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Election Law Proposals for 2018

The following is a brief description of the State Board of Elections legislative proposals to address the administration of elections for 2018.

- SBOE 18-01 **Election Day Start Time for Poll Workers:** Requires poll workers to arrive at the poll site one (as opposed to ½) hour prior to the opening of the polls on Election Day.
- SBOE 18-02 **Elimination of Party Emblem:** Removes the requirement to put the party emblem on the ballot allowing boards of elections more flexibility in ballot design.
- SBOE 18-03 **Removes Petitioning for LIPA Trustee:** Removes LIPA Trustee from offices for which petitions are filed because the position is now appointed, not elected.
- SBOE 18-04 **Publication of Election Results:** Eliminate the outdated and costly requirement that certified election results be printed in certain legal ads.
- SBOE 18-05 **Publication by Advertising Website Notice:** Provides newspaper advertising requirements are satisfied by publishing description of notice and where to find the notice on the board of elections' website, provided the board of elections upon request would provide the information by mail or other means.
- SBOE 18-06 **Local Campaign Finance Filers to State Board:** Local boards of election will no longer be required to receive campaign finance filings for certain local committees.
- SBOE 18-07 **Authorizes Election District Increase to Two Thousand Voters and Permits Parties to Apportion Any Number of Committeepersons:** Election districts allowed to have 2,000 voters, and party committees decide the number of, and how to apportion, members of county committees to avoid any loss of membership.
- SBOE 18-08 **Elimination of Duplicate Electronic Filings:** Upon meeting certain disclosure and publication criteria, a campaign finance board filing for a candidate may be deemed to meet the Election Law reporting requirement.

- SBOE 18-09 **Clarification of Local Proposition Filing Requirements:** Clarifies state board of elections does not approve local proposition abstracts, and requires filing of local propositions earlier to ensure orderly inclusion on the ballot.
- SBOE 18-10 **Multiple Vacancies For Same Office:** Provides that when an office is on the ballot to fill both a vacancy for the remainder of the current year as well as a new term, the office will appear only once on the primary ballot and general election ballot.
- SBOE 18-11 **New Party Names:** New parties must file a certificate indicating their name no later than the last day of February after the election at which the party obtains ballot status.
- SBOE 18-12 **Alternative Poll Site Organization:** Permits boards of elections to adopt alternative poll site staffing plans to more efficiently administer elections.
- SBOE 18-13 **Poll Watcher Appointment:** Clarifies entities eligible to appoint Watchers at an election by making the current statute more readable and unambiguous.
- SBOE 18-14 **Election Day Non Instruction Day at Schools:** To make schools more accessible as polling sites, provides that schools will not schedule regular instruction on the day of the general election.
- SBOE 18-15 **Voting Systems Use:** Provides that boards of elections shall whenever possible make voting equipment available to municipalities conducting elections, and empowers boards to charge expenses to such municipalities.
- SBOE 18-16 **Village Caucuses Relating To Elections Held in November:** Clarifies statute to ensure there is no legal ambiguity as to the ability of parties to use caucuses in the same manner available to towns for the purpose of making village nominations.
- SBOE 18-17 **Training for New Election Officials:** Requires new election officials receive introductory training and an annual update not to exceed three hours.
- SBOE 18-18 **Clarify Town Caucus Voter Participant Cannot Sign Independent Nominating Petition:** Provides for filing of list of town caucus participants.
- SBOE 18-19 **Filing Exclusion For Under \$1,000 Expenditure in Small Jurisdictions To Include All Political Subdivisions With Population Under Ten Thousand.**
- SBOE 18-20 **Clarify OTB Committee to Receive Notices Has Capacity To Bring Proceedings:** Clarifies committee named by an Opportunity to Ballot petition has capacity to seek judicial relief in the same manner as a candidate named by a petition.

- SBOE 18-21 **Court Competent to Receive Signer Testimony Regarding Signature on Petition:** Clarifies that courts may receive testimony of voters to authenticate their signatures.
- SBOE 18-22 **Deficiency Notices By First Class Mail Instead of Certified Mail:** Permits mailing deficiency notices under Election Law § 3-104-a by first class mail instead of by certified mail if an affidavit of mailing is created to evidence the mailing.
- SBOE 18-23 **Requires County Boards of Elections To Publish Contribution Limits Applicable in County on Website And Provide Information to State Board of Elections.**
- SBOE 18-24 **Amends 14-116 to Clarify Inapplicability to Independent Expenditure Committees.** The current limitation on corporate contributions as applied to independent expenditures was held unconstitutional. This proposal removes the unconstitutional application of this provision.
- SBOE 18-25 **Repeal Individual Aggregate Limits, Election Law 14-114 (8):** The current limitation on individual aggregate contributions was held unconstitutional. This proposal removes the unconstitutional provision.
- SBOE 18-26 **Repeal Per Capita Party Spending Limit, Election Law 14-114 (5):** The current spending limit on certain party contributions is unconstitutional. This proposal removes the unconstitutional provision.
- SBOE 18-27 **Require Clear Instruction To Turn Ballot Over When Two-Sided Ballot.** Ensures clear instruction to voters when ballot is two-sided.
- SBOE 18-28 **Change 72 Hour Filing Requirement For Convention Minutes to Three Days:** Conforms election law filing deadlines to all be measured in days.
- SBOE 18-29 **Remove Limitation of Two Weeks Before Election For Issuance of Election Employee Special Ballots:** Permits special ballots to be delivered to election workers no earlier than when absentee ballots are made available to the public.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL # A.

SENATE BILL # S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to the time Election Day workers must be at poll sites to prepare for the opening of polls, including receiving voting system keys and other ancillary election day supplies.

SUMMARY OF PROVISIONS:

The bill amends 8-102 of the Election Law by deleting the word “half” from subdivisions 1 and 2 of Section 8-102 of the Election Law, providing that election workers report to the polls at least one hour before the opening of the polls.

JUSTIFICATION:

The one-half hour currently provided for in Election Law does not allow enough time for poll workers to complete all preparatory Election Day tasks and set-up and secure their voting systems for the timely opening of polls. Additionally, in instances where poll workers do appear at their assigned sites earlier than required to be more able to complete said tasks, they risk not being paid for the time they actually serve. Making the change to one hour helps ensure poll sites are ready to open on time and voters will not wait to vote due to a lack of readiness.

LEGISLATIVE HISTORY:

The State Board proposed this legislation in 2014.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

January 1 next succeeding passage.

AN ACT to amend the election law in relation to the time election day workers must be at poll sites to prepare for the opening of polls, including receiving voting system keys and other ancillary election day supplies.

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

1 Section 1. Section 8-102 of the election law is amended to read
2 as follows:

3 § 8-102. Polls; opening of. 1. The inspectors of election, and
4 clerks, if any, shall meet at the polling place at least
5 one[-half] hour before the time set for opening the polls of
6 election. The inspectors of election shall:

7 (a) See that the American flag is displayed.

8 (b) Cause the facsimile ballots and voter information
9 posting to be posted conspicuously within the polling place.

10 (c) Cause the distance markers to be placed at a
11 distance of one hundred feet from the polling place.

12 (d) Establish a guard-rail by delineating and marking out
13 the voting area by a suitable means. The ballot scanner,
14 ballot marking device, ballot boxes and secure storage
15 containers, privacy booths, all ballots and all equipment shall
16 be kept within such guard-rail.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 (e) Place the books, ballots and sample ballots, blanks,
2 stationery and supplies so that they will be ready and
3 convenient for use.

4 (f) Affix or attach to their clothing and cause the clerks,
5 if any, to affix or attach to their clothing the proper
6 identification buttons, badges or emblems issued by the board
7 of elections pursuant to the provisions of this chapter.
8 The inspectors and clerks shall wear no other buttons, badges
9 or emblems which are similar in design.

10 (g) See that the privacy booths contain conspicuous
11 instructions on how to properly mark ballots and that
12 voters are provided with appropriate writing instruments for
13 marking ballots.

14 (h) Unlock all ballot boxes and secure storage containers to
15 be used to hold election day paper ballots, see that they are
16 empty, allow them to be examined by the watchers present, and
17 lock them up again in such a manner that the watchers and the
18 persons just outside the guard-rail may see that the boxes are
19 empty when re-locked; provided, however, the ballot boxes
20 or secure storage containers holding unused ballots shall be

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1 inspected to confirm that only the number of unused election
2 day paper ballots provided by the board of elections are
3 contained therein.

4 (i) Inspect the ballot scanner and ballot marking device
5 to see that it is in good working order. Inspect the placement
6 of privacy booths to preserve the secrecy of voting; inspect
7 the screen of the ballot scanner and ballot marking device;
8 inspect the polling place to make certain there is no way that
9 anyone can view any voting action by a voter at the ballot
10 scanner, ballot marking device, or in a privacy booth; and
11 affix a conspicuous notice, in the form prescribed by the
12 state board of elections, in a prominent place near the ballot
13 scanner and in the privacy booth, instructing the voter on
14 how to properly mark a ballot in order to have his or her
15 vote counted. Such notice shall be printed in English and such
16 other languages as the board of elections may determine to be
17 appropriate.

18 (j) Announce that the polls are open for voting and the time
19 when the polls will close.

