

NEW YORK STATE ASSEMBLY

Carl E. Heastie, Speaker
Latrice Monique Walker, Chair



2023 ANNUAL REPORT

COMMITTEE ON ELECTION LAW



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Member of Assembly
55th Assembly District
Kings County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

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Codes
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December 15, 2023

Honorable Carl E. 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 2023 Annual Report of the Assembly Standing Committee on Election Law.

In the 2023 legislative session, the Committee continued to make great strides in protecting the availability and integrity of the franchise. The Committee advanced legislation to streamline the voter registration process by ensuring that eligible individuals have the right to both register to vote and cast an affidavit ballot on the first day of early voting, also known as the “golden day.” The Committee also worked to enact the “New York Early Mail Voter Act” which establishes a process by which voters can vote by mail during the early voting period.

In an effort to further the accessibility of the franchise, the Committee ensured that voters will be able to sufficiently understand all questions and or proposed Constitutional amendments that may be presented on the ballot, by requiring that these initiatives be submitted to the voters in plain language. Another crucial piece of legislation that was passed by the Committee that speaks to accessibility would require that certain local elections be held in even number years. In the past, many local elections were held in odd number years, where voter turnout has been historically low. Voters tend to be more focused on state and national elections that are held in even number years. By moving these crucial local elections to coincide with national and state elections, more voters will be able to cast their ballots.

As the Committee is focused on the integrity of the franchise, it is also concerned with the integrity of any challenges to the election law that may arise. Legislation was passed that would prevent “forum shopping” by designating one court in each judicial department in the state as the

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appropriate venue for any challenges to the election law. It is important to have consistency to ensure all cases are heard in a fair court.

To continue the success and accessibility of early voting, another piece of legislation was passed to require local boards of election to adhere to a deadline for changing an early voting site. In the past, sites have been changed at the last minute with minimal (if any) notification to the voters affected. By passing this important piece of legislation, the Committee took another step toward full voter participation.

The Committee has also continued its commitment to the professionalization of elections officials and processes. As a result of legislation passed this session, the State Board of Election will develop a mandatory training curriculum for poll workers that will cover all aspects of election administrations in an effort to simplify the voting process for both the voter and the poll worker.

Next year will see a presidential election, and the Committee has implemented two initiatives to prepare for this important time. The Presidential primary was set to be held on April 2, 2024, ensuring voters the ability to vote their choice. The Committee also closed a loophole regarding presidential electors. Electors from New York State will be required to vote for the presidential and vice-presidential candidate who was nominated by the political party that nominated that presidential elector, and failure to do so will result in a mandated resignation of that elector. This is meant to ensure the integrity of the electors.

With your assistance and support, Mr. Speaker, the Committee was able to continue with the mandate to guarantee every New Yorker the right to vote.

Sincerely,

Latrice M. Walker
Chair
Election Law Committee

2023 ANNUAL REPORT
of the
New York State Assembly
Standing Committee on Election Law

Latrice M. Walker

Chair

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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 board of elections.

II. 2023 SESSION COMMITTEE ACTION

1. Relates to recyclable political campaign mailing pieces. A.252 (Magnarelli)/S.7210 (May)/Passed Assembly.

This bill would require that all printed political campaign mailing pieces, containing, or made of recyclable material, include a message that the printed material is recyclable.

2. Relates to mandatory training for poll workers. A.268 (Walker)/S.587 (Comrie)/ Chapter 477 of 2023.

This law requires the state board of elections to develop and provide to each county materials for a model poll worker training program which the counties may use to train individuals to serve as poll workers in state and county elections.

3. Relates to the notification of candidates designated for certain County Committees. A.494A (Epstein)/ Reported to the Rules Committee.

This bill would require the board of elections of the city of New York to provide notice to each candidate designated in a petition for election to a party position of a county committee located within the city of New York.

4. Relates to the eligibility requirements for poll watchers. A.530A (Weprin)/S.6130A (Parker)/Ordered to Third Reading

This bill would allow for an attorney licensed to practice in New York State to serve as a poll watcher in any city or county in the State.

5. Relates to the accessibility of congressional, senatorial, assembly and election district maps in downloadable digital file formats compatible with geographic information (GIS) software. A.605 (Paulin)/S.852 (Skoufis)/ Chapter 89 of the Laws of 2023.

This law amends Chapter 644 of the law of 2022 that required congressional, senatorial, assembly and election district maps be made available on applicable board of elections' websites and in a downloadable Shapefile format.

