

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 January 13, 2025

11 3:16 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

P R O C E E D I N G S

ACTING PRESIDENT BAILEY: The
Senate will come to order.

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

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

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

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

ACTING PRESIDENT BAILEY: Reading
of the Journal.

THE SECRETARY: In Senate, Friday,
January 10, 2025, the Senate met pursuant to
adjournment. The Journal of Thursday, January 9,
2025, was read and approved. On motion, the
Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

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: Good afternoon,
7 Mr. President.

8 On behalf of Majority Leader
9 Stewart-Cousins, I hand up the following
10 committee assignments of the Majority Conference
11 and ask that it be filed with the Journal.

12 ACTING PRESIDENT BAILEY: The
13 handup is received and shall be filed in the
14 Journal.

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

21 ACTING PRESIDENT BAILEY: The
22 handup is received and shall be filed in the
23 Journal.

24 Senator Gianaris.

25 SENATOR GIANARIS: Please call on

1 Senator Salazar for an introduction.

2 ACTING PRESIDENT BAILEY: Senator
3 Salazar for the purposes of an introduction.

4 SENATOR SALAZAR: Thank you,
5 Mr. President.

6 The A24 film Sing Sing, starring
7 Colman Domingo, tells a story of the real life
8 program Rehabilitation through the Arts, or RTA,
9 a New York-based organization whose mission is to
10 help people in prison develop critical life
11 skills through theater and the arts, modeling an
12 approach to the criminal legal system based on
13 human dignity rather than on punishment.

14 RTA demonstrates that an approach
15 that centers human dignity and rehabilitation is
16 more effective in our society than one based on
17 retribution. While the national average
18 recidivism rate is far too high in this country
19 at 60 percent of individuals returning to prison
20 after incarceration, the recidivism rate among
21 RTA members is less than 3 percent, a small
22 fraction of that, demonstrating the remarkable
23 positive impact of the RTA program.

24 The film highlights the
25 transformative impact of educational and artistic

1 programs as tools for change inside jails and
2 prisons, a theme that aligns with the much-needed
3 expansion of programs like RTA in New York's
4 prisons.

5 I would be remiss if I didn't take
6 this moment to bring attention to the recent
7 brutal lynching by corrections staff of a man
8 named Robert Brooks, a man who was killed while
9 incarcerated at Marcy Correctional Facility. I
10 bring this up now because acknowledging the
11 impact of this film, Sing Sing, is an opportunity
12 to highlight our commitment to taking bold steps
13 together to end the existing culture of violence
14 and impunity in our state prisons and to enact
15 effective measures to bring accountability and
16 justice for the longstanding pattern of
17 violations of human rights of those incarcerated
18 in New York.

19 RTA's approach and success are
20 evidence that the system does not have to be this
21 way. The Sing Sing film demonstrates that a
22 better approach to criminal justice is possible.
23 The film takes place and was filmed in part at
24 Sing Sing Correctional Facility, and most of the
25 film's cast is composed of formerly incarcerated

1 actors, including those who were members of the
2 RTA program during the time in which they were
3 incarcerated at Sing Sing.

4 Present today with us in the gallery
5 are the interim executive director of RTA, the
6 director of programs and operations, the RTA
7 board chair and an RTA board member, as well as
8 four of the actors from the film Sing Sing by
9 A24 Films. Thank you for sharing your
10 extraordinary and valuable work with us.

11 ACTING PRESIDENT BAILEY: Thank
12 you, Senator Salazar.

13 To our guests, we welcome you on
14 behalf of the Senate. We extend to you all of
15 the privileges and courtesies of this house.

16 Please rise and be recognized.

17 (Applause.)

18 ACTING PRESIDENT BAILEY: Senator
19 Gianaris.

20 SENATOR GIANARIS: Mr. President,
21 there is a concurrent resolution at the desk. I
22 ask that the title be read only and move for its
23 immediate adoption.

24 ACTING PRESIDENT BAILEY: The
25 Secretary will read.

1 THE SECRETARY: Senate Resolution
2 Number 9, by Senator Stewart-Cousins, Concurrent
3 Resolution of the Senate and Assembly proposing
4 to implement, pursuant to and in compliance with
5 the provisions of Article 7 of the
6 Public Officers Law, a system of video
7 conferencing to conduct meetings.

8 ACTING PRESIDENT BAILEY: All those
9 in favor signify by saying aye.

10 (Response of "Aye.")

11 ACTING PRESIDENT BAILEY: Opposed,
12 nay.

13 (No response.)

14 ACTING PRESIDENT BAILEY: The
15 resolution is adopted.

16 Senator Gianaris.

17 SENATOR GIANARIS: There will be an
18 immediate meeting of the Rules Committee in
19 Room 332.

20 ACTING PRESIDENT BAILEY: There
21 will be an immediate meeting of the
22 Rules Committee in Room 332.

23 SENATOR GIANARIS: The Senate
24 stands at ease.

25 ACTING PRESIDENT BAILEY: The

1 Senate will stand at ease.

2 (Whereupon, the Senate stood at ease
3 at 3:22 p.m.)

4 (Whereupon, the Senate reconvened at
5 3:37 p.m.)

6 ACTING PRESIDENT BAILEY: The
7 Senate will return to order.

8 Senator Gianaris.

9 SENATOR GIANARIS: There's a report
10 of the Rules Committee at the desk.

11 Please take that up.

12 ACTING PRESIDENT BAILEY: The
13 Secretary will read.

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

17 Senate Print 88, by
18 Senator Gianaris, an act to amend the
19 Election Law;

20 Senate Print 324, by
21 Senator Gianaris, an act to amend the
22 Election Law;

23 Senate Print 569, by Senator May, an
24 act to amend Election Law;

25 Senate Print 735, by

1 Senator Kavanagh, an act to amend the
2 Private Housing Finance Law;

3 Senate Print 736, by Senator Cleare,
4 an act to amend the Executive Law;

5 Senate Print 737, by Senator Cleare,
6 an act to amend the General Business Law;

7 Senate Print 738, by Senator Cleare,
8 an act to amend the General Business Law;

9 Senate Print 739, by Senator Ramos,
10 an act to amend the Labor Law;

11 Senate Print 740, by Senator Ramos,
12 an act to amend the Labor Law;

13 Senate Print 741, by Senator Webb,
14 an act to amend the Real Property Tax Law;

15 Senate Print 742, by
16 Senator Addabbo, an act to amend the
17 Insurance Law;

18 Senate Print 743, by
19 Senator Gianaris, an act to amend the Penal Law;

20 Senate Print 744, by
21 Senator Hoylman-Sigal, an act to amend the
22 Penal Law;

23 Senate Print 745, by Senator Myrie,
24 an act to amend the General Business Law;

25 Senate Print 746, by Senator Mayer,

1 an act to amend the Public Health Law;

2 Senate Print 747, by

3 Senator Scarcella-Spanton, an act to amend the
4 Education Law;

5 Senate Print 748, by

6 Senator Gounardes, an act to amend the
7 Public Health Law;

8 Senate Print 749, by Senator Bailey,
9 an act to amend the Executive Law;

10 Senate Print 750, by Senator Felder,
11 an act to amend the Social Services Law;

12 Senate Print 751, by
13 Senator Sepúlveda, an act to amend the
14 Real Property Law;

15 Senate Print 752, by
16 Senator Hoylman-Sigal, an act to amend the
17 Election Law;

18 Senate Print 753, by Senator Rivera,
19 an act to amend the Business Law;

20 Senate Print 754, by
21 Senator Martinez, an act to amend the
22 Transportation Law;

23 Senate Print 755, by Senator Ramos,
24 an act to amend the Workers' Compensation Law;

25 Senate Print 756, by

1 Senator Hoylman-Sigal, an act to amend the
2 Insurance Law;

3 Senate Print 757, by Senator Brouk,
4 an act to amend the Social Services Law;

5 Senate Print 758, by
6 Senator Persaud, an act to amend the
7 Public Health Law;

8 Senate Print 759, by
9 Senator Harckham, an act to amend the
10 Environmental Conservation Law;

11 Senate Print 760, by Senator Rivera,
12 an act to amend the Insurance Law;

13 Senate Print 761, by Senator Ortt,
14 an act to amend the Public Health Law;

15 Senate Print 763, by
16 Senator Kavanagh, an act to amend the
17 Public Health Law;

18 Senate Print 764, by
19 Senator Harckham, an act to amend the
20 Correction Law;

21 Senate Print 765, by Senator Rivera,
22 an act to amend the Public Health Law;

23 Senate Print 766, by Senator Parker,
24 an act to amend the Social Services Law;

25 Senate Print 767, by Senator Comrie,

1 an act to amend the Banking Law;

2 Senate Print 768, by Senator Cleare,

3 an act to amend the Correction Law;

4 Senate Print 769, by Senator Rivera,

5 an act to amend a chapter of the Laws of 2024;

6 Senate Print 770, by

7 Senator Scarcella-Spanton, an act to amend the

8 Executive Law;

9 Senate Print 771, by Senator Mayer,

10 an act to amend the Insurance Law;

11 Senate Print 772, by Senator Cleare,

12 an act to amend a chapter of the Laws of 2024;

13 Senate Print 773, by

14 Senator Krueger, an act to amend the

15 Environmental Conservation Law;

16 Senate Print 774, by

17 Senator Stavisky, an act to amend the

18 Insurance Law;

19 Senate Print 775, by

20 Senator Skoufis, an act to amend the

21 Education Law;

22 Senate Print 776, by

23 Senator Harckham, an act to amend the

24 Public Health Law;

25 Senate Print 777, by

1 Senator Fernandez, an act to amend the
2 General Business Law;

3 Senate Print 778, by
4 Senator Skoufis, an act to amend the
5 General Business Law;

6 Senate Print 779, by Senator Comrie,
7 an act to amend the Executive Law;

8 Senate Print 780, by
9 Senator Hinchey, an act to amend the
10 Agriculture and Markets Law;

11 Senate Print 781, by
12 Senator Palumbo, an act to amend the
13 Real Property Tax Law;

14 Senate Print 782, by
15 Senator Palumbo, an act to amend the
16 Real Property Tax Law;

17 Senate Print 783, by
18 Senator Skoufis, an act to amend the
19 General Municipal Law;

20 Senate Print 784, by
21 Senator Persaud, an act to amend the
22 Social Services Law;

23 Senate Print 785, by
24 Senator Persaud, an act to amend the Penal Law;

25 Senate Print 786, by Senator Rivera,

1 an act to amend the Public Health Law;

2 Senate Print 787, by

3 Senator Persaud, an act to amend the

4 Public Authorities Law;

5 Senate Print 788, by Senator Rivera,

6 an act to amend the Public Health Law;

7 Senate Print 789, by

8 Senator Brisport, an act to amend the

9 Family Court Act;

10 Senate Print 790, by

11 Senator Scarcella-Spanton, an act to amend the

12 Veterans' Services Law;

13 Senate Print 791, by

14 Senator Fernandez, an act to amend the

15 Veterans' Services Law;

16 Senate Print 792, by Senator Ramos,

17 an act to amend the Labor Law;

18 Senate Print 793, by

19 Senator Hinchey, an act to amend the Arts and

20 Cultural Affairs Law;

21 Senate Print 794, by Senator May, an

22 act to amend the Agriculture and Markets Law;

23 Senate Print 795, by

24 Senator Hinchey, an act to amend the

25 Agriculture and Markets Law;

1 Senate Print 796, by Senator Cleare,
2 an act to amend the Elder Law;

3 Senate Print 797, by
4 Senator Gounardes, an act to amend the
5 General Business Law;

6 Senate Print 798, by
7 Senator Sean Ryan, an act to amend the
8 Economic Development Law;

9 Senate Print 799, by Senator Mayer,
10 an act to amend the Election Law;

11 Senate Print 800, by
12 Senator Hinchey, an act to amend the
13 Public Health Law;

14 Senate Print 801, by
15 Senator Krueger, an act to amend the Energy Law;

16 Senate Print 802, by Senator Brouk,
17 an act to amend the Public Health Law;

18 Senate Print 803, by
19 Senator Palumbo, an act to amend a chapter of the
20 Laws of 2024;

21 Senate Print 804, by Senator Comrie,
22 an act to amend the General Business Law;

23 Senate Print 805, by Senator Bailey,
24 an act to amend the Executive Law;

25 Senate Print 806, by Senator Rivera,

1 an act to amend the Social Services Law;
2 Senate Print 807, by Senator May, an
3 act to amend a chapter of the Laws of 2024;
4 Senate Print 808, by Senator Ramos,
5 an act to amend the Labor Law;
6 Senate Print 809, by
7 Senator Persaud, an act to amend the
8 Public Health Law;
9 Senate Print 810, by Senator Myrie,
10 an act to amend the Election Law;
11 Senate Print 811, by
12 Senator Gianaris, an act to amend the
13 Executive Law;
14 Senate Print 812, by
15 Senator Sanders, an act to amend the Banking Law;
16 Senate Print 813, by Senator Webb,
17 an act to amend the Public Health Law;
18 Senate Print 814, by Senator Rivera,
19 an act to amend the Public Health Law;
20 Senate Print 815, by
21 Senator Hoylman-Sigal, an act to amend the
22 Family Court Act;
23 Senate Print 816, by
24 Senator Hinchey, an act to amend the Tax Law;
25 Senate Print 817, by

