

# NEW YORK STATE ASSEMBLY

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Committee On  
Election Law

Carl E. Heastie • Speaker  
Latrice Monique Walker • Chairperson



# ANNUAL REPORT





LATRICE M. WALKER  
Member of Assembly  
55<sup>th</sup> Assembly District  
Kings County

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIR  
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Ways and Means

December 15, 2022

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 2022 Annual Report of the Assembly Standing Committee on Election Law.

In the 2022 legislative session, the Committee took significant steps in advancing legislation aimed at ensuring voter confidence, expanding voting opportunities, and addressing the continuing challenges presented by the Covid-19 pandemic. To that end, in order to better protect the health and safety of voters and local boards of elections staff, the Assembly passed legislation to extend a 2021 law which allowed voters to request an absentee ballot when the threat of contracting or spreading a disease is a concern.

Another significant area of concern the Committee faced was the accessibility to the franchise for all voters in New York, regardless of geography or economic position. Improving the ability of all voters to successfully cast a ballot was achieved by passing legislation that would allow a ballot to be cast and canvassed when a voter appears in the correct county and in a polling place that includes their correct Assembly District, even if the voter casts their ballot at a polling place for which they are not assigned. Previously, if a voter cast a ballot in the wrong election district, the whole ballot would be invalidated. Often, the invalidation of these ballots resulted in the disenfranchisement of voters who inadvertently showed up at the wrong polling place.

In recent years, the professionalization of elections officials has also been flagged as an important issue for examination by the Committee. This year, the Committee advanced legislation that would increase pay for poll workers and enhance training initiatives for boards of elections employees in order to ensure that voters receive proper assistance when attempting to cast a ballot, such as being directed to the correct poll site and receiving language assistance, if necessary.

Perhaps the most important bill that was passed during the 2022 legislative session was the John R. Lewis Voting Rights Act of New York. This historic, groundbreaking piece of legislation strengthens the scope of the federal Voting Rights Act of 1965 and codifies such provisions into state law by prohibiting laws, policies, practices that result in voter suppression or vote dilution of members of a particular race, color, or language-minority group. It also requires a political subdivision with a history of voter disenfranchisement to obtain "preclearance" with the courts or the New York State Attorney General's

office prior to making certain changes to their election laws and practices The New York Voting Rights Act builds upon the historic success of the federal Voting Rights Act by offering the most comprehensive state law protections for the right to vote in the United States and ensuring that local governments, local boards of elections, and school districts may not undermine the ability of all eligible voters to successfully cast a ballot. The law will address both a wide variety of long-overlooked infringements on the right to vote and make New York a robust national leader in voting rights at a time when too many states are trying to restrict access to the franchise.

In the months ahead, I look forward to working with you, Mr. Speaker, and the members of the Election Law Committee to continue to explore ways in which we, as a State, can improve the administration of our elections systems to provide New Yorkers with the most effective and safe way to exercise their right to vote.

Sincerely,

Latrice Walker  
Chair  
Election Law Committee

**2022 ANNUAL REPORT**  
**of the**  
**New York State Assembly**  
**Standing Committee on Election Law**

**Latrice Walker**  
**Chair**

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Nathan Kerstein, Associate Counsel

Christina Philo, Analyst

Isaiah James-Walker, Committee Clerk

Sierra Stevenson, Program and Counsel Secretary

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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. 2022 SESSION COMMITTEE ACTION

**Relates to voting by absentee ballot where there is a risk of contracting or spreading a disease that may cause illness to the voter or to other members of the public. A.8432A (Dinowitz) /S.7565B (Biaggi)/ Chapter 2**

This law temporarily extends absentee voting due to the risk of contracting or spreading a disease. This law sunsets on December 31, 2022.

**Relates to the effective date of provisions relating to providing an online absentee ballot tracking system. A.8772 (Dinowitz)/S.7799 (Comrie)/ Chapter 12**

Chapter 727 of 2021 created an online absentee ballot tracking system to allow a voter who has applied for an absentee ballot to track the status of an absentee application and an absentee ballot on the state board or local board website.