20 2. The keys to the ballot scanner and ballot marking
21 device shall be delivered to the inspectors at least one[-half]

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1 hour before the time set for the opening of the polls, in a
2 sealed envelope, on which shall be written or printed the ballot
3 scanner or ballot marking device serial number and location
4 of the polling place, as reported by the voting machine
5 custodian. The envelope containing the keys shall not be opened
6 until at least one inspector from each of the two parties
7 shall be present in the polling place and shall have examined
8 the envelope to see that it has not been opened. Before opening
9 the envelope, such election inspectors present shall examine
10 the serial number on the machine, and shall see if they are the
11 same as the numbers written on the envelope containing the
12 keys. If found not to agree, the envelope must not be opened
13 until the voting machine custodian, or other authorized
14 person, shall have been notified and shall have arrived at the
15 polling place for the purpose of re-examining such machine
16 and shall certify that it is properly arranged. If the serial
17 number on the machine is found to agree with the number on
18 the envelope, the inspectors, except as hereinafter provided,
19 shall turn on the machine. The inspectors shall carefully
20 examine the printed record produced by the machine to see

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1 that each counter registers zero, and shall allow watchers to
2 examine the printed record. The inspectors shall then sign
3 a certificate showing the delivery of the keys in a sealed
4 envelope, the serial number on the machine, the number
5 registered on the protective counter, that all the counters are
6 set at zero and that the public counter is set at zero. The
7 machine shall remain secured against voting until the polls are
8 formally opened and shall not be operated except by voters
9 when voting or by election officials upon the instructions
10 of the board of elections. If any counter is found not to
11 register zero, the inspectors of election shall immediately
12 notify the board of elections.

13

14 § 2. This act shall take effect on the first day of January
15 after it shall have become law.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL #: A.

SENATE BILL #: S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to removal of party emblems from ballots.

SUMMARY OF PROVISIONS:

The bill amends various sections of the election law to remove the requirement that a party's emblem be included in the ballot design.

JUSTIFICATION:

With the statewide transition to electronic voting systems, many county boards of elections found that the requirement to include party emblems on the ballot makes the ballot significantly less readable by the voter. Moreover, when included in the ballot design, space constraints minimized the emblem size to make them virtually unrecognizable. Removing the emblem requirement allows county boards greater flexibility to design the ballots in a much more usable and readable format.

LEGISLATIVE HISTORY:

The State Board proposed this legislation in 2014.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

First day of January next succeeding passage.

AN ACT to amend the election law in relation to removal of party emblems from ballots.

The People of the State of New York, represented in the Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 18 of section 1-104 of the election law
2 is amended to read as follows:

3 18. The word "ballot" when referring to voting machines or
4 systems means that portion of the cardboard or paper or
5 other material or electronic display within the ballot
6 frame containing the name of the candidate [and the emblem] of
7 the party organization by which he was nominated, of the
8 form of submission of a proposed constitutional amendment,
9 proposition referendum or question as provided in this
10 chapter, with the word "yes" for voting for any question or
11 the word "no" for voting against any question except that where
12 the question or proposition is submitted only to the voters of
13 a territory wholly within a county or city, such form shall be
14 determined by the county board of elections. Such statement
15 and the title shall be printed and/or displayed in the
16 largest type or display which it is practicable to use in the
17 space provided.

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1 Section 2. Subdivisions 1 and 2 of section 2-124 of the
2 election law are amended to read as follows:

3 1. The state committee of a party shall select a name [and
4 emblem] to distinguish the candidates of the party for public
5 office in all districts of the state, and shall file in the
6 office of the state board of elections, a certificate
7 executed by its chairman and secretary, setting forth the name
8 [and showing the emblem so selected].

9 2. The name of a party shall be in the English language and
10 shall not include the words "American", "United States",
11 "National", "New York State", "Empire State", or any
12 abbreviation thereof, nor the name or part of the name, or an
13 abbreviation of the name, of an existing party. [The emblem
14 chosen may be a star, an animal, an anchor, or any other
15 proper symbol, but may not be the same as or similar to any
16 emblem, insignia, symbol or flag used by any political or
17 governmental body, agency or entity nor any religious emblem,
18 insignia, symbol or flag, nor the portrait of any person, nor
19 the representation of a coin or of the currency of the United
20 States.] The name [and emblem] chosen shall not be similar to or

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1 likely to create confusion with the name [or emblem] of any
2 other existing party or independent body.

3 Section 3. Subdivision 1 of section 4-112 of the election law is
4 amended to read as follows:

5 1. The state board of elections not later than thirty-six days
6 before a general election, or fifty-three days before a
7 special election, shall certify to each county board of
8 elections the name and residence of each candidate nominated in
9 any valid certificate filed with it or by the returns
10 canvassed by it, the title of the office for which nominated
11 the name of the party or body specified of which he is a
12 candidate; [the emblem chosen to distinguish the candidates of
13 the party or body;] and a notation as to whether or not any
14 litigation is pending concerning the candidacy. Upon the
15 completion of any such litigation, the state board of elections
16 shall forthwith notify the appropriate county boards of
17 elections of the results of such litigation.

18 Section 4. Subdivision 1 of section 6-128 of the election law is
19 amended to read as follows:

20

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1 1. When an independent body becomes a party at a general
2 election by qualifying under the requirements set by
3 law, nominations shall, prior to and including the first
4 general election thereafter, be made as provided by the rules
5 of such party. A certificate of such nominations shall
6 contain:

7 (a) The name of the party filing the nominations.

8 (b) The title of the office for which the nomination is
9 made and the name and residence address of the person so
10 nominated.

11 (c) The names of the members of the committee, if any,
12 appointed to fill vacancies in nominations.

13 (d) [A description and representation of the party's emblem.

14 (e)] The name of the committee making the nomination.

15 ([f]e) A certified copy of the party rules describing
16 the rule-making body and nomination process.

17 ([g]f) An affidavit containing a statement by the presiding
18 officer and secretary of the committee that they are
19 such officers and the statements in the certificate are true.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 Section 5. Subdivision 3 of section 6-138 of the election law is
2 amended to read as follows:

3 3. a. The name selected for the independent body making the
4 nomination shall be in English characters and shall not include
5 the name or part of the name or an abbreviation of the name or
6 part of the name, nor shall [emblem or] name be of such a
7 configuration as to create the possibility of confusion
8 with [the emblem or] name of a then existing party, or [the
9 emblem or] name of an independent body selected by a
10 previously filed independent nominating petition for the same
11 office.

12 b. Notwithstanding the requirements of paragraph a
13 of this subdivision, if the [emblem or]name selected for an
14 independent body on any independent nominating petition is
15 the same as that selected by any previously filed independent
16 nominating petition for the same office, the board of
17 elections with which such later petition was filed shall, not
18 later than two days after the filing of such later filed
19 petition, send notice of such duplicate selection of [emblem
20 or] name by first-class mail, to the candidate for such

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1 office who was nominated by such later filed petition, and that
2 the candidate to whom such notice is required to be sent
3 may file with such board of elections, not later than seven
4 days after such notice was mailed, a certificate selecting a
5 different [emblem or] name.

6 c. A person who has been nominated or who expects to be
7 nominated as the candidate of an independent body for the office
8 of President of the United States at any election for such
9 office may, not later than three days after the last day to
10 file nominating petitions, file with the state board of
11 elections, a special certificate which shall be
12 irrevocable, stating that such person does not wish to permit
13 candidates for any other office, except the office of Vice-
14 President of the United States, to appear on the ballot
15 with the same name [and emblem] as the independent body which
16 has nominated or will nominate such candidate for the office of
17 President.

18 d. Not later than seven days after the last day to file
19 nominating petitions, the state board of elections shall notify
20 each local board of elections of the name of each

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1 candidate for President of the United States who has filed such
2 a special certificate, together with the name [and emblem] of
3 the independent body selected on the petition which
4 nominated such candidate.

5 e. If any candidate has been nominated for any other
6 office by a petition which selected the same name [or
7 emblem] for an independent body as the name [or emblem]
8 selected on the petition which nominated a candidate for
9 President of the United States who has filed a special
10 certificate pursuant to paragraph c of this subdivision, the
11 board of elections with which the petition nominating such
12 candidate for such other office was filed shall, not later than
13 ten days after the last day to file nominating petitions, send
14 to each such candidate, by first class mail, notice that a
15 special certificate pursuant to paragraph c of this
16 subdivision has been filed and that the candidate to whom
17 such notice is sent may file with such board of elections,
18 not later than seven days after such notice was mailed,
19 a certificate selecting a different name [and emblem].

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 f. If [such a petition shall not show an emblem, or if]
2 the petition shall fail to select a name for such independent
3 body, or if pursuant to the provisions of paragraph b or
4 paragraph e of this subdivision, a candidate shall fail
5 to select another [emblem or] name for such independent
6 body, the officer or board in whose office the petition is
7 filed shall select a [an emblem or] name [or both] to
8 distinguish the candidates nominated thereby. The name [and
9 emblem] shown upon such petition or selected by a candidate
10 authorized to make such selection by paragraph b or paragraph
11 e of this subdivision, or selected by an officer or board
12 shall also conform to the requirements of this chapter with
13 respect to names [or emblems] permitted to be selected by a
14 party.

15 g. Nothing contained in this subdivision shall preclude
16 a court of competent jurisdiction from rejecting an independent
17 nominating petition if the court determines that fraud was
18 involved in the selection of a name [or emblem].

19 Section 6. Subdivision 1 paragraph a of section 6-140 of the
20 election law is amended to read as follows:

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 § 6-140. Independent nominations; form of petition.

2 1. a. Each sheet of an independent nominating petition shall
3 be signed in ink, shall contain the following
4 information and shall be in substantially the following form:

5 I, the undersigned, do hereby state that I am a registered
6 voter of the political unit for which a nomination for
7 public office is hereby being made, that my present place of
8 residence is truly stated opposite my signature hereto, and
9 that I do hereby nominate the following named person (or
10 persons) as a candidate (or as candidates) for election to
11 public office (or public offices) to be voted for at the
12 election to be held on the day of
13, 20..., and that I select the name
14 (fill in name) as the name of the
15 independent body making the nomination (or nominations)
16 [and (fill in emblem) as the emblem of such
17 body].

18 Section 7. Subdivision 1 and 3 of section 6-206 of the election
19 law are amended to read as follows:

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 § 6-206. Independent nominations; petition, form.