1 Senator Hinchey, an act to amend the Tax Law;
2 Senate Print 818, by
3 Senator Hinchey, an act to amend the
4 Cannabis Law;
5 Senate Print 819, by
6 Senator Hoylman-Sigal, an act to amend the
7 Family Court Act;
8 Senate Print 820, by
9 Senator Hinchey, an act to amend the
10 Real Property Law and the Tax Law;
11 Senate Print 821, by
12 Senator Stewart-Cousins, an act to amend the
13 Real Property Tax Law;
14 Senate Print 822, by
15 Senator Gonzalez, an act to amend the
16 State Technology Law;
17 Senate Print 823, by
18 Senator Hoylman-Sigal, an act to amend the
19 Labor Law;
20 Senate Print 824, by
21 Senator Krueger, an act to amend the
22 Environmental Conservation Law;
23 Senate Print 1030, by
24 Senator Gonzalez, an act to amend the
25 Election Law;

1 Senate Print 1035, by Senator Myrie,
2 an act to amend the Election Law;

3 Senate Print 1036, by Senator Myrie,
4 an act to amend the Election Law;

5 Senate Print 1085, by
6 Senator Stewart-Cousins, an act to amend the
7 Election Law;

8 Senate Print 1087, by Senator Mayer,
9 an act to amend the Election Law;

10 Senate Print 1356, by
11 Senator Skoufis, an act to amend the
12 Election Law.

13 All bills reported direct to third
14 reading.

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

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

20 (Response of "Aye.")

21 ACTING PRESIDENT BAILEY: Opposed,
22 nay.

23 (No response.)

24 ACTING PRESIDENT BAILEY: The
25 Rules Committee report is accepted.

1 Senator Gianaris.

2 SENATOR GIANARIS: Please take up
3 the supplemental calendar.

4 ACTING PRESIDENT BAILEY: The
5 Secretary will read.

6 THE SECRETARY: Calendar Number 1,
7 Senate Print 88, by Senator Gianaris, an act to
8 amend the Election Law.

9 SENATOR LANZA: Lay it aside.

10 ACTING PRESIDENT BAILEY: Lay it
11 aside.

12 THE SECRETARY: Calendar Number 2,
13 Senate Print 324, by Senator Gianaris, an act to
14 amend the Election Law.

15 SENATOR LANZA: Lay it aside.

16 ACTING PRESIDENT BAILEY: Lay it
17 aside.

18 THE SECRETARY: Calendar Number 3,
19 Senate Print 569, by Senator May, an act to amend
20 the Election Law.

21 SENATOR LANZA: Lay it aside.

22 ACTING PRESIDENT BAILEY: Lay it
23 aside.

24 THE SECRETARY: Calendar Number 4,
25 Senate Print 1030, by Senator Gonzalez, an act to

1 amend the Election Law.

2 ACTING PRESIDENT BAILEY: Read the
3 last section.

4 THE SECRETARY: Section 3. This
5 act shall take effect on the 60th day after it
6 shall have become a law.

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: Ayes, 61.

13 ACTING PRESIDENT BAILEY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number 5,
16 Senate Print 1035, by Senator Myrie, an act to
17 amend the Election Law.

18 ACTING PRESIDENT BAILEY: Read the
19 last section.

20 THE SECRETARY: Section 2. This
21 act shall take effect on the 180th day after it
22 shall have become a law.

23 ACTING PRESIDENT BAILEY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BAILEY: Announce
2 the results.

3 THE SECRETARY: In relation to
4 Calendar Number 5, those Senators voting in the
5 negative are Senators Borrello, Walczyk and
6 Weber.

7 Ayes, 58. Nays, 3.

8 ACTING PRESIDENT BAILEY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number 6,
11 Senate Print 1036, by Senator Myrie, an act to
12 amend the Election Law.

13 SENATOR LANZA: Lay it aside.

14 ACTING PRESIDENT BAILEY: Lay it
15 aside.

16 THE SECRETARY: Calendar Number 7,
17 Senate Print 1085, by Senator Stewart-Cousins, an
18 act to amend the Election Law.

19 ACTING PRESIDENT BAILEY: Read the
20 last section.

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

23 ACTING PRESIDENT BAILEY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BAILEY: Announce
2 the results.

3 THE SECRETARY: Ayes, 61.

4 ACTING PRESIDENT BAILEY: The bill
5 is passed.

6 THE SECRETARY: Calendar Number 8,
7 Senate Print 1087, by Senator Mayer, an act to
8 amend the Election Law.

9 SENATOR LANZA: Lay it aside.

10 ACTING PRESIDENT BAILEY: Lay it
11 aside.

12 THE SECRETARY: Calendar Number 9,
13 Senate Print 1356, by Senator Skoufis, an act to
14 amend the Election Law and the Vehicle and
15 Traffic Law.

16 SENATOR LANZA: Lay it aside.

17 ACTING PRESIDENT BAILEY: Lay it
18 aside.

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

21 ACTING PRESIDENT BAILEY: Let's
22 take up the controversial calendar, please.

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

25 The Secretary will read.

1 THE SECRETARY: Calendar Number 1,
2 Senate Print 88, by Senator Gianaris, an act to
3 amend the Election Law.

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

6 SENATOR BORRELLO: Thank you,
7 Mr. President. Welcome back.

8 Would the sponsor yield for a
9 question?

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 SENATOR GIANARIS: Yes, I do.

13 ACTING PRESIDENT BAILEY: The
14 sponsor will yield.

15 SENATOR BORRELLO: Through you,
16 Mr. President. So I'm curious, when you're
17 deciding on which interactions with government
18 that you're going to automatically register
19 someone to vote, how did you choose the DMV --
20 driver's licenses -- and Medicaid?

21 SENATOR GIANARIS: My understanding
22 is that those are the two agencies that would
23 most readily have citizenship information
24 available to them.

25 And I know that you are very anxious

1 not to register noncitizens, so we picked the
2 ones that could do the best job of that.

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

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR GIANARIS: Yes.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR BORRELLO: So they have
11 citizenship information. But yet aren't
12 noncitizens allowed to actually participate in
13 both of those programs?

14 SENATOR GIANARIS: Right. But the
15 agencies will be responsible for ensuring that
16 only the applicants that have confirmed and
17 proven citizenship information will be
18 transmitted to the Board of Elections.

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

21 ACTING PRESIDENT BAILEY: Will the
22 sponsor yield?

23 SENATOR GIANARIS: Yes.

24 ACTING PRESIDENT BAILEY: The
25 sponsor yields.

1 SENATOR BORRELLO: So if that's the
2 case, then there's information that cannot be
3 shared on citizenship with like the Board of
4 Elections. So how is that going to transfer to
5 ensure that those folks are actually properly
6 vetted and, if they do not remove themselves by
7 opting out, they're actually -- actually are
8 rightfully removed?

9 SENATOR GIANARIS: I'm not sure I
10 understand your question.

11 I think the agencies are entirely
12 responsible for making sure that no information
13 is transmitted to the Board of Elections unless
14 the agency is in possession of citizenship
15 information for that applicant.

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

18 ACTING PRESIDENT BAILEY: Will the
19 sponsor yield?

20 SENATOR GIANARIS: Yes.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR BORRELLO: So what
24 resources have we given them to ensure that that
25 happens? You know, we're talking about now

1 tasking them with something they haven't done
2 before. What resources are we giving them to
3 ensure that they actually are doing that? And is
4 there any, you know, I guess repercussion if they
5 don't do it?

6 SENATOR GIANARIS: Well, the
7 effective date of this bill is three years into
8 the future, and so I'm happy to talk with you in
9 March of this year and March of next year and
10 March of the year after that to support an
11 increased budget for these agencies to implement
12 this.

13 SENATOR BORRELLO: Mr. President --

14 SENATOR GIANARIS: If you'll
15 support that.

16 SENATOR BORRELLO: We'll see.

17 Mr. President, will the sponsor
18 continue to yield.

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield?

21 SENATOR GIANARIS: Yes.

22 ACTING PRESIDENT BAILEY: The
23 sponsor yields.

24 SENATOR BORRELLO: So you're saying
25 that we've got time to figure it out, but we

1 haven't actually outlined anything in this
2 legislation that ensures that it happens.

3 SENATOR GIANARIS: The legislation
4 provides for rulemaking authority for each of
5 these agencies so that they will set up the
6 proper structure that they need to implement this
7 properly.

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

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 SENATOR GIANARIS: Yes.

13 ACTING PRESIDENT BAILEY: The
14 sponsor yields.

15 SENATOR BORRELLO: So in the case
16 of driver's licenses, 16- and 17-year-olds can
17 get them. What are we -- is there anything in
18 place to ensure that those folks are not
19 registering to vote -- automatically registered
20 to vote?

21 SENATOR GIANARIS: As you probably
22 know, those individuals can be pre-registered
23 under current law. And so if someone presents at
24 the DMV in that age group, they will be
25 transmitted to the Board of Elections for

1 preregistration.

2 But the DMV has their age data, just
3 like it has the citizenship data, so they will be
4 responsible for making sure that only the correct
5 people are sent to the Board of Elections.

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

8 ACTING PRESIDENT BAILEY: Will the
9 sponsor yield?

10 SENATOR GIANARIS: Yes.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

13 SENATOR BORRELLO: So I'm curious.
14 So we are looking at this as an opportunity to
15 register everybody that interacts with them. But
16 there are other agencies. Would there be a
17 problem with someone who's, you know, getting a
18 pistol permit or a hunting license or a fishing
19 license? Why wouldn't we automatically register
20 those folks to vote?

21 SENATOR GIANARIS: We're not trying
22 to register everyone that interacts with the
23 agencies; we trying to register everyone who is
24 an eligible voter that interacts with these
25 agencies.

1 And to your question, those other
2 agencies do not have citizenship data as readily
3 available as the two in this legislation would
4 have.

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

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield?

9 SENATOR GIANARIS: Yes.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR BORRELLO: So -- but isn't
13 it true, though, that ultimately it falls onto
14 the board of elections at the local level to
15 ensure that this is -- that these folks are
16 properly being opted out?

17 SENATOR GIANARIS: I believe the
18 way the bill works is it routes the data through
19 the state board and then down to the relevant
20 county.

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

23 ACTING PRESIDENT BAILEY: Will the
24 sponsor yield?

25 SENATOR GIANARIS: Yes.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR BORRELLO: So the first
4 point of contact we're going at the local level
5 for the DMV or for Medicaid benefits. Then we're
6 going to go to the state committee and then back
7 to the local committee. And we're expecting all
8 of that information on citizenship to follow and
9 to ensure that those folks are properly opted
10 out.

11 SENATOR GIANARIS: Well, I mean the
12 information doesn't have to follow at the first
13 point of transmission to the state board, anyone
14 that's transmitted is a citizen. And the DMV
15 knows that. And so at that point nothing needs
16 to follow them. They are -- the only people that
17 are -- whose information is being sent to the
18 state board are citizens.

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

21 ACTING PRESIDENT BAILEY: Will the
22 sponsor yield?

23 SENATOR GIANARIS: Yes.

24 ACTING PRESIDENT BAILEY: The
25 sponsor yields.

1 SENATOR BORRELLO: So at this point
2 I think we're saying that we've gotten all these
3 extra days of voting, we've got people that can
4 register very easily, they can request online.
5 So why do we really need this? What -- at what
6 point are we saying that we absolutely have to do
7 this and put I guess the security of our
8 elections at risk? What's the need?

9 SENATOR GIANARIS: First of all,
10 you're welcome, because we did all those things
11 over your objection.

12 But second of all, all the things
13 you mentioned make it easier for people to vote
14 who are registered to vote. There are up to
15 2 million people in our state who are eligible
16 voters who are not yet registered. And so this
17 is an effort to increase the voter rolls and make
18 more -- allow more people to vote who actually
19 are eligible to vote.