This chapter amendment changes the effective date for the online absentee ballot tracking system from January 1, 2022 to April 1, 2022.

**Relates to the requirement that the statement of party positions to be filled at a primary election shall be filed by February 28, 2022. A.9280 (Walker)/S.8308 (Myrie)/ Chapter 17**

This law temporarily extends the deadline for the filing of party positions from February 15, 2022 to February 28, 2022. This law sunsets on December 31, 2022.

**Relates to the effective date of provisions relating to canvassing absentee, military, special and affidavit ballots. A.8789 (Carroll)/S.7806 (Gianaris)/Chapter 117**

Chapter 763 of 2021 changed the process for canvassing absentee, military, special and affidavit ballots to obtain the results of an election in a more expedited manner and to assure that every valid vote by a qualified voter is counted.

This chapter amendment changes the effective date for the new canvassing process from January 1, 2022 to April 1, 2022.

**Relates to the effective date of provisions for the creation of a statewide electronic absentee ballot application transmittal system, and aligns the effective date with the effective date of the statewide online absentee ballot tracking system. A.8784 (Walker)/S.7845 (Myrie)/ Chapter 132**

Chapter 249 of 2021 allowed voters to request an absentee ballot electronically.

This chapter amendment aligns the effective date with the effective date of the statewide online absentee ballot tracking system.

**Relates to special elections to fill vacancies in the state senate and assembly. A.8785 (Walker)/S.7819 (Myrie)/ Chapter 164**

Chapter 320 of 2021 requires the governor to call a special election within 10 days of a vacancy in an elective office; shortens the time frame for holding such special election for all offices except representative in congress; and to provides a deadline after which a special election will not be held.

This chapter amendment makes a series of technical and conforming changes to the ensure the election calendar can accommodate the expedited special election cycle, clarifies that the elections that are subject to the expedited special election cycle are New York State Senate and Assembly races and permits the Governor to schedule multiple vacancies that occur within 30 days before the previously scheduled special election for the same day.

**Relates to the timeline requirement within which the board of elections must mail notice of ensuing primary and general elections, registration status, polling place location and other information to active voters. A.9508 (Walker)/S.8552 (Myrie)/ Chapter 175**

This law requires the board of elections to mail notice of ensuing primaries and general elections as well as registration information to active voters between the third Tuesday in April and the second Friday in May each year.

**Relates to the provision for the declination of a designation as a candidate or nomination for a party position under special circumstances. A.10135 (Paulin)/S.8949 (Krueger) Chapter 178**

This law permits a person designated as a candidate for nomination or for party position, or nominated for an office, to decline the nomination when the person has been arrested or charged with one or more misdemeanors or felonies, as well as permitting declination when the person has been convicted of one or more misdemeanors or felonies under state or federal law.

**Relates to the John R. Lewis Voting Rights Act of New York. A.6678E (Walker)/S.1046E (Myrie)/Chapter 226**

This law establishes the John R. Lewis Voting Rights Act of New York. This law codifies and strengthens the provisions of the federal Voting Rights Act of 1965 into state law by requiring a political subdivision (local governments, local boards of elections, and school districts) with a history of voter disenfranchisement to obtain “preclearance” prior to making certain changes to their election laws and practices. This legislation also: prohibits laws, policies, practices that would result in voter suppression or vote dilution of members of a particular race, color, or language-minority group; establishes standing for aggrieved persons and organizations, as well as the New York State Attorney General, to bring an action against a political subdivision for alleged violations; and provides remedies where disenfranchisement has occurred.

**Relates to ballots where the express intent of the voter is unambiguous. A.1144A (Paulin)/S.253A (Myrie)/Chapter 228**

This law allows for any stray marks or writing on a ballot, providing that they shall not be a basis for voiding a ballot, as long as it is found that the express intent of the voter is unambiguous.



