESIDENT BAILEY: Read the
5 last section.

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

9 ACTING PRESIDENT BAILEY: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Announce
13 the results.

14 THE SECRETARY: In relation to
15 Calendar 3, those Senators voting in the negative
16 are Senators Canzoneri-Fitzpatrick, Gallivan,
17 Helming, Martins, Mattera, Oberacker, O'Mara,
18 Ortt, Rhoads, Stec, Tedisco, Walczyk, Weber and
19 Weik.

20 Ayes, 48. Nays, 14.

21 ACTING PRESIDENT BAILEY: The bill
22 is passed.

23 THE SECRETARY: Calendar Number 4,
24 Senate Print 610, by Senator Hoylman-Sigal, an
25 act to amend the Election Law.

1 SENATOR LANZA: Lay it aside.

2 ACTING PRESIDENT BAILEY: Lay it
3 aside.

4 THE SECRETARY: Calendar Number 5,
5 Senate Print 616, by Senator Myrie, an act to
6 amend the Election Law.

7 ACTING PRESIDENT BAILEY: Read the
8 last section.

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

11 ACTING PRESIDENT BAILEY: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BAILEY: Announce
15 the results.

16 THE SECRETARY: In relation to
17 Calendar 5, those Senators voting in the negative
18 are Senators Borrello, Canzoneri-Fitzpatrick,
19 Gallivan, Griffo, Helming, Lanza, Mattera,
20 Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads,
21 Rolison, Stec, Tedisco, Weber and Weik.

22 Ayes, 44. Nays, 18.

23 ACTING PRESIDENT BAILEY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number 6,

1 Senate Print 657A, by Senator Myrie, an act to
2 amend the Election Law.

3 ACTING PRESIDENT BAILEY: Read the
4 last section.

5 THE SECRETARY: Section 11. This
6 act shall take effect April 11, 2026.

7 ACTING PRESIDENT BAILEY: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BAILEY: Announce
11 the results.

12 THE SECRETARY: In relation to
13 Calendar 6, those Senators voting in the negative
14 are Senators Ashby, Borrello,
15 Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,
16 Martins, Mattera, Murray, Oberacker, O'Mara,
17 Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco,
18 Walczyk, Weber and Weik.

19 Ayes, 42. Nays, 20.

20 ACTING PRESIDENT BAILEY: The bill
21 is passed.

22 THE SECRETARY: Calendar Number 7,
23 Senate Print 5943, by Senator Skoufis, an act to
24 amend the Election Law.

25 SENATOR LANZA: Lay it aside.

1 ACTING PRESIDENT BAILEY: Lay it
2 aside.

3 THE SECRETARY: Calendar Number 8,
4 Senate Print 6173B, by Senator Skoufis, an act to
5 amend the Election Law and the Vehicle and
6 Traffic Law.

7 SENATOR LANZA: Lay it aside.

8 ACTING PRESIDENT BAILEY: Lay it
9 aside.

10 THE SECRETARY: Calendar Number 9,
11 Senate Print 6675, by Senator Breslin, an act to
12 amend the Election Law.

13 ACTING PRESIDENT BAILEY: Read the
14 last section.

15 THE SECRETARY: Section 3. This
16 act shall take effect on the 60th day after it
17 shall have become a law.

18 ACTING PRESIDENT BAILEY: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BAILEY: Announce
22 the results.

23 THE SECRETARY: Ayes, 62.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 (Pause.)

2 ACTING PRESIDENT BAILEY: That
3 completes the reading of today's calendar.

4 Senator Gianaris.

5 SENATOR GIANARIS: Mr. President, I
6 believe there's also a concurrent resolution at
7 the desk. Can we take that up as well.

8 ACTING PRESIDENT BAILEY: The
9 Secretary will read the resolution.

10 ACTING PRESIDENT BAILEY: Senate
11 Resolution 1460, Concurrent Resolution of the
12 Senate and Assembly concerning the rescission of
13 all previous requests by the New York State
14 Legislature or either house thereof for a
15 convention under Article V of the United States
16 Constitution.

17 ACTING PRESIDENT BAILEY: Call the
18 roll on the resolution.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BAILEY: Announce
21 the results.

22 THE SECRETARY: Ayes, 41. Nays,
23 21.

24 ACTING PRESIDENT BAILEY: The
25 resolution is adopted.

1 Senator Gianaris.

2 SENATOR GIANARIS: Can we now take
3 up the controversial calendar.

4 ACTING PRESIDENT BAILEY: The
5 Secretary will ring the bell.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number 1,
8 Senate Print 242, by Senator May, an act to amend
9 the Election Law.

10 ACTING PRESIDENT BAILEY: Senator
11 Gianaris.

12 SENATOR GIANARIS: Mr. President,
13 let's take up the bills that will have hostile
14 amendments first. And can we begin with Calendar
15 Number 7.

16 THE SECRETARY: Calendar Number 7,
17 Senate Print 5943, by Senator Skoufis, an act to
18 amend the Election Law.

19 ACTING PRESIDENT BAILEY: Senator
20 Lanza, why do you rise?

21 SENATOR LANZA: Good afternoon,
22 Mr. President.

23 Mr. President, I believe there's an
24 amendment at the desk. I waive the reading of
25 that amendment and ask that you recognize

1 Senator Walczyk to be heard.

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

4 Upon review of the amendment, in
5 accordance with Rule 6, Section 4B, I rule it
6 nongermane and out of order at this time.

7 SENATOR LANZA: Accordingly,
8 Mr. President, I appeal the ruling of the chair
9 and ask that you recognize Senator Walczyk.

10 ACTING PRESIDENT BAILEY: The
11 appeal has been made and recognized, and
12 Senator Walczyk may be heard.

13 SENATOR WALCZYK: Mr. President, I
14 rise to appeal your ruling. The proposed
15 amendment is germane to the bill at hand because
16 the bill at hand moves judges, and others, on a
17 place on the ballot. And I have offered up this
18 very helpful amendment.

19 So Section 1 of this amends
20 Section 80 of the Town Law to restore local
21 elections to odd-numbered years. Section 2
22 amends subdivision 4 of Section 17-1703A of the
23 Village Law to restore local elections to
24 odd-numbered years. And Sections 3, 4 and 5
25 offer technical repealing language.