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

22 ACTING PRESIDENT BAILEY: Will the
23 sponsor yield?

24 SENATOR GIANARIS: Yes.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR BORRELLO: We're not
3 allowing them to vote, we're compelling them to
4 register. I think that's an important
5 difference. If someone chooses not to do so,
6 we're compelling them to do so. Where else do we
7 compel someone to register for something?

8 SENATOR GIANARIS: That's an absurd
9 characterization. You put an obstacle in
10 someone's path and then say if you remove the
11 obstacle, you're compelling them to take the step
12 to jump over the hurdle that you put in their
13 place? Why do people need to register at all?
14 If we know that they're eligible to vote, why are
15 you going to make someone jump through a hoop to
16 actually cast their vote? Who are you to tell
17 them they have to jump through several hurdles in
18 order to exercise their constitutional right to
19 vote, the most important right they have?

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

22 ACTING PRESIDENT BAILEY: Will the
23 sponsor yield?

24 SENATOR GIANARIS: Yes.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR BORRELLO: So following
3 that logic, then, why should we compel someone to
4 register to own a gun? You're just saying it's a
5 constitutional right. What obstacle did we put
6 in place? They have the ability to go out and
7 register. What is the obstacle we put in their
8 place?

9 SENATOR GIANARIS: Well, obviously
10 there's an administrative obstacle you are
11 putting in someone's place when they have to go
12 to a board of elections or fill out a form or
13 what have you -- that if they wake up on one
14 Election Day and they're an eligible voter and
15 they meet all the criteria of voting and they
16 haven't taken the time to do that and they want
17 to go vote, they should be able to do that.

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

20 ACTING PRESIDENT BAILEY: Will the
21 sponsor yield?

22 SENATOR GIANARIS: Yes.

23 ACTING PRESIDENT BAILEY: The
24 sponsor yields.

25 SENATOR BORRELLO: Well, again, so

1 there's an administrative obstacle to exercising
2 your Second Amendment right. Does that same
3 logic follow?

4 SENATOR GIANARIS: No, because guns
5 are inherently more dangerous than filling out a
6 piece of paper with your preference on who you
7 want to represent you.

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

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 SENATOR GIANARIS: Yes.

13 ACTING PRESIDENT BAILEY: The
14 sponsor yields.

15 SENATOR BORRELLO: I didn't know
16 there was a dangerousness standard to exercising
17 your constitutional rights.

18 But with that being said, I don't
19 understand an obstacle, an administrative
20 obstacle. We do a lot of things that we make
21 sure people have to be registered for, like drive
22 a car. There's an administrative obstacle to
23 driving a car. Should we remove that
24 administrative obstacle -- you should be able to
25 wake up one morning and decide, Today is the day

1 I'm going to drive, and just go do it?

2 SENATOR GIANARIS: Because in order
3 to drive you need to be trained and tested in the
4 fact that you can operate a two-ton vehicle.
5 Okay? And there's certain things we have to do
6 for everyone's protection to make sure you can
7 exercise that right responsibly.

8 We don't have that for voting.
9 People who are adult age, are citizens of this
10 country, are eligible to vote. We don't -- thank
11 God we've moved away from the world where we test
12 people before they can vote, or we put up all
13 sorts of barriers to it. Maybe you want to go
14 back to that, Senator Borrello. I certainly
15 don't.

16 But for all the other examples
17 you're mentioning, these are things that we need
18 to make sure people can exercise those rights
19 responsibly.

20 And so yes, you have to jump through
21 some hurdles to own a gun. You have to jump
22 through some hurdles to drive a car. Because if
23 you don't know how to do that correctly, you're
24 going to kill people.

25 SENATOR BORRELLO: Mr. President,

1 on the bill.

2 ACTING PRESIDENT BAILEY: Senator
3 Borrello on the bill.

4 SENATOR BORRELLO: Thank you,
5 Senator Gianaris. The first debate of the year
6 is always the most fun, so ...

7 You know, it's interesting that we
8 heard a lot this -- recently in this election
9 from the people of New York State. We heard a
10 lot about what was really concerning them:
11 Affordability, crime, this rampant,
12 out-of-control migrant crisis. So we're coming
13 back here with no solutions for them, no answers.
14 So instead we're going to create a crisis that
15 doesn't exist -- access to being able to vote. I
16 have yet to see a voter that's been
17 disenfranchised say "I tried to vote, I wanted to
18 vote, I couldn't vote." You haven't presented
19 that person yet to us. But yet here we are,
20 manufacturing a whole host of crises, when it
21 comes to voting in elections, to solve today.

22 Now, most of these bills -- all of
23 these bills we've seen before. So we've yet to
24 actually address the real reasons that
25 New Yorkers sent us back to Albany:

1 Affordability, rampant crime, the fact that
2 people don't feel safe, the fact that most
3 New Yorkers believe this state is headed in the
4 wrong direction and don't believe that this body
5 has done anything about it.

6 So today we're going to tell people
7 that, guess what, even if you don't want to
8 register to vote, we're going to register you to
9 vote. We're that -- it's that important to us,
10 so we're going to compel you to be registered to
11 vote.

12 And then we're going to say, Oh, you
13 know what, don't worry, it will get figured out.
14 The agencies that are involved, the bureaucracy,
15 they'll make sure those folks are citizens. We
16 know that for sure.

17 The bottom line is the most
18 important thing is not that everybody votes. The
19 most important thing is that people believe that
20 our elections are secure, that their vote is
21 counted, and their elections are fair. And this
22 undermines that, undermines people's confidence
23 that our elections are fair and secure. That is
24 the foundation of our democracy, and that's why
25 this is a bad idea.

1 So I will continue to vote no on
2 this bill. Thank you, Mr. President.

3 ACTING PRESIDENT BAILEY: Thank
4 you, Senator Borrello.

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

7 Senator Martins, why do you rise?

8 SENATOR MARTINS: If the sponsor
9 would yield for a question, or a couple of
10 questions.

11 ACTING PRESIDENT BAILEY: Will the
12 sponsor yield?

13 SENATOR GIANARIS: Yes.

14 ACTING PRESIDENT BAILEY: The
15 sponsor yields.

16 SENATOR MARTINS: Thank you.

17 So, Senator, could you tell us how
18 we will know that the Department of Motor
19 Vehicles or, you know, Medicaid -- what processes
20 they have in place to ensure that only the
21 information that they are transmitting to the
22 Board of Elections includes citizens?

23 SENATOR GIANARIS: They are in
24 possession of this information, and they will set
25 up a structure and rules to make sure that people

1 who are not eligible won't get passed along.

2 But if I may ask you a question as
3 well, Senator Martins. What protections do we
4 have in place to make sure a noncitizen doesn't
5 walk into the Board of Elections today and fill
6 out a form and register to vote?

7 SENATOR MARTINS: Mr. President,
8 through you. I'm not aware of any, Senator.

9 SENATOR GIANARIS: Right. Exactly.

10 SENATOR MARTINS: And so I am
11 skeptical -- Mr. President, through you, if I can
12 continue to -- if the sponsor will continue to
13 yield.

14 ACTING PRESIDENT BAILEY: Will
15 Senator Gianaris continue to yield?

16 SENATOR GIANARIS: Yes.

17 ACTING PRESIDENT BAILEY: Senator
18 Gianaris continues to yield.

19 SENATOR MARTINS: So that's exactly
20 the point. And I think we shouldn't question
21 that. We should actually highlight that point.

22 So my question is, is there a
23 process in place where we, as we're being asked
24 to vote today, know that the Department of Motor
25 Vehicles can verify the information that they

1 have to ensure that they are U.S. citizens?

2 For example -- if you'll forgive me,
3 I'll ask a two-part question -- will they be
4 cooperating with the federal government in terms
5 of accessing records to determine whether or not
6 these individuals are in fact citizens?

7 SENATOR GIANARIS: The Department
8 of Motor Vehicles we already entrust to handle
9 and process this information. If someone goes in
10 to get a REAL ID or the type of driver's license
11 that only citizens can have, we trust the DMV to
12 receive that information from the applicant and
13 to process it accordingly.

14 Now, that has to do with whether
15 someone can get on a certain domestic flight, for
16 example. You can't get on a plane, at some point
17 later this year, without a particular type of
18 driver's license from the DMV, which they receive
19 this information, process it accordingly, and
20 give out the ID. So we trust them to do that.

21 But somehow you don't want to trust
22 them to do the same thing for registering people
23 to vote when our exis -- this is tighter than
24 anything in our existing system. Because right
25 now anybody can walk into the Board of Elections

1 and on their word, register to vote. The board
2 doesn't ask for citizenship data. Okay? The DMV
3 actually has that data, so you have some
4 assurance that the administrative employee who's
5 dealing with this at least knows this person is
6 eligible to vote.

7 SENATOR MARTINS: Mr. President, if
8 the sponsor would continue to yield.

9 ACTING PRESIDENT BAILEY: Excuse
10 me. Will the sponsor yield?

11 SENATOR GIANARIS: Yes.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR MARTINS: Thank you.

15 And Senator, just for the sake of
16 clarity in the record, is it your position as the
17 sponsor that the default from either one of these
18 agencies, or any of these agencies, if they can't
19 definitively determine that the person is a
20 U.S. citizen, will be that they will not refer
21 that person to the Board of Elections? Is that
22 your sense as the sponsor of this bill?

23 SENATOR GIANARIS: It's explicitly
24 in the legislation.

25 SENATOR MARTINS: Thank you. Thank

1 you, Senator. Thank you, Mr. President.

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

4 Are there any other Senators wishing
5 to be heard? Seeing and hearing none, the debate
6 is closed.

7 The Secretary will ring the bell.

8 Read the last section.

9 THE SECRETARY: Section 7. This
10 act shall take effect January 1, 2028.

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 Number 1, those Senators voting in the
18 negative are Senators Ashby, Borrello,
19 Canzoneri-Fitzpatrick, Chan, Gallivan, Griffio,
20 Helming, Lanza, Mattera, Murray, Oberacker,
21 O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec,
22 Tedisco, Walczyk, Weber and Weik.

23 Ayes, 40. Nays, 21.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number 2,
2 Senate Print 324, by Senator Gianaris, an act to
3 amend the Election Law.

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

6 SENATOR MARTINS: Mr. President, if
7 the sponsor would yield for a few questions.

8 ACTING PRESIDENT BAILEY: Will the
9 sponsor yield?

10 SENATOR GIANARIS: Yes, I would.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

13 SENATOR MARTINS: Thank you,
14 Senator.

15 The bill uses the word "knowingly"
16 in terms of implying -- or applying liability on
17 a campaign, elected official, committee, if they
18 knowingly solicit, accept or receive
19 contributions. What does that mean to you, that
20 word "knowingly"? Do they actually have to know,
21 or should they know? What's that standard to
22 you?

23 SENATOR GIANARIS: I think that's
24 the standard usage of the word that we see in so
25 many of our laws, where someone needs to have the

1 intent to commit the crime they're accused of.

2 SENATOR MARTINS: Okay.

3 Mr. President, through you, if the sponsor would
4 continue to yield.

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR GIANARIS: Yes.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR MARTINS: So if there's a
11 donation from a corporation that has an owner
12 with more than 1 percent, and they make a
13 contribution to a candidate and the candidate
14 accepts it and does not know that that
15 corporation does not have more than 1 percent of
16 its ownership in a foreign person, then there
17 would be no liability. Is that the point?

18 SENATOR GIANARIS: There would be
19 no liability on the recipient of the
20 contribution. There would be liability on the
21 part of the contributor, because they of course
22 would know how much of their company is owned by
23 a foreign entity or not.

24 And there's a requirement for an
25 attestation by the contributor that they would

1 sign saying, you know, my entity does not have
2 more than 1 percent foreign ownership.

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

6 ACTING PRESIDENT BAILEY: Will the
7 sponsor yield?

8 SENATOR GIANARIS: Yes.

9 ACTING PRESIDENT BAILEY: The
10 sponsor yields.

11 SENATOR MARTINS: So on the issue
12 of that attestation, there is a requirement that
13 it be signed by I believe the president or CEO of
14 the company, on behalf of the company, to certify
15 that it does not infringe on the particulars of
16 your bill.