2 1. Independent nominations for elective village offices shall be
3 made by a petition containing the signatures in ink of
4 residents of the village who are registered with the appropriate
5 county board of elections at the time of signing. The sheets of
6 such a petition shall be numbered. A signer need not himself
7 or herself fill in the date or residence. Each sheet of such
8 petition must be in substantially the following form and shall
9 contain all the information required therein:

10 VILLAGE INDEPENDENT NOMINATING PETITION

11 I, the undersigned, do hereby state that I am a registered
12 voter of the Village of....., that my present place of
13 residence is truly stated opposite my signature, and I do
14 hereby nominate the following named person (or persons) as a
15 candidate (or as candidates) for election to public office (or
16 public offices) to be voted for at the election to be held on
17 the.....day of....., 20....., and that I select the
18 name..... (fill in name) as the name of the
19 independent body making the nomination (or nominations)
20 [and.....(fill in emblem) as the emblem of such body].

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 3. The name selected for the independent body making the
2 nomination shall be in the English language and shall not
3 include the name or part of the name, or an abbreviation of
4 the name or of part of the name, of a then existing party. The
5 name [and emblem] shown upon such petition shall conform to the
6 requirements of this chapter, relating to party names [and party
7 emblems]. If such a petition shall not [show an emblem, or
8 the petition shall fail to] select a name for such
9 independent body, the board of elections shall select a [an
10 emblem or] name[, or both] to distinguish the candidates
11 nominated thereby.

12 Section 8. The second paragraph of subdivision 4 of section 15-
13 108 of the election law is amended to read as follows:

14 VILLAGE INDEPENDENT NOMINATING PETITION

15 I, the undersigned, do hereby state that I am a registered
16 voter of the Village of, that my present place of
17 residence is truly stated opposite my signature, and I do
18 hereby nominate the following named person (or persons) as a
19 candidate (or as candidates) for election to public office (or

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1 public offices) to be voted for at the election to be held on
2 the day of, 20....., and that I select the
3 name (fill in name) as the name of the
4 independent body making the nomination (or nominations) [and
5 (fill in emblem) as the emblem of such body].

6 Section 9. Subdivision 1 of section 16-104 of the election law
7 is amended to read as follows:

8 § 16-104. Proceedings as to form of ballot, party name, etc.

9 1. The form and content of any ballot, or portion thereof, to
10 be used in an election, and the right to use any
11 [emblem design,] color, party or independent body name, may be
12 contested in a proceeding instituted in the supreme court
13 by any aggrieved candidate or by the chairman of any party
14 committee or independent body.

15 Section 9. This act shall take effect on the first day of January
16 after it shall have become law.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL # A.

SENATE BILL # S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to eliminating the petition reference regarding the trustees of the Long Island Power Authority.

SUMMARY OF PROVISIONS:

To eliminate the inclusion of signature requirements and other petition references for trustees of the Long Island Power Authority, the bill repeals election law provisions 6-142 [2] [h]; 6-158 [9] and 14-100 [7].

JUSTIFICATION:

The Laws of the State of New York were previously amended to reflect the change from election to appointment of trustees of the Long Island Power Authority. However, the references to said position in the Election Law were not deleted, and this has resulted in the filing of ballot access documents with the State Board, as well as related, unnecessary litigation. Removing these references ensures those desiring to serve as trustees of the Long Island Power Authority follow the correct process.

LEGISLATIVE HISTORY:

The State Board proposed this legislation in 2014.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

Immediately.

AN ACT to amend the election law in relation to eliminating the petition reference regarding the trustees of the Long Island Power Authority.

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

1 Section 1. Paragraphs h and i of subdivision 2 of section 6-142
2 of the election law are amended to read as follows:

3 (h) [for the office of trustee of the Long Island Power
4 Authority, five hundred;

5 ((i)] for any office to be filled by the voters of any political
6 subdivision contained within another political subdivision
7 except as herein otherwise provided, not to exceed the number of
8 signatures required for the larger subdivision.

9 Section 2. Subdivision 9 of section 6-158 of the election law is
10 amended to read as follows:

11 9. A petition for an independent nomination for an office to
12 be filled at the time of a general election shall be filed not
13 earlier than twelve weeks and not later than eleven weeks
14 preceding such election. A petition for an independent
15 nomination for an office to be filled at a special election
16 shall be filed not later than twelve days following the issuance

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1 of a proclamation of such election. [A petition for trustee of
2 the Long Island Power Authority shall be filed not earlier than
3 seven weeks and not later than six weeks preceding the day of
4 the election of such trustees.]

5 Section 3. Subdivision 7 of section 14-100 of the election law
6 is amended to read as follows:

7 7. ``candidate`` means an individual who seeks nomination
8 for election, or election, to any public office or party
9 position to be voted for at a primary, general or special or New
10 York city community school district election [or election for
11 trustee of the Long Island Power Authority], whether or not the
12 public office or party position has been specifically identified
13 at such time and whether or not such individual is nominated or
14 elected, and, for purposes of this subdivision, an individual
15 shall be deemed to seek nomination for election, or election, to
16 an office or position, if he has (1) taken the action necessary
17 to qualify himself for nomination for election, or election, or
18 (2) received contributions or made expenditures, given his
19 consent for any other person to receive contributions or make
20 expenditures, with a view to bringing about his nomination for

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1 election, or election, to any office or position at any time
2 whether in the year in which such contributions or expenditures
3 are made or at any other time; and

4

5 Section 4. This act shall take effect immediately.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL # A.

SENATE BILL # S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to publication of certified copies of election results.

SUMMARY OF PROVISIONS:

This bill amends section 9-212(2) of the election law to eliminate the requirement that certified copies of election results be published in certain legal ads.

JUSTIFICATION:

With the on-site and immediate coverage of elections by the news media the results of an election are immediately known by the public. In addition, many county boards of elections and the New York State Board of elections post unofficial election results on their websites. As a result, the current requirement to subsequently publish the certified results is antiquated, redundant and costly.

LEGISLATIVE HISTORY:

The State Board proposed this as legislation in 2010.

FISCAL IMPLICATIONS:

None to the State. Could result in a significant cost savings to the counties.

EFFECTIVE DATE:

This act shall take effect immediately.

AN ACT amend the election law in relation to publication of certified copies of election results.

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

1 Section 1. Section 9-212 of the election law is amended to read
2 as follows:

3 § 9-212. Determinations by county canvassing boards.

4 1. The canvassing board shall determine each person elected by
5 the greatest number of votes to each county office, and each
6 person elected by the greatest number of votes to each city,
7 town or village office of a city, town or village of which it is
8 the board of canvassers. The canvassing board shall also
9 determine whether any ballot proposal submitted only to the
10 voters of the county, or only to the voters of a city, town or
11 village which it is the board of canvassers, as the case may be,
12 has by the greater number of votes been adopted or rejected.

13 2. All such determinations shall be in writing and signed by the
14 members of the canvassing board or a majority of them and filed
15 and recorded in the office of the board of elections. [Except in
16 the city of New York and in the counties of Nassau, Orange and
17 Westchester, the board of elections shall cause a copy of such

EXPLANATION: Matter underscoring is new; matter bracketed [] is old law to be omitted.

1 determinations, and of the statements filed in its office upon
2 which such determinations were based, to be published once in
3 each of the newspapers designated to publish election notices
4 and the official canvass. The statement of canvass to be
5 published, however, shall not give the vote by election
6 districts but shall contain only the total vote for a person, or
7 the total vote for and the total vote against a ballot proposal,
8 cast within the county, or within the portion thereof, if any,
9 in which an office is filled or ballot proposal is decided by
10 the voters if the canvass of the vote thereon devolves upon the
11 county board of canvassers. Such totals shall be expressed in
12 arabic numerals.]

13 3. The board of elections shall prepare and forthwith transmit
14 to each person determined by the canvassing board to have been
15 elected a certified statement, naming the office to which such
16 canvassing board has declared him elected.

17 § 2. This act shall take effect immediately.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL# A.

SENATE BILL# S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act amend the election law in relation to permitting newspaper publication by reference to a board of elections website

SUMMARY OF PROVISIONS:

This bill adds a new section §1-108 of the Election Law to permit newspaper publication by reference to a board website.

JUSTIFICATION:

This allows newspaper publication requirements by prominently publishing in such newspapers a brief description of information available, the website address, and the phone number of the board of elections the voter may call for information. The bill couples effective use of newspapers as a means to advertise information availability with the greater capacity to provide information afforded by the internet. The bill also requires information to be provided in hard copy to persons requesting such information by phone or in person to avoid any reduction in access to published information.

LEGISLATIVE HISTORY:

None.

FISCAL IMPACT:

None.

EFFECTIVE DATE:

This act shall take effect immediately.

AN ACT to amend the election law in relation to permitting newspaper publication by reference to a board of elections website.

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

1 Section 1. A new section 1-108 is added to the election law to
2 read as follows:

3 1. 1-108 Publication in newspapers. Notwithstanding any
4 provision of the this chapter to the contrary, a board of
5 elections or municipal officer required to publish information
6 in a newspaper pursuant to this chapter may satisfy such
7 newspaper publication requirement by prominently publishing in
8 such newspaper: (i) a brief description of the information
9 required to be published and the reference to the statute
10 requiring such newspaper publication, and (ii) the web address
11 at which the public can find the information required to be
12 published in the format required for newspaper publication of
13 such information by this chapter, and (iii) the phone number of
14 the board of elections the voter may call to obtain the
15 information required to be published in the newspaper by, at his
16 or her option, mail, electronic mail, facsimile transmission or

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 in person at the board of elections. A board of elections which
2 does not provide newspaper publication pursuant to this section
3 shall comply with the newspaper publication requirements as
4 provided in this chapter.

5 § 2. This act shall take effect immediately.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL# A.

SENATE BILL# S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: AN ACT to amend the election law, in relation to requiring campaign finance information of certain candidates or committees to be filed on an electronic reporting system.

SUMMARY OF PROVISIONS:

This bill would require all campaign finance filings pursuant to the election law to be filed with the state board of elections.

