



New York State Assembly

Carl E. Heastie, Speaker

ANNUAL REPORT 2015

Committee on

Election Law

Mike Cusick, Chairman



MICHAEL J. CUSICK
Assemblyman 63rd District
Richmond County

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December 15, 2015

Honorable Carl Heastie
Speaker of the Assembly
New York State Assembly
State Capitol
Albany, New York 12248

Dear Mr. Speaker:

It is with great pleasure that I present to you the 2015 Annual Report of the Assembly Standing Committee on Election Law.

The 2015 legislative session was active for the Election Law Committee. The Committee reported significant legislation that was later enacted into law, including establishing the date of the 2016 Presidential primary and the rules relating to the respective National Party Conventions for both major parties.

Additionally, several important legislative changes to the Election Law were enacted as part of the SFY 2015-16 Budget, including:

- Defining and specifying prohibited personal uses of campaign funds.
- Expanding the definition of independent expenditure to include any communication referencing a clearly identified candidate made within 60 days of a general or special election or 30 days before a primary election.

Other legislative initiatives which the Committee reported and the Assembly passed included:

- Closing the LLC "loophole";
- Requiring political communications be attributed to the person(s) or committee who paid for them;
- Strengthening election law by creating clear definitions of "independent expenditure committees" and "political action committees";
- Prohibiting political contributions made to party "housekeeping" accounts from being used for campaign purposes;
- Providing that absentee ballots for all elections shall be made available in Braille upon the request of a blind or visually impaired voter; and
- Creating a ballot layout that is easier for voters to read and use.

I am proud of the Committee's record of achievement this past year. The Committee and Assembly have diligently, aggressively, and intelligently advanced policies to increase transparency, fairness and integrity in the electoral process. In that capacity, the Committee held a public hearing on November 18, 2015 to investigate ways to make our election system more accessible to all New Yorkers by examining the potential of adopting "Early Voting" and "No Excuse" absentee balloting reforms.

The goal of this Committee remains unchanged: to instill in voters the confidence that our electoral system is structurally honest and fair to all New Yorkers. Through this Committee's oversight of existing institutions and its advocacy of initiatives designed to bring about reforms, New York has made and continues to make great strides towards this goal. The 2016 session will, no doubt, again see forceful debate concerning the issues of campaign finance reform and the ways in which we conduct our elections in New York State.

Sincerely,



Michael J. Cusick
Chairman
Election Law Committee

**2015 ANNUAL REPORT
of the
New York State Assembly
Standing Committee on Election Law**

**Michael J. Cusick
Chairman**

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I. INTRODUCTION

Committee Jurisdiction

The jurisdiction of the Assembly Standing Committee on Election Law (hereinafter known as “the Committee”) includes all legislation that affects elections on the national, state and local levels, including ballot access, voter registration and enrollment, voter education and outreach, campaign financing and related administrative procedures of the State Board of Elections and local boards of elections.

Executive Summary

Building on its work over the past several years, in 2015 the Assembly Standing Committee on Election Law remained active and focused on the consistent aim of expanding the opportunity for voters to meaningfully participate in the electoral process. The Committee championed, and the Assembly passed “The Voter Friendly Ballot Act” which would include a variety of reforms to the ballot making it easier to read, more transparent, and less cluttered. The Committee also considered the needs of varied interests in establishing the date for the 2016 Presidential Primary and the rules pertaining to the delegate selection process and rules and procedures for the respective major parties’ National convention.

Since the Supreme Court’s 2010 *Citizens United* decision, the electoral process in New York has been inundated with unprecedented amounts of unregulated independent expenditure money. The impact of *Citizens United* is abundantly clear: unfettered money dilutes the voices of the people in electoral politics. In recognizing the need for campaign finance reform, the Assembly passed several pieces of reform legislation, including closing the “LLC Loophole”, which would prevent wealthy donors from making unlimited campaign contributions to individual recipients. The Assembly passed legislation prohibiting the use of Committee “housekeeping” campaign funds for political purposes and strengthened election law by adding new definitions clarifying the activities of certain types of committees including PACs. Additionally, the SFY 2015-2016 Budget included legislation that established and clarified prohibitions on the personal use of campaign contributions, and strengthened the disclosure requirements for independent expenditures.

