

Peter S. Kosinski
Co-Chair



**Board of
Elections**

Douglas A. Kellner
Co-Chair

Gregory P. Peterson
Commissioner

40 NORTH PEARL STREET, SUITE 5
ALBANY, N.Y. 12207-2109

Andrew J. Spano
Commissioner

Todd D. Valentine
Co-Executive Director

Phone: 518/474-8100 Fax: 518/486-4068
<http://www.elections.ny.gov>

Robert A. Brehm
Co-Executive Director

Election Law Proposals for 2017

The following is a brief description of the State Board of Elections legislative proposals to address the administration of elections for 2017.

- SBOE 17-01 **Election Day Start Time for Poll Workers:** Requires poll workers be arrive at the poll site one (as opposed to ½) hour prior to the opening of the polls on Election Day.
- SBOE 17-02 **Elimination of Party Emblem:** Removes the requirement to put the party emblem from the ballot allowing the county boards more flexibility in ballot design.
- SBOE 17-03 **Removes Petitioning for LIPA Trustee:** LIPA trustees are now appointed and not elected. This would modify the EL to eliminate the ability to file petitions for such position.
- SBOE 17-04 **Eliminates Need to Publish Candidate Residences:** Eliminates requirement to publish candidate residence addresses in certain advertisements.
- SBOE 17-05 **Publication of Election Results:** This bill would eliminate the outdated and costly requirement that certified election results be printed in certain legal ads.
- SBOE 17-06 **Publication by Advertising Website Notice:** Certain newspaper publication requirements are satisfied by advertising where to find the notice on the board's website, provided the board of elections upon request will also provide the information by mail or other means.
- SBOE 17-07 **Treasurer Compliance Training:** New treasurers must complete a three hour course on compliance, and there is a biennial update requirement for all treasurers. Remedial training may be ordered in certain circumstances.
- SBOE 17-08 **Poll Worker Shift Flexibility:** The statute currently allows "half day" shifts. This legislation will allow local boards at their option to authorize shorter or longer "split" shifts.

- SBOE 17-09 **Campaign Website Publication**: Requires boards to publish directory of candidate websites as provided by the candidates.
- SBOE 17-10 **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 17-11 **Authorizes Election District Increase to Two Thousand Voters and Permits Parties to Apportion Any Number of Committeepersons**: Election districts allowed to be 2,000 and party committees can decide number and how to apportion members of county committees to avoid any loss of membership.
- SBOE 17-12 **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 state reporting requirement.
- SBOE 17-13 **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 17-14 **Multiple Vacancies For Same Office**: 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 17-15 **New Party Names**: New parties must file a certificate setting out their name no later than the last day of February after the election at which the party obtains ballot status.
- SBOE 17-16 **Alternative Poll Site Organization**: Permits Boards of Elections to adopt alternative poll site staffing plans to more efficiently administer elections.
- SBOE 17-17 **Poll Watcher Appointment**: Clarifies entities eligible to appoint Watchers at an election by making the current statute more readable and unambiguous.
- SBOE 17-18 **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 elections. .
- SBOE 17-19 **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 against such municipalities.
- SBOE 17-20 **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 17-21 *Training for New Election Officials:* Requires new election officials receive introductory training and an annual update not to exceed three hours.
- SBOE 17-22 *Repeal of Election Law 2-126:* Repeals Election Law § 2-126 because the provision has been declared unconstitutional.



**Board of
Elections**

2017

LEGISLATIVE PROPOSAL

17-01

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 in any given poll site.

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

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

1 containers, privacy booths, all ballots and all equipment shall
2 be kept within such guard-rail.

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

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

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

16 (h) Unlock all ballot boxes and secure storage containers to
17 be used to hold election day paper ballots, see that they are
18 empty, allow them to be examined by the watchers present, and
19 lock them up again in such a manner that the watchers and the

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

1 persons just outside the guard-rail may see that the boxes are
2 empty when re-locked; provided, however, the ballot boxes
3 or secure storage containers holding unused ballots shall be
4 inspected to confirm that only the number of unused election
5 day paper ballots provided by the board of elections are
6 contained therein.