JUSTIFICATION:

This bill relieves duplicative filing requirements for political committees and also lifts an administrative burden from local boards of elections.

LEGISLATIVE HISTORY:

None.

FISCAL IMPACT:

To be determined.

EFFECTIVE DATE:

This act shall take effect on the first day of December 2020.

AN ACT to amend the election law, in relation to requiring campaign finance information of certain candidates or committees to be filed on an electronic reporting system

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

1 § 1. Subdivisions 4 and 5 of section 14-102 of the election
2 law, as amended by chapter 406 of the laws of 2005, are amended
3 to read as follows:

4 4. Any committee which is required to file statements with
5 any board of elections pursuant to this article [and which
6 raises or spends or expects to raise or spend more than one
7 thousand dollars in any calendar year] shall file all such
8 statements pursuant to the electronic reporting system
9 prescribed by the state board of elections as set forth in
10 subdivision nine-A of section 3-102 of this chapter.
11 Notwithstanding the provisions of this subdivision, upon the
12 filing of a sworn statement by the treasurer of a political
13 committee which states that such political committee does not
14 have access to the technology necessary to comply with the
15 electronic filing requirements of subdivision nine-A of section
16 3-102 of this chapter and that filing by such means would

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 constitute a substantial hardship for such political committee,
2 the state board of elections may issue an exemption from the
3 electronic filing requirements of this article.

4 [5. Any committee which is required to file statements
5 pursuant to this article with county boards of elections shall
6 file in paper format to the county board of elections or in
7 electronic format if the legislative body of any county
8 provides, by local law, an electronic filing system and shall
9 file such statements by electronic reporting process to the
10 state board of elections.]

11 § 2. Subdivision 2 and 3 of section 14-104 of the election
12 law, as amended by chapter 406 of the laws of 2005, are amended
13 to read as follows:

14 2. Statements filed by any political committee authorized
15 by a candidate pursuant to this article which is required to
16 file such statements with any board of elections [and which
17 raises or spends or expects to raise or spend more than one
18 thousand dollars in any calendar year] shall file all such
19 statements pursuant to the electronic reporting system
20 prescribed by the state board of elections as set forth in
21 subdivision nine-A of section 3-102 of this chapter.

22 Notwithstanding the provisions of this subdivision, upon the

1 filing of a sworn statement by the treasurer of a political
2 committee authorized by a candidate pursuant to this article
3 which states that such committee does not have access to the
4 technology necessary to comply with the electronic filing
5 requirements of subdivision nine-A of section 3-102 of this
6 chapter and that filing by such means would constitute a
7 substantial hardship for such committee, the state board of
8 elections may issue an exemption from the electronic filing
9 requirements of this article.

10 [3. Any committee which is required to file statements
11 pursuant to this article with county boards of elections
12 shall file in paper format to the county board of elections or
13 in electronic format if the legislative body of any county
14 provides, by local law, an electronic filing system and shall
15 file such statements by electronic reporting process to the
16 state board of elections.]

17 § 3. This act shall take effect on the first day of
18 December 2020.

AN ACT to amend the election law in relation to number of voters in election district and number of party committeepersons per election district.

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

1 Section 1. Paragraph (a) of subdivision three of section 4-100
2 of the election law is amended to read as follows:

3 3. a. Each election district shall be in compact form and
4 may not be partly within and partly without a ward, town, city,
5 a village which has five thousand or more inhabitants and is
6 wholly within one town, or a county legislative, assembly,
7 senatorial or congressional district. Except as provided in
8 paragraph b of this subdivision, election district boundaries,
9 other than those boundaries which are coterminous with the
10 boundaries of those political subdivisions mentioned in this
11 paragraph, must be streets, rivers, railroad lines or other
12 permanent characteristics of the landscape which are clearly
13 visible to any person without the need to use any technical or
14 mechanical device. An election district shall contain not more
15 than [~~nine hundred fifty~~] two thousand registrants(excluding
16 registrants in inactive status) [~~or, with the approval of the~~

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 ~~county board of elections, not more than eleven hundred~~
2 ~~fifty registrants (excluding registrants in inactive status)],~~
3 but any election-district may be divided for the convenience of
4 the voters.

5 § 2. Subdivision 1 of section 2-104 of the election is amended
6 to read as follows:

7 § 2-104. County committee; creation. 1. The county committee
8 of each party shall be constituted by the election in each
9 election district within such county of at least two members and
10 of such additional members[~~, not in excess of two,~~] as the rules
11 of the county committee of the party within the county or the
12 statement filed pursuant hereto may provide for such district,
13 proportional to the party vote in the district for governor at
14 the last preceding gubernatorial election, or in case the
15 boundaries of such district have been changed or a new district
16 has been created since the last preceding gubernatorial
17 election, proportional to the party vote cast for member of
18 assembly or in the event there was no election for member of
19 assembly, then proportional to the number of enrolled voters of
20 such party in such district on the list of enrolled voters last

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 published by the board of elections, excluding voters in
2 inactive status. In a county in which no additional members are
3 provided for by the rules of the county committee or the
4 statement filed pursuant hereto the voting power of each member
5 shall be in proportion to such party vote or, if the election
6 district which such member represents was created or changed
7 since the last election for member of assembly, proportional to
8 such party enrollment. In a county in which additional members
9 are so provided for, on the basis of the party vote or
10 enrollment in election districts within such county, each member
11 shall have one vote. Each member of a county committee shall be
12 an enrolled voter of the party residing in the county and the
13 assembly district from which or in the assembly district
14 containing the election district in which such member is elected
15 except that a member of a county committee who, as a result of
16 an alteration of assembly district lines, no longer resides
17 within such assembly district may continue to serve for the
18 balance of the term to which he was elected.

19
20 § 3. This act shall take effect on the first day of January
21 after enactment.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL# A.

SENATE BILL# S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to number of voters in election district and number of party committeepersons per election district.

SUMMARY OF PROVISIONS:

This bill amends Election Law § 4-100 to permit election districts to contain up to 2,000 voters, an increase from the 1,150 permitted by statute currently. The bill also amends Election Law § 2-104 to permit county committees of political parties to increase the number of county committee members in an election district proportional to the party vote from the district. Current law permits an increase from two to a maximum of four. This bill allows the county committee to determine the upper limit

JUSTIFICATION:

The current cap on the number registrants in an election district was derived based on the capacity of the lever voting machines to process voters. Because the lever machines could manage only one ballot style at a general election, each lever machines could be assigned to only one district. The optical scan voting systems in New York have considerably more capacity and can accommodate more than one election district. Further, not only can Election Day optical scanners manage far more than 2,000 voters in a single day, the assignment of scanners is no longer based on Election District population but rather on the total voter population at a poll site because the scanners can read and keep separate tabulations for multiple ballot styles. Accordingly, the current limit on the maximum number of registrants in an election district serves no purpose. Increasing election district size to 2,000 registrants reduces the number of separate ballot styles for each election and thereby reduces the number of individual units within which an elections is administered. This reduces costs, increases efficiency and reduces voter confusion at poll sites.

To ensure political parties do not suffer a collateral loss of committeepersons as a result of an anticipated decrease in the total number of election districts, this bill allows political parties broad flexibility to determine the number of committeepersons for each election district (minimum of two), provided such increased number is apportioned in accordance with the party vote for governor. Functionally, each county committee can determine the overall size of its membership if it desires to have more than two members per election district.

LEGISLATIVE HISTORY:

Proposed by New York State Board of Elections in 2016.

FISCAL IMPACT:

Cost savings to county boards of elections.

EFFECTIVE DATE:

This act shall take effect on the first day of January after enactment.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL# A.

SENATE BILL# S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: AN ACT to amend the election law in relation to satisfying filing requirements.

SUMMARY OF PROVISIONS:

This bill would allow filings with a local campaign finance board to meet state filing requirements and thereby eliminate duplicative filings when the local filing contains all of the information required by state law.

JUSTIFICATION:

This bill relieves duplicative filing requirements for political committees while ensuring no loss of transparency in campaign finance disclosure.

LEGISLATIVE HISTORY:

Proposed by New York State Board of Elections in 2016.

FISCAL IMPACT:

None.

EFFECTIVE DATE:

This act shall take effect on the first day of January after it shall become law.

AN ACT to amend the election law in relation to satisfying filing requirements.

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

1 Section 1. The election law is amended by adding a new section
2 14-105 to read as follows:

3 14-105. Elimination of duplicate electronic filing.

4 1. Any candidate or authorized political committee of a
5 candidate required to file electronically with the State Board
6 of Elections shall be deemed to have satisfied such filing
7 requirements upon making electronic filings with a local
8 campaign finance board, provided the State Board of Elections
9 determines: (i) the filing format, standards and review and
10 audit of filings of such campaign finance board meet or exceed
11 the requirements imposed by this article, and (ii) the campaign
12 finance filing data of such local campaign finance board is
13 publically available in a manner at least substantially
14 equivalent to the State Board of Elections publication of
15 campaign finance filings, and (iii) such local campaign finance
16 board will provide the chief enforcement counsel of the State
17 Board notice of filing delinquencies and non-filings.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 2. If the State Board permits filings with a local campaign
2 finance board to be deemed filings with the State Board of
3 elections, the State Board shall provide a link on its website
4 to the public disclosure and search functions of the website of
5 such local campaign finance board.

6 3. A determination permitting filings with a local campaign
7 finance board to be deemed filings with the State Board of
8 elections shall be revoked upon a determination the local
9 campaign finance board no longer complies with any of the
10 criteria enumerated (i), (ii) and (iii) in subdivision one of
11 this section.

12 § 2. This act shall take effect on the first day of January
13 after it shall become law.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL# A.

SENATE BILL# S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: AN ACT to amend the election law in relation to local proposition clarity.