1 Moving local elections from
2 odd years to even years is terrible policy for
3 New York. It directly circumvents home rule
4 powers afforded to counties, towns and villages
5 under state law. New changes are not going to
6 make new elections more cost-effective. Instead,
7 they will increase the length of ballots and push
8 voters to choose from as many as 25 candidates in
9 a single cycle.

10 Focus on local issues will diminish,
11 which is not good for governments closest to the
12 people.

13 And lastly, new changes have
14 bipartisan disapproval.

15 This bill that -- this amendment
16 that I'm offering rectifies the hyperpartisan
17 changes that will hurt New York's republic for
18 years to come. And I say "republic" because the
19 first thing that we did in this chamber today and
20 when we opened this session last week is we all
21 looked at the flag of the United States and
22 pledged allegiance to it and the republic for
23 which it stands.

24 So I offer up these amendments.

25 ACTING PRESIDENT BAILEY: Thank

1 you, Senator Walczyk.

2 I want to remind the house that the
3 vote is on the procedures of the house and the
4 ruling of the chair.

5 Those in favor of overruling the
6 chair, signify by saying aye.

7 (Response of "Aye.")

8 SENATOR LANZA: Request a show of
9 hands.

10 ACTING PRESIDENT BAILEY: A show of
11 hands has been requested and so ordered.

12 Announce the results.

13 THE SECRETARY: Ayes, 21.

14 ACTING PRESIDENT BAILEY: The
15 ruling of the chair stands, and the bill-in-chief
16 is before the house.

17 Read the last section.

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

20 ACTING PRESIDENT BAILEY: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BAILEY: Senator
24 Walczyk to explain his vote.

25 SENATOR WALCZYK: Mr. President, I

1 was actually -- could I lay this bill aside and
2 ask some questions? Would the sponsor yield?

3 SENATOR SKOUFIS: Yes.

4 ACTING PRESIDENT BAILEY: Since --
5 Senator Walczyk, Senator Skoufis has agreed to
6 yield.

7 SENATOR WALCZYK: Thank you,
8 Mr. President. Sorry about that. Kicking some
9 of the rust off here.

10 Appreciate you yielding for some
11 questions.

12 This bill will move judges to the
13 back of the ballot. Am I understanding that
14 correctly?

15 (Pause.)

16 SENATOR SKOUFIS: Through you,
17 Mr. President, I apologize; getting some
18 clarification.

19 So I understood and I understand
20 that judicial offices are moved further down the
21 ballot. I was clarifying as to whether they're
22 moved, as you describe it, to the complete back
23 of the ballot or not.

24 What this bill does is it
25 standardizes the ballot order, which currently

1 has no standardization in state statute. And
2 judicial offices are moved towards the end of the
3 ballot, yes, after member of Congress, member of
4 the State Senate, member of the Assembly --
5 which, as I'm sure you know, are currently
6 subsequent to judicial offices on the ballot.

7 SENATOR WALCZYK: Through you,
8 Mr. President, would the sponsor continue to
9 yield.

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

12 SENATOR SKOUFIS: Yes.

13 ACTING PRESIDENT BAILEY: The
14 sponsor yields.

15 SENATOR WALCZYK: Isn't the current
16 standard based on the size of district or the
17 number of people that you represent?

18 SENATOR SKOUFIS: Through you,
19 Mr. President, that's my understanding.

20 SENATOR WALCZYK: And through you,
21 Mr. President, would the sponsor continue to
22 yield.

23 ACTING PRESIDENT BAILEY: Will the
24 sponsor yield?

25 SENATOR SKOUFIS: Yes.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR WALCZYK: I just wanted to
4 clarify that, because you said that there was
5 currently no standard and that's what we're
6 looking to remedy here. But if the standard
7 exists and has been in practice, Board of
8 Elections writes them on the ballot based on the
9 number of people that they represent. I just,
10 for the record, wanted to button that up.

11 So if you would continue to yield.

12 Reaching out to the judiciary --
13 obviously, if you're moving judges to a new place
14 on the ballot, I'm sure the judicial branch had
15 something to say about that. What did the Office
16 of Court Administration or judges that you spoke
17 with have to say about this proposal?

18 SENATOR SKOUFIS: Through you,
19 Mr. President, I'm not aware of the Office of
20 Court Administration weighing in on changes to
21 the Election Law.

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

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

2 SENATOR SKOUFIS: Yes.

3 ACTING PRESIDENT BAILEY: The
4 sponsor yields.

5 SENATOR WALCZYK: I know you're
6 aware the Board of Elections is a bipartisan body
7 and -- have they -- have they said anything about
8 this legislation? Do they -- do they support it,
9 as they often will issue memos of support and
10 opposition on things?

11 SENATOR SKOUFIS: Through you,
12 Mr. President, it's -- it's common for -- I'll
13 speak for my office -- to reach out to the State
14 Board of Elections for technical input, and we
15 may well have done that on this bill.

16 This bill has been around for
17 several years. I believe Senator Kaminsky
18 carried it prior to my taking over the
19 sponsorship.

20 But I'm not aware of the State Board
21 of Elections issuing -- if this is what you're
22 asking -- a memo of support or opposition, no. I
23 don't think they do that.

24 SENATOR WALCZYK: Through you,
25 Mr. President, would the sponsor continue to

1 yield.

2 ACTING PRESIDENT BAILEY: Will the
3 sponsor yield?

4 SENATOR SKOUFIS: Yes.

5 ACTING PRESIDENT BAILEY: The
6 sponsor yields.

7 SENATOR WALCZYK: Where did the
8 idea for this legislation come from?

9 SENATOR SKOUFIS: Through you,
10 Mr. President. As I just said literally
11 15 seconds ago, one of our former colleagues
12 carried the bill before I did. Senator Kaminsky.

13 SENATOR WALCZYK: Thank you.

14 Mr. President, on the bill.

15 ACTING PRESIDENT BAILEY: Senator
16 Walczyk on the bill.

17 SENATOR WALCZYK: Our
18 constitutional republic is better served when
19 citizens educate themselves, obviously, about the
20 candidates that are on the ballot. When you lump
21 local elections in with federal elections, you're
22 eroding the decentralized principles of the very
23 founding of this country.

24 This bill purports to literally
25 prioritize politicians based on nothing -- their

1 position on the ballot based on nothing more than
2 political expedience and political rank as some
3 see it. The judiciary deserves your respect as a
4 coequal branch, and frankly so do the voters.