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

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

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

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

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

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

18
19 § 2. This act shall take effect on the first day of January
20 after it shall have become law.

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



**Board of
Elections**

2017

LEGISLATIVE PROPOSAL

17-02

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.

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

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

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

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

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

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

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

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

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

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. Subdivision 1 of section 16-104 of the election law
13 is amended to read as follows:

14 § 16-104. Proceedings as to form of ballot, party name, etc.

15 1. The form and content of any ballot, or portion thereof, to
16 be used in an election, and the right to use any
17 [emblem design,] color, party or independent body name, may be
18 contested in a proceeding instituted in the supreme court
19 by any aggrieved candidate or by the chairman of any party
20 committee or independent body.

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

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

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



**Board of
Elections**

2017

LEGISLATIVE PROPOSAL

17-03

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

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

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

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

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.



**Board of
Elections**

2017

LEGISLATIVE PROPOSAL

17-04

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 publication of candidate information prior to each election.

SUMMARY OF PROVISIONS:

This bill amends the election law by deleting the words “and residence” from subdivision 1 of section 4-122 of the election law.

JUSTIFICATION:

The inclusion of residence address information in the publication of lists of candidates and the offices those candidates seek is of little or no public value. At the time of such publication, the opportunity to challenge a candidate’s designation or nomination has long expired. The inclusion of residence addresses may also create issues relating to the security of those seeking office. Including addresses adds considerably to the cost of publication. The required publication of candidates will serve its intended goal of general public information without the inclusion of residence information.

LEGISLATIVE HISTORY:

The State Board proposed this legislation in 2014 and 2016.

FISCAL IMPLICATIONS:

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 the publication of candidate information prior to each election.

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

1 Section 1. Subdivision 1 of section 4-122 of the election law is
2 amended to read as follows:

3 1. The county board of elections shall publish, at least six
4 days before an election, a list containing the name [and
5 residence] of every candidate for public office to be voted
6 for within its jurisdiction at such election.

7

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

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



**Board of
Elections**

2017

LEGISLATIVE PROPOSAL

17-05

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, 2012, 2013, 2014, 2015 and 2016.

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 underscored 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.



**Board of
Elections**

2017

LEGISLATIVE PROPOSAL

17-06

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.



**Board of
Elections**

2017

LEGISLATIVE PROPOSAL

17-07

MEMORANDUM IN SUPPORT

ASSEMBLY BILL# A.

SENATE BILL# S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to provide for mandatory training curriculum for treasurers of political committees.

SUMMARY OF PROVISIONS:

This bill adds a new section §14-119 of the election law to provide for treasurer training.

This bill would require treasurers to complete a course of instruction within forty-five days after being first appointed. The curriculum shall be established by the State Board of elections and shall not exceed three hours of instruction. Biennially treasurers shall complete a course of instruction in continuing to comply with the requirements. The instructions shall not exceed one and one-half hours. The State Board of Elections shall provide the training required and in addition to other methods it may choose, a web based recorded format. Upon the failure of a treasurer to complete the course within the time required, the state board shall send a delinquency notice to the treasurer and/or candidate requiring the treasurer to come into compliance with the training obligations. A treasurer or candidate found to have violated this provision may be ordered by the court to, in lieu of or in addition to other penalties, participate in remedial training. Such remedial training may also, in the discretion of the chief enforcement counsel, be a component of any proposed settlement agreement.

JUSTIFICATION:

The work of a campaign treasurer to keep records and make disclosures required by law is significant. This legislation assists treasurers acquire the knowledge they need.

LEGISLATIVE HISTORY:

Proposed by State Board of Elections in 2016.

.

FISCAL IMPACT:

To be determined.

EFFECTIVE DATE:

This act shall take effect on the first day of July 2019.

AN ACT to provide for mandatory training curriculum for treasurers of political committees.

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

1 Section 1. A new Section 14-119 of the election law is added to
2 read as follows:

3 1. Treasurers shall within forty-five days after being first
4 appointed as a treasurer complete a course of instruction
5 provided by the state board of elections on the requirements of
6 article fourteen of the election law and the campaign finance
7 regulations of the board of elections. The curriculum shall be
8 established by the state board of elections and shall not exceed
9 three hours of instruction.

