

ANNUAL REPORT 2021



CARL E. HEASTIE, SPEAKER
LATRICE MONIQUE WALKER, CHAIR

NEW YORK STATE ASSEMBLY
COMMITTEE ON ELECTION LAW



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STATE OF NEW YORK
ALBANY

CHAIR
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Judiciary
Ways and Means

December 15, 2021

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 2021 Annual Report of the Assembly Standing Committee on Election Law.

During the legislative session of 2021, The Committee reported numerous bills that addressed the COVID-19 pandemic, many of which were enacted into law, along with ground-breaking pro voter initiatives.

I am proud of the Committee's achievements under the difficult circumstances COVID-19. The Committee and the Assembly continued to work to advance policies that increase fairness, transparency, and safety in the electoral process.

The goal of the Committee remains unchanged: to instill in voters the confidence that our electoral system is structurally honest, fair, and safe to all New Yorkers. Through this Committee's advocacy of initiatives, designed to bring about reforms, New York has made, and continues to make, great strides towards this goal. The 2022 session will, no doubt, again see issues related to the ways in which we can modernize 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 Laws Committee

2021 ANNUAL REPORT
of the
New York State Assembly
Standing Committee on Election Law

Latrice 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.

Executive Summary

The 2021 legislative session was marked by challenges because of the Covid-19 pandemic. The Committee rose to the challenge and continued to focus on the health and safety of voters as well as ensuring the accessibility of voting for all New Yorkers. Those initiatives that were signed into law included, the shortening of the timeframe in which a voter is required to request an absentee ballot from 7 to 15 days, adjusting where the location for early voting shall be for primary voters, and setting forth specific deadlines in which the Governor shall call for a special election after certain offices are vacated.

The Committee also passed two constitutional amendments. One removed the requirement to state a reason for an absentee ballot request and the other would remove the 10-day requirement for voter registration, allowing voters to register on Election Day.

II. BILLS SIGNED INTO LAW IN THE 2021 SESSION

Relates to the reduction of the numbers of signatures for designating petitions (A.3356; Chapter 22; Bichotte Hermelyn)

This law reduces the number of signatures required for designating petitions. This law sunsets on December 31, 2021.

Relates to the automatic voter registration process; amends certain voter registration processes and the agencies to be included as designated agencies (A.2574; Chapter 37; Walker)

Chapter 350 of 2020, known as the "New York Automatic Voter Registration Act of 2020" implemented a system of automatic voter registration, ("AVR") within certain designated state agency applications.

This chapter amendment adjusts some of the effective dates in the underlying law, adds SUNY and its various campuses to the AVR process, and makes certain appropriate technical changes.

Relates to county committees amending their rules to permit committee members whose terms are expiring in 2021 to remain in their office for an additional one-year term (A.4357; Chapter 38; Sillitti)

This law allows a majority of the executive committee of a county committee to adopt a temporary amendment to its rules, filed with the state and local boards of elections prior to March 2, 2021, that members of such county committee elected in an odd year whose terms are expiring in 2021 may remain in such office for an additional one-year term. Such county committee members shall be required to run in 2022 for a one-year term. In 2023 and thereafter, such committee members shall run for two-year terms.

Relates to the removal of the option to file an opportunity to ballot petition in the June 2021 primary election (A.4447; Chapter 69; Gallagher)

This law removes the option to file an opportunity to ballot petition for the June 2021 primary election. This law sunsets on December 31, 2021.

Relates to requiring the county seat in Washington county to have at least one polling place designated for early voting (A.1394; Chapter 74; McDonald)

Chapter 344 of 2020 required each county board of elections to include at least one early voting site in the municipality with the highest population in such county based on the latest federal decennial census. Chapter 344 also provided that, to the extent practicable, if such municipality has public transportation routes, such polling place shall be situated along such transportation routes.

This chapter amendment authorizes Washington County to designate the county seat, Fort Edward; as an early voting site in compliance with Chapter 344, as it is served by public transportation routes.

Relates to the number of signatures of enrolled voters needed on a designating petition for any town office to be filled by all the voters of certain towns and the number of signatures required on a designating petition for a village election; provides for the repeal of such provisions upon the expiration thereof (A.5844A; Chapter 81; Abinanti)

This law provides that designating petitions for any office to be filled by all the voters of towns containing one hundred thousand inhabitants or less, shall not exceed the number of signatures required by paragraph (j) of subdivision 2 of section 6-136, or two times the number of election districts in such town whichever is less.

