New York State Assembly

Sheldon Silver
Speaker

2013
ANNUAL
REPORT

Committee on
Election Law

Michael J. Cusick
Chairman

THE ASSEMBLY

STATE OF NEW YORK

ALBANY

CHAIRMAN
Committee on Election Law

COMMITTEES
Governmental Employees
Higher Education
Mental Health
Transportation
Veterans' Affairs
Ways and Means

December 15, 2013

Honorable Sheldon Silver
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 2013 Annual Report of the Assembly Standing Committee on Election Law.

During the 2013 session, the Committee reported significant legislation that was later enacted into law to modernize the canvass procedures in the City of New York to allow a portable memory device to be used for quick and reliable reporting of unofficial election night results.

The Committee also advanced legislation, which was enacted, to allow the board of elections in the City of New York to use mechanical lever voting machines for the primary election in 2013 to help facilitate fast election results and a quick reset of the election apparatus in the event of a run-off election.

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

- The establishment of early voting in primary, general, and special elections in the State of New York;
- Providing for optional public financing of campaigns for statewide and state legislative offices and constitutional convention delegates;
- Providing that absentee ballots for all elections shall be made available in Braille upon the request of a blind or visually impaired voter;
- Allowing for half-day shifts for election inspectors or poll clerks;

- Prohibiting certain candidates for public office from serving as poll watchers; and
- Requiring absentee ballot applications for village elections to conform to state board of election absentee ballot requirements.

In short, I am proud of the Committee's 2013 legislative and oversight activity. The Committee and Assembly continue to advance policies to reform both the executive agencies that monitor the electoral process and the laws by which they are governed. In that regard, the Committee held a public hearing on December 9, 2013 that examined solutions to make voting, in person and absentee, more accessible for all voters and reduce its impact on the state budget. The Committee also heard testimony examining solutions for moving the state primary to June and to amend certain deadlines to facilitate the timely transmission of ballots to military voters stationed overseas.

The goal of this Committee remains unchanged: to give all New Yorkers confidence in the integrity of our election system through expansion of the franchise, responsible campaign finance regulation and unimpeachable election results. Through this Committee's oversight of existing institutions and its advocacy of initiatives designed to bring about reforms, New York has made great strides towards this goal. As the committee looks ahead to the 2014 session, we stand ready to once again tackle difficult issues like campaign finance reform, early voting and merging state and federal primary elections. These are the issues on which the voters are demanding that we take action. The committee delivered for New Yorkers in 2013 and it is my intention to deliver once again in 2014.

Sincerely,

Michael J. Cusick
Chairman
Election Law Committee

2013 ANNUAL REPORT
of the
New York State Assembly
Standing Committee on Election Law

Michael J. Cusick
Chairman

MEMBERS

MAJORITY

Sandra Galef
Jeffrey Dinowitz
Joseph Lentol
Barbara Lifton
Brian Kavanagh
Alec Brook-Krasny
Fred Thiele
David Weprin
Thomas Abinanti
David Buchwald

MINORITY

Bill Nojay
Thomas McKevitt
John Ceretto
Chad Lupinacci

STAFF

Daniel Salvin, Assistant Secretary for Program and Policy

Jason Litwak, Counsel

Laurie Barone, Senior Analyst

Joann D. Butler, Team Executive Secretary

TABLE OF CONTENTS

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 2013 the Assembly Standing Committee on Election Law remained active and focused on its consistent aim of expanding the opportunity for voters to meaningfully participate in the electoral process. The committee is proud that in a time when many states are seeking to obstruct the rights of voters, we have advanced legislation to expand accessibility to the electoral process in New York.

In keeping with this pledge to expand the franchise to as many New Yorkers as possible, in 2013 the committee referred and the Assembly passed the State's first ever legislation to enact early voting. This early voting legislation would establish a two-week period before election day for New Yorkers to vote, set up multiple poll sites throughout each county and ensure safeguards are in place to prevent fraud. The fact remains that many voters in New York State have familial, professional and personal responsibilities that prevent them from voting on election day. Early voting allows voters the opportunity to fulfill their civic duty without sacrificing other aspects of their lives.

Since the Supreme Court's 2010 <u>Citizens United</u> decision, the electoral process in New York has been inundated with unprecedented amounts of unregulated independent expenditure money. Independent expenditures are those funds which are spent independent of candidates and campaigns which, in effect, serve as unregulated campaign advertisements. The impact of <u>Citizens United</u> is abundantly clear: unfettered money dilutes the voices of the people in electoral politics. In an attempt to remedy this situation, the election law committee championed the "2013 Fair Election Act," a piece of legislation which set up a voluntary system of public financing of elections in New York State. The Fair Election Act would reward small contributions from regular citizens and minimize the weight of traditional big dollar contributors by lowering contribution limits and prohibiting contributions from corporations and limited liability corporations from being matched. This bill was passed by the Assembly.

In 2013, the election law committee also considered legislation to make absentee voting easier for visually impaired voters by advancing legislation that would require each county

board of elections to make absentee ballots available in both Braille and in large print. This proposal is an offshoot of the policy, already enshrined in the election law with its mandated availability of ballot marking devices in each polling place, of making in-person and absentee voting convenient and user friendly for voters with disabilities.

Also in 2013, the Assembly and the Election Law Committee listened to the voters who complained of the small font size used on the ballots, particularly in New York City, and passed legislation to make ballots used in New York State elections easier to read, understand and cast by setting a minimum font size and simplifying instructions. Enacting legislation on this issue remains a goal for the 2014 legislative session as it was widely reported that the Board of Elections in the City of New York printed ballots using five point font for the 2013 general election.