5 People aren't frustrated because
6 Supreme Court candidates are in a spot on the
7 ballot that is representative of how many people
8 are within their Supreme Court district. People
9 are frustrated, they're angry because bills like
10 this continue to degrade the very importance of
11 the local elections, the local governments that
12 should be the closest to them and representing
13 their needs the best.

14 In high school we learned about
15 checks and balances, but bills like this show
16 that politics sometimes creeps its way into this
17 body, and that those principles unfortunately
18 govern policies like this more than respecting a
19 coequal branch of government.

20 And for those reasons and many
21 others, Mr. President, I vote no.

22 ACTING PRESIDENT BAILEY: Announce
23 the results.

24 Call the roll.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the first of January.

2 ACTING PRESIDENT BAILEY: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Again,
6 announce the results.

7 THE SECRETARY: In relation to
8 Calendar 7, those Senators voting in the negative
9 are Senators Borrello, Canzoneri-Fitzpatrick,
10 Gallivan, Helming, Lanza, Mattera, Murray,
11 Oberacker, O'Mara, Ortt, Palumbo, Rhoads,
12 Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

13 Senator Gallivan is actually in the
14 affirmative.

15 Ayes, 45. Nays, 17.

16 ACTING PRESIDENT BAILEY: The bill
17 is passed.

18 Senator Gianaris.

19 SENATOR GIANARIS: Mr. President, I
20 had read with interest that Senator Walczyk was
21 being deployed, but I guess that hasn't happened
22 yet. So --

23 (Laughter.)

24 SENATOR GIANARIS: -- thank you for
25 your service, Senator Walczyk.

1 (Laughter.)

2 SENATOR GIANARIS: Can we move on
3 to Calendar Number 8, please.

4 ACTING PRESIDENT BAILEY: Yes.
5 Thank you, Senator Gianaris.

6 As we're shaking the rust off, let
7 us be reminded of the proper order of calling
8 these things.

9 The Secretary will read.

10 THE SECRETARY: Calendar Number 8,
11 Senate Print 6173B, by Senator Skoufis, an act to
12 amend the Election Law and the Vehicle and
13 Traffic Law.

14 ACTING PRESIDENT BAILEY: Senator
15 Lanza, why do you rise?

16 SENATOR LANZA: Mr. President, I
17 believe there's an amendment at the desk. I
18 waive the reading of that amendment and ask that
19 you recognize Senator Walczyk to be heard.

20 ACTING PRESIDENT BAILEY: Thank
21 you, Senator Lanza.

22 Upon review of the amendment, in
23 accordance with Rule 6, Section 4B, it is
24 nongermane and out of order at this time.

25 SENATOR LANZA: Mr. President,

1 accordingly, I appeal the ruling of the chair and
2 ask that you recognize Senator Walczyk.

3 ACTING PRESIDENT BAILEY: The
4 appeal has been made and recognized, and
5 Senator Walczyk may be heard.

6 SENATOR WALCZYK: Mr. President, I
7 rise with a helpful amendment because I'm not
8 done yet. We call them hostile amendments in
9 this body, but I really am attempting to address
10 some of the challenges that you're attempting to
11 address in the bill-in-chief.

12 So I have a bill here that requires
13 a -- a helpful amendment that requires that
14 someone voting in person present a valid
15 government-issued photo identification. It
16 defines what is included in a valid and current
17 government-issued photo identification -- most of
18 them are in your pockets or purses -- and
19 provides that someone who does not possess a
20 valid and current government-issued photo
21 identification shall be allowed to cast an
22 affidavit ballot which the local Board of
23 Elections shall be responsible for determining
24 the validity of.

25 It's great to make sure that people

1 are who they claim to be while ensuring that a
2 voting experience is easy for citizens. But
3 also, you can pay all of the consultants,
4 multistate groups, create new programs at SUNY
5 and CUNY and do all of the elections law changes
6 that you're doing right now, come up with all of
7 these new schemes, but you're really tying the
8 hand behind the back of anyone who is trying to
9 clean up the voter rolls, because your bill would
10 be so much more successful if we had voter I.D.
11 in the State of New York.

12 You can't buy cough syrup or visit a
13 school without identification. It's no
14 inconvenience to voters, who are the most
15 powerful tools in validating their own voter
16 information. Rather than paying all of those
17 groups and consultants to do it for us, enlist
18 the voters who show up to the polls once a year
19 and have that constant contact with their
20 government.

21 Your bill needs this helpful
22 amendment, and that's why I offer it up. And for
23 those reasons, Mr. President, I strongly urge you
24 to consider -- reconsider your ruling.

25 ACTING PRESIDENT BAILEY: Thank

1 you, Senator Walczyk.

2 I want to remind the house that this
3 vote is on the procedures of the house and the
4 ruling of the chair.

5 Those in favor of overruling the
6 chair, signify by saying aye.

7 (Response of "Aye.")

8 SENATOR LANZA: Request a show of
9 hands.

10 ACTING PRESIDENT BAILEY: A show of
11 hands has been requested and so ordered.

12 Announce the results.

13 THE SECRETARY: Ayes, 21.

14 ACTING PRESIDENT BAILEY: The
15 ruling of the chair stands, and the bill-in-chief
16 is before the house.

17 Read the last section.

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

20 ACTING PRESIDENT BAILEY: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BAILEY: Announce
24 the results.

25 THE SECRETARY: Ayes, 62.

1 ACTING PRESIDENT BAILEY: The bill
2 is passed.

3 Senator Gianaris.

4 SENATOR GIANARIS: Next up is
5 Calendar Number 1, please.

6 THE SECRETARY: Calendar Number 1,
7 Senate Print 242, by Senator May, an act to amend
8 the Election Law.

9 ACTING PRESIDENT BAILEY: Senator
10 Borrello, why do you rise?

11 SENATOR BORRELLO: Mr. President,
12 hello.

13 ACTING PRESIDENT BAILEY: Good to
14 see you, George.

15 SENATOR BORRELLO: Good to see you
16 as well.

17 Will the sponsor yield for a
18 question?

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield?

21 SENATOR MAY: I'd be glad to.

22 ACTING PRESIDENT BAILEY: The
23 sponsor yields.

24 SENATOR BORRELLO: Through you,
25 Mr. President. So at our Elections meeting

1 earlier today, I heard you say that, Well, this
2 isn't really -- you know, this is something so
3 you don't have to have a polling place for the
4 entire early voting period, that if they wanted
5 it to be -- the Board of Elections would like to
6 do it for just three days -- I'm paraphrasing --
7 for just three days.