10 2. Biennially treasurers shall complete a course of
11 instruction provided by the state board of elections to assist
12 treasurers in continuing to comply with the requirements of
13 article fourteen of the election law and the campaign finance
14 regulations of the board of elections. The curriculum shall be
15 established by the state board of elections and shall not exceed

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

1 one and one-half hours of instruction.

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

5 4. Upon the failure of a treasurer to complete the instruction
6 within the time required by this section, the state board of
7 elections shall send a delinquency notice to the treasurer on
8 notice to the candidate or candidates supported by the
9 committee, if applicable, requiring the treasurer to come into
10 compliance with the training obligations of this section or
11 resign as treasurer within forty-five days. If the treasurer
12 does not comply or resign by submitting the appropriate filings
13 within such time, the state board of elections shall issue an
14 order freezing the accounts of such committee until compliance
15 with this section is demonstrated or a new treasurer is duly
16 appointed.

17 5. A treasurer or candidate found to have violated a provision
18 of article fourteen, in appropriate circumstances as determined
19 by the court, may be ordered by the court to, in lieu of or in
20 addition to other penalties, participate in remedial training
21 which shall be provided by the state board of elections. Such

1 remedial training may also, in the discretion of the chief
2 enforcement counsel, be a component of any proposed settlement
3 agreement.

4 § 2. This act shall take effect on the first day of July 2019.



**Board of
Elections**

2017

LEGISLATIVE PROPOSAL

17-08

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 poll worker shifts.

SUMMARY OF PROVISIONS:

This bill amends subdivision seven of section §3-400 of the election law to provide for flexibility in poll worker shifts.

JUSTIFICATION:

This bill would authorize the board of elections to employ election poll clerks to work shorter shifts with adjusted compensation. The Board of Elections is permitted to appoint election inspectors for half-day shifts under current law. This legislation allows boards of election to determine the length of such shorter shifts to meet their needs.

LEGISLATIVE HISTORY:

None.

FISCAL IMPACT:

None.

EFFECTIVE DATE:

This act shall take effect immediately.

AN ACT to amend the Election Law in relation to poll worker shifts.

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

1 Section 1. Subdivision seven of section 3-400 of the election
2 law is amended to read as follows:

3 7. The board of elections may employ election inspectors to
4 work [half-day]split shifts with adjusted compensation,
5 provided, however, that at least one inspector is present at the
6 poll site for the entire time that the polls are open. Each
7 county board of elections shall prescribe the necessary rules
8 and procedures to ensure proper poll site operation.

9 § 2. This act shall take effect immediately.

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



**Board of
Elections**

2017

LEGISLATIVE PROPOSAL

17-09

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 candidate website information.

SUMMARY OF PROVISIONS:

This bill requires the board of elections to publish links to candidate websites as identified by the candidates.

JUSTIFICATION:

This bill is designed to provide a gateway to candidate information by identifying for voters where to find a website designated by any candidate.

LEGISLATIVE HISTORY:

None.

FISCAL IMPACT:

To be determined.

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 publishing candidate website information.

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

1 Section 1. A new section 4-123 is added to the election law to
2 read as follows:

3 4-123 Publication of candidate websites. _____.

4 1. The state board of elections shall publish on its website
5 the campaign website address designated by any candidates for
6 public office on the ballot at the next primary, special or
7 general election, except as provided in subdivision three of
8 this section. The candidate shall notify the board of elections
9 of his or her website address on the candidate's petition cover
10 sheet or in a separate writing signed by the candidate. Any
11 candidate who does not provide a website address shall be listed
12 as having not provided a website address for publication.

13 2. Each county or city board of elections shall publish the
14 website addresses of candidates for public office on the ballot
15 within the jurisdiction of such board at the next primary,

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

1 special or general election.

2 3. The state board of elections shall not publish any website
3 address found to be unrelated to candidacy for public office.
4 Such denial to publish a website address shall be reviewed only
5 in a special proceeding brought by the candidate pursuant to
6 article 78 of the civil procedure law and rules.