This chapter amendment expands the format in which districts maps shall be posted on the board of elections' website to be available in downloadable digital file formats compatible with GIS software.

6. Relates the order in which candidates appear on the ballot. A.725 (Hunter)/S.5943 (Skoufis)/Ordered to Third Reading

This bill would modify the order in which candidates appear on the ballot by requiring that offices shall be listed on the ballot in descending order based on the size of the electorate and requires certain federal offices to be listed before state, county, or local offices.

7. Relates to Presidential Electors. A.928 (Jacobson)/S.438 (Skoufis)/Chapter 476 of 2023.

This law requires electors to vote for the presidential and vice-presidential candidate who were nominated by the political party that nominated the presidential elector.

8. Relates to certain deadlines for voter registration. A.972 (Carroll)/S.1327 (Kavanaugh)/Chapter 113 of 2023.

This law amends Chapter 765 of the laws of 2022 that reduced the time for mailing and receipt of registration application to constitutional minimum by providing that an application postmarked by no later than fifteen days before the next primary, general or special election, which is received no later than ten days before such election, or which is delivered in person at least ten days before such election to the county board of elections, shall entitle such applicant to vote at such election.

This chapter amendment makes conforming changes to the sections of the Election Law that were changed in order to ensure that the updates to the voter registration deadlines are consistent throughout the law.

9. Relates to electronic correspondence of determinations on objections to designating petitions, independent nominating petitions, certificates of nomination or ballot access documents. A.985 (Steck)/S.822 (May)/ Chapter 77 of 2023.

This law amends Chapter 744 of the law of 2022 that established statewide uniformity with regard to specific objections to nominating petitions, allowing for due process to all candidates for public office in New York State.

This chapter amendment allows for the notification of objections to designated petitions, independent nominating petitions, certificates of nomination or ballot access documents to be transmitted electronically with proper consent.

10. Relates to binding agents on ballot envelopes. A.1177 (Paulin)/S.6195 (Myrie)/ Chapter 472 of 2023.

This law provides that ballot envelopes are not invalid and do not require a cure if the ballot envelope is sealed with tape, paste, or any other binding agent or device and have no indication of tampering.

11. Relates to ballot recounts. A.1259 (Lunsford)/S.1014 (Cooney)/Reported to the Ways and Means Committee.

This bill would require the board of elections or bipartisan committee, appointed by the board, to conduct a full ballot recount either manually or via the use of any automated tool authorized by the board of elections, which is independent from the voting system it is being used to recount, where the margin of victory is less than or equal to 0.5% but greater than 0.25%. The bill would also allow for losing candidates to deny a recount before any recount is conducted.

12. Relates to the changing of a polling site for Early Voting. A.1565A (Simon)/S.6519A (Kavanaugh)/Chapter 480 of 2023.

This law establishes a deadline for changing the location of a polling place for early voting by requiring that no location change may occur within forty-eight hours of the commencement of an early voting period.

13. Relates to the language of a proposed constitutional amendment or other question submitted for a statewide vote. A.1722B (Zinerman)/S.1381A(Comrie)/Chapter 648 of the Laws of 2023

This law requires proposed amendments to the constitution or other question provided by law to be submitted to a statewide vote be submitted to the people for their approval in plain language.

14. Relates to contribution and receipt limitations applicable to candidates for election to any public office. A.2556 (Walker)/S.615 (Myrie)/ Chapter 105 of the Laws of 2023.

This law ensures the current contribution limits for all offices, other than statewide, Senate and Assembly, will continue with the start of the public financing program.

15. Relates to notification of redistricting. A.3286 (Rosenthal, L)/S.5096 (Cleare)/Reported to the Ways and Means Committee.

This bill would require the state board of elections to develop a program to be administered by all boards of elections to notify voters of certain information if their area has been redistricted.

16. Relates to conforming changes to the Election Law regarding voting machines. A.4072 (Carroll)/S.945 (Gianaris)/Chapter 423 of 2023.

This law makes conforming changes to the election law to accurately reflect proper cross reference relating to the operational failure of a voting machine.

17. Relates to local elections held in even numbered years. A.4282B (Paulin)/S.3505B (Skoufis)/Passed both Houses.

This bill would require certain local elections held outside of New York City to be held on election day in November in even-numbered years.

18. Relates to the dates to file a designating petition. A.5057B (Bores)/S.5818 (Myrie)/Chapter 120 of the Laws of 2023.

This law changes the dates of petition filing to allow observant Jewish candidates and staff to file without interfering with Passover. This law expires on December 31, 2024.