SUMMARY OF PROVISIONS:

This legislation clarifies that the state board of elections does not approve of local ballot question language. The legislation also harmonizes the filing deadline to get a proposition on the ballot.

JUSTIFICATION:

This bill clarifies the role of the state board of elections in the context of local propositions and sets a timeframe for filing ballot propositions which is workable.

LEGISLATIVE HISTORY:

Proposed by New York State Board of Elections in 2016.

FISCAL IMPACT:

None.

EFFECTIVE DATE:

This act shall take effect on the first day of January after enactment.

AN ACT to amend the election law in relation to local proposition clarity.

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

1 Section 1. Section 4-108 of the election law is amended to read
2 as follows:

3 4-108. Certification of proposed constitutional amendments and
4 questions

5 1. a. Whenever any proposed amendment to the constitution or
6 other question provided by law to be submitted to a statewide
7 vote shall be submitted to the people for their approval, the
8 state board of elections at least three months prior to the
9 general election at which such amendment, proposition or
10 question is to be submitted, shall transmit to each county board
11 of elections a certified copy of the text of each amendment,
12 proposition or question and a statement of the form in which it
13 is to be submitted.

14 b. In addition to the text, such transmittal shall contain an
15 abstract of such proposed amendment, proposition or question,
16 prepared by the state board of elections concisely stating the
17 purpose and effect thereof in a clear and coherent manner using

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 words with common and everyday meanings.

2 c. The attorney general shall advise in the preparation of
3 such abstract and such form of submission.

4 2. Whenever any proposal, proposition or referendum as
5 provided by law is to be submitted to a vote of the people of a
6 county, city, town, village or special district, at an election
7 conducted by the board of elections, the clerk of such political
8 subdivision, at least [thirty-six days] three months¹ prior to
9 the election at which such proposal, proposition or referendum
10 is to be submitted, shall transmit to each board of elections a
11 certified copy of the text of such proposal, proposition or
12 referendum and a statement of the form in which it is to be
13 submitted. If a special election is to be held, such transmittal
14 shall also give the date of such election. In addition to the
15 text, such transmittal shall contain an abstract of such
16 proposed amendment, proposition or question concisely stating
17 the purpose and effect thereof in a clear and coherent manner
18 using words with common and everyday meanings.

19 3. Such certified copy shall set out all new matter in italics
20 and enclose in brackets, [], all matter to be eliminated from

¹ The “three months” period is the same period applicable for filing questions with the state board of elections. Local filing requirements, however, may need to be closer to the election to meet obligations of localities under other laws so it should be regarded as a placeholder. But the current timeframe of thirty-six days is unworkable.

1 existing law, and at the bottom of each page shall be appended
2 the words:

3 ~~[d. In addition to the text, such transmittal shall contain an
4 abstract of such proposed amendment, proposition or question,
5 prepared by the state board of elections concisely stating the
6 purpose and effect thereof in a clear and coherent manner using
7 words with common and everyday meanings.]~~

8 4. The form in which the proposed amendment, proposition or
9 question is to be submitted shall consist of only an abbreviated
10 title indicating generally and briefly, and in a clear and
11 coherent manner using words with common and every-day meanings,
12 the subject matter of the amendment, proposition or question. If
13 more than one such amendment, proposition or question is to be
14 voted upon at such election, each such amendment, proposition or
15 question respectively shall be separately and consecutively
16 numbered.

17 ~~[3. The attorney general shall advise in the preparation
18 of such abstract and such form of submission.]~~

19 § 2. This act shall take effect on the first day of January
20 after enactment.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL# A.

SENATE BILL# S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to filling vacancy for public office.

SUMMARY OF PROVISIONS:

This bill adds a new section 6-149 to the election law to provide a mechanism for filling both a new term and a “technical” vacancy in a public office at the same election with the candidates appearing only once upon the ballot to fill both vacancies. This legislation removes an ambiguity in the statute.

JUSTIFICATION:

For example, when an office could be filled by appointment or a special election for the remainder of a term but the office is not so filled pursuant to section 42 of the public officers law, the vacancy is as a matter of law to be filled at the next general election. The November election thus fills the “vacancy term” from the election to the end of the year and the “new term” commencing typically on January 1. This legislation clarifies that the single appearance on the ballot (and single designating or nominating process) covers both terms.

Previously boards of elections have addressed this problem administratively. However, absent this legislation, there is a possibility of future ballot access confusion, ballot confusion and litigation (*see, e.g., Matter of Maher v. New York State Bd. Of Elections*, 120 AD3d 891 [3rd Dept. 2014]).

Nothing in this legislation abrogates the Constitutional command that both houses of the state legislature determine the eligibility and election of their members.

LEGISLATIVE HISTORY:

None.

FISCAL IMPACT:

None.

EFFECTIVE DATE:

This act shall take effect on the first day of January succeeding enactment.

AN ACT to amend the election law in relation to filling vacancy for public offices.

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

1 Section 1. A new section 6-149 of the election law is added to
2 read as follows:

3 §6-149 Nomination or Designation To Fill Vacancy and New Term.

4 1. When an office is to be filled at the same general election
5 for more than one sequential period or term for the same
6 political subdivision, such office shall appear only once on the
7 general election ballot and the vote for such contest shall
8 apply both for filling the vacancy and the full term thereafter.

9 If a primary election for such office is required by the
10 provisions of this chapter, such office shall appear only once
11 on the primary ballot and the vote for such contest shall apply
12 both for the nomination for the vacancy and the nomination for
13 the full term thereafter.

14 2. Any petition or certificate of nomination, as applicable, for
15 an office described in subdivision one shall be deemed to apply
16 to both the vacancy period and the full term without listing the
17 office more than once. Such petition or certificate is not

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 required to state in the description of the office the term
2 thereof unless another position for the same office for an
3 overlapping term is also on the ballot.

4 § 2. This act shall take effect on the first day of January
5 after it shall become law.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL# A.

SENATE BILL# S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to filing name of new political party.

SUMMARY OF PROVISIONS:

This bill amends section 2-124 of the election law to require a new party to file a certificate including the name and emblem of the new party no later than the last day of February after the election at which the independent body attains party status..

JUSTIFICATION:

After each gubernatorial election the state board of elections is required to publish a new voter registration form which includes the parties on the ballot for the next four years. Under current law there is no deadline provided for the filing of a new party's name and emblem. This hampers timely issuance of the new voter registration forms.

This legislation simply requires that a new party file its name and emblem by the end of February of the year after it first becomes a party, a time period approaching four months. This ensures the state board has the required information to timely promulgate a new and accurate voter registration form and to timely provide the local boards of elections information needed to create ballot templates.

LEGISLATIVE HISTORY:

None.

FISCAL IMPACT:

None.

EFFECTIVE DATE:

This act shall take effect on the first day of January succeeding enactment.

AN ACT to amend the election law in relation to filing name of new political party.

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

1 Section 1. Section 2-124 of the election law is amended to add a
2 new subdivision 1-a to read as follows:

3 1. The state committee of a party shall select a name and emblem
4 to distinguish the candidates of the party for public office in
5 all districts of the state, and shall file in the office of the
6 state board of elections, a certificate executed by its chairman
7 and secretary, setting forth the name and showing the emblem so
8 selected.

9 1-a. A new party shall file such certificate not later than the
10 last day of February following the election at which the party
11 obtains party status and shall take effect upon filing.

12 § 2. This act shall take effect on the first day of January
13 after it shall become law.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL# A.

SENATE BILL# S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to alternative provisions for poll site staffing.

SUMMARY OF PROVISIONS:

This bill adds a new subdivision 3-500 of the election law authorizing alternative poll site staffing. Boards of elections will be provided the flexibility needed to staff a poll sites to implement the election law. Alternative staffing plans must be filed with the State Board of Elections, maintain bipartisan election administration, ensure vote tabulation by election district (unless not required pursuant to the election law) and ensure any alternative staffing arrangement complies with the obligation of the local board to ensure voters are able to vote in a timely manner.

JUSTIFICATION:

While there have been amendments, the election district structure and staffing pattern prescribed by the election law still largely dates to a time when elections were conducted on lever voting machines assigned to specific election districts. Poll site organization and voter flow through the poll site is now very different. This legislation allows boards of elections to determine poll site staffing based on the actual demands of the poll site and the needs of the voters as opposed to rote statutory formulation. To ensure flexibility but also transparency, this legislation requires: (i) filing the poll site staffing plan with the State Board of Elections; (ii) in all functions bipartisan election administration; (iii) no aggregation of votes not otherwise authorized by law, and (iv) ensuring voters can vote in a timely manner.

LEGISLATIVE HISTORY:

None.

FISCAL IMPACT:

None.

EFFECTIVE DATE:

This act shall take effect on the first day of January succeeding enactment.

AN ACT to amend the election law in relation to alternative provisions for poll site staffing.

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

1 Section 1. A new subdivision 3-500 of the election law is added
2 to read as follows:

3 1. Notwithstanding the provisions of title four of this article,
4 a board of election may design an alternative poll site staffing
5 plan to more efficiently conduct the election in accordance with
6 this section. Such alternative poll site staffing plan must be
7 filed with the State Board of Elections.

8 2. An alternative staffing plan shall provide for at least
9 four inspectors, equally divided among the major parties, to be
10 assigned to each poll site, and all staffing must be likewise
11 bipartisan. An alternative staffing plan may consolidate
12 election district and poll site staffing functions to
13 efficiently conduct an election pursuant to this chapter,
14 provided the tabulation of votes by election district shall not
15 be impaired unless consolidation of election districts for an
16 election is otherwise permitted by this chapter, and such
17 staffing plan complies with 9 NYCRR 6210.19 (c).

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 § 2. This act shall take effect on the first day of January
2 after it shall become law.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL# A.

SENATE BILL# S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to watchers during an election.

SUMMARY OF PROVISIONS:

This bill amends 8-500 of the election law to read more clearly as to the appointment of poll watchers for primary and general elections.

