



COMMITTEE ON  
Election Law

2019 ANNUAL REPORT

NEW YORK STATE ASSEMBLY



CARL E. HEASTIE, *Speaker*

CHARLES D. LAVINE, *Chair*



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STATE OF NEW YORK  
ALBANY

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COMMITTEES  
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Rules  
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December 15, 2019

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 2019 Annual Report of the Assembly Standing Committee on Election Law.

The 2019 legislative session was a historically productive one for the Election Law Committee. The Committee reported numerous pieces of legislation that were later enacted into law, including the establishment of early voting, the consolidation of federal, state, and local primaries, and the closure of the “LLC loophole.”

I am proud of the Committee’s momentous achievements 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 20, 2019 to examine the initial implementation of early voting to ensure it meets the needs of all voters.

The goal of this Committee remains unchanged: to instill in voters the confidence that our electoral system is structurally honest, fair to all New Yorkers, and secure against cyber threats. 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 2020 session will, no doubt, again see forceful debate concerning issues such as campaign finance reform and the ways in which we can modernize our elections systems to provide New Yorkers with the most effective way to exercise their right to vote.

Sincerely,



Charles Lavine  
Chairman  
Election Law Committee

**2019 ANNUAL REPORT  
of the  
New York State Assembly  
Standing Committee on Election Law**

**Chuck Lavine  
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**

The 2019 legislative session was an incredibly productive one for the Committee on Election Law. The Committee reported more than 50 bills of which at least 40 have been signed into law at the time of writing. 2019 presented an incredible opportunity for the Assembly to fulfill some of its most important long-time objectives: expanding the opportunity for voters to meaningfully participate in the electoral process, and improving and modernizing the process and opportunity for eligible citizens to register to vote.

The Committee championed, and the legislature passed a measure to enact early voting, which allows voters an opportunity to vote at their convenience during a period of nine days prior to a primary, general, or special election. The legislature passed two resolutions to amend the New York Constitution that would allow all New York State voters to vote by absentee ballot and provide for same day voter registration. The resolutions must be passed in the next legislative term and then approved by New York State voters. The legislature additionally passed a measure designed to improve the ease and efficiency with which eligible New Yorkers are able to register to vote by creating an online voter registration system. Additionally, the legislature approved the use of electronic voter registration poll books at poll sites, which will help streamline and expedite the process of signing in and checking the registration status of voters.

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 legislature passed several pieces of reform legislation, including closing the “LLC Loophole” to prevent wealthy donors from making unlimited campaign contributions to individual recipients and requiring political communications to include the name of the person/s or committee who paid for it.

## II. **BILLS SIGNED INTO LAW IN THE 2019 LEGISLATIVE SESSION**

### **Pre-Registration of Voters (A.774; Chapter 2; Lavine)**

This law will increase voter participation by allowing 16 and 17 year olds to preregister to vote.

### **Universal Transfer of Registration (A.775; Chapter 3; Dinowitz)**

This law allows voters who move anywhere within the state to vote at a polling site in their new election district. A voter whose name does not appear on the voter registration list would be able to vote via affidavit ballot. This law requires the state board of elections to promulgate regulations as to the procedures for transferring a voter's registration from one county to another.

### **Closing the LLC Loophole (A.776; Chapter 4; Simon)**

This law adds Limited Liability Companies (LLCs) to §14-116 of the Election Law, which governs political contributions made by corporations and joint stock associations, imposing the same \$5,000 contribution limits for LLCs. This law also requires disclosure of membership interests and requires attribution of an LLC's contributions to its members.

### **Consolidating Federal, State and Local Primaries (A.779; Chapter 5; Lavine)**

This law ensures New York State is in compliance with federal law relating to the Military and Overseas Voter Empowerment (MOVE) Act, and reduces the cost of conducting elections by combining non-presidential federal and state primary elections to be held the fourth Tuesday in June.