II.   HIGHLIGHTS OF THE 2013 LEGISLATIVE SESSION

Allowing for the use of lever voting machines for run-off elections in the city of New York. (A.7832-B, M. Cusick; Chapter 99)

This law moved the date of the possible run-off primary election in New York City to October 1, 2013, and authorized the New York City Board of Elections to use lever voting machines instead of optical scan systems if it is "necessary to ensure the timely and orderly administration of the primary election, including but not limited to a timely vote count."

Election night poll site procedures act of 2013. (A.109-C, B. Kavanagh; Chapter 334)

This law modernizes and streamlines the procedures for the election night canvass procedure and associated close of poll tasks. The law enables boards of elections to close poll sites and report unofficial election results on election night through simpler, faster and more accurate methods.

III. 2013 COMMITTEE INITIATIVES WHICH PASSED THE ASSEMBLY BUT WERE NOT CONSIDERED BY THE SENATE

Voter friendly ballot act. (A.204-A, Kavanagh)

This bill would create a ballot layout that is easy for voters to read and use. This bill creates a ballot that is clear and simple to read, makes voting easier, and leads to more accurate voting.

Removes the requirement that the notice of a party caucus be filed and posted at the local board of elections in village elections.   (A.412, Paulin)

This bill would simplify the notice requirements for party nominating caucuses for village elections while ensuring sufficient notice to village residents.

Early voting in the state of New York. (A.689-A, Silver)

This bill would establish early voting in primary, general and special elections in the state of New York.

Lever voting machines. (A.1230, Abinanti)

This bill would ensure the security of lever voting machines used in village elections after such elections have concluded.

Absentee voting. (A.1880, Weprin)

This bill would enact technical amendments to make certain provisions of the Election Law relating to ballots consistent with current practices. The bill would also repeal a section of election law relating to the use of pasters (labels to replace someone on an already printed ballot). It also amends the laws relating to the use of absentee ballots so that the board of elections may receive applications for absentee ballots up to the day before an election.

Voter pre-registration. (A.2042-A, Kavanagh)

This bill would add a section to the New York voter registration form allowing 16 and 17 year olds to pre-register to vote. The boards of elections would store this information and use it to register the applicants when they reach the age of eligibility following verification of their qualifications and address.

Clarifies that individuals have the ability to vote by absentee ballot where their maximum sentence of imprisonment has expired. (A.3394, Aubry)

This bill makes conforming changes to the education law and the town law to ensure that the "statement of the absentee voter" printed on an absentee ballot envelope is consistent with the existing Election Law provision regarding the ability of a person to vote once they have completed their maximum sentence of imprisonment or have been discharged from parole.

The national popular vote. (A.4422, Dinowitz)

This bill would enact the agreement among the states to elect the president by national popular vote.

Annual reports of the boards of elections. (A.4600, Quart)

This bill would improve public access to information about the Board of Elections through an annual report.

Employment of election poll clerks. (A.4670, Quart)

This bill would authorize the board of elections to employ election poll clerks to work half-day shifts with adjusted compensation.   The Board of Elections is permitted to appoint election inspectors for 8 hour shifts. This permission would be extended to poll clerks, as well.

The "2013 Fair Elections Act." (A.4980-C, Silver)

This bill would provide optional public financing of campaigns for statewide and state legislative offices and constitutional convention delegates as well as to provide for more disclosure of independent expenditures and tougher enforcement of campaign finance laws.

Absentee ballot applications for village elections. (A.5065, Galef)

This bill would provide for the requirements in absentee ballot applications for village elections to conform to state board of elections absentee ballot requirements.

Poll watchers. (A.5075, Millman)

This bill would prohibit a candidate from serving as a poll watcher in an election district in which they appear on the ballot.

Makes absentee ballots available in Braille and large-print. (A.6195-A, Cusick)
This bill would enable blind or visually impaired persons to request and receive Braille or large-print absentee ballots for all elections.

APPENDIX A

2013 SUMMARY SHEET
SUMMARY OF ACTION ON ALL BILLS REFERRED TO THE COMMITTEE ON
ELECTION LAW

FINAL ACTION	ASSEMBLY BILLS	SENATE BILLS	TOTAL BILLS
BILLS REPORTED WITH OR WITHOUT AMENDMENT			
TO FLOOR; NOT RETURNING TO COMMITTEE	10	0	10
TO FLOOR; RECOMMITTED AND DIED	0	0	0
TO WAYS AND MEANS	7	0	7
TO CODES	3	0	3
TO RULES	4	0	4
TO JUDICIARY	1	0	1
TOTAL	25	0	25
BILLS HAVING COMMITTEE REFERENCE CHANGED			
TO Environmental Conservation COMMITTEE	1	0	1
TO COMMITTEE	0	0	0
TO _____ COMMITTEE	0	0	0
TO _____ COMMITTEE	0	0	0
TOTAL	1	0	1
SENATE BILLS SUBSTITUTED OR RECALLED			
SUBSTITUTED		1	0
RECALLED		1	1
TOTAL		2	1
BILLS DEFEATED IN COMMITTEE	0	0	0
BILLS NEVER REPORTED, HELD IN COMMITTEE	166	5	171
BILLS NEVER REPORTED, DIED IN COMMITTEE	0	0	0
BILLS HAVING ENACTING CLAUSES STRICKEN	3	0	3
MOTIONS TO DISCHARGE LOST	0	0	0
TOTAL BILLS IN COMMITTEE	195	9	202
TOTAL NUMBER OF COMMITTEE MEETINGS HELD	6		

APPENDIX B

2013 CHAPTERS

BILL NUMBER	SPONSOR	DESCRIPTION	CHAPTER NUMBER
A.109-C	Kavanagh	Relating to the election night poll site procedures act of 2013	334
A.7832-B	Cusick	Allowing the use of lever voting machines for run-off elections in the city of New York	99