17 If that attestation is not filed, on
18 whom is the liability placed?

19 SENATOR GIANARIS: I don't think it
20 would be a permissible contribution if the
21 attestation is missing.

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

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

2 SENATOR GIANARIS: Yes.

3 ACTING PRESIDENT BAILEY: The
4 sponsor yields.

5 SENATOR MARTINS: And if it's not a
6 permissible contribution, does that impose
7 liability on the recipient of that for not having
8 received the certification?

9 SENATOR GIANARIS: I suppose that
10 would be something that the Board of Elections
11 enforcement team can indicate to the -- the way
12 they even do now, if you're missing a particular
13 data point about, say, attribution of
14 contributions from a partnership, which we're
15 required to do now. And if you don't do that,
16 the Board of Elections flags it and says, you
17 know, either come up with the answer or give the
18 contribution back. I would suspect that's how it
19 would be handled.

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

23 ACTING PRESIDENT BAILEY: Will the
24 sponsor yield?

25 SENATOR GIANARIS: Yes.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR MARTINS: So the
4 alternative would be, if I understand correctly,
5 that the Board of Elections would flag it and the
6 individual would be asked to either show the
7 certification or return the funds.

8 SENATOR GIANARIS: Correct.

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

12 ACTING PRESIDENT BAILEY: Will the
13 sponsor yield?

14 SENATOR GIANARIS: Yes.

15 ACTING PRESIDENT BAILEY: The
16 sponsor yields.

17 SENATOR MARTINS: Under this bill
18 you use the word "foreigner." Does that include
19 a resident alien here in the United States?

20 SENATOR GIANARIS: No, it does not.

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

24 ACTING PRESIDENT BAILEY: Will the
25 sponsor yield?

1 SENATOR GIANARIS: Yes.

2 ACTING PRESIDENT BAILEY: The
3 sponsor yields.

4 SENATOR MARTINS: So if there's a
5 company that's owned by U.S. citizens or resident
6 aliens and 1 percent of that company happens to
7 be owned by someone outside the country --
8 whomever it happens to be -- but 99 percent of
9 the company is owned by people who live here,
10 either as citizens or resident aliens, that
11 company, under this bill, would not be able to
12 make a contribution either to a local race --
13 village, town, county -- or to state races if
14 this bill were to pass.

15 SENATOR GIANARIS: Correct.

16 Now, those 99 percent of people can
17 contribute individually. Nothing's stopping them
18 from doing that. But not under the corporate
19 entity.

20 SENATOR MARTINS: Mr. President,
21 through you, if the sponsor will continue to
22 yield.

23 ACTING PRESIDENT BAILEY: Will the
24 sponsor yield?

25 SENATOR GIANARIS: Yes.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR MARTINS: I think you'd
4 agree with me that a corporation has always been
5 considered a person or an entity unto itself and
6 so has certain rights with regard to the
7 First Amendment and the ability to actually
8 express their First Amendment rights when it
9 comes to things like supporting certain
10 candidates.

11 So are you saying that that
12 corporation, if they have 1 percent of the
13 corporation be owned by outside entities or a
14 foreigner, would no longer have that right to
15 express itself?

16 SENATOR GIANARIS: Well, first of
17 all, I don't agree that it was always the case
18 that corporations were considered persons. That
19 was the case since the Citizens United decision,
20 which was one of the more horrible decisions the
21 Supreme Court has made. But be that as it may.

22 Yes, my -- what I am suggesting to
23 you is that a corporation that is 1 percent or
24 more under the influence of a foreign entity
25 should not be involved in our political process.

1 Now, mind you, there's already a ban
2 on foreign entities spending on political
3 campaigns in the United States. A big loophole
4 is that a foreign entity can do so in a corporate
5 name if it has significant influence over the
6 corporation. That's what we're trying to close
7 here.

8 SENATOR MARTINS: Mr. President,
9 through you, if the sponsor will continue to
10 yield.

11 ACTING PRESIDENT BAILEY: Will the
12 sponsor yield?

13 SENATOR GIANARIS: Yes.

14 ACTING PRESIDENT BAILEY: The
15 sponsor yields.

16 SENATOR MARTINS: And is it then
17 your position that a 1 percent ownership in a
18 corporation or an entity is enough of an
19 influence over that entity where it should
20 prevent the entity from actually contributing?

21 Is the 1 -- 1 percent is enough to
22 sway you that it would unduly influence an
23 election, is that it?

24 SENATOR GIANARIS: Yes. Do you
25 know how much 1 percent of Amazon, for example,

1 is worth? It's a lot of money.

2 SENATOR MARTINS: Mr. President,
3 through you, if the sponsor would continue to
4 yield.

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR GIANARIS: Yes.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR MARTINS: So let's not talk
11 about Amazon. I know there's a history with you,
12 Senator Gianaris, and Amazon.

13 (Laughter.)

14 SENATOR MARTINS: So we'll talk
15 about -- we can talk about other entities --

16 ACTING PRESIDENT BAILEY: I'd like
17 us to remain germane to the content of the bill,
18 Senator Martins. Thank you.

19 SENATOR MARTINS: I apologize,
20 Mr. President.

21 Let's talk about -- let's talk about
22 our more common corporations in our state, what
23 we commonly refer to as mom-and-pop shops in our
24 communities for whatever it happens to be -- they
25 can be, you know, a local deli, it could be a

1 bodega, it could be a construction company. Are
2 you suggesting that that 1 percent has enough
3 influence in those local entities that would have
4 an interest, for example, in supporting different
5 candidates in their community, that that's enough
6 of a concern for you that you would put this
7 prohibition?

8 SENATOR GIANARIS: Yes.

9 SENATOR MARTINS: Okay.

10 Mr. President, through you, if the
11 sponsor would yield for just one more question.

12 ACTING PRESIDENT BAILEY: Will the
13 sponsor yield?

14 SENATOR GIANARIS: Yes.

15 ACTING PRESIDENT BAILEY: The
16 sponsor yields.

17 SENATOR MARTINS: If the sponsor
18 would relay, for example, if you're aware of any
19 instance in which 1 percent of a company
20 certainly can exert some control over the
21 company, whether its board of directors or any of
22 its voting authority or direction of the
23 company -- in the normal course of business,
24 where 1 percent becomes a threshold that would be
25 frankly viable in New York State or any other

1 circumstance or example that you can show where 1
2 percent made that much of -- made a difference.

3 SENATOR GIANARIS: You're thinking
4 of an example where maybe the entity doesn't want
5 to do something and the 1 percent would not be
6 able to overrule them.

7 But imagine a scenario where you're
8 a company, there's a part owner of your
9 company -- so I imagine you want to stay on good
10 terms with the investors and owners in your
11 company -- and that person says, Hey, I know I'm
12 from -- whatever country, but I'm trying to exert
13 influence over this elected official. Could you
14 make a contribution? Because I can't do it. Can
15 you make a contribution in our company's name to
16 this individual for me?

17 Assuming it's permitted, which it is
18 currently, why would the owner say no? So yes, I
19 think a 1 percent investor would have that level
20 of influence over a company's owner.

21 SENATOR MARTINS: Thank you,
22 Mr. President. Thank you, Senator.

23 On the bill.

24 ACTING PRESIDENT BAILEY: Senator
25 Martins on the bill.

1 SENATOR MARTINS: You know, the
2 idea that someone's going to ask someone else to
3 make a contribution on that person's behalf when
4 they know that they cannot make that contribution
5 can be a reality even today. Even today, someone
6 can. And if they are and if they do, they should
7 be held accountable for that.

8 The idea that we take a lawfully
9 created entity where the vast majority of the
10 entity, 99 percent of that entity is U.S.
11 citizens or U.S. resident aliens, people who work
12 hard in their local communities -- and,
13 regardless of the circumstance, somebody happens
14 to have an ownership interest who is a foreigner.

15 I'll give you an example. When you
16 come in and you get your resident alien card as a
17 process eventually to becoming a citizen -- not
18 everyone, Mr. President, becomes a citizen of the
19 United States. They choose to keep their
20 resident alien card, and often they go back to
21 their country of origin or they leave the United
22 States and therefore they lose their resident
23 alien status and they become a foreigner.

24 So while they're here in this
25 country as a resident alien, they are here, they

1 have strong roots in the community. They may
2 have passed on their company or their corporation
3 or whatever the entity is to their family and to
4 their children. And they go back and they keep a
5 piece for themselves, but by keeping a piece for
6 themselves, that corporation or that entity can
7 no longer make a contribution.

8 And I have to question why, under
9 these circumstances, are we handcuffing entire
10 sections or groups of entities that would
11 otherwise have a valid cause to be involved? Our
12 corporations, our partnerships, our LLCs are
13 extensions of our communities and our business
14 leaders. That's how they choose to do business.

15 Now, we can turn around and decide
16 we do not want any more contributions from any
17 corporations, any LLCs or anything other than a
18 resident alien or a citizen, someone who's here.
19 Get rid of all these corporations and get beyond
20 this. But that's not what the sponsor is asking
21 us to do.

22 We're creating a fiction and we're
23 creating a fiction at the expense, Mr. President,
24 of every candidate for elected office in this
25 state, be they a local mayor, be they a

1 supervisor, a council member, member of a
2 county -- or whether it's us here in the State
3 Legislature.

4 Because I'm not so sure about what
5 "knowingly" means when there's a provision there
6 that says that you can get an attestation and you
7 have a responsibility to get an attestation in
8 order to show and prove that that company doesn't
9 have 1 percent of its ownership by a foreign
10 national.

11 So maybe all of us, when we get a
12 donation -- if we can -- need to return it or go
13 get that attestation. But remember, folks, it's
14 an E felony. The fine is \$10,000 plus return of
15 the contribution, personally.

16 I think we've reached certain
17 levels, Mr. President, where we should speak
18 plainly. And if it's the sponsor's intention to
19 remove corporations from the political process,
20 then that's the bill that we should be debating
21 here on the floor today and not hide it under
22 some pretense of percentages that put an undue
23 burden not only on each and every one of the
24 candidates in our state, but on the corporations
25 and entities themselves.

1 I'll be voting no.

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

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

6 Seeing and hearing none, debate is
7 closed.

8 The Secretary will ring the bell.

9 Read the last section.

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

13 ACTING PRESIDENT BAILEY: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BAILEY: Announce
17 the results.

18 THE SECRETARY: In relation to
19 Calendar 2, those Senators voting in the negative
20 are Senators Borrello, Canzoneri-Fitzpatrick,
21 Chan, Gallivan, Helming, Martins, Mattera,
22 Oberacker, O'Mara, Ortt, Rhoads, Stec, Tedisco,
23 Walczyk, Weber and Weik.

24 Ayes, 45. Nays, 16.

25 ACTING PRESIDENT BAILEY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number 3,
3 Senate Print 569, by Senator May, an act to amend
4 the Election Law.

5 ACTING PRESIDENT BAILEY: Senator
6 Walczyk, welcome back. Why do you rise?

7 SENATOR WALCZYK: I'm hoping
8 Senator May will yield for some questions.

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield?

11 SENATOR MAY: I will.

12 SENATOR WALCZYK: Thank you.
13 Through you, Mr. President.

14 In addition to no-excuse absentee,
15 two weeks of early voting, why do we need
16 consolidated voting centers on Election Day when
17 all of the community polling locations are
18 already open for the community members where they
19 live?

20 SENATOR MAY: Through you,
21 Mr. President. Thank you, Senator, and welcome
22 back.

23 So this is about Election Day
24 voting. It's about using the polling books that
25 we have, the electronic poll books that we have

1 that allow for flexibility. Any voter can show
2 up at a site during early voting and if they live
3 in the county, they can have the appropriate
4 ballot pointed out for them for their address so
5 that they can vote for the candidates that
6 they're eligible to vote for.

7 This extends this to Election Day,
8 when vote centers can be created where anyone in
9 the county or anyone in a municipality can show
10 up and they don't have to go to the assigned
11 polling place that they have traditionally gone
12 to.

13 The reason why this is helpful is
14 that it creates an additional option, but it also
15 allows for some consolidation. So we found in
16 Cayuga County, which I represent, they have been
17 trying this out. They put a polling place at a
18 mall that was centrally located, and over the
19 course of the election, 20 percent of all the
20 ballots cast in Cayuga County were cast at that
21 location. Over time, it should enable them to
22 consolidate some of the other polling places.

23 I will say in Indiana, where more
24 than half of the counties use a vote center
25 model, the -- I have a quote from the Indiana

1 Secretary of State saying: "Vote centers add
2 convenience for voters, save counties money, and
3 can increase voter turnout."

4 So those are the key reasons why I
5 am excited that this bill is on the agenda today.

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

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield?