Relates to the number of signatures for independent nominating petitions; and providing for the repeal of such provisions upon expiration thereof (A.4686; Chapter 90; Burgos)

This law reduces the number of signatures required for an independent nominating petition to 50 percent for elections held in 2021. This law sunsets on December 31, 2021.

Relates to voting and registration for voting by formerly incarcerated individuals convicted of a felony (A.4448A; Chapter 103; O'Donnell)

This law restores voting rights to parolees by removing the requirement that a parolee must wait until he or she has been discharged from parole or reached the maximum expiration date of the sentence.

Relates to early voting polling places for certain special, primary and run-off primary elections at which no voters are eligible to vote (A.6478; Chapter 110; Galef)

This law authorizes a change of location for early voting sites for any special, primary or run-off primary election at which no voters of the municipality with the highest population within the county are eligible to vote.

Relates to the requirement of posting of information concerning a change in the location of a polling place (A.2168; Chapter 241; Jacobson)

This law requires the Board of Elections to post at the entrance of a polling location, a notice on yellow paper informing voters that the polling place has been moved and the street address of the new location, when there is a change of location of a polling place from the last primary or general election held or when the last early voting period is held.

Relates to electronic applications for absentee ballots; provides for the repeal of such provisions upon the expiration thereof (A.6046; Chapter 249; Bichotte Hermelyn)

This law allows voters to request an absentee ballot via an electronic application submitted by email, or through an electronic transmittal system or web portal established by the State, City or County Board of Elections. This law sunsets on December 31, 2021.

Relates to the mailing and receipt of absentee ballots; provides for the repeal of such provisions upon the expiration thereof (A.6047A; Chapter 250; Bichotte Hermelyn)

This law eliminates the need to request an absentee ballot via a signed absentee ballot application; and allows absentee ballots with a postmark/cancellation mark by the day of election to be rendered a timely ballot. This law sunsets on December 31, 2021.

Relates to an increase in the number of registrants an election district may contain with the approval of the county board of elections (A.7478; Chapter 260, Cusick)

This law increases the election district registrant enrollment from a maximum of 1,150 registrants to 2,000.

Relates to absentee voting application deadlines (A.5783; Chapter 273; Taylor)

This law requires that all applications requesting an absentee ballot by mail must be received by the Board of Elections no later than the fifteenth day before the election that the ballot is first requested; and that applications delivered in person shall be received no later than the day before such election.

Relates to the declination of party nominations after primary elections (A.4142A; Chapter 276; Niou)

This law allows candidates for office to decline a nomination on one or more party lines in the event that they lose a primary election for another line.

Relates to absentee voting by residents of nursing homes and other long-term care facilities (A.6220; Chapter 279; Lunsford)

This law requires local Boards of Elections to mail or deliver absentee ballots to voters residing in nursing homes, residential care facilities, and other facilities under the jurisdiction of the Department of Health and Mental Hygiene, prohibiting inspectors from visiting or delivering ballots to these facilities. This law sunsets on January 1, 2021.

Relates to providing for online and in-person instruction and examination of election inspectors, poll clerks and election coordinators (A.4257A; Chapter 310; Epstein)

This law provides for electronic administration of instruction and examinations for election inspectors, poll clerks, and election coordinators and to remove the annual course requirement for reappointed election officials.

Relates to the dates by which the governor may make proclamation of a special election to fill certain offices (A.8028; Chapter 320; Walker)

This law requires the Governor to call a special election within 10 days of a vacancy in an elective office; to shorten the time frame for holding such special election for all offices except representative in congress; and to provide a deadline after which a special election will not be held.

Relates to write-in ballots (A.7761A; Chapter 480; Abinanti)

This law provides that write-in votes in a primary resulting from the filing of an opportunity to ballot petition will only count if the write-in candidate is enrolled in the party holding such primary.

Relates to the definition of the term "name" for purposes of designating or nominating a candidate for public office or party position (A.4136; Chapter 490; Aubry)

This law clarifies that the use of alternate, anglicized or familiar names on election petitions and ballots is acceptable provided that such name is demonstrated to be commonly used to identify that person in the person's community and that the use of such name is not intended to mislead voters or petition signers.

Relates to the confidentiality of registration records for victims of domestic violence (A.465A; Chapter 521; Rozic)

This law allows for a victim of domestic violence to opt into voter confidentiality by delivering to the Board of Elections a signed written statement, this confidentiality shall be valid for four years.

III. 2021 COMMITTEE INITIATIVES WHICH PASSED THE ASSEMBLY BUT WERE NOT CONSIDERED BY THE SENATE

Relates to the accessibility of congressional, senatorial, assembly and election district maps (A.831; Paulin)

This bill would require boards of elections to publish election district maps in Shapefile format on their website.