19. Relates to legal challenges to the constitutionality of provisions of the election law. A.5874 (Walker)/S.350 (Jackson)/Chapter 475 of 2023.

This law requires that for any legal challenge to the constitutionality of a provision of the election law or statutory claim be brought in the judicial department within which at least one plaintiff is located: first judicial department: New York county; second judicial department: Westchester county; third judicial department: Albany county; and fourth judicial department: Erie county.

20. Relates to registration of voters during early voting. A.6132A (Carroll)/S.5984A (Kavanagh)/Chapter 479 of 2023

This law codifies and sets forth a process for which voters may both register to vote and cast a ballot on the first day of early voting.

21. Relates to the John R. Lewis Voting Rights Act of New York. A.7431 (Walker)/S.818 (Myrie)/Chapter 169 of the Laws of 2023.

This law amends Chapter 226 of the laws of 2022 that established the John R. Lewis Voting Rights Act to change the effective date from immediate to July 1, 2023.

22. Relates to the establishment of the New York Early Mail Voter Act. A.7632A (Reyes)/S.7394A (Gianaris)/Chapter 481 of 2023.

This law establishes early mail voting which authorizes registered voters to obtain early mail voting ballots through application to the board of elections. It also requires the New York State Board of Elections to establish and maintain an electronic early mail ballot application transmittal system through which voters may apply for an early mail ballot online.

23. Relates to the Presidential Primary. A.7690 (Heastie)/A.7550 (Stewart-Cousins)/Chapter 474 of 2023.

This law provides for the election of delegates to a national party convention or a national party conference in 2024; schedules the presidential primary election for April 2, 2024; updates the political calendar accordingly; requires cure affirmations for curing ballots to be received by the board of elections no later than 7 business days after the board's mailing of the curable rejection notice or the day before the election, whichever is later; provides that any write-in vote for a candidate whether or not such candidate's name is on the ballot for that contest shall be counted for such candidate unless such write-in vote

creates an invalid overvote in the contest; allows ballot envelopes without a postmark to be a curable defect; requires additional attestations to cure such defect; relates to the ability and proceeding to contest certain certificates to fill a vacancy in a designation; provides that absentee ballots may be canvassed at the poll site on election day; provides that no board of elections shall commence a full manual recount of a particular contest unless and until such board has completed and announced the results of the recanvass otherwise required, for each applicable election district.

24. Relates to Public Campaign Financing. A.7760 (Walker)/S.7564(Myrie)/Passed both Houses.

This bill would make various clarifications and modifications to the public campaign finance program. These clarifications include; increasing thresholds for qualifying matching funds, limiting the amount of funds that minor party candidates would be eligible to receive, prohibiting a candidate from qualifying for public matching funds if they owe any payments, repayments or civil penalties to the state program or any local program, requiring the Public Campaign Finance Board to develop training and certification for compliance officers and publish a list of certified officers on it's website, clarifying that the first \$250 of an eligible contribution would be matched and the candidate would not have to return any amounts over \$250 for such donation to be considered "matchable", including matching contributions from constituents in the candidate's district at the time the contribution was made (constituent population may change due to redistricting), clarifying that candidates do not have to participate in the program for the general election if they participated in the program for the primary, ensuring that candidates selected for random audits would remain private, unless there is a finding of wrong doing, establishing criteria for a race to be deemed "competitive", including a severability clause, reducing the maximum funds available for the general election by unspent funds from the primary, adjusting the timing of payments to mirror the NYC program and requiring public communications from candidates who participate in the program to advise as such.

III. SFY 2023-2024 COMMITTEE BUDGET ACTION

The State Fiscal Year (SFY) 2023-2024 for the New York State Board of Elections provided an all-funds appropriation of \$82 million, which was a \$15 million increase over what was proposed by the Executive. This appropriation included funds dedicated to the Help America Vote Act (HAVA), funds for the Public Campaign Finance Board staff and administration, payment of matching funds for candidates participating in the Public Campaign Finance program, funds for local Boards of Elections to offset the cost of pre-paid return postage on absentee ballots and funds for technology upgrades and equipment for local Boards of Elections.

IV. OUTLOOK FOR 2024

As we enter 2024, the Election Law Committee will continue to explore ways in which the administration of our elections systems may be improved to provide New Yorkers with the most effective and safe way to exercise their right to vote.