JUSTIFICATION:

As written 8-500 is open to different interpretations as to the authority to appoint poll watchers. This bill divides into two subdivisions the authority to appoint for a primary election and general election, eliminating the overly complicated sentence structure that has led to considerable confusion as to the appointment of poll watchers.

LEGISLATIVE HISTORY:

None.

FISCAL IMPACT:

None.

EFFECTIVE DATE:

This act shall take effect on the first day of January succeeding enactment.

AN ACT to amend the election law in relation to watchers during an election.

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

1 Section 1. Section 8-500 of the election law is amended to read
2 as follows:

3 8-500. Watchers; provision for

4 1. At any general, special, town or village election, any
5 party committee ~~or~~ and any independent body whose candidates are
6 upon the ballot, ~~and at any primary election, any two or more~~
7 ~~candidates and any political committee~~ may have for each
8 election district three watchers at any one time, not more than
9 one of whom may be within the guard rail at any one time.

10 Watchers shall be appointed by the chairman or secretary of any
11 such party, committee or independent body ~~or by the candidates~~.

12 2. At any primary election, any party committee, any two or
13 more candidates on the ballot and any political committee may
14 have for each election district three watchers at any one time,
15 not more than one of whom may be within the guard rail at any
16 one time. Watchers shall be appointed by the chair or secretary
17 of any such party, committee or by any two candidates.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 2. Watchers may be present at the polling place at least
2 fifteen minutes before the unlocking and examination of any
3 voting machine or ballot box at the opening of the polls, until
4 after the signing of the inspectors' returns and proclamation of
5 the result.

6 3. The appointment of watchers for any election shall be by a
7 certificate in writing issued by the [chairman or secretary of
8 the political party or independent body, or the candidates]
9 appointing authority. Such certificate shall be delivered to an
10 inspector at the election district.

11 4. Each watcher must be a qualified voter of the city or
12 county in which he or she is to serve. No person shall be
13 appointed or act as a watcher who is a candidate for any public
14 office to be voted for by the voters of the election district in
15 the same election in which the watcher is to serve. Nothing in
16 this subdivision shall be construed as prohibiting any such
17 candidate from visiting a polling place in such district on an
18 election day while the polls are open.

19 § 2. This act shall take effect on the first day of January
20 subsequent to when it shall become law.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL# A.

SENATE BILL# S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to making the date of the general election a non-instruction day.

SUMMARY OF PROVISIONS:

This bill amends section 3604 of the education law to provide that the general election day be a non-instruction day.

JUSTIFICATION:

Schools are invaluable as poll sites. This legislation facilitates the use of school facilities as polling locations. The legislation permits school districts to use the day of the general election for professional development.

LEGISLATIVE HISTORY:

None.

FISCAL IMPACT:

None.

EFFECTIVE DATE:

This act shall take effect on the first day of January succeeding enactment.

AN ACT to amend the education law in relation to making the date of the general election a non-instruction day.

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

1 Section 1. Subdivision 8 of section 3604 of the education law,
2 as amended by chapter 260 of the laws of 2012, is amended to
3 read as follows:
4 8. No school shall be in session on a Saturday, general election
5 day or a legal holiday, except [general election day,]
6 Washington's birthday and Lincoln's birthday, and except that
7 driver education classes may be conducted on a Saturday. A
8 school district may elect to require staff attendance on a
9 general election day or to schedule a professional development
10 day. A deficiency not exceeding four days during any school year
11 caused by teachers' attendance upon conferences held by
12 superintendents of schools of city school districts or other
13 school districts employing superintendents of schools shall be
14 excused by the commissioner, notwithstanding any provision of
15 law, rule or regulation to the contrary, a school district may
16 elect to schedule such conference days in the last two weeks of
17 August, subject to collective bargaining requirements pursuant
18 to article fourteen of the civil service law, and such days
19 shall be counted towards the required one hundred eighty days
20 of session, provided however, that such scheduling shall not
21 alter the obligation of the school district to provide
22 transportation to students in non-public elementary and

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 secondary schools or charter schools. The commissioner shall
2 excuse a deficiency not exceeding four days during such school
3 year caused by teachers' attendance upon conferences held by
4 such superintendents, provided that at least two such conference
5 days during such school year shall be dedicated to staff
6 attendance upon conferences providing staff development relating
7 to implementation of the new high learning standards and
8 assessments, as adopted by the board of regents. Notwithstanding
9 any other provision of law, rule or regulation to the contrary,
10 school districts may elect to use one or more of such allowable
11 conference days in units of not less than one hour each to
12 provide staff development activities relating to implementation
13 of the new high learning standards and assessments. A district
14 making such election may provide such staff development during
15 the regularly scheduled daily session and apply such units to
16 satisfy a deficiency in the length of one or more daily sessions
17 of instruction for pupils as specified in regulations of the
18 commissioner. The commissioner shall assure that such conference
19 days include appropriate school violence prevention and
20 intervention training, and may require that up to one such
21 conference day be dedicated for such purpose.

22 § 2. This act shall take effect on the first day of January
23 subsequent to when it shall become law.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL# A.

SENATE BILL# S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to use of voting systems by municipalities.

SUMMARY OF PROVISIONS:

This bill amends section 3-224 of the election law to permit municipalities conducting their own elections to be obtain from the board of elections whenever possible voting systems for use at the election.

JUSTIFICATION:

The bill requires boards of elections whenever possible to provide voting equipment for municipal election conducted by municipal officials. The legislation also provides that the board of elections can recoup from the municipalities the totality of their actual expenses in providing the election system. Boards of elections would not be required to provide voting equipment, for example, when the requirements of upcoming general or primary elections make such provision not possible.

LEGISLATIVE HISTORY:

None.

FISCAL IMPACT:

None.

EFFECTIVE DATE:

This act shall take effect on the first day of January succeeding enactment.

AN ACT to amend the election law in relation to use of voting systems by municipalities.

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

1 Section 1. Section 3-224 of the election law is amended to read
2 as follows:

3 § 3-224. Voting [~~machines~~]systems; use of by other than the
4 board of elections

5 The board of elections [~~may~~]shall, whenever possible, permit
6 towns, villages, school districts, fire, ambulance, water,
7 sanitation, police and other special districts within the county
8 to use voting [~~machines~~]systems and other equipment owned by it
9 and used for the conduct of elections or for educational and
10 instructional purposes, upon such [~~rental and other~~] terms and
11 conditions as shall be fixed by [~~it~~]the board of elections
12 including a determination of costs not to exceed actual expenses
13 of such board. Such board may similarly permit the use of such
14 machines by associations and organizations for the conduct of
15 elections where it judges the use of such machines for elections
16 conducted by such associations and organizations will be in the
17 public interest.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 § 2. This act shall take effect on the first day of January
2 succeeding enactment.

AN ACT to amend the election law in relation to nominations in villages in which general village election is in November.

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

1 Section 1. Section 6-108 of the election law is added by
2 amending the title thereof and adding a new subdivision four to
3 read as follows:

4 § 6-108 Party nominations; towns and villages with November
5 general elections

6 4. Party nominations for village offices to be filled by
7 election at a general election conducted by the board of
8 elections in November, shall be governed by this section and
9 shall be made in the same manner as party nominations for town
10 offices.

11
12 § 3. This act shall take effect on the first day of January
13 after it shall become law.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL# A.

SENATE BILL# S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act amend the election law in relation to nominations in villages in which general village election is in November.

SUMMARY OF PROVISIONS:

This bill amend Election Law § 16-108 to clarify its application to village elections conducted by a board of elections in November.

JUSTIFICATION:

Prior to 1989, article fifteen of the election law provided that if the board of elections conducted a village election, “the provisions of this chapter governing the conduct of town elections and proceedings relating thereto, including the manner and times for making nominations...shall apply.” This permitted villages with November elections—notably the only time prior to 1989 when a board of elections could have conducted the village election—to have party caucuses like towns. After the enactment of chapter 359 of the laws of 1989 boards of elections could conduct village elections held in March or June, and the reference to “town” was stricken and instead “the other provisions of this *chapter*” were made to control and article 15 would apply when not inconsistent. This change was designed to create the supremacy of the new title two of article six. And it did—except the new article six title two expressly does not apply to village elections conducted at the time of the fall general election. This created inadvertent legal ambiguity as to the controlling law of party nominations for village elections conducted in November. Prior to 1989, village nominations held at the time of the fall general election could be made by caucus pursuant to Election Law 6-108 [town nominations] owing to the application of that section to villages pursuant to the former language of Election Law 15-100. After 1989, the 6-108 caucus option at the fall general election was arguably removed presumably leaving villages to conduct exclusively primaries pursuant to 6-110 of the election law unless Election Law 15-108 is interpreted to provide for caucuses for village elections held in November.

This legislation removes ambiguity as to whether villages with November general elections can make nominations by caucus, a construct many are following despite the legal ambiguity surrounding the practice, and permits villages to pursue their historical nominating practices.

LEGISLATIVE HISTORY:

New legislation.

FISCAL IMPACT:

None.

EFFECTIVE DATE:

This act shall take effect on the first day of January after it shall become law.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL# A.

SENATE BILL# S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to training election commissioners and key staff of boards of elections.

SUMMARY OF PROVISIONS:

This bill adds a new section 3-213 of the election law to provide up to twenty hours of training for new election commissioners and three hours of annual update training. The State Board of Elections is required to provide the training. The annual updates must be provided, in addition to other methods, as a web-based recorded format.

JUSTIFICATION:

Election administration is increasingly complicated. This legislation serves as a useful adjunct to ensure election officials receive the information they need to administer elections.

LEGISLATIVE HISTORY:

None.

FISCAL IMPACT:

To be determined.

EFFECTIVE DATE:

This act shall take effect on the first day of January succeeding enactment.

AN ACT to amend the election law in relation to training election commissioners and key staff of boards of elections.