II. HIGHLIGHTS OF THE 2015 LEGISLATIVE SESSION

Prohibiting the Personal Use of Campaign Funds (A.3006-B Budget; Chapter 56)

As part of the 2015 State Budget, legislation was included which prohibits the use of campaign funds for personal use and not in connection to a campaign or the holding of public office, including for the purposes of non-campaign related residential or household costs, clothing, tuition payments, childcare costs, dues at country clubs or other nonpolitical organizations, salary or compensation to any person, admission to a sporting event, concert, or theater, fines or penalties, or travel expenses including automobiles purchases and leases. In addition, this legislation authorizes the State Board of Elections to issue advisory opinions upon request regarding these provisions.

Strengthening Independent Expenditure Disclosure Requirements (A.3006-B Budget; Chapter 55)

As part of the 2015 State Budget, the law pertaining to independent expenditure disclosures was strengthened by requiring that any expenditure that includes or references a clearly identified candidate, made within sixty days before a general or special election for the office sought by the candidate or thirty days before a primary election, shall be considered as an independent expenditure and reported as such.

Requires the 2015 "fall" primary election be held on September 10, 2015 and the political calendar to be adjusted accordingly. (A.7014, M. Simanowitz; Chapter 16)

This law moved the 2015 September primary date from September 15th to September 10th to avoid potential conflicts with the Jewish holiday Rosh Hashanah. The corresponding political calendar was also adjusted accordingly. This law will expire December 31, 2015.

Relates to the conducting of, and date of the 2016 Presidential and "fall" primaries (A.8310, Cusick; Chapter 87);

This law sets the dates for the 2016 Presidential Primary Election (April 19, 2016) and the "fall" Primary Election (September 13, 2016) for State and local elections. This law establishes the rules and procedures for the 2016 National Party Conventions for both major political parties.

Relates to the selection of delegates to 2016 national party convention or a national party conference (A.8311, Cusick; Chapter 88)

This law amends certain rules and procedures relating to the delegate selection process and rules and procedures for the 2016 national party conventions for both major political parties.

Designation of boards of registration for special town elections. (A.2439-B, Buchwald; Chapter 372)

This law gives towns the flexibility to decide the number of boards of registry sufficient to meet the needs of a special town election.

The use of pasters or stickers. (A.7280-A, Cusick; Chapter 395)

This law prohibits the use of stickers, labels or pasters for a write-in ballot and provides that no paster or sticker shall be affixed to any ballot by a voter.

Reference to "inmate" in election law. (A.3601, Dinowitz; Chapter 375)

This law eliminates the reference to "inmate" when referring to residents of veterans' administration hospitals for purposes of absentee voting.

The delivery of election documents by delivery services. (A.5926, Brook-Krasny; Chapter 255)

This law expands the options of delivery services available to send paper under the election law rather than limiting it only to the use of the United States Postal Service.

Voter Verifiable Audit Records. (A.7601, Cusick; Chapter 515)

This law allows the post-election audit of the voter verifiable records to be conducted manually or with the use of any automated tools that are authorized by the State Board of Elections.

III. 2015 COMMITTEE INITIATIVES WHICH PASSED THE ASSEMBLY BUT WERE NOT CONSIDERED BY THE SENATE

Westchester County Board of Elections (A.138, Paulin)

This bill would create a provision requiring the Westchester County Board of Elections to stay open until midnight on the last day of a filing period.

Witness to a party designating petition (A.302-A, Abinanti)

This bill would codify a New York Court of Appeals decision and delete the requirement that a witness to a party designating petition or an independent nominating petition must reside in the district of the office in the petition.

Email address option on voter registration form (A.1952, Mayer)

This bill would require an optional place for the voter to include an email address on the voter registration form. Currently, the board of elections includes this information on registration form but is not required to do so by statute.

Braille absentee ballots (A.2104-A, Weprin)

This bill would enable blind or visually impaired persons to request and receive Braille or large-print absentee ballots for all elections.

Attorneys as poll watchers (A.2824-A, Weprin)

This bill would authorize attorneys to be poll watchers anywhere in New York if they are state residents and licensed to practice law in the state.

Absentee Ballots Canvassed Centrally at Board of Elections (A.3330, Fahy)

This bill would clarify election law 3-408 as it relates to the canvassing of absentee ballots centrally at the Boards of Election.