11 SENATOR MAY: I will.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR WALCZYK: If Cayuga County
15 already has this in practice, why do we require
16 legislation statewide to do it here today?

17 SENATOR MAY: It is possible to do
18 this now, but many counties have been reluctant
19 to try because it wasn't specifically in the law
20 and it required a dispensation from the Board of
21 Elections.

22 This puts it in the law so that the
23 commissioners from all the counties will know
24 that this is an option that is available to them.

25 SENATOR WALCZYK: Through you,

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

3 ACTING PRESIDENT BAILEY: Will the
4 sponsor yield?

5 SENATOR MAY: I will.

6 ACTING PRESIDENT BAILEY: The
7 sponsor yields.

8 SENATOR WALCZYK: Did the Cayuga
9 County Legislature pass a resolution supporting
10 their board of elections having a vote center on
11 Election Day?

12 SENATOR MAY: I believe so, yes,
13 both two years ago and this year.

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

17 ACTING PRESIDENT BAILEY: Will the
18 sponsor yield?

19 SENATOR MAY: I will.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR WALCZYK: Has the New York
23 State Association of Counties requested this
24 legislation?

25 SENATOR MAY: Not that I'm aware

1 of. Through you, Mr. President.

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

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR MAY: I will.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR WALCZYK: In addition to
11 Cayuga County already having this in practice,
12 have you received resolutions from any other
13 county in the State of New York, of our 62,
14 requesting this legislation?

15 SENATOR MAY: Through you,
16 Mr. President, I am not aware of that. But I
17 believe there is one other location in this state
18 that has specifically wanted to do this.

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

22 ACTING PRESIDENT BAILEY: Would the
23 sponsor yield?

24 SENATOR MAY: Yes.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR WALCZYK: Would you be
3 willing to share the other location with this
4 body?

5 SENATOR MAY: Through you,
6 Mr. President, I would if I knew what it was, but
7 I don't have it on the top of my tongue.

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

11 ACTING PRESIDENT BAILEY: Will the
12 sponsor yield?

13 SENATOR MAY: I will.

14 ACTING PRESIDENT BAILEY: The
15 sponsor yields.

16 SENATOR WALCZYK: Since Cayuga
17 County requested this of their board of elections
18 and already has it in practice, does this
19 legislation also require a validation by county
20 legislatures before their board of elections
21 would seek a new way to do elections on
22 Election Day with voting centers?

23 SENATOR MAY: Through you,
24 Mr. President, no. This would allow the county
25 board of elections to make this decision.

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

4 ACTING PRESIDENT BAILEY: Will the
5 sponsor yield?

6 SENATOR MAY: I will.

7 ACTING PRESIDENT BAILEY: The
8 sponsor yields.

9 SENATOR WALCZYK: So if Cayuga
10 County in their experiment, if their legislature
11 decides that this wasn't going the way that they
12 wanted it to or was more expensive or more
13 confusing for their board of elections but their
14 board of elections has decided to carry forward
15 with this proposal, if your bill is enacted,
16 could Cayuga County continue to do so without the
17 approval of their legislature?

18 SENATOR MAY: Through you,
19 Mr. President, I am not certain of the answer to
20 that question. I do know that they -- that
21 boards of elections, county boards of elections,
22 have to go through the State Board of Elections
23 too and get permission there. So there is a
24 process.

25 SENATOR WALCZYK: Through you,

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

3 ACTING PRESIDENT BAILEY: Will the
4 sponsor yield?

5 SENATOR MAY: I will.

6 ACTING PRESIDENT BAILEY: The
7 sponsor yields.

8 SENATOR WALCZYK: When we're
9 talking about the locations for -- where you
10 mentioned a shopping mall -- when we're talking
11 about the locations, what will the State Board of
12 Elections require of counties that are applying
13 for this?

14 SENATOR MAY: Through you,
15 Mr. President, the bill says that the State Board
16 of Elections shall promulgate rules and
17 regulations establishing the approval process.

18 So that is for the State Board of
19 Elections to decide.

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

23 ACTING PRESIDENT BAILEY: Will the
24 sponsor yield?

25 SENATOR MAY: I will.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR WALCZYK: Well, what is the
4 State Board of Elections approval requirements?
5 Are we handing any of them down through here, or
6 is it just between county and local board of
7 elections and the State of New York state board
8 to figure out without the input of this body?

9 SENATOR MAY: Through you,
10 Mr. President. This is left up to the discretion
11 of the State Board of Elections.

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

15 ACTING PRESIDENT BAILEY: Will the
16 sponsor yield?

17 SENATOR MAY: I will.

18 ACTING PRESIDENT BAILEY: The
19 sponsor yields.

20 SENATOR WALCZYK: So I know that
21 most county boards of elections are set up --
22 well, we've had early voting for a while now in
23 New York State, so they're set up with these
24 consolidated voting sites already. We've got
25 laws on the books, and they do this. You're

1 carrying this over to Election Day.

2 Most of my experience is that -- and
3 we've got some specific rules about where those
4 sites are going to be placed in the county. The
5 county boards of elections have already resourced
6 for those locations. They require either a
7 printer ready to go to produce ballots in order
8 for people from any electoral district in the
9 county to vote appropriately with who's on their
10 ballot, or they would require -- and in early
11 voting it's easy to resource these things because
12 the board of elections already has access to all
13 of the ballots across the county. They haven't
14 yet dispersed them out to their electoral
15 districts.

16 How, in county boards of
17 elections -- maybe you can tell us in
18 Cayuga County. Did they have to order extra
19 ballots to have on-site at their voting center?
20 Or do they have a printer on-site? And if you'd
21 share what the cost of that printer might be for
22 a county.

23 SENATOR MAY: Through you,
24 Mr. President. My understanding is that they had
25 a printer. And I do not know the cost of that,

1 but I do know that as this kind of model can
2 allow for consolidation of polling places, that
3 will save money to counties.

4 I will also say that I have voted
5 for years at a polling site that is already
6 consolidated in the sense that there are --
7 several election districts vote at that same
8 site. And printing of the ballots with a --
9 using an electronic poll book and printing the
10 ballots has immensely sped up the process of
11 being able to vote at that site.

12 So this is also something that I
13 think could bring benefits to the voters in terms
14 of the speed and convenience of casting their
15 ballot.

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

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield?

21 SENATOR MAY: I will.

22 ACTING PRESIDENT BAILEY: The
23 sponsor yields.

24 SENATOR WALCZYK: I've always
25 enjoyed voting at my local one, you know, and I

1 like to when I can. Last year I didn't have the
2 opportunity to vote, I voted absentee last year.
3 But I love to get in there and see the faces.
4 You get to know the poll workers pretty well.
5 And that adds an extra layer of security. They
6 know your face. They know your name. They
7 expect you back every election.

8 We also have poll watchers and some
9 rules about poll watchers in the State of
10 New York. When you're consolidating everyone in
11 a county onto one voting center on Election
12 Day -- that I imagine would be pretty busy -- how
13 does the oversight work in poll watching work in
14 a scenario like that?

15 SENATOR MAY: Through you,
16 Mr. President. We're not talking about
17 consolidating everyone into one polling site.
18 But we are allowing anyone in the county to go to
19 this one polling site and cast their ballot at
20 that site.

21 Which if you've forgotten where your
22 polling site is -- I know one of the issues that
23 local boards of elections have been contending
24 with is a lot of the traditional sites where
25 people have voted in the past, like schools, it's

1 become much more difficult to secure those
2 locations. And so at least in Syracuse, I'm
3 aware that my polling location now has changed
4 every year or two for quite a few years. And so
5 it's confusing to the voters. They don't always
6 know for sure where their polling site is.

7 But if they know there is a location
8 in the county or in the municipality where
9 they -- where anyone in that municipality can
10 vote, then they -- whatever uncertainty they
11 might have about where to vote is resolved for
12 them. That makes it easier for them.

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 MAY: I will.

19 ACTING PRESIDENT BAILEY: The
20 sponsor yields.

21 SENATOR WALCZYK: So could somebody
22 perceivably vote twice if the system isn't
23 communicating -- I know that the elections don't
24 stop -- if you're out in an electoral district in
25 your local community and their computer goes down

1 for whatever reason, they have backup so that
2 they can continue to count votes.

3 Could someone perceivably vote in a
4 consolidated voting center that you're proposing
5 here in this bill and then vote in their local
6 polling place as well?

7 SENATOR MAY: Through you,
8 Mr. President, no. Because the electronic poll
9 books prevent that.

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 MAY: I will.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR WALCZYK: How did you come
19 up with the 90 days to apply to the State Board
20 of Elections in order to have a completely new
21 polling site available in the county?

22 SENATOR MAY: Through you,
23 Mr. President. That was a length of time that
24 gives the Board of Elections time to assess the
25 plan.

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

4 ACTING PRESIDENT BAILEY: Will the
5 sponsor continue to yield?

6 SENATOR MAY: I will.

7 ACTING PRESIDENT BAILEY: The
8 sponsor yields.

9 SENATOR WALCZYK: Was that feedback
10 from the State Board of Elections or from local
11 boards of elections?

12 SENATOR MAY: Through you,
13 Mr. President, I don't know the answer to that
14 question.

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

18 ACTING PRESIDENT BAILEY: Will the
19 sponsor yield?

20 SENATOR MAY: I will.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR WALCZYK: Have the -- and
24 the elections commissioners I believe are
25 actually going to be here this week. Has the

1 Election Commissioners Association explained how
2 this might delay accurate electoral district
3 counting on Election Night?

4 SENATOR MAY: Through you,
5 Mr. President. I believe they are supportive of
6 this, and there is no expectation that this would
7 delay counting of ballots.

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

11 ACTING PRESIDENT BAILEY: Will the
12 sponsor yield?

13 SENATOR MAY: I would.

14 ACTING PRESIDENT BAILEY: The
15 sponsor yields.

16 SENATOR WALCZYK: Why would a
17 county -- and I know you said consolidation of
18 polling places a couple of times. Why would a
19 county be motivated to shift time and resources
20 from their community polling sites onto a voting
21 center?

22 SENATOR MAY: Through you,
23 Mr. President. I'll take my answer away from the
24 county level and talk about the City of Auburn,
25 which is also in my district, which has gone to I

1 believe four voting sites on Election Day. And
2 it has proven to be very popular, and it has not
3 hurt turnout in any way, but it has saved money
4 and created much more clarity for the voters.

5 And I'm sure there are some voters
6 who miss their traditional neighborhood polling
7 place, but it is working really well and it's
8 taking the technology that we now have that is
9 allowing for this to happen and really using it
10 in the best and most efficient way you could use
11 it.

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

15 ACTING PRESIDENT BAILEY: The
16 sponsor yields.

17 SENATOR WALCZYK: Is the City of
18 Auburn pretty balanced in its demographics,
19 Republican and Democrat enrollees?

20 SENATOR MAY: Through you,
21 Mr. President. The City of Auburn is somewhat on
22 the Democratic side, but the county is a very red
23 county.

24 SENATOR WALCZYK: Mr. President, on
25 the bill.

1 ACTING PRESIDENT BAILEY: Senator
2 Walczyk on the bill.

3 SENATOR WALCZYK: Well, I don't
4 have much more to say than the sponsor has
5 already said about this. It's to favor
6 Democratic voting areas and to consolidate
7 polling places. That's what this bill is for.

8 It's not to make it easier to vote.
9 You already have polling places on Election Day
10 in your community. This is about creating an
11 additional polling place in an urbanized area and
12 pushing as many people towards it as you can.

13 She admitted by her own example that
14 that bill will favor a Democratic area in a
15 Republican county. Consolidation of polling
16 places: The sponsor said it out loud. This is
17 not about making it easier to vote. It's about
18 consolidating polling sites from rural to urban
19 sites and advantaging people who live and work in
20 cities over people who -- men and women and
21 blue-collar women who live in cities and work in
22 rural areas.

23 So with that, I will be voting no
24 and I urge my colleagues to do the same.

25 ACTING PRESIDENT BAILEY: Thank

1 you, Senator Walczyk.

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

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

6 Read the last section.

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

9 ACTING PRESIDENT BAILEY: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Senator
13 May to explain her vote.

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

16 And thank you, Senator Walczyk, for
17 the debate but not for putting words in my mouth.

18 The state of Indiana, famous extreme
19 left-wing state; the state of Utah also, and many
20 other states, both red and blue, use vote centers
21 and have used them for a long time as a way to
22 make voting, as I said, as the Indiana Secretary
23 of State says, to add convenience for voters,
24 save counties money, and increase voter turnout.