**Relates to the inclusion of individuals who do not identify exclusively as a binary gender in eligibility for party positions. A.7933C (Gonzalez-Rojas)/S.6901B (Myrie)/ Chapter 231**

This law allows individuals who do not identify exclusively as a binary gender to be eligible for party positions by removing references to gender within the sections of law setting forth requirements for party positions.

**Relates to the signature requirement for petitions for candidates for the school board of the city of Buffalo. A.9423A (Peoples-Stokes)/S.8409A (Kennedy)/ Chapter 495**

This law provides that for the School Board of the city of Buffalo, designating petitions must contain at least 200 signatures for city subdistrict seats and at least 400 signatures for at large seats.

**Relates to prohibiting private individuals or entities to pay for the administrative expenses associated with the conduct of a referendum. A.4158 (Lavine)/S.156 (Thomas)/ Chapter 508**

This law prohibits a private individual, partnership, corporation, organization, etc. of directly or indirectly paying for the administration of a state or municipal referendum, including equipment, materials and personnel required to conduct the referendum.

**Relates to absentee voting in primary elections for certain party position. A.9960 (Burgos)/S.9343 (Sepulveda)/ Chapter 525**

This law makes a technical change to the Election Law to repeal the section of law that prohibited absentee voting in primary elections for certain party positions.

**Relates to the accessibility of congressional, senatorial, assembly and election district maps. A.831 (Paulin)/S.4591A (Skoufis)/Chapter 644**

This law requires boards of elections to publish election district maps in Shapefile format on their website.

**Relates to the counting of affidavit ballots. A.642C (Carroll)/S.284C (Myrie)/Chapter 661**

This law allows a ballot to be cast and canvassed when a voter appears in the correct county and a polling place that includes their correct assembly district, even if the voter casts their ballot at a polling place for which they are not assigned.

**Relates to the prohibition of state party names. A.1819A (Dinowitz)/S.1851A (Skoufis)/Chapter 671**

This law prohibits a state party from using the word "Independent" or "Independence" in its name.

**Relates to mandatory training curriculum for election commissioners and key staff of boards of elections. A.904 (Seawright)/ S.263 (Myrie) / Reported to Ways and Means Committee**

This bill would require Election Commissioners, and other staff as determined by the New York State Board of Elections, to complete a course of instruction and would also require Election Commissioners, and other designated staff, to complete continuing education on an annual basis.

**Relates to specification of objections to designating petitions, independent nominating petitions, certificates of nomination or ballot access documents. A.4261 (Steck)/S.4413 (May)/**

This bill sets forth a specific process for the objections to certain petitions.

**Relates to mandatory training curriculum for poll workers. A.4323A (Walker /S.5800B (Comrie) / Reported to Ways and Means Committee**

This bill would require the New York State Board of Elections to establish a training institute to develop curriculum for certified poll worker training and train-the-trainer programs.

**Relates to additional days of voting as a result of emergencies. A.4333 (Abinanti) /S.5804 (Comrie) / Passed Assembly**

This bill would provide for an additional period of voting in the event of a declared State of Emergency.

**Relates to the compensation of election inspectors and coordinators. A.4354A (Colton)/S.823A (Krueger) / Reported to Ways and Means Committee**

This bill would increase compensation of election inspectors to \$300 and coordinators to \$400 in New York City.

**Relates to filing the name of new political party. A.6695A (Galef)/ S.8263A (May) / Advanced to Third Reading**

This bill would require a new party to file the certificate setting forth the name of the party not later than the last day of February following the election at which the party obtained party status.

**Relates to recurring contributions solicited by a candidate, political campaign, political committee, party committee, or not-for-profit or for-profit entity. A.8182A (Jacobson)/ S.9431 (Skoufis) / Advanced to Third Reading**

This bill would require the affirmative consent for recurring contributions solicited by a candidate, political campaign, political committee, party committee, and for the refund of such recurring contributions and penalties for violations of this section.