8 But previously when we've debated
9 this bill -- I think this is the third time you
10 and I have debated this bill -- I've brought up
11 the analogy of a -- like a Board of Elections
12 food truck, and you said yeah. You know, it
13 could have wheels, it could be moving around.
14 But today it sounded like it could be just
15 something stationary, like you could throw up a
16 card table at Walmart and have people vote there.

17 So I guess my first question is,
18 what will this look like?

19 SENATOR MAY: Through you,
20 Mr. President. Thank you for debating this three
21 times. It makes me feel like this bill is really
22 important.

23 I will say we don't know exactly
24 what it will look like, because it will be up to
25 the boards of elections to decide that. The bill

1 says it has to exist for a minimum of three days.
2 It could be a mobile van of some kind that is
3 capable of printing ballots and having the
4 security necessary. It could be a library or the
5 kinds of places we recognize as ordinary polling
6 places, whatever the two elections commissioners
7 from that county agree is a suitable place.

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

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 SENATOR MAY: I will.

13 ACTING PRESIDENT BAILEY: The
14 sponsor yields.

15 SENATOR BORRELLO: Through you,
16 Mr. President.

17 So we really haven't defined what
18 this looks like. It could be any number of
19 things. But yet we do have standards, and we
20 want -- you know, part of being -- having a
21 secure election is to ensure that we are meeting
22 certain standards. And you say security very
23 vaguely, in the sense that we ought to make sure
24 it has security.

25 So what oversight is going to occur

1 to ensure that this isn't just a card table with
2 a box and people come up and, you know, fill out
3 the ballot and drop it in the box? What are we
4 doing to secure these -- you know, these portable
5 voting stations?

6 SENATOR MAY: As the bill states,
7 these polling sites will be subject to the exact
8 same requirements as the nine-day early voting
9 sites or the one-day Election Day sites. They
10 will have the exact same requirements.

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

13 ACTING PRESIDENT BAILEY: Will the
14 sponsor yield?

15 SENATOR MAY: I will.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR BORRELLO: Through you,
19 Mr. President. You'd said last year that you
20 could have these portable stations sent to a --
21 you know, a high-traffic area where lots of
22 people are. I think your exact words were, you
23 know, that, you know, you can predict that there
24 will be a lot of people there, and that's a good
25 place to set up a polling station.

1 So, you know, who's determining, you
2 know, what the -- that would be considered and
3 where they're going to go? I mean, you know, are
4 we going to -- where are they going to be set up?
5 How will that be determined if we're following
6 certain guidelines?

7 SENATOR MAY: Through you,
8 Mr. President. It will be determined by the two
9 elections commissioners from any given county
10 that chooses to use this -- this option.

11 We have examples from other states.
12 In Boise, Idaho, they put some portable polling
13 sites in rural areas where it was very hard for
14 people to get to the full 10-day or whatever the
15 length of time is in Idaho the -- they couldn't
16 get to the polling sites, so they would put them
17 in places where they believed that people
18 otherwise did not have ready access to early
19 voting.

20 I imagine there are large employers
21 in some districts -- when Micron opens its
22 facility in -- north of Syracuse, there will be
23 thousands of people working in that facility.
24 That might be a place where, during the weekdays,
25 it would be appropriate to have a site set up.

1 If you had a county fair with a lot
2 of people expected to be there over a few-day
3 period, that might be a good place for a board of
4 elections to set something up.

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

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield?

9 SENATOR MAY: I do.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR BORRELLO: Through you,
13 Mr. President. I don't expect you to necessarily
14 know the answer to this question, but you brought
15 up Boise, Idaho, as an example of getting
16 rural -- getting some rural voters access. Do
17 you know, do they have early voting like we have
18 here in New York State, 10 days of voting when
19 you include early voting, in Idaho?

20 SENATOR MAY: Through you,
21 Mr. President, I don't honestly know the exact
22 situation in Idaho.

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

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

2 SENATOR MAY: I will.

3 ACTING PRESIDENT BAILEY: The
4 sponsor yields.

5 SENATOR BORRELLO: So you brought
6 up the -- Micron and the fact that, you know, you
7 have a large employer there that would somehow be
8 set up and be giving some kind of preferential
9 treatment. Yet usually we try to, you know, keep
10 these things a little more neutral. We're not
11 giving a preference to -- to, you know, to one
12 employer over another or to one group over
13 another.

14 So what kind of oversight will there
15 be for those local boards of elections to ensure
16 that these portable polling places are being
17 fairly distributed?

18 SENATOR MAY: Mr. President, once
19 again, it would be decided by the two elections
20 commissioners, who are from different parties,
21 who would be making that consideration.

22 I would hasten to say that it
23 wouldn't be about preferential treatment to
24 Micron, but about making sure the largest number
25 of voters have access to the polls.

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

3 ACTING PRESIDENT BAILEY: Will the
4 sponsor yield?

5 SENATOR MAY: I do.

6 ACTING PRESIDENT BAILEY: The
7 sponsor yields.

8 SENATOR BORRELLO: I just want to
9 go back to the Micron example. I think we all
10 would agree that this would not have happened
11 without heavy, heavy, heavy subsidy from New York
12 State government, from our Governor, and so
13 forth.

14 Do you think it's fair that we would
15 set up a portable polling site in front of a
16 place that's employing thousands of people that
17 are benefiting from one particular, you know,
18 elected official's generosity with our taxpayer
19 funds?

20 SENATOR MAY: Through you,
21 Mr. President. I will say it one more time.
22 We're talking about two elections commissioners
23 from opposing parties who would be jointly making
24 this decision together, and not expecting or
25 seeking any kind of favor from the voters

1 themselves because they are not elected by the
2 voters themselves.

3 SENATOR BORRELLO: Mr. President,
4 on the bill.

5 ACTING PRESIDENT BAILEY: Senator
6 Borrello on the bill.

7 SENATOR BORRELLO: Thank you once
8 again, Senator May, for the indulgence with that
9 debate.

10 You know, we've heard this now three
11 times, three years in a row, and just can't get a
12 clear answer as to what this looks like. And I
13 know the fallback is that we have this board of
14 elections were we have a Republican and a
15 Democrat and they are going to work together to
16 make sure it's fair.