25 This is not about privileging one

1 party over another, and certainly not in
2 Cayuga County, which is a heavily Republican
3 county. And the legislature under Republican
4 leadership, as well as under Democratic
5 leadership, has endorsed vote centers there.

6 So to put words in my mouth and
7 suggest that this is somehow a partisan ploy to
8 make it only possible for Democrats to vote is
9 really insulting.

10 I have to say vote centers are
11 efficient and they are smart. And that's the
12 reason why I am excited to vote yes on this bill,
13 and I urge my colleagues to do so.

14 Thank you.

15 ACTING PRESIDENT BAILEY: Senator
16 May to be recorded in the affirmative.

17 Announce the results.

18 THE SECRETARY: In relation to
19 Calendar 3, those Senators voting in the negative
20 are Senators Ashby, Canzoneri-Fitzpatrick,
21 Gallivan, Griffo, Mattera, Murray, Oberacker,
22 Ortt, Rhoads, Stec, Walczyk and Weik. Also
23 Senators Tedisco, Chan and O'Mara. Also
24 Senator Martins.

25 Ayes, 45. Nays, 16.

1 ACTING PRESIDENT BAILEY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number 6,
4 Senate Print 1036, by Senator Myrie, an act to
5 amend the Election Law.

6 ACTING PRESIDENT BAILEY: Senator
7 Murray, why do you rise?

8 SENATOR MURRAY: Mr. President,
9 would the sponsor yield for a few questions?

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 SENATOR MYRIE: Yes.

13 ACTING PRESIDENT BAILEY: The
14 sponsor yields.

15 SENATOR MURRAY: Thank you,
16 Senator.

17 Through you, Mr. President. Let's
18 start with a basic question and that is why is
19 there a need for this bill, and how will it
20 change the current law?

21 SENATOR MYRIE: Through you,
22 Mr. President, this bill codifies a couple of
23 court cases, both from the New York State Court
24 of Appeals and from some of our appellate courts,
25 to clarify in the law that a voter's intent and

1 their connection to the home is what determines
2 their voter registration.

3 What we have seen in some election
4 litigation is the challenging of residencies
5 despite the case law supporting this. And this
6 bill is an attempt to put it in statute.

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

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 SENATOR MYRIE: Yes.

13 ACTING PRESIDENT BAILEY: The
14 sponsor yields.

15 SENATOR MURRAY: Thank you.

16 So the "Purpose" on the bill, it
17 says: "This bill provides that a voter may
18 register to vote at any residence to which the
19 voter maintains a continuous connection with an
20 intent to return."

21 So I'd like to start with the first
22 part, the continuous connection. What does
23 continuous connection mean? What qualifies as a
24 continuous connection?

25 SENATOR MYRIE: Through you,

1 Mr. President. In Willkie vs. Board of
2 Elections -- this is from the Third Department --
3 the court said that at minimum, weekend and
4 country homes established a continuous
5 connection.

6 The Court of Appeals has said that
7 the crucial determination for election residency
8 purposes is that the individual must manifest an
9 intent coupled with physical presence. And the
10 courts have interpreted that to, at minimum, meet
11 a requirement that someone be present at least
12 for two days of the week via a weekend home.

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

16 ACTING PRESIDENT BAILEY: Will the
17 sponsor yield?

18 SENATOR MYRIE: Yes.

19 ACTING PRESIDENT BAILEY: The
20 sponsor yields.

21 SENATOR MURRAY: So it sounds
22 like -- and I'm not here to interpret what the
23 court was saying myself, but it sounds like what
24 they're saying is a two-day stay would take the
25 place of a five-day stay or a week-long stay. So

1 they're basically saying that a part-time would
2 supersede your full-time residence where you
3 live.

4 Is that -- would that be accurate?

5 SENATOR MYRIE: Through you,
6 Mr. President, I don't think that's accurate. I
7 think what the court meant to underscore is that
8 it is the voter's intent. So if it's the voter's
9 intent that they be registered to vote at a place
10 where they only spend two days a week, the court
11 will uplift that intent over where they may be
12 staying on other days of the week.

13 SENATOR MURRAY: Mr. President,
14 would the sponsor continue to yield.

15 ACTING PRESIDENT BAILEY: Will the
16 sponsor yield?

17 SENATOR MYRIE: Yes.

18 ACTING PRESIDENT BAILEY: The
19 sponsor yields.

20 SENATOR MURRAY: Thank you.

21 So if I could get a little scenario
22 and give it to you, I'd like your take on this
23 particular scenario. So you have someone that
24 resides in, say, Nassau County. Their kids go to
25 school in Nassau County, their spouse is on the

1 school board in Nassau County, they're a
2 volunteer firefighter in the Nassau County. But
3 they own a vacation home out in the Hamptons, out
4 in Suffolk County.

5 Despite the fact that they have so
6 much continuous connection right there, they
7 could actually ask that the -- Suffolk County,
8 where they own a home but they don't actually
9 live, that could then be where they will vote.
10 Is that -- is that -- would that be accurate?

11 SENATOR MYRIE: Through you,
12 Mr. President, if that is their intent, that's
13 correct.

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

17 ACTING PRESIDENT BAILEY: Will the
18 sponsor yield?

19 SENATOR MYRIE: Yes.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR MURRAY: So in that
23 scenario, they change their voting and they say,
24 I want to vote in Suffolk County instead of
25 Nassau, despite the fact that my spouse is on the

1 school board.

2 Now, the school board election's
3 earlier in the year. Would it be possible for
4 this person to vote in the school board election
5 for their spouse in Nassau County, change their
6 residency through this bill, and in the general
7 election in November vote at their Hamptons home
8 in Nassau in a completely -- or Suffolk County in
9 a completely different election? Would that be
10 possible under this law?

11 SENATOR MYRIE: Through you,
12 Mr. President, I'm not sure I'm following the
13 entirety of that hypothetical. But if they are
14 meeting every Election Law requirement for voter
15 registration and it is their intent to mark the
16 Suffolk County residence as where they would like
17 to be registered, then that, according to the
18 case law and when this bill becomes law, would be
19 permissible.

20 SENATOR MURRAY: Mr. President,
21 would the sponsor continue to yield?

22 ACTING PRESIDENT BAILEY: Will the
23 sponsor yield?

24 SENATOR MYRIE: Yes.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR MURRAY: So I'll kind of
3 reaffirm that scenario through the Election Law.

4 So Election Law -- we'll take this
5 past year, 2024. In 2024, we had quite a few
6 different elections at different times of the
7 year. Most village elections are in March. The
8 presidential primary was in April. School
9 district budget and board member elections were
10 in May. Congressional state primary elections
11 were in June, and then the general election in
12 November. And then of course after that we have
13 our fire commissioners and their budget in
14 December.

15 So following the scenario I just
16 gave you, if I'm understanding you correctly, if
17 we pass this bill, it's signed into law, someone
18 can vote in the village or even a school district
19 budget and board election in -- say in May. If
20 they meet the deadline, which according to what I
21 got from the Board of Elections, for the general
22 November election on November 5th, their change
23 of address would have to be done on October 21st
24 and voter registration deadline on October 26th.

25 So they could, likely, make that

1 change -- vote in the school board for their
2 spouse, vote in the other local elections in
3 Nassau County. But as long as they meet that
4 deadline, they can now switch and vote in
5 elections completely outside of where they voted
6 in every other election that year.

7 Is that correct?

8 SENATOR MYRIE: Through you,
9 Mr. President. First, I appreciate the
10 hypothetical on how many elections there are.
11 This conference has supported the consolidation
12 of those in even years that caused a lot of
13 consternation last session.

14 But that aside, yes, if they have
15 met the requirements and it is their intent to be
16 registered and consider the Suffolk County or
17 Nassau County as their primary residence, that
18 would be permissible.

19 SENATOR MURRAY: Thank you,
20 Mr. President. On the bill, please.

21 ACTING PRESIDENT BAILEY: Senator
22 Murray on the bill.

23 SENATOR MURRAY: And thank you,
24 Senator Myrie.

25 So actually that wasn't really much

1 of a hypothetical, because if I remember
2 correctly, all over social media last year you
3 saw a lot of people that lived in the city that
4 were urging their friends, Change your
5 registration, go to the Hudson Valley where there
6 were close races, go out to Suffolk County, where
7 there -- according to them, there was a close
8 Senate race in the 1st Senate District. But my
9 good friend Senator Palumbo made that not so
10 close, so ...

11 But they were trying to urge
12 everyone to go and go where there were
13 competitive races. I've got to tell you, just --
14 I mean, this just feels bad. You know, we live
15 in a country where we have this privilege to
16 elect our local leaders. We have a
17 representative government. And what that means
18 is we're voting for the people that represent us.
19 But not just us; they're representing our
20 families, our neighbors, our communities where we
21 live. They will be making decisions -- or I
22 should say we are making decisions that will
23 directly affect their life.

24 But through this bill, we're making
25 a mockery of that. We're saying, do the ones

1 that work for you until maybe you don't have a
2 competitive race in the State Senate race. So
3 let's jump out and go somewhere else -- if you
4 are, by the way, lucky enough to own a second
5 home.

6 You know, I think everyone here has
7 acknowledged we're in the middle of a housing
8 crisis. It's pretty expensive. Nobody can
9 afford to buy a home. Nobody can afford to live
10 in New York. Except who? The wealthy.

11 I do find it ironic that for years,
12 all my years in government it was that side of
13 the aisle blaming this side of the aisle for
14 looking out for the wealthy: You only give tax
15 breaks to the wealthy. You only passed this to
16 benefit the wealthy.

17 Well, let me tell you something.
18 The poor, the working class, they are not
19 benefiting from this bill. They don't have
20 multiple homes all across the state where they
21 can pick and choose, where they take advantage of
22 the very privilege we have of voting for who will
23 represent them.

24 The wealthy do. That alone should
25 be a reason -- the fact that we're leaving out

1 most people, not letting them participate in
2 this, that alone should be a reason for voting
3 no.

4 But I'm voting no because, as I
5 said, this stinks. This isn't what our
6 elections are about. So for many reasons, but
7 especially that -- it's making a mockery of our
8 voting rights -- I'll be voting no.

9 Thank you.

10 ACTING PRESIDENT BAILEY: Thank
11 you, Senator Murray.

12 Are there any other Senators wishing
13 to be heard?

14 Senator Martins, why do you rise?

15 SENATOR MARTINS: Through you,
16 Mr. President, if the sponsor would yield for a
17 couple of questions.

18 ACTING PRESIDENT BAILEY: Will the
19 sponsor yield?

20 SENATOR MYRIE: Yes.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR MARTINS: Thank you,
24 Senator Myrie.

25 Under this bill, Senator, would a

1 person be able to register to vote in more than
2 one place in New York State?

3 SENATOR MYRIE: Through you,
4 Mr. President, no. That is currently against the
5 law. This bill does not touch that.

6 SENATOR MARTINS: Through you,
7 Mr. President, if the sponsor would yield for
8 another question.

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield?

11 SENATOR MYRIE: Yes.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR MARTINS: Through this
15 bill, if someone registers to vote in one
16 community for one election, can they then change
17 their registration to another home to allow them
18 to vote in another community for the following
19 election, and so on?

20 SENATOR MYRIE: Through you,
21 Mr. President, the current law prevents double
22 registration. You can only be registered to one
23 residence at a time. And this bill would not
24 impact that.

25 SENATOR MARTINS: Mr. President,

1 through you, if the sponsor would continue to
2 yield.

3 ACTING PRESIDENT BAILEY: Will the
4 sponsor yield?

5 SENATOR MYRIE: Yes.

6 ACTING PRESIDENT BAILEY: The
7 sponsor yields.

8 SENATOR MARTINS: So just taking on
9 some of the examples that were given earlier, if
10 someone does have a home in one location, they
11 can vote there. Clearly, they can register --
12 their family is there, they live there. But if
13 they happen to have a second home somewhere else,
14 they can register there, frankly eliminate their
15 first registration and register in that second
16 place for that election as long as they have a
17 nexus to that location, isn't that correct?

18 SENATOR MYRIE: Through you,
19 Mr. President, it's not just nexus. That's a
20 legal turn of phrase. It is, according to the
21 courts, an intent to return and remain and a
22 physical presence.

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

1 ACTING PRESIDENT BAILEY: Will the
2 sponsor yield?

3 SENATOR MYRIE: Yes.

4 ACTING PRESIDENT BAILEY: The
5 sponsor yields.

6 SENATOR MARTINS: So if they have
7 that intent, Senator, and then they exercise that
8 vote in that other location, would this bill then
9 allow them to have a separate intent and return
10 to the original location and register to vote
11 again if they do in fact meet the requirements
12 and demonstrate that subjective intent?