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

1 Section 1. A new section 3-213 of the election law is added to
2 read as follows:

3 1. Election commissioners and such other board of elections
4 employees as determined by the State Board of Elections shall
5 within six months after their first appointment complete a
6 course of instruction on the operation of a board of elections
7 which shall be provided by the state board of elections. The
8 curriculum shall be established by the state board of elections
9 in consultation with election commissioners and shall not exceed
10 twenty hours of instruction.

11 2. Annually election commissioners and other board of
12 elections employees as determined by the board of elections
13 shall complete before June first a course of instruction on the
14 operation of a board of elections which shall be provided by the
15 state board of elections. The curriculum shall be established by
16 the state board of elections in consultation with election
17 commissioners and shall not exceed three hours of instruction.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 3. The state board of elections shall provide the training
2 required by subdivision two of this section through, in addition
3 to other methods it may choose, a web-based recorded format.

4 § 2. This act shall take effect on the first day of January
5 succeeding enactment.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL # A.

SENATE BILL # S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to town caucuses.

SUMMARY OF PROVISIONS:

This bill amends section 16-108 of the election law to add a requirement that a list of enrolled members of the party who have participated in a town caucus be required to be filed along with the certificate of nomination required by 6-156. This bill amends section 6-138 to clarify that the signature of a person signing an independent nominating petition shall not be counted if the person appears on the list of enrolled members of a party who previously participated in a caucus at which a nomination for the same office was made.

JUSTIFICATION:

This bill is designed to ensure transparency and fairness in local elections.

LEGISLATIVE HISTORY:

None.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This act shall take effect on the fifteenth day of December after it shall become law.

AN ACT to amend the election law in relation to town caucuses

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

1 Section 1. A new subdivision 5 is added to 16-108 of the
2 election law to read as follows:

3 5. There shall be filed, together with such certificate
4 required by 6-156, or within five days after the board of
5 elections sends the notice of failure to file prescribed by this
6 paragraph, a list of enrolled members of the party who have
7 participated in such caucus. If such list is not filed with such
8 certificate, the board of elections shall forthwith send notice
9 of the failure to file such list to the persons who signed such
10 certificate, by first class mail, together with a notice that
11 such list must be filed within five days after such notice was
12 mailed. Such list shall be certified by the presiding officer or
13 secretary of such caucus or primary.

14 § 2. Subdivision 1 of section 6-138 of the election law is
15 amended to read as follows:

16 1. Independent nominations for public office shall be made by a
17 petition containing the signatures of registered voters of the

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 political unit for which a nomination is made who are registered
2 to vote. The name of a person signing such a petition for an
3 election for which voters are required to be registered shall
4 not be counted if the name of a person who has signed such a
5 petition appears upon another valid and effective petition
6 designating or nominating the same or a different person for the
7 same office, or appears upon the list of enrolled members of a
8 party who previously participated in a caucus at which a
9 nomination for the same office was made.

10 § 3. This act shall take effect on the fifteenth day of December
11 after it shall become law.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL # A.

SENATE BILL # S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to filings under article 14 of the election law.

SUMMARY OF PROVISIONS:

This bill amends section 14-124 of the election law to include all political subdivisions with a population of less than ten thousand within the filing exclusion for candidates and authorized committees that expend less than \$1,000.

JUSTIFICATION:

This bill ensures that all candidates in political subdivisions with a population of less than ten thousand are treated equally regardless of the type of political unit, allowing for both fairness and consistency in the application of the election law in local elections.

LEGISLATIVE HISTORY:

None.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This act shall take effect on the fifteenth day of December after it shall become law.

AN ACT to amend the election law in relation filings under article 14 of the election law

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

1 Section 1. Subdivision 6 of election law 14-124 is amended to
2 read as follows:

3 6. The provisions of sections 14-102, 14-104 and 14-118
4 respectively, of this article shall not apply to a candidate or
5 a committee taking part solely in his campaign and authorized to
6 do so by him in accordance with the provisions of this article
7 in a campaign for election to public office or to a committee
8 involved solely in promoting the success or defeat of a ballot
9 proposal in a [city, town or village] political unit having a
10 population of less than ten thousand, as shown by the latest
11 federal or state census or enumeration, unless the aggregate
12 receipts of said candidate and his authorized committees or the
13 committees promoting the success or defeat of a proposal or the
14 aggregate expenditures made by such candidate and his authorized
15 committees or the committees promoting the success or defeat of
16 a proposal exceed one thousand dollars.

17 § 2. This act shall take effect on the fifteenth day of December

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 after it shall become law.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL # A.

SENATE BILL # S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to opportunity to ballot committee to have capacity to bring proceeding.

SUMMARY OF PROVISIONS:

This bill amends section 6-164 of the election law to provide that members of the committee to receive notices named in an Opportunity to Ballot petition have the capacity to bring a proceeding for judicial relief in the same manner as if the committee was a candidate named on a petition.

JUSTIFICATION:

This bill ensures that members of a committee to receive notices named in an Opportunity to Ballot petition have the same access to judicial relief as candidates, ensuring fairness in ballot access and elections.

LEGISLATIVE HISTORY:

None.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This act shall take effect on the fifteenth day of December after it shall become law.

AN ACT to amend the election law in relation opportunity to ballot committee to receive notices.

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

1 Section 1. Section 6-164 of the election law is amended to read
2 as follows:

3 § 6-164. Primary, uncontested; opportunity to ballot
4 Enrolled members of a party entitled to vote in the nomination
5 of a candidate for public office or the election of a candidate
6 for party position in a primary election of such party, and
7 equal in number to at least the number of signers required to
8 designate a candidate for such office or position may file with
9 the officer or board with whom or which are filed designating
10 petitions for such office or position a petition requesting an
11 opportunity to write in the name of a candidate or candidates,
12 who need not be specified, for such office or position. Upon the
13 receipt of such a petition, such office or position shall be
14 deemed contested and the primary ballots of the party shall
15 afford an opportunity to vote thereon. Requests for an
16 opportunity to write in the names of candidates for two or more
17 offices or positions may be included in the same petition. Such

EXPLANATION: Matter underscoring is new; matter bracketed [] is old law to be omitted.

1 petitions shall be subject to objections and court determination
2 thereof in the same manner as designating petitions so far as
3 the provisions therefor are applicable. All required notices
4 shall be served on the members of the committee named in the
5 petition, and such committee shall have capacity to bring a
6 proceeding under this chapter as if such committee was a
7 candidate named on a petition. A signature to a petition for an
8 opportunity to ballot in primary elections made earlier than
9 sixteen days before the last day to file designating petitions
10 for the primary election shall not be counted.

11 § 2. This act shall take effect on the fifteenth day of December
12 after it shall become law.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL # A.

SENATE BILL # S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to testimony related to voter's signature on a petition.

SUMMARY OF PROVISIONS:

This bill amends section 6-134 of the election law to provide that a court may receive sworn testimony from a signer of a designating petition as to the authenticity of his or her own signature.

JUSTIFICATION:

Signatures are often not made identically by the same person each and every time. This bill acknowledges this fact, and ensures that neither a voter's participation in the political process nor a candidate's access to the ballot should be jeopardized due to such a variation. The bill clarifies that a court may take testimony from a voter about the authenticity of his or her signature.

LEGISLATIVE HISTORY:

None.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This act shall take effect on the fifteenth day of December after it shall become law.

AN ACT to amend the election law in relation to testimony related to voter's signature on a petition

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

1 Section 1. Subdivision 5 of election law 6-134 is amended to
2 read as follows:

3 5. The use of titles, initials or customary abbreviations of
4 given names by the signers of, or witnesses to, designating
5 petitions or the use of customary abbreviations of addresses of
6 such signers or witnesses, shall not invalidate such signatures
7 or witness statement provided that the identity of the signer or
8 witness as a registered voter can be established by reference to
9 the signature on the petition and that of a person whose name
10 appears in the registration poll ledgers, provided, however,
11 nothing in this section shall prevent a court from receiving
12 sworn testimony offered by a petition signer as to the
13 authenticity of his or her own signature when such signature
14 would otherwise be invalidated for not matching the signature on
15 file with the board of elections.

16 § 2. This act shall take effect on the fifteenth day of December
17 after it shall become law.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL # A.

SENATE BILL # S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to first class mailing of 3-104-a notices.

SUMMARY OF PROVISIONS:

This bill amends section 3-104-a of the election law to allow for first class mailing of deficiency notices if an affidavit attesting to such mailing is created to evidence such mailing.

JUSTIFICATION:

Current law requires the compliance unit within the board of elections to mail a notice of deficiency relating to campaign finance statements by certified mail, return receipt requested. Often, because pick-up at a post office may be required, these mailing go unclaimed which deters notice. Further, mailing by certified mail is an additional cost to the State and is slower than first class mail. Allowing for the mailing of such notices via first class mail will provide a cost savings, promote the likelihood that these notices are timely received instead of remaining unclaimed and/or returned to the board of elections.

LEGISLATIVE HISTORY:

None.

FISCAL IMPLICATIONS:

Cost savings to the State.

EFFECTIVE DATE:

This act shall take effect on the fifteenth day of December after it shall become law.

AN ACT to amend the election law in relation to first class mailing of 3-104-a notices

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

1 Section 1. Subdivision 1 of election law 3-104-a is amended to
2 read as follows:

3 1. There shall be a compliance unit within the board of
4 elections. The compliance unit shall examine campaign finance
5 statements required to be filed pursuant to article fourteen of
6 this chapter. If such statements are found to be deficient, the
7 compliance unit shall notify the person required to file such
8 statement of such deficiency. Such notice shall be in writing
9 and mailed to the last known residence or business address of
10 such person by certified mail, return receipt requested , or
11 mailed to such address by first class mail if an affidavit
12 attesting to such mailing is created to evidence such mailing.