7 4. The state board of elections shall prominently display the
8 following disclaimer with relation to the list of candidate
9 website addresses: "The website addresses published here are
10 designated by the candidate. The board of elections is not
11 responsible for and expresses no opinion as to the content of
12 candidate websites."

13 § 2. The state board of elections shall within six months of
14 the effective date of this act promulgate rules or regulations
15 to implement this act which shall include the time of
16 publication and the format for publication of the list of
17 website addresses and objective criteria for making a
18 determination that a website is not related to candidacy for
19 public office.

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



**Board of
Elections**

2017

LEGISLATIVE PROPOSAL

17-10

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 2019.

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

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

1 3-102 of this chapter and that filing by such means would
2 constitute a substantial hardship for such political committee,
3 the state board of elections may issue an exemption from the
4 electronic filing requirements of this article.

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

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

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

1 subdivision nine-A of section 3-102 of this chapter.

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

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

19 § 3. This act shall take effect on the first day of
20 December 2019



**Board of
Elections**

2017

LEGISLATIVE PROPOSAL

17-11

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.

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

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

1 registrants in inactive status) [~~or, with the approval of the~~
2 ~~county board of elections, not more than eleven hundred~~
3 ~~fifty registrants (excluding registrants in inactive status)]~~,~~~~

4 but any election-district may be divided for the convenience of
5 the voters.

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

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

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

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

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

1

2 § 3. This act shall take effect on the first day of January

3 after enactment.

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



**Board of
Elections**

2017

LEGISLATIVE PROPOSAL

17-12

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

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

1 board will provide the chief enforcement counsel of the State
2 Board notice of filing delinquencies and non-filings.

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

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

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



**Board of
Elections**

2017

LEGISLATIVE PROPOSAL

17-13

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,

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

1 prepared by the state board of elections concisely stating the
2 purpose and effect thereof in a clear and coherent manner using
3 words with common and everyday meanings.

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

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

1 using words with common and everyday meanings.

2 3. Such certified copy shall set out all new matter in italics
3 and enclose in brackets, [], all matter to be eliminated from
4 existing law, and at the bottom of each page shall be appended
5 the words:

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

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

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

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

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



**Board of
Elections**

2017

LEGISLATIVE PROPOSAL

17-14

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.



**Board of
Elections**

2017

LEGISLATIVE PROPOSAL

17-15

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.



**Board of
Elections**

2017

LEGISLATIVE PROPOSAL

17-16

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.



**Board of
Elections**

2017

LEGISLATIVE PROPOSAL

17-17

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.



**Board of
Elections**

2017

LEGISLATIVE PROPOSAL

17-18

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 election law in relation to permitting newspaper publication by reference to a board website.

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.



**Board of
Elections**

2017

LEGISLATIVE PROPOSAL

17-19

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

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

1 conducted by such associations and organizations will be in the
2 public interest.

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

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



**Board of
Elections**

2017

LEGISLATIVE PROPOSAL

17-20

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 “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 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. Such an interpretation is strained.

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.

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.



**Board of
Elections**

2017

LEGISLATIVE PROPOSAL

17-21

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

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

1 the state board of elections in consultation with election
2 commissioners and shall not exceed three hours of instruction.

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

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



**Board of
Elections**

2017

LEGISLATIVE PROPOSAL

17-22

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 repealing section 2-126 of the election law.

SUMMARY OF PROVISIONS:

This bill repeals section 2-126 of the election law which prohibits the expenditure of party funds in primary elections. The section has been declared unconstitutional and the State Board of Elections is enjoined from enforcing the provision.

JUSTIFICATION:

Election Law 2-126 has been declared unconstitutional, and the State Board of Elections has been enjoined from enforcing the provision since 2006 (*see Matter of Avella v Batt*, 33 AD3d 77 [3rd Dept 2006]; *Kermani v New York State Board of Elections*, 487 F.Supp2d 101 [NDNY 2006]).

LEGISLATIVE HISTORY:

None.

FISCAL IMPACT:

None.

EFFECTIVE DATE:

This act shall take effect immediately.

AN ACT to amend the election law in relation to repealing section 2-126 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. Section 2-126 of the election law is repealed.

2 § 2. This act shall take effect immediately.

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