**Relates to voter registration. A.8858A (Carroll)/S.2951A (Kavanagh)/**

This bill provides 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.

**Relates to ballots submitted in envelopes that are sealed with tape, paste or any other binding agent or device and have no indication of tampering. A.1084A (Paulin)/ S.327A (Myrie) / Passed Assembly**

This bill would provide 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.

APPENDIX A

**2022 SUMMARY SHEET**

SUMMARY OF ACTION ON ALL BILLS  
REFERRED TO THE COMMITTEE ON

Election Law

**TOTAL NUMBER OF COMMITTEE MEETINGS HELD** 6

ASSEMBLY SENATE TOTAL  
BILLS BILLS BILLS

**BILLS REPORTED FAVORABLE TO:**

|                |           |          |           |
|----------------|-----------|----------|-----------|
| Codes          | 1         | 0        | 1         |
| Judiciary      | 0         | 0        | 0         |
| Ways and Means | 3         | 0        | 3         |
| Rules          | 13        | 0        | 13        |
| Floor          | 6         | 0        | 6         |
| <b>TOTAL</b>   | <b>23</b> | <b>0</b> | <b>23</b> |

**COMMITTEE ACTION**

|                               |            |           |            |
|-------------------------------|------------|-----------|------------|
| Held For Consideration        | 23         | 0         | 23         |
| Defeated                      | 0          | 0         | 0          |
| Enacting Clause Stricken      | 10         | 0         | 10         |
| <b>REMAINING IN COMMITTEE</b> | <b>280</b> | <b>24</b> | <b>304</b> |

**BILLS REFERENCE CHANGED TO:**

**Ways and Means**

|              |          |          |          |
|--------------|----------|----------|----------|
| <b>TOTAL</b> | <b>1</b> | <b>0</b> | <b>1</b> |
|--------------|----------|----------|----------|

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**APPENDIX B**  
**2022 CHAPTERS**

| <b><u>BILL</u></b>   |                       |  | <b><u>CHAPTER</u></b> |
|----------------------|-----------------------|--|-----------------------|
| <b><u>NUMBER</u></b> | <b><u>SPONSOR</u></b> | <b><u>DESCRIPTION</u></b>  | <b><u>NUMBER</u></b>  |
| A.8432A              | Dinowitz              | Absentee voting provision extension  | 2                     |
| A.8772               | Dinowitz              | Amendment to Chapter 727 of 2021   | 12                    |
| A.9280               | Walker                | Deadline for Party designations  | 17                    |
| A.8789               | Carroll               | Amendment to Chapter 763 of 2021   | 117                   |
| A.8784               | Walker                | Amendment to Chapter 249 of 2021   | 132                   |
| A.8785               | Walker                | Amendment to Chapter 320 of 2021   | 164                   |
| A.9508               | Walker                | Deadline for Primary and Election Day notification                                     | 175                   |
| A.10135              | Paulin                | Declination of a designation as a candidate  | 178                   |
| A.6678E              | Walker                | John R. Lewis Voting Rights Act of New York  | 226                   |
| A.1144A              | Paulin                | Stray marks or writing on an absentee ballot   | 228                   |
| A.7933C              | Gonzalez-Rojas        | Eligibility for individuals who do not identify as a binary gender for party positions | 231                   |
| A.9423A              | Peoples-Stokes        | Signature requirement for School Board candidates In Buffalo                           | 495                   |
| A.4158               | Lavine                | Payment for the conduct of a referendum  | 508                   |
| A.9960               | Burgos                | Absentee voting for party positions  | 525                   |
| A.831                | Paulin                | Election Maps in Shapefile form  | 644                   |
| A.642C               | Carroll               | Incorrect polling place votes  | 661                   |
| A.1819A              | Dinowitz              | Prohibition of state party names   | 671                   |