13 SENATOR MYRIE: Through you,
14 Mr. President. If I'm understanding the question
15 correctly, the voter is allowed to change their
16 intent. They cannot hold multiple registrations
17 at multiple residencies. It has to be one at a
18 time. But they are allowed to register at
19 different residencies if that is what they intend
20 to do.

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

24 ACTING PRESIDENT BAILEY: Will the
25 sponsor yield?

1 SENATOR MYRIE: Yes.

2 ACTING PRESIDENT BAILEY: The
3 sponsor yields.

4 SENATOR MARTINS: And, Senator, if
5 you could just elaborate on how that intent would
6 be demonstrated.

7 SENATOR MYRIE: Through you,
8 Mr. President. The courts have said that the
9 crucial determination is the purpose of -- the
10 individual must manifest an intent coupled with a
11 physical presence. And in the Court of Appeals
12 case it also mentions that it has to be a
13 significant and continuing attachment to that
14 residence.

15 I'll also point out, because my
16 colleague Senator Murray communicated that this
17 was a bill with the intention to only benefit
18 affluent New Yorkers. But the bill says in
19 line 6 that it includes college students, giving
20 them the ability to have their college residences
21 count for voter registration.

22 We're very proud of our higher
23 education institutions that welcome people of all
24 incomes, young people of all backgrounds. And
25 for a long time litigation has forced these

1 college students out of those voter
2 registrations, their ballots have been
3 challenged. And this is one way for us to
4 communicate that we do support our young people
5 engaging in their democracy.

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

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield?

11 SENATOR MYRIE: Yes.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR MARTINS: So under this
15 bill, Senator, a college student who is in a
16 university college setting for a few months would
17 be able to register there and have an impact on a
18 local mayoral election, for a village or town
19 council race or supervisor race, even though
20 their only connection to that community is
21 through that institution of higher learning and
22 they don't have any roots there, thereby -- well,
23 first of all, is that correct?

24 SENATOR MYRIE: Through you,
25 Mr. President, I would disagree with the premise

1 that college students don't have roots in the
2 place that they go to college.

3 But yes, they are allowed to
4 register and use that as their voter registration
5 residency.

6 SENATOR MARTINS: Mr. President, on
7 the bill.

8 Thank you, Senator Myrie.

9 ACTING PRESIDENT BAILEY: Senator
10 Martins on the bill.

11 SENATOR MARTINS: Where do I start?

12 Look, we all know what the problems
13 are with this bill. Voting for local elections
14 is critically important. It's an obligation.
15 You know, as a former mayor of a village -- and
16 those of us who have served on a local level in
17 the past, we understand what it's like to grow up
18 in a community, care for the community,
19 understand who your neighbors are, and protect
20 that community.

21 The idea that we would allow for
22 thousands of individuals who come in for a couple
23 of months at a time and somehow say that they
24 have the same care, concern for that community as
25 the people who live there every day, raise their

1 family there every day, protect the schools, pay
2 for the streets, is lost on me, frankly. It
3 really is.

4 I understand how important it is for
5 local communities to have an identity and make
6 those decisions for themselves. But I would ask
7 everyone in the chamber to understand what it is
8 that we are doing and will be doing to our local
9 communities and how it will impact decisions in
10 those communities going forward.

11 Everyone has a right to an opinion,
12 we all know that. You exercise that right by
13 voting where you live. And with all due respect,
14 where you live is not where you happen to live in
15 a dorm for a couple of months. It's where you
16 grow up, it's where you have your roots, it's
17 where you raise your family, and it's where you
18 make a difference in your communities.

19 In addition, this idea, based on a
20 Court of Appeals decision and interpretation of a
21 Court of Appeals decision that I can take a
22 resident, say, of the Village of Westbury who can
23 vote in that local election and then leave, go
24 out east or go upstate and vote in another local
25 election there because they happen to have a

1 house there and impact elections along the way,
2 based on their subjective intent regardless of
3 the criteria.

4 Folks, we are turning this on its
5 head. This isn't what this is supposed to be.
6 And the idea that we are going to allow people to
7 manipulate this system beyond its core, local
8 people voting in local elections for people they
9 trust and the leadership that they want --
10 frankly, I think it's wrong.

11 Mr. President, I'll be voting no.

12 ACTING PRESIDENT BAILEY: Thank
13 you, Senator Martins.

14 Are there any other Senators wishing
15 to be heard? Seeing and hearing none, debate
16 is -- Senator Tedisco, are you going to explain
17 your vote or are you looking to ask the sponsor
18 to yield?

19 SENATOR TEDISCO: For a question.

20 ACTING PRESIDENT BAILEY: Senator
21 Tedisco, why do you rise? To ask the sponsor to
22 yield?

23 SENATOR TEDISCO: Will the Senator
24 yield?

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

2 SENATOR MYRIE: Yes.

3 ACTING PRESIDENT BAILEY: The
4 sponsor yields.

5 SENATOR TEDISCO: Just a --
6 Senator, I'm a little confused about continuous
7 connection. Is there a timetable for a
8 continuous connection of days or weeks or months
9 that you have to spend when you eliminate one
10 registration, then go and move, reregister and
11 vote in another facility you own?

12 SENATOR MYRIE: Through you,
13 Mr. President. As I was explaining to your
14 colleague Senator Murray when he asked a similar
15 question, the courts have determined that it is
16 the voter's intent to return and to maintain
17 connection. At minimum, weekend and country
18 homes satisfied that continuous connection
19 purpose, and that is what the courts have used to
20 interpret litigation around ballots and election
21 residency.

22 SENATOR TEDISCO: Would the Senator
23 yield for another question?

24 ACTING PRESIDENT BAILEY: Will the
25 sponsor yield?

1 SENATOR MYRIE: Yes.

2 ACTING PRESIDENT BAILEY: The
3 sponsor yields.

4 SENATOR TEDISCO: So I live in a
5 home with my family, and I have another house. I
6 don't go there for four years, but every fourth
7 year I come there for a weekend. I reregister
8 and then I vote for the president in that
9 particular -- is that a reoccurring connection?

10 SENATOR MYRIE: Through you,
11 Mr. President. If I'm understanding this
12 hypothetical correctly, you change your voter
13 registration every four years, is that correct?

14 SENATOR TEDISCO: Right.

15 SENATOR MYRIE: And it is your
16 intent that that be your primary residence for
17 purposes of voting, correct?

18 SENATOR TEDISCO: You only come
19 there for a weekend, though. You go back for
20 another four years at your other house, then you
21 come back again for a weekend and you vote for
22 the president at this particular facility.

23 Is that a reoccurring connection?

24 SENATOR MYRIE: Through you,
25 Mr. President. Under the current case law, that

1 is permissible and that is what this bill would
2 codify.

3 SENATOR TEDISCO: Thank you.

4 ACTING PRESIDENT BAILEY: Thank
5 you, Senator Tedisco.

6 Are there any other Senators wishing
7 to be heard?

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

10 Read the last section.

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

13 ACTING PRESIDENT BAILEY: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BAILEY: Announce
17 the results.

18 THE SECRETARY: In relation to
19 Calendar Number 6, those Senators voting in the
20 negative are Senators Ashby, Borrello,
21 Canzoneri-Fitzpatrick, Chan, Gallivan, Griffio,
22 Helming, Lanza, Martins, Mattera, Murray,
23 Oberacker, O'Mara, Ortt, Palumbo, Rhoads,
24 Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

25 Ayes, 39. Nays, 22.

1 ACTING PRESIDENT BAILEY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number 8,
4 Senate Print 1087, by Senator Mayer, an act to
5 amend the Election Law.

6 ACTING PRESIDENT BAILEY: Senator
7 Walczyk, why do you rise?

8 SENATOR WALCZYK: I'd like to go on
9 the bill, and then I'll be asking the sponsor to
10 yield for some questions, if that's all right.

11 ACTING PRESIDENT BAILEY: Senator
12 Walczyk on the bill.

13 SENATOR WALCZYK: So
14 Hamilton County in New York State has a little
15 over 5100 residents. In the 2024 presidential
16 election, 3,442 ballots were cast, which is a
17 pretty high propensity. They have 4,600
18 registered voters, and of those registered
19 voters, 838 of them are registered Democrats.

20 This bill requires each board
21 outside the city -- that's a board of
22 elections -- outside of the City of New York
23 shall consist of two election commissioners who
24 shall be full-time employees of such board,
25 except that the county legislative body of a

1 county having a population of more than 120,000
2 may, by local law, increase the number of such
3 commissioners to four, to be appointed as
4 provided by this title. Obviously that piece is
5 not relevant to a county of 5,000.

6 Each of the major political parties
7 shall be eligible to recommend appointment of an
8 equal number of commissioners.

9 Mr. President, would the sponsor
10 yield for some questions.

11 ACTING PRESIDENT BAILEY: Will the
12 sponsor yield?

13 SENATOR MAYER: Yes.

14 ACTING PRESIDENT BAILEY: The
15 sponsor yields.

16 SENATOR WALCZYK: Wonderful to
17 speak with you again. We haven't talked about
18 this bill in two years.

19 But through you, Mr. President, what
20 is the genesis of this bill? Could you give me a
21 refresher?

22 SENATOR MAYER: Yes, through you,
23 Mr. President. Welcome back, Senator Walczyk.

24 Several years ago when Senator Myrie
25 was the chair of the Senate Elections Committee,

1 he held a series of hearings around the state
2 with the full membership of the committee, which
3 was composed of both Democrats and Republicans.
4 They made recommendations. And on page -- my
5 page is cut off. I believe it's 24, on reforms
6 at local boards of elections outside New York
7 City they recommended -- I would add, on a
8 bipartisan basis -- that commissioners serve in a
9 full-time capacity. That was the original
10 genesis of the bill.

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

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor yield?

16 SENATOR MAYER: Yes.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

19 SENATOR WALCZYK: Two years ago I
20 asked if the New York State Association of
21 Counties supported this bill. Do you have a memo
22 of support from the Association of Counties?

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

25 I would note that the 2024

1 legislative agenda of NYSECA, which is the
2 bipartisan group of state election commissioners,
3 clearly says that they have this bill on their
4 agenda, and they note, in parentheses, bipartisan
5 support.

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

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield?

11 SENATOR MAYER: Yes.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR WALCZYK: Have any county
15 legislators or boards of supervisors of our
16 62 counties requested this by passing a
17 resolution?

18 SENATOR MAYER: Through you,
19 Mr. President, I'm not aware they have. And I'm
20 not aware they've opposed it.

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

24 ACTING PRESIDENT BAILEY: Will the
25 sponsor yield?

1 SENATOR MAYER: Yes.

2 ACTING PRESIDENT BAILEY: The
3 sponsor yields.

4 SENATOR WALCZYK: Is this an
5 unfunded mandate?

6 SENATOR MAYER: Through you,
7 Mr. President. This would be a requirement of
8 counties outside New York City to have two
9 full-time commissioners in order to ensure that
10 there's not a conflict of interest in the need
11 for outside income.

12 Last year Senator Walczyk wasn't
13 here and, although this bill did not pass both
14 houses, it did pass the Senate. And in our
15 enacted budget we included 5 million in funding
16 for local boards of elections outside the City of
17 New York. I'm confident that we will make every
18 effort to ensure that there's adequate resources
19 to do this.

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

23 ACTING PRESIDENT BAILEY: Will the
24 sponsor yield?

25 SENATOR MAYER: Yes.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR WALCZYK: Of that
4 5 million, has any of that been specifically
5 directed to this cause, to hiring full-time
6 commissioners?

7 SENATOR MAYER: Well, through you,
8 Mr. President, this bill did not pass in the
9 Assembly, so this bill is not yet enacted. And
10 that's why we're considering it here today.

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 MAYER: Yes.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

19 SENATOR WALCZYK: How much does a
20 full-time commissioner have to be paid?

21 SENATOR MAYER: Through you,
22 Mr. President. I think it would depend,
23 obviously, on the income and economics of the
24 particular county in which the commissioners are
25 located.

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

4 ACTING PRESIDENT BAILEY: Will the
5 sponsor yield?

6 SENATOR MAYER: Yes.

7 ACTING PRESIDENT BAILEY: The
8 sponsor yields.

9 SENATOR WALCZYK: So would that be
10 up to the county government to determine what the
11 salaries would be for the full-time commissioners
12 that are mandated in this legislation?