Voting safety and security will be paramount as we face a Presidential Election in 2024. The Committee will be dedicated to guaranteeing that voters feel confident in the voting systems in New York State. At the heart of this mission is ongoing voter education. It is important that voters are able to read and understand all aspects of the ballot, including initiatives that are often written in a complex manner. As in the past, the Committee has continued work on the prevention of voter suppression and voter intimidation. This issue is the cornerstone of a successful democracy, and it is imperative that we as a state work tirelessly to ensure the franchise to each citizen.

APPENDIX A
SUMMARY OF ACTION ON ALL BILLS
REFERRED TO THE COMMITTEE ON

Election Law

TOTAL NUMBER OF COMMITTEE MEETINGS HELD 4

2023 SUMMARY SHEET

<u>ASSEMBLY</u>	<u>SENATE</u>	<u>TOTAL</u>
<u>BILLS</u>	<u>BILLS</u>	<u>BILLS</u>

BILLS REPORTED FAVORABLE TO:

Codes	0	0	0
Judiciary	0	0	0
Ways and Means	5	0	5
Rules	7	0	7
Floor	5	0	5
TOTAL	17	0	17

COMMITTEE ACTION

Held For Consideration	3	0	3
Defeated	0	0	0
Enacting Clause Stricken	4	0	4
REMAINING IN COMMITTEE	228	28	256

BILLS REFERENCE CHANGED TO:

Codes 4
Judiciary 1
Ways and Means 2

TOTAL	7	0	7
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**APPENDIX B
2023 CHAPTERS**

CHAPTER NUMBER	ASSEMBLY BILL (SPONSOR)	SENATE BILL (SPONSOR)	DESCRIPTION
77	A.985 (Steck)	S.822 (May)	Chapter Amendment for c.744 of 2022 to allow for the notification of objections to designated petitions, independent nominating petitions, certificates of nomination or ballot access documents to be transmitted electronically with proper consent.
89	A.605 (Paulin)	S.852 (Skoufis)	Chapter Amendment for c.644 of 2022 to expand the format in which districts maps shall be posted on the board of elections' website to be available in downloadable digital file formats compatible with GIS software.
105	A.2556 (Walker)	S.615 Myrie	Ensures the current contribution limits for all offices, other than statewide, Senate and Assembly, will continue with the start of the public financing program.
113	A.972 (Carroll)	S.1327 (Kavanaugh)	Chapter Amendment for c.765 of 2022 to make conforming changes to the sections of the Election Law that were changed in order to ensure that the updates to the voter registration deadlines are consistent throughout the law.
120	A.5057B (Bores)	S.5818A (Myrie)	Relates to the dates to file a designating petition; provides for the repeal of such provisions.
169	A.7431 (Walker)	S.818 (Myrie)	Chapter Amendment to c.229 of 2022 to change the effective date from immediate to July 1, 2023.
423	A.4072 (Carroll)	S.945 (Gianaris)	Amends election law to accurately reflect proper cross reference relating to the operational failure of a voting machine.
472	A.1177 (Paulin)	S.6195 (Myrie)	Provides that ballot envelopes are not invalid and do not require a cure if the ballot envelope is sealed with tape, paste, or any other binding agent or device and have no indication of tampering.

CHAPTER NUMBER	ASSEMBLY BILL (SPONSOR)	SENATE BILL (SPONSOR)	DESCRIPTION
474	A.7690 (Heastie)	S.7550 (Stewart-Cousins)	Relates to the presidential primary, to provide for the election of delegates to a national party convention or a national party conference in 2024, and provisions regarding ballots and affirmations; repealer.
476	A.928 (Jacobson)	S.438 (Skoufis)	Relates to requiring electors to vote for the presidential and vice presidential candidate who was nominated by the political party that nominated the presidential elector.
477	A.268 (Walker)	S.587 (Comrie)	Relates to mandatory training curriculum for poll workers; requires the state board of elections to develop and provide to each county materials for a model poll worker training program which the counties may use to train individuals to serve as poll workers in state and county elections.
479	A.6132A (Carroll)	S.5984A (Kavanaugh)	Relates to registration of voters during early voting (Golden Day).
480	A.1565A (Simon)	S.6519A (Kavanaugh)	Establishes a deadline for changing the location of a polling place for early voting by requiring that no location change may occur within forty-eight hours of the commencement of an early voting period.
481	A.7632A (Reyes)	S.7394A (Gianaris)	Establishes the "New York Early Mail Voter Act".
648	A.1722B (Zinerman)	S.1381A (Comrie)	Requires proposed amendment to the constitution or other question provided by law to be submitted to a statewide vote be submitted to the people for their approval in plain language.