Voter Friendly Ballot Act (A.3389, Kavanagh)

This bill would create a ballot layout that is easier for voters to read and use and would help ensure more accurate voting.

Richmond County Judicial District (A.4186, Cusick)

This bill would include the recently created thirteenth judicial district (Richmond County) as part of those districts in NYC that submit a roll of the convention to the secretary or chairman of the party which is empowered to fix the time and place of the convention rather than a certificate submitted to the State Board of Elections.

Permissive Town referendums (A.4200-B, Zebrowski)

This bill would require town special elections initiated by a petition to be held at the next general election unless specified in the petition. The bill also provides that town elections proposed by town board motions can be held at either a general, special, or biennial election.

Political communications (A.4286-A, Zebrowski)

This bill would require that political communications disclose the identity of the political committee that made the expenditure for the communication.

Closing the LLC Loophole (A.6975-B, Kavanagh)

This bill would add LLCs to §14-116 of the election law, which governs political contributions made by corporations and joint stock associations.

The use of Campaign Contributions for Party "Housekeeping Accounts" (A.7392, Simon)

This bill would prohibit contributions made to "housekeeping" accounts from being used to promote or oppose a candidate. The bill would also require housekeeping funds to be kept in segregated accounts and provides that such funds may only be transferred to similarly segregated accounts intended for housekeeping purposes.

Defines Political Action Committee "PAC" and Independent Expenditure Committee "IE" for the purposes of election law (A.7397-A, Cusick)

This bill would clarify election law by defining PAC and IE committees as well as indicate the allowable spending and contributions of both. The bill would provide a penalty up to \$1000 or the cost of expenditure, whichever is greater, for violations of this section.

Long Island Power Authority (A.7544, Thiele)

This bill would eliminate the inclusion of signature requirements and other references to the Long Island Power Authority from the Election Law.

Ensures the cost efficiency of certain Board of Election notification requirements (A.7817, Cusick)

This bill would provide flexibility for the NYS Board of Elections to use standard mail at a lower cost for the same efficiency.

APPENDIX A

2015 SUMMARY SHEET

SUMMARY OF ACTION ON ALL BILLS REFERRED TO THE COMMITTEE ON ELECTION LAW

<u>FINAL ACTION</u>	<u>ASSEMBLY BILLS</u>	<u>SENATE BILLS</u>	<u>TOTAL BILLS</u>
BILLS REPORTED WITH OR WITHOUT AMENDMENT			
TO FLOOR; NOT RETURNING TO COMMITTEE (FAVORABLE)	11	0	11
TO WAYS AND MEANS	3	0	3
TO CODES	6	0	6
TO RULES	8	0	8
TO JUDICIARY	2	0	2
TOTAL	30	0	30
BILLS HAVING COMMITTEE REFERENCE CHANGED			
TO _____	0	0	0
TO _____	0	0	0
TO _____	0	0	0
TO _____	0	0	0
TOTAL	0	0	0
SENATE BILLS SUBSTITUTED OR RECALLED			
SUBSTITUTED		4	4
RECALLED		0	0
TOTAL		4	4
BILLS DEFEATED IN COMMITTEE	0	0	0
BILLS HELD FOR CONSIDERATION WITH A ROLL- CALL VOTE	0	0	0
BILLS NEVER REPORTED, HELD IN COMMITTEE	187	4	191
BILLS HAVING ENACTING CLAUSES STRICKEN	4	0	4
MOTIONS TO DISCHARGE LOST	0	0	0
TOTAL BILLS IN COMMITTEE	221	8	229
TOTAL NUMBER OF COMMITTEE MEETINGS HELD	6		

APPENDIX B

2015 CHAPTERS

<u>BILL NUMBER</u>	<u>SPONSOR</u>	<u>DESCRIPTION</u>	<u>CHAPTER NUMBER</u>
A.7014	Simanowitz	Primary September 10, 2015	16
A.8310	Cusick	2016 Presidential and "fall" primaries	87
A.8311	Cusick	Delegates to 2016 National Party Conventions	88
A.5926	Brook-Krasny	Delivery Services for Election Documents	255
A.2439-B	Buchwald	Registration for Special Town Elections	372
A.3601	Dinowitz	Reference to "Inmate" in Election Law	375
A.7280-A	Cusick	The Use of Pastors or Stickers	395
A.7601	Cusick	Voter Verifiable Audit	515