13 SENATOR MAYER: Through you,
14 Mr. President, it's not described in the bill.

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

18 ACTING PRESIDENT BAILEY: Will the
19 sponsor yield?

20 SENATOR MAYER: Yes.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR WALCZYK: What about health
24 insurance or New York State retirement?

25 SENATOR MAYER: Through you,

1 Mr. President, they're not referenced.

2 The point is these are full-time
3 employees and they would not have the need to
4 have secondary employment.

5 SENATOR WALCZYK: Thank you,
6 Mr. President. On the bill.

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

9 SENATOR WALCZYK: So we've talked
10 in the past about a commission on unfunded
11 mandates. It hasn't borne a whole lot of fruit
12 when we talk about that. It would be really nice
13 to have someone in government overseeing all of
14 these mandates that either get funded for a short
15 time and become unfunded over time or are just
16 straight unfunded mandates from the get-go.

17 Here's how it works if \$5 million is
18 set aside to pay for an elections commissioner.
19 And let me just repeat those numbers. In
20 Hamilton County, New York, you're talking about
21 4,600 registered voters. You would have a
22 full-time Democratic elections commissioner,
23 salaried with benefits, for 838 registered
24 Democrats in that county.

25 They could do a house call to every

1 single one of those individuals, meet every
2 single one of them face-to-face. I don't know
3 what else they would be doing all year, because
4 for a county like Hamilton there simply is not
5 enough work to justify a full-time position in
6 the board of elections. Which is why, for
7 counties like Hamilton, these mandates are not
8 smart.

9 In the short term you may negotiate
10 for \$5 million in the budget, but how do unfunded
11 mandates happen to our towns, our counties, our
12 villages? We usually throw a little bit of --
13 not always, but we usually throw a little bit of
14 money up-front and we say, Don't worry, we're
15 going to pay for it. And then eventually the
16 state runs into financial problems -- I wonder
17 how that happens -- and all of a sudden we can't
18 pay for those things that we've mandated anymore.
19 We push that onto the local taxpayers. So that
20 will be the direction that this thing ends up
21 anyways.

22 And let's just say if -- in
23 Hamilton County's case, let's say we continued
24 to -- in a commitment and we made it in the
25 State Constitution that we will absolutely fund

1 these full-time commissioners for Hamilton County
2 and those 838 Democrats will have one full-time
3 staffer in Hamilton County working around the
4 clock for them. Let's say we enshrined that in
5 law.

6 That means -- Hamilton County has
7 never requested this, doesn't need it, doesn't
8 want it. That means that taxpayers from Syracuse
9 or Westchester or somewhere else in the State of
10 New York are putting into that \$5 million pot in
11 order to pay for a full-time commissioner for
12 838 Democrats in Hamilton County.

13 It doesn't make any sense. Whether
14 the mandate is funded or unfunded, I vote no.

15 ACTING PRESIDENT BAILEY: Thank
16 you, Senator Walczyk.

17 Are there any other Senators wishing
18 to be heard?

19 Seeing and hearing none, debate is
20 closed. The Secretary will ring the bell.

21 Read the last section.

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

24 ACTING PRESIDENT BAILEY: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BAILEY: Senator
3 Mayer to explain her vote.

4 SENATOR MAYER: Thank you,
5 Mr. President.

6 And thank you, Senator Walczyk, for
7 expressing your view so strongly.

8 One thing I have to point out,
9 there's nothing about the fact that there's only
10 838 Democratic -- enrolled Democratic voters in
11 Hamilton County that means they don't deserve a
12 full-time commissioner who doesn't have a second
13 job. Same for the Republican enrolled voters in
14 Hamilton County. There's nothing unique about
15 being voters in a rural and small-populated
16 county that means they don't deserve the full
17 attention of an election commissioner.

18 This is the basis of our democracy.
19 Their vote, one of the 838 Democratic voters,
20 counts as much as a voter from Brooklyn, Bronx or
21 Yonkers, and they are entitled to the full
22 devotion of the election commissioners, both
23 Democratic and Republican, who have a full-time
24 job making sure that the elections are conducted
25 in a responsible way and do not have a conflict

1 of interest.

2 There's nothing unique about a rural
3 voter that makes them less entitled to the full
4 attention of an election commissioner.

5 I vote aye.

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

8 Senator Helming to explain her vote.

9 SENATOR HELMING: Thank you,
10 Mr. President.

11 Before us today there are a number
12 of elections bills, but what's missing is a voter
13 ID bill. Various polls show that Americans
14 strongly support requiring a photo ID to vote.
15 The Pew Research Center shows 81 percent of
16 Americans favor requiring people to show
17 government-issued voter identification to vote.

18 The Gallup Poll released in October
19 of 2024 shows 84 percent of Americans support
20 requiring a photo ID to vote.

21 ACTING PRESIDENT BAILEY: Senator
22 Helming, does -- does your -- is your -- are your
23 comments related to Senator Mayer's bill?

24 SENATOR HELMING: They absolutely
25 are. I'm getting there. Within my two minutes.

1 Thirty-six states require some sort
2 of ID to vote, including the two states that were
3 mentioned as the gold standard, if you will, for
4 the establishment of county polling places --
5 Indiana and Utah.

6 People of all ages, including young
7 people, are used to carrying and showing an ID.
8 We all know about all the purchases that require
9 an ID to make. You have to have an ID to cash a
10 check, to access medical care, to travel, to
11 register for classes, and a whole lot more.

12 I cosponsor a bill that Senator Ortt
13 carries that would require voters to present a
14 valid photo ID. This bill eliminates financial
15 barriers to those who need help getting an ID.
16 This package of election bills ignores what the
17 majority of people want: Voters to show
18 identification prior to voting.

19 For this reason --

20 ACTING PRESIDENT BAILEY: Senator
21 Helming, how does -- how do your comments relate
22 to the bill at hand?

23 (Overtalk.)

24 SENATOR HELMING: -- the bill
25 before us is an unfunded mandate.

1 ACTING PRESIDENT BAILEY: Senator
2 Helming, you have mentioned other bills in the
3 package --

4 SENATOR HELMING: I vote no.

5 ACTING PRESIDENT BAILEY: Please
6 keep your comments related to the bill.

7 SENATOR HELMING: And I just
8 mentioned that this bill is an unfunded
9 mandate --

10 ACTING PRESIDENT BAILEY: Senator
11 Lanza --

12 SENATOR HELMING: -- and for that
13 reason I will be voting no.

14 ACTING PRESIDENT BAILEY: Please
15 explain your vote in relation to the bill that is
16 before the house. It is clearly delineated in
17 the Senate rules. Nothing you indicated,
18 Senator Helming, with all due respect, had
19 anything to do with Senator Mayer's bill.

20 Senator Lanza.

21 SENATOR LANZA: Mr. President, what
22 I would add is that each of us, when we vote
23 either in the affirmative or negative, we have
24 our own unique reasons for doing so.

25 And for Senator Helming, if the

1 reason why she's voting against this bill is
2 because it doesn't include something or because
3 it includes something that she doesn't believe
4 belongs there, it's within her prerogative and
5 every member's prerogative to explain their vote
6 in the way they see fit.

7 ACTING PRESIDENT BAILEY: Senator
8 Lanza, as you know, we're just trying to keep the
9 order of the house.

10 Announce the results.

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

18 Ayes, 39. Nays, 22.

19 ACTING PRESIDENT BAILEY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number 9,
22 Senate Print 1356, by Senator Skoufis, an act to
23 amend the Election Law and the Vehicle and
24 Traffic Law.

25 ACTING PRESIDENT BAILEY: Senator

1 Lanza, why do you rise?

2 SENATOR LANZA: Mr. President, I
3 believe there's an amendment at the desk. I
4 waive the reading of that amendment and ask that
5 you recognize Senator Walczyk, who is wasting no
6 time to be heard.

7 (Laughter.)

8 ACTING PRESIDENT BAILEY: Thank
9 you, Senator Lanza.

10 Upon review of this amendment, in
11 accordance with Rule 6, Section 4B, I
12 unfortunately rule it nongermane and out of order
13 at this time.

14 SENATOR LANZA: Accordingly,
15 Mr. President, I appeal the ruling of the chair
16 and ask that Senator Walczyk indeed be
17 recognized.

18 ACTING PRESIDENT BAILEY: The
19 appeal has been made and recognized, and
20 Senator Walczyk may be heard.

21 SENATOR WALCZYK: Mr. President,
22 it's not the first time that we've disagreed on
23 the germaneness, and I hope to sway my colleagues
24 and maybe even you.

25 This bill-in-chief amends

1 Election Law in relation to joining a multistate
2 voter maintenance organization.

3 Now, there is nothing that would
4 serve us better than having accurate data to be
5 able to give to that multistate voter maintenance
6 organization or organizations to be able to work
7 with other states.

8 And as my colleague recently pointed
9 out, 36 states have taken up a voter ID law
10 because they're taking their voter data very
11 seriously. A Gallup Poll -- so I offer this
12 amendment because a Gallup Poll showed that
13 84 percent of Americans support voter ID. That
14 includes 67 percent of registered Democrats and
15 84 percent of registered independent voters.

16 Some of those states include states
17 like red states Texas and Florida; some of them
18 blue states like Washington and Connecticut; or
19 purple states, if you love to color states,
20 Wisconsin, North Carolina, and Georgia, which has
21 some of the strictest voter ID laws.

22 But I know that these are all red,
23 white and blue states because in the United
24 States of America, people believe in
25 enfranchisement. They want their vote to count.

1 They want their elections secure. They're asking
2 overwhelmingly for voter ID.

3 This bill is -- not only is my
4 amendment germane, but overwhelmingly New Yorkers
5 want voter ID laws on the books in New York
6 State. And I challenge my colleagues to accept
7 this amendment, because some of the things that
8 have been thrown out there as reasons why we
9 can't do voter ID, even though 84 percent of
10 American voters support it, are because it will,
11 you know, suppress some of the vote.

12 Well, 36 other states have done it.
13 None of the results show that the vote was
14 suppressed in those states.

15 Or it's disenfranchisement.
16 Actually, when people have the confidence that
17 their vote is going to count and when voters have
18 the confidence that these elections are secure,
19 you do nothing but increase the confidence to get
20 out there and vote. And that's what the results
21 have shown.

22 This isn't me making it up. I know
23 we're the first -- in New York State we're the
24 first. We get out there and do things -- we're
25 either the first or the last. We get out there

1 and we do things before all of the other states
2 do them.

3 So we pontificate about how these
4 election laws are going to change things. And we
5 guess and we strategize, and then we debate them,
6 sometimes in committees. Sometimes the committee
7 meetings are canceled so we just debate them in
8 this chamber.

9 But here we don't have to guess.
10 Thirty-six states have them on the books.
11 Voter ID is working in 36 states. Democrats,
12 Republicans, independents, registered voters
13 across America love voter ID. And your Election
14 Day package today missed it.

15 So on the last bill, I've offered
16 this very -- they call it a hostile amendment,
17 Mr. President, but I would call this a very
18 helpful amendment. Please pass voter ID. Vote
19 on the germaneness of this bill. Let's get it
20 done. The people want it. It's the right way to
21 secure our elections.

22 Thank you, Mr. President.

23 ACTING PRESIDENT BAILEY: Thank
24 you, Senator Walczyk.

25 I want to remind the house that this

1 vote is on the procedures of the house and the
2 ruling of the chair. Those in favor of
3 overruling the chair, signify by saying aye.

4 (Response of "Aye.")

5 SENATOR LANZA: Show of hands.

6 ACTING PRESIDENT BAILEY: A show of
7 hands has been requested and so ordered.

8 Announce the results.

9 THE SECRETARY: Ayes, 22.

10 ACTING PRESIDENT BAILEY: The
11 ruling of the chair stands, and the bill-in-chief
12 is before the house.

13 Read the last section.

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

16 ACTING PRESIDENT BAILEY: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BAILEY: Announce
20 the results.

21 THE SECRETARY: Ayes, 61.

22 ACTING PRESIDENT BAILEY: The bill
23 is passed.

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

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

3 ACTING PRESIDENT BAILEY: There is
4 no further business at the desk.

5 SENATOR GIANARIS: I move to
6 adjourn until tomorrow, Tuesday, January 14th, at
7 11:00 a.m.

8 ACTING PRESIDENT BAILEY: On
9 motion, the Senate stands adjourned until
10 Tuesday, January 14th, at 11:00 a.m.

11 (Whereupon, at 5:11 p.m., the Senate
12 adjourned.)

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