13 If the person required to file such statement is a treasurer who
14 has stated that the committee has been authorized by one or more
15 candidates, a copy of such notice shall be sent to each
16 candidate by first class mail. § 2. This act shall take effect on
17 the fifteenth day of December after it shall become law.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL # A.

SENATE BILL # S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to publishing local campaign contribution limits.

SUMMARY OF PROVISIONS:

This bill amends section 14-114 of the election law to provide for local boards of elections to calculate and publish on their websites by April 15th, the contribution limits for all county, town, city and village offices on the ballot in that year.

JUSTIFICATION:

Because contribution limits are calculated based upon the total number of registered voters in a political subdivision, limits can change from year to year. There is currently no requirement that boards of elections publish such information. This bill would increase transparency and educate candidates, contributors, as well as voters, fostering compliance with campaign finance rules.

LEGISLATIVE HISTORY:

None.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This act shall take effect on the fifteenth day of December after it shall become law.

AN ACT to amend the election law in relation to publishing local campaign contribution limits

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

1 Section 1. A new subdivision 11 of section 14-114 of the
2 election law is added to read as follows:

3 11. A board of elections, as defined in subdivision 26 of
4 section 1-104 of the election law, shall calculate and publish
5 on its website, on or before the fifteenth day of April, all
6 contribution limits established pursuant to this section for the
7 county, town, city and village offices on the ballot in that
8 year, and within the same time period provide such calculated
9 contribution limits to, in the format required by, the state
10 board of elections.

11 § 2. This act shall take effect on the fifteenth day of December
12 after it shall become law.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL # A.

SENATE BILL # S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to independent expenditures.

SUMMARY OF PROVISIONS:

This bill amends section 14-116 of the election law to provide that the contribution limits on corporations and joint stock associations do not apply to independent expenditures or contributions to independent expenditure committees by such entities.

JUSTIFICATION:

The current limitation on corporate contributions as applied to independent expenditures was held unconstitutional by the United States Supreme Court in Citizens United v. Federal Election Commission, 558 U.S. 310 (2010). This bill removes the unconstitutional application of this provision.

LEGISLATIVE HISTORY:

None.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This act shall take effect on the fifteenth day of December after it shall become law.

AN ACT to amend the election law in relation to independent expenditures

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

1 Section 1. A new subdivision 3 is added to section 14-116 to
2 read as follows:

3 3. Notwithstanding subdivision one and two of this section, a
4 corporation or joint stock association doing business in this
5 state may make contributions to independent expenditure
6 committees or make independent expenditures in the same manner
7 as any other person or entity as provided in this article.

8 § 2. This act shall take effect on the fifteenth day of December
9 after it shall become law.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL # A.

SENATE BILL # S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to repeal of subdivision 8 of section 14-114.

SUMMARY OF PROVISIONS:

This bill repeals subdivision 8 of section 14-114 of the election law to repeal individual aggregate contribution limits.

JUSTIFICATION:

The current limitation on individual aggregate contributions was held unconstitutional by the United States Supreme Court in McCutcheon v. Federal Election Commission, 572 U.S. ____ (2014), Slip Op. No. 12-536, at 1. This bill removes the unconstitutional application of this provision.

LEGISLATIVE HISTORY:

None.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This act shall take effect on the fifteenth day of December after it shall become law.

AN ACT to amend the election law in relation to repeal of
subdivision 8 of section 14-114

The People of the State of New York, represented in the
Senate and Assembly do enact as follows:

1 Section 1. Subdivision eight of section 14-114 is REPEALED.

2 § 2. This act shall take effect on the fifteenth day of December

3 after it shall become law.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be
omitted.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL # A.

SENATE BILL # S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to repeal of subdivision 5 of section 14-114.

SUMMARY OF PROVISIONS:

This bill repeals subdivision 5 of section 14-114 of the election law to repeal the current spending limit on certain party contributions.

JUSTIFICATION:

The current spending limit on certain party contributions is unconstitutional. This bill removes the unconstitutional application of this provision.

LEGISLATIVE HISTORY:

None.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This act shall take effect on the fifteenth day of December after it shall become law.

AN ACT to amend the election law in relation to repeal of subdivision 5 of section 14-114

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

- 1 Section 1. Subdivision five of section 14-114 is REPEALED.
- 2 § 2. This act shall take effect on the fifteenth day of December
- 3 after it shall become law.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL # A.

SENATE BILL # S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to ballot proposals.

SUMMARY OF PROVISIONS:

This bill amends section 7-110 of the election law to provide clear instructions to voters if the ballot is two-sided.

JUSTIFICATION:

It is almost always necessary to place ballot questions on the side of the ballot opposite the side of the ballot where candidates appear. This bill ensures voters are appropriately informed when their ballot is a two-sided ballot.

LEGISLATIVE HISTORY:

None.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This act shall take effect on the fifteenth day of December after it shall become law.

AN ACT to amend the election law in relation to ballot proposals

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

1 Section 1. Section 7-110 of the election law is amended to read
2 as follows:

3 § 7-110. Ballots; form for ballot proposals

4 Ballot proposals shall appear on the voting machine or ballot in
5 a separate section. At the left of, or below or above, each
6 proposal shall appear two [voting levers or two] voting ovals or
7 squares[, each at least one-half inch square]. Next to the first
8 [lever or square] shall be printed the word ``Yes,`` and next to
9 the second [lever or square] shall be printed the word ``No.``

10 The proposals shall be numbered consecutively on the voting
11 machine or ballot. The number of each proposal shall appear in
12 front of its designation as an amendment, proposition or
13 question in the following form: ``Proposal one, an amendment;
14 proposal two, a proposition; proposal three, a question``. If
15 the ballot proposal section appears on the ballot face opposite
16 the candidates, a ballot instruction in a format provided by the
17 state board of elections, which may include a graphic arrow,

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 shall indicate the ballot is two-sided.

2 § 2. This act shall take effect on the fifteenth day of December

3 after it shall become law.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL # A.

SENATE BILL # S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to filing minutes of convention.

SUMMARY OF PROVISIONS:

This bill amends section 6-158 of the election law to provide that the minutes of a judicial district convention shall be filed within three days after adjournment of the convention.

JUSTIFICATION:

Currently, election law requires that the minutes of a judicial district convention shall be filed within seventy-two hours after adjournment of the convention. This is an anomaly in that all other ballot access filings are measured in days rather than hours. In addition, measurement in hours creates an uncertainty as to by what time the filing must be made for no purpose. This bill would clarify and simplify the filing deadline to three days after adjournment of the judicial district convention.

LEGISLATIVE HISTORY:

None.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This act shall take effect on the fifteenth day of December after it shall become law.

AN ACT to amend the election law in relation to filing minutes of convention

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

1 Section 1. Subdivision six of section 6-158 of the election law
2 is amended to read as follows:
3 6. A certificate of a party nomination made other than at the
4 primary election for an office to be filled at the time of a
5 general election shall be filed not later than seven days after
6 the fall primary election, except that a certificate of
7 nomination for an office which becomes vacant after the seventh
8 day preceding such primary election shall be filed not later
9 than fourteen days after the creation of such vacancy and
10 except, further, that a certificate of party nomination of
11 candidates for elector of president and vice-president of the
12 United States shall be filed not later than fourteen days after
13 the fall primary election, and except still further that a
14 certificate of party nomination made at a judicial district
15 convention shall be filed not later than the day after the last
16 day to hold such convention and the minutes of such convention,
17 duly certified by the chairman and secretary, shall be filed

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 within [seventy-two hours] three days after adjournment of the
2 convention. A certificate of party nomination for an office to
3 be filled at a special election shall be filed not later than
4 ten days following the issuance of a proclamation of such
5 election.

6 § 2. This act shall take effect on the fifteenth day of December
7 after it shall become law.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL # A.

SENATE BILL # S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to special ballots for election employees.

SUMMARY OF PROVISIONS:

This bill amends section 11-302 of the election law to provide that employees whose duties as an inspector, poll clerk or election coordinator require him or her to be elsewhere on election day may be provided with a special ballot at any time after absentee ballots are available and until the close of polls on election day.

JUSTIFICATION:

Currently, election law requires that the special ballots for election employees may be delivered no earlier than two weeks before the election, even though absentee ballots are usually available before this time. The current provision almost disenfranchised the special ballots of fifty-three Ulster County employees when it was discovered that they were submitted before the two-week window. Although a court ultimately allowed those ballots to be counted, this bill amends the election law to explicitly provide special ballots may be made available to qualified election employees during the same period absentee ballots are available.

LEGISLATIVE HISTORY:

None.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This act shall take effect on the fifteenth day of December after it shall become law.

AN ACT to amend the election law in relation special ballots for election employees

The People of the State of New York, represented in the Senate and Assembly do enact as follows:

1 Section 1. Section 11-302 of the election law is amended to read
2 as follows:

3 § 11-302. Special ballots for board of election employees

4 A person who is an employee of the board of elections or who has
5 been appointed to serve as an inspector of elections, poll clerk
6 or election coordinator at a polling place other than the one at
7 which he or she is registered to vote, may deliver to the
8 inspectors of election of the election district in which he or
9 she is registered, or to the board of elections, at any time
10 during the period in which an application for an absentee ballot
11 may be so delivered pursuant to the provisions of this chapter,
12 a written statement that he or she will be unable to appear at
13 the polling place for such election district on the day of an
14 election because his or her duties as an employee of such board
15 or as an inspector, poll clerk or election coordinator require
16 him or her to be elsewhere. The board of elections shall provide
17 such voter a special ballot not earlier than [two weeks before

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 the election] when absentee ballots under this chapter are
2 available and not later than the close of the polls on election
3 day. Such cast ballots may be delivered to an office of such
4 board of elections or to any board of inspectors not later than
5 the close of the polls on election day. Such ballots shall be
6 retained at the board of elections and cast and canvassed
7 pursuant to the provisions of section 9-209 of this chapter.

8 § 2. This act shall take effect on the fifteenth day of December
9 after it shall become law.