17 Well, we have that in a lot of
18 situations, but yet it doesn't stop New York
19 State government from, you know, having --
20 lording over those situations with a lot of rules
21 to ensure that, you know, things are being done
22 above board.

23 But all of a sudden now, we're going
24 to let the local election -- board of elections
25 folks decide for themselves how this is going to

1 look. And I do have faith in our local boards of
2 elections and the bipartisan manner. However,
3 we've also at the same time been pushing to,
4 quote, unquote, professionalize our boards of
5 elections.

6 So how much longer will we have a
7 Republican and a Democrat in every municipality,
8 every county in upstate New York, that are able
9 to have that bipartisan discussion and debate?

10 The answer is maybe not for much longer. So
11 something like this could all of a sudden become
12 under the purview of someone who is not having
13 the best interests in a bipartisan manner.

14 But let's just go back to the fact
15 that we really don't know what this is going to
16 look like. A couple of years ago it was a food
17 truck; now it's just a temporary location. We're
18 really not sure. We're not sure how it's going
19 to look. And now we've decided that our local
20 boards of elections are going to be experts at
21 being able to produce something that actually no
22 one has ever seen in New York State.

23 This has got a lot of problems. It
24 continues to have a lot of problems. And as I've
25 said many times before, the most important thing

1 is to ensure that the people of New York State
2 believe that our elections are secure and that
3 their vote counts. And this is just one more
4 step in the wrong direction, as are many of the
5 other bills we've voted on today, that will
6 undermine the confidence in our elections here in
7 New York State.

8 So I'll be no.

9 Thank you, Mr. President.

10 ACTING PRESIDENT BAILEY: Are there
11 any other 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 on the first of January.

17 ACTING PRESIDENT BAILEY: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BAILEY: Senator
21 May to explain her vote.

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

24 When I first thought about running
25 for office in 2018, a big part of the reason was

1 that it was hard to vote in New York State and I
2 was frustrated that our elections system was so
3 difficult compared to that in other states. And
4 early voting was one of the first things we
5 passed when we gained the majority, one of the
6 very first votes I took in this chamber.

7 Increasingly, New Yorkers are making
8 use of early voting, and I am proud that we are
9 passing this bill to offer yet another bit of
10 flexibility for voters to make use of that early
11 voting and for boards of elections to bring the
12 voting to where the people are.

13 I do want to say this term "portable
14 polling places," while they can be portable, the
15 reality is that on Election Day we have one-day
16 voting sites. These will be three-day voting
17 sites. So to imagine that they are somehow more
18 flighty or difficult to imagine is really, I
19 think, taking out of context what we're trying to
20 do here, which is creating flexibility, bringing
21 the ballot box to the people where they are, and
22 making sure that the most people possible who are
23 eligible to vote can exercise the franchise in
24 New York.

25 I vote aye.

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

3 Announce the results.

4 THE SECRETARY: In relation to
5 Calendar 1, those Senators voting in the negative
6 are Senators Ashby, Borrello,
7 Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,
8 Lanza, Mattera, Murray, Oberacker, O'Mara, Ortt,
9 Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk,
10 Weber and Weik.

11 Ayes, 42. Nays, 20.

12 ACTING PRESIDENT BAILEY: The bill
13 is passed.

14 Senator Gianaris.

15 SENATOR GIANARIS: Last but not
16 least, Mr. President, Calendar Number 4.

17 ACTING PRESIDENT BAILEY: The
18 Secretary will read.

19 THE SECRETARY: Calendar Number 4,
20 Senate Print 610, by Senator Hoylman-Sigal, an
21 act to amend the Election Law.

22 ACTING PRESIDENT BAILEY: Senator
23 Walczyk, why do you rise?

24 SENATOR WALCZYK: I rise because
25 I'm hoping the sponsor will be willing to yield

1 for some questions.

2 ACTING PRESIDENT BAILEY: Does the
3 sponsor yield?

4 SENATOR HOYLMAN-SIGAL: Yes.

5 ACTING PRESIDENT BAILEY: The
6 sponsor yields.

7 SENATOR WALCZYK: Thank you.

8 Through you, Mr. President. What is
9 the goal of this bill?

10 SENATOR HOYLMAN-SIGAL: I'm sorry?

11 SENATOR WALCZYK: The bill's goal.

12 SENATOR HOYLMAN-SIGAL: The bill's
13 goal. Well, ultimately, as you've heard today --
14 through you, Mr. President -- the goal of all of
15 these bills is to increase voter turnout, to
16 extend the franchise as widely as possible to get
17 as many New Yorkers to pursue their right to vote
18 and fulfill that solemn responsibility.

19 Specifically, the goal of this bill
20 is to permanently authorize the use of absentee
21 ballot drop boxes in the state as a means to
22 return absentee ballots. This bill is permissive
23 in nature, Mr. President, and gives counties the
24 authority to use drop boxes if they so see fit.
25 The Board of Elections would be authorized and

1 directed to promulgate related rules and rules
2 and regulations, including emergency regulations
3 if needed.

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

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield?

9 SENATOR HOYLMAN-SIGAL: Yes.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR WALCZYK: Now, last year we
13 funded postage for absentee ballot applications
14 and for absentee ballots. Is there a concern
15 that the United States Postal Service will not be
16 able to deliver those ballots effectively?

17 SENATOR HOYLMAN-SIGAL: Through
18 you, Mr. President. Look, we've all placed
19 letters in our post boxes, and I was reading
20 recently that one took a hundred years to be
21 delivered to the recipient. That was in the
22 United Kingdom. But nevertheless, we know that
23 the post office can be irregular.

24 But this is not about the post
25 office. This is about creating another

1 opportunity, another mechanism for voters to
2 return their absentee ballots. In fact,
3 25 states, Mr. President, use ballot drop boxes,
4 and they've done so with very few incidents.

5 And we understand that there is
6 concern around ballot drop boxes, but it is
7 completely unfounded. It is based mostly on a
8 2021 documentary called 2000 Mules by a
9 right-wing conspiracy theorist named Dinesh
10 D'Souza, who claims there were 2,000 people -- or
11 mules, as he calls them -- who were hired by
12 unnamed nonprofits dubbed "stash houses" to
13 conduct ballot trafficking, stuffing numerous
14 drop boxes with potentially fake absentee
15 ballots.