Relates to election districts in certain counties (A.5794; Dickens)

This bill would prohibit the Board of Elections from creating, consolidating, dividing, or altering an election district in 2021 in a county if the executive committee of a county party committee exercised the option authorized by chapter 38 of the laws of 2021.

Relates to the Voter Enfranchisement Modernization Act of 2019 (A.7479; Walker)

This bill would align the effective date of the Voter Enfranchisement Modernization Act of 2019 with the effective date of the Automatic Voter Registration Act of 2020.

IV.

ELECTION LAW COMMITTEE PUBLIC HEARING

On July 19, the Committee held a public hearing in order to review the ranked choice voting process in the 2021 New York City primary for Mayor and other locally established New York City offices through testimony from election administrators, advocates and other stakeholders.

Ranked choice voting allows voters to “rank” up to five candidates in order of preference, instead of casting a vote for just one. Also, if preferred, a voter may still vote for just one candidate.

In 2019, New York City voters approved a ballot measure that has made New York City the most populous place in the country to adopt ranked choice voting. New York City will use ranked choice voting for primary and special elections for the offices of the Mayor, Public Advocate, Comptroller, Borough President and City Council. It was used for the first time in the primary for Mayor and other locally established New York City offices on June 22, 2021.

Opponents of ranked choice voting expressed concerns about how the system was difficult for many voters, and the poll workers were not sufficiently trained to properly aid voters in need. They argued that this is disproportionately affected the elderly, disabled and minority voters.

Advocates of ranked choice voting disagreed, arguing that statistics show that more than 80% of New Yorkers liked the system and preferred it.

One common thread between opponents and advocates was the potentially ineffective New York City Board of Elections. Many argued that the Board should be adjusted in order for ranked choice voting to be successful in future primary elections.

APPENDIX A

2021 SUMMARY SHEET

SUMMARY OF ACTION ON ALL BILLS

REFERRED TO THE COMMITTEE ON

Election Law Committee

TOTAL NUMBER OF COMMITTEE MEETINGS HELD 8

ASSEMBLY SENATE TOTAL
BILLS BILLS BILLS

BILLS REPORTED FAVORABLE TO:

Codes	2	0	2
Judiciary	2	0	2
Ways and Means	5	0	5
Rules	21	0	21
Floor	11	0	11
TOTAL	41	0	41

COMMITTEE ACTION

Held For Consideration	1	0	1
Defeated	0	0	0
Enacting Clause Stricken	0	0	0
REMAINING IN COMMITTEE	256	25	281

BILLS REFERENCE CHANGED TO:

TOTAL	0	0	0
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**APPENDIX B
2021 CHAPTERS**

BILL			CHAPTER
<u>NUMBER</u>	<u>SPONSOR</u>	<u>DESCRIPTION</u>	<u>NUMBER</u>
A.3356	Bichotte Hermelyn	Reduction of signatures required for designating signatures	22
A.2574	Walker	AVR Chapter amendment	37
A.4357	Sillitti	Additional one year term for certain County committee members	38
A.4447	Gallagher	Removal of the Opportunity to Ballot in June 2021 primary	69
A.1394	McDonald	Early voting site Chapter amendment	74
A.5844A	Abinanti	Maximum number of signatures required For Village election designating petition	81
A.4686	Burgos	Reduction of signatures required for Independent nominating petitions	90
A.4448A	O'Donnell	Restore voting rights to parolees	103
A.6478	Galef	Change of location for early voting sites	110
A.2168	Jacobson	Post information on change of polling site	241
A.6046	Bichotte Hermelyn	Electronic requests for absentee ballots	249
A.6047A	Bichotte Hermelyn	Timeframe for absentee ballot receipt by BOE	250
A.7478	Cusick	Election district registrant enrollment increase	260
A.5783	Taylor	Timeframe for absentee ballot requests	273

<u>BILL NUMBER</u>	<u>SPONSOR</u>	<u>DESCRIPTION</u>	<u>CHAPTER NUMBER</u>
A.4142A	Niou	Declination of nomination	276
A.6220	Lunsford	Absentee ballot delivery to nursing homes	279
A.4257A	Epstein	Online instruction and examinations for election Workers	310
A.8028	Walker	Dates for special elections for certain offices	320
A.7761A	Abinanti	Write-in votes at a primary as a result of an Opportunity to ballot	480
A.4136	Aubry	Use of alternate names on petitions and ballots	490
A.465A	Rozic	Voter confidentiality for domestic violence Victims	521