16 Now, that is a conspiracy theorist
17 who's working with the 45th President of the
18 United States, an election denier, and someone
19 who wants to restrict New Yorkers' right to vote,
20 not expand it.

21 SENATOR WALCZYK: Through you,
22 Mr. President, if the sponsor would yield for
23 another question about the United States Postal
24 Service.

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

2 SENATOR HOYLMAN-SIGAL: I'm not an
3 expert, but yes.

4 ACTING PRESIDENT BAILEY: The
5 sponsor yields.

6 SENATOR WALCZYK: To your -- to
7 your knowledge, has the United States Postal
8 Service lost any ballots that were mailed in the
9 State of New York?

10 SENATOR HOYLMAN-SIGAL: It's
11 possible. I have no -- I have no evidence of
12 that.

13 SENATOR WALCZYK: Through you,
14 Mr. President, will the sponsor continue to
15 yield.

16 ACTING PRESIDENT BAILEY: Will the
17 sponsor yield?

18 SENATOR HOYLMAN-SIGAL: Yes.

19 ACTING PRESIDENT BAILEY: The
20 sponsor yields.

21 SENATOR WALCZYK: To your
22 knowledge, has the United States Postal Service
23 ever committed fraud with a ballot or failed to
24 postmark a ballot when it was dropped off at the
25 proper time?

1 SENATOR HOYLMAN-SIGAL: Not to my
2 knowledge, Mr. President.

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

6 ACTING PRESIDENT BAILEY: Will the
7 sponsor yield?

8 SENATOR HOYLMAN-SIGAL: Yes.

9 ACTING PRESIDENT BAILEY: The
10 sponsor yields.

11 SENATOR WALCZYK: How long would
12 the drop boxes that you're proposing be available
13 to the public? Would they be available on
14 Election Day?

15 SENATOR HOYLMAN-SIGAL: Through
16 you, Mr. President, yes, they would be available.

17 But as our -- as our bill sets
18 forward, the actual regulations would be
19 determined by the New York State Board of
20 Elections.

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

24 ACTING PRESIDENT BAILEY: Will the
25 sponsor yield?

1 SENATOR HOYLMAN-SIGAL: Yes.

2 ACTING PRESIDENT BAILEY: The
3 sponsor yields.

4 SENATOR WALCZYK: So while
5 New Yorkers would have poll sites to visit, these
6 would be working in -- adjacent to poll sites to
7 also -- you would also have drop boxes on
8 Election Day, the voters could either choose to
9 take an absentee ballot to a drop box or go to a
10 poll site and vote with the other voters that are
11 voting on Election Day?

12 SENATOR HOYLMAN-SIGAL: Through
13 you, Mr. President, yes, but it -- that is the
14 operating theory. But it would be up to the
15 New York State Board of Elections to draw up
16 those specific regulations.

17 The idea is that folks wouldn't have
18 to stand in line for hours -- working-class
19 New Yorkers who have kids and jobs and who are --
20 obviously have a lot to do, could take advantage
21 of a repository, a secure drop box where they
22 could, at their convenience, during specified
23 times as set forward by the New York State Board
24 of Elections, drop their absentee ballot off.

25 SENATOR WALCZYK: And through you,

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

3 ACTING PRESIDENT BAILEY: Will the
4 sponsor yield?

5 SENATOR HOYLMAN-SIGAL: Yes.

6 ACTING PRESIDENT BAILEY: The
7 sponsor yields.

8 SENATOR WALCZYK: What time of day
9 would the drop boxes close?

10 SENATOR HOYLMAN-SIGAL: Through
11 you, Mr. President. Not specified in the bill.
12 It would be up to the New York State Board of
13 Elections to draw up those regulations.

14 And they would close, according to
15 this section, when the polls close on
16 Election Day.

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

20 ACTING PRESIDENT BAILEY: Will the
21 sponsor yield?

22 SENATOR HOYLMAN-SIGAL: Yes.

23 ACTING PRESIDENT BAILEY: The
24 sponsor yields.

25 SENATOR WALCZYK: So these drop

1 boxes would be available at 2 a.m. prior to
2 Election Day, but on Election Day they would
3 close at 9 p.m., am I understanding that right,
4 or when the polls close?

5 SENATOR HOYLMAN-SIGAL: Again, it
6 would be up -- through you, Mr. President, it
7 would be up to the -- to the State Board of
8 Elections to draw up those specific hours and
9 days.

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

13 ACTING PRESIDENT BAILEY: Will the
14 sponsor yield?

15 SENATOR HOYLMAN-SIGAL: Yes.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR WALCZYK: Clearly a polling
19 site closes the door and shuts down at 9 p.m.
20 You know, if you show up at 9:05, sorry, you
21 missed it. Hopefully you mailed your absentee
22 ballot, or we'll catch you next year, maybe you
23 should apply for absentee, would be the message
24 to the -- to the voters.

25 What is the mechanism of shutting

1 down a drop box that's placed somewhere in the
2 community at 9 p.m. on Election Night?

3 SENATOR HOYLMAN-SIGAL: Through
4 you, Mr. President. Well, 25 other states have
5 and are doing this.

6 By the way, there's again a whole
7 movement to restrict absentee ballot drop boxes
8 by some state legislatures, led by parties other
9 than mine.

10 But the -- the way it works in other
11 states is that the drop boxes are closed when the
12 appointed hour passes for -- on Election Day.
13 But again, that would be up to the New York State
14 Board of Elections to determine specific rules
15 and regulations.

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

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield?

21 SENATOR HOYLMAN-SIGAL: Yes.

22 ACTING PRESIDENT BAILEY: The
23 sponsor yields.

24 SENATOR WALCZYK: Will ballot drop
25 boxes be uniform? The size, the color, will that

1 be up to the local board of elections? What are
2 the options in your proposal here?

3 SENATOR HOYLMAN-SIGAL: Through
4 you, Mr. President. Again, specifics about
5 design, size, weight, look and feel would be
6 decided by the New York State Board of Elections.

7 SENATOR WALCZYK: Through you,
8 Mr. President, would the sponsor continue to
9 yield.

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 SENATOR HOYLMAN-SIGAL: Yes.

13 ACTING PRESIDENT BAILEY: The
14 sponsor yields.

15 SENATOR WALCZYK: This bill that
16 you're proposing which would have more drop boxes
17 for absentee ballot receipt on Election Day up
18 until the time that polls close, what security
19 will be in place to prevent noncitizens from
20 putting ballots into those boxes?

21 SENATOR HOYLMAN-SIGAL: Through
22 you, Mr. President. Through you, Mr. President.
23 I think, you know, the first question would be
24 how a noncitizen acquired a ballot in the first
25 place to cast.

1 But that said, any ballot that is
2 placed in an absentee ballot drop box would have
3 to be verified, just like an absentee ballot that
4 is sent through the mail has to be verified.

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

8 ACTING PRESIDENT BAILEY: Will the
9 sponsor yield?

10 SENATOR HOYLMAN-SIGAL: Yes.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

13 SENATOR WALCZYK: You know, that
14 brings up a good question. Will there be a
15 difference between the look or any
16 identification -- sometimes the Board of
17 Elections is able to code different applications.
18 Will there be a difference in the way that an
19 absentee ballot that goes into a drop box looks
20 versus one that is sent in the mail and
21 postmarked by the United States Postal Service?

22 SENATOR HOYLMAN-SIGAL: Through
23 you, Mr. President. No, it would just be your
24 standard New York State absentee ballot.

25 SENATOR WALCZYK: And through you,

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

3 ACTING PRESIDENT BAILEY: Will the
4 sponsor yield?

5 SENATOR HOYLMAN-SIGAL: Yes.

6 ACTING PRESIDENT BAILEY: The
7 sponsor yields.

8 SENATOR WALCZYK: Would that
9 absentee ballot that goes into the drop box up
10 until the polls close on Election Night -- what
11 kind of marking does that receive to show that it
12 was properly cast so that the Board of Elections
13 could look at it?

14 SENATOR HOYLMAN-SIGAL: Through
15 you, Mr. President. Again, the specifics of how
16 a ballot, absentee ballot that's dropped into an
17 absentee ballot drop box is marked would be up to
18 the New York State Board of Elections to
19 determine as soon as we pass this bill.

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

23 ACTING PRESIDENT BAILEY: Would the
24 sponsor yield?

25 SENATOR HOYLMAN-SIGAL: Yes.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR WALCZYK: With -- with
4 drop -- I mean, clearly you can walk into a poll
5 site with a number of ballots or request a number
6 of ballots at the desk and say, Yeah, I'd like
7 three or four to submit and send them in, and you
8 get the beautiful "Your ballot was cast
9 successfully," and you could just feed a few
10 through. Obviously there's a whole staff of
11 board of elections at a polling site to make sure
12 that everyone only gets one vote.

13 What security measures are there
14 with drop boxes to ensure that someone isn't
15 putting more than one ballot in one of these
16 drop boxes?

17 SENATOR HOYLMAN-SIGAL: Through
18 you, Mr. President. It would be the same as any
19 other receipt of an absentee ballot. You're
20 entitled to one, and to cast one.

21 But any specific additional
22 provisions regarding the safety of -- and
23 security of absentee ballot drop box voting would
24 be determined by the Board of Elections.

25 And let's -- and let's understand

1 very clearly: Again, 25 states utilize absentee
2 ballot drop boxes, and they do it successfully
3 without any controversies. Notwithstanding the
4 election deniers -- which I assume you are not
5 one -- who claim that the 2020 election was
6 stolen and who have fueled this conspiracy theory
7 on social media and elsewhere. There is not a
8 scintilla, not a scintilla of evidence that
9 absentee ballot drop boxes lead to less voter
10 security and election integrity.

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

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor yield?

16 SENATOR HOYLMAN-SIGAL: Yes.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

19 SENATOR WALCZYK: To those that are
20 familiar with how a board of elections runs, with
21 a Democrat and a Republican commissioner to
22 offset each other, they share keys to certain
23 rooms where ballots can only be accessed if both
24 of them or a representative is present, and we've
25 got a bunch of Election Law that guarantees that.

1 So the -- with your drop box
2 proposal that we're about to vote on here, what
3 surveillance or what sort of basic security
4 measures are there to ensure that those ballots
5 are protected at the drop box? Will there be a
6 video surveillance on each one of these drop
7 boxes? Is that written into your legislation
8 here?

9 SENATOR HOYLMAN-SIGAL: Through
10 you -- through you, Mr. President. Again, issues
11 around chain of custody would be determined by
12 the New York State Board of Elections.

13 SENATOR WALCZYK: Through you,
14 Mr. President, would the sponsor continue to
15 yield.

16 ACTING PRESIDENT BAILEY: Will the
17 sponsor yield?

18 SENATOR HOYLMAN-SIGAL: Yes.

19 ACTING PRESIDENT BAILEY: The
20 sponsor yields.

21 SENATOR WALCZYK: Not just chain of
22 custody. But if Board of Elections just wanted
23 to make sure that no one was tampering with the
24 box or -- you know, obviously if you've got
25 ballots in there, that's something that they

1 would want to keep secure. They have vaults for
2 that purpose at a lot of boards of elections.

3 What basic security measures are
4 written in with your proposed change here?

5 SENATOR HOYLMAN-SIGAL: Through
6 you, Mr. President. Again, I don't mean to sound
7 like a broken record, but it would be up to the
8 New York State Board of Elections to draw up
9 rules and regulations regarding the security and
10 integrity of these ballot drop boxes.

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

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor yield?

16 SENATOR HOYLMAN-SIGAL: Yes.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

19 SENATOR WALCZYK: And the bearing
20 of costs for the -- for the drop boxes, where
21 does that sit?

22 SENATOR HOYLMAN-SIGAL: Through
23 you, Mr. President. Let's understand that this
24 is not a mandate. It's up to counties to
25 determine whether they want to use ballot drop

1 boxes and increase the franchise, which we've
2 seen in other jurisdictions. There in fact was a
3 study that showed that voter opportunity was able
4 to be increased close to -- close to 1 percent,
5 depending -- depending on the proximity to the
6 voter.

7 So the local boards would make that
8 determination. We have provided, in our last
9 budget, an additional \$15 million for our local
10 boards of elections that they potentially could
11 use in part for this purpose.

12 SENATOR WALCZYK: Thanks very much.

13 Mr. President, on the bill.

14 ACTING PRESIDENT BAILEY: Senator
15 Walczyk on the bill.

16 SENATOR WALCZYK: And I appreciate
17 your answers.

18 It's 2024. We just opened this
19 session. It's a presidential election year,
20 nationwide. The first action and the first bills
21 that this body took up today was to change a
22 bunch of election law and then put drop boxes all
23 over the place.

24 I -- this bill will allow someone to
25 drop as many ballots as they would like to or

1 they have access to, up until the polls close on
2 Election Night, without any surveillance, while
3 the polls are still open, and there's no way to
4 separate those ballots by identification from any
5 other ballots that have been cast.

6 So you talk about disenfranchisement
7 and the faith in our election; you can see how
8 voters may be a little frustrated, if they're
9 one that goes to the poll site and they're very
10 concerned that others are offsetting their --
11 their vote.

12 Faith in our electoral process is
13 the bedrock of this constitutional republic. And
14 proposals like this erode confidence and endanger
15 the simple security of our elections.

16 For the sake of our republic, I will
17 be voting no and I encourage my colleagues to do
18 the same. Thank you, Mr. President.

19 ACTING PRESIDENT BAILEY: Are there
20 any other Senators wishing to be heard?

21 Seeing and hearing none, debate is
22 closed.

23 Senator Rhoads.

24 SENATOR RHOADS: I -- not to ask
25 any -- not to ask any questions --

1 ACTING PRESIDENT BAILEY: Senator
2 Rhoads, are you on the bill? Or are you going to
3 explain your vote later?

4 SENATOR RHOADS: Explain the vote.

5 ACTING PRESIDENT BAILEY: Okay.

6 Thank you.

7 Senator Canzoneri-Fitzpatrick?

8 SENATOR CANZONERI-FITZPATRICK:

9 I'll just explain my vote.

10 ACTING PRESIDENT BAILEY: To
11 explain your vote.

12 So debate is closed.

13 The Secretary will ring the bell.

14 Read the last section.

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

17 ACTING PRESIDENT BAILEY: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BAILEY: Senator
21 Rhoads to explain his vote.

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

24 You know, this -- this has nothing
25 to do with -- with election denying. It has to

1 do everything with common sense. And I agree
2 with Senator Walczyk. The issue here is the fact
3 that there is no security behind these ballot
4 boxes.

5 It would make perfect sense to me if
6 these ballot boxes were going to be placed at
7 polling sites so that there would be supervision
8 from employees of the Board of Elections so that
9 they can guarantee that everything is being done
10 the way it's supposed to be done.

11 It would make sense -- I mean, even
12 if you put a ballot box at a post office,
13 virtually every town in the State of New York has
14 a post office. The post offices are open,
15 there's monitoring. It would be secure. So even
16 if they don't want to pay for a stamp and
17 actually put it in the mailbox at the post
18 office, there could be a drop box in the lobby of
19 a post office -- many have 24-hour access,
20 right -- where there would be some level of
21 security.

22 Here, this bill provides no
23 instruction whatsoever as to what these ballot
24 boxes are supposed to look like, how these ballot
25 boxes are supposed to be secured, how the ballots

1 that go into those boxes are going to be secured.

2 So literally, if the Board of
3 Elections were to say, Hey, you know what, I've
4 got a Hammermill Paper box and I'm going to cut a
5 slit in the top of it, and it's secure because
6 I'm wrapping it in duct tape, that is going to
7 pass under this legislation. But we all know
8 that that's not secure.

9 I think this bill is a mistake. I
10 am all for giving voters more opportunities to be
11 able to participate in the process, but we have
12 to do it in a way that keeps the integrity of the
13 ballots and the integrity of the process secure.
14 This does not do it.

15 My vote is in the negative.

16 Thank you, Mr. President.

17 ACTING PRESIDENT BAILEY: Senator
18 Rhoads to be recorded in the negative.

19 Senator Canzoneri-Fitzpatrick to
20 explain her vote.

21 SENATOR CANZONERI-FITZPATRICK:

22 Thank you, Mr. President.

23 The sponsor did make some points
24 about wanting to make sure that every vote is
25 counted. And while it's been intimated that this

1 side of the aisle is afraid of people voting that
2 don't have the right to, the other issue that we
3 have to be concerned about is that ballots are
4 going into a box -- and in my head it's
5 envisioning what is very similar to be a FedEx
6 box.

7 And on Long Island, in my business
8 in Nassau County, we use FedEx boxes all the time
9 to get legal documents back and forth. And I've
10 unfortunately had multiple occasions where boxes
11 have been broken into, documents never arrive,
12 checks are lost, original documents, delayed
13 closings.

14 So I -- I fear that a person who
15 took the time to fill out a ballot, which in
16 Nassau County will probably have more than 30,
17 30-plus electoral -- candidates that they're
18 voting for, that that ballot's going to disappear
19 potentially if somebody breaks into that box.

20 We have no surveillance. We have no
21 way of counting how many ballots went into that
22 box. We have no way of determining which
23 residents, which constituents voted. And I
24 daresay that -- I know that there are people
25 sitting in this chamber that won by less than

1 20 votes. So one box being compromised has the
2 risk of changing what our electorate want. And
3 that's dangerous.

4 As my colleague Senator Walczyk
5 pointed out, there are so many issues with the
6 security of these precious ballots that -- it is
7 our basic constitutional right to vote, and we
8 have a duty to safeguard that. And I don't think
9 that this bill is doing that.

10 For those reasons, I'll be voting in
11 the negative. Thank you, Mr. President.

12 ACTING PRESIDENT BAILEY: Senator
13 Canzoneri-Fitzpatrick to be recorded in the
14 negative.

15 Announce the results.

16 THE SECRETARY: In relation to
17 Calendar 4, those Senators voting in the negative
18 are Senators Ashby, Borrello,
19 Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,
20 Lanza, Martins, Mattera, Murray, Oberacker,
21 O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec,
22 Tedisco, Walczyk, Weber and Weik.

23 Ayes, 41. Nays, 21.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

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

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

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

7 SENATOR GIANARIS: Move to adjourn
8 until tomorrow, Tuesday, January 9th, at
9 11:00 a.m.

10 ACTING PRESIDENT BAILEY: On
11 motion, the Senate stands adjourned until
12 Tuesday, January 9th, at 11:00 a.m.

13 (Whereupon, at 5:00 p.m., the Senate
14 adjourned.)

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