### **Relates to the Establishment of Early Voting (A.780; Chapter 6; Lavine)**

This law establishes a system for early voting throughout the state requiring a 9 day period for in-person voting prior to any primary, special, or general election day.

### **Relates to the Number of Petition Signatures Required for 2019 (A.2570; Chapter 17; Jones)**

This law reduced the number of signatures required on designating petitions for all public offices to be filled in 2019, with the exception of New York City, by one quarter. This law expires at the end of 2019.

**Relates to the Number of Petition Signatures Required for Certain Party Positions (A.2693; Chapter 18; Dinowitz)**

This law lowers the signature requirement for designating petitions for any party position of member of the ward, town, city, or county committee to not less than three percent of the enrolled voters of the party residing within such election district. This law will expire at the end of 2020.

**Relates to the Number of Petition Signatures Required for 2019 (A.5979-A; Chapter 22; Jones)**

This law reduced the minimum petition signature requirement for all public offices to be filled in 2019, with the exception of elected offices in New York City and Erie County, to 3.75 percent of the enrolled voters of the party residing within the political unit in which the office or position is to be voted for. This law expires at the end of 2019.

**Relates to Party Organizational Requirements (A.8227-B; Chapter 42; Taylor)**

This law requires county committees to hold their organizational meeting between September 17 and October 6 following the June primary, as a result of the changes to the political calendar necessitated by Chapter 5 of 2019. The law further clarifies that authority lies with the existing committee until the organization meeting when authority transfers to the newly constituted committee.

**Relates to the Date for Filing a Certificate of Nomination for New Parties (A.4081; Chapter 46; D'Urso)**

This law ensures the timely and accurate certification of the general election ballot by changing the deadline for filing certificates of nomination from seven weeks to not later than the first day of September preceding the general election.

**Authorizes the Use of Electronic Poll Books (A.2005-C; Part XX; Chapter 55; Budget)**

This law passed in the budget allows boards of election to use electronic poll books that utilize computer generated registration lists.

**Time Off for Employees to Vote (A.2005-C; Part YY; Chapter 55; Budget)**

This law passed in the budget provides employees up to three hours off from work to vote on Election Day.



**Prohibiting Certain Loans from Being Made to Candidates or Political Committees (A.2005-C; Part AAA; Chapter 55; Budget)**

This law passed in the budget prohibits lobbyists, political action committees, labor unions, and independent expenditure committees from making loans to candidates for political office.

**Providing Uniform Polling Hours for Primary Elections Statewide (A.2005-C; Part BBB; Chapter 55; Budget)**

This law passed in the budget expanded the hours for primary elections in all counties to ensure the hours are uniform across the entire state.

**Provides for the Establishment of an Online Voter Registration System (A.2005-C; Part CCC; Chapter 55; Budget)**

This law passed in the budget provides for the establishment of an electronic voter registration system through which voters may register to vote online. This law also provides for the establishment of an online voter registration application that would include all of the voter registration information required under election law, including a signature or the option of an electronic signature, if necessary.

**The Establishment of a Commission to Create a Program of Voluntary Public Financing of Political Campaigns (A.2009-C; Chapter 59; Budget)**

This law passed in the budget created a nine member commission tasked with making recommendations regarding the implementation of a program for the public financing of political campaigns.

**Relates to Instituting Ballot Accountability Practices (A.7123; Chapter 63; Jacobsen)**

The purpose of this law is to allow election administrators to effectively implement the new early voting law as well as effectively administer existing election procedures by implementing ballot accountability practices and by removing the requirement that multiple page ballots be perforated.

**Relates to the Color of Primary Ballots (A.7606; Chapter 66; Lavine)**

This law removes the requirement that primary ballots be color-coded by political party as part of efforts to minimize the costs of new election equipment while ensuring ballot accountability as boards of election implement early voting.

**Relates to the Use of Campaign Funds for Childcare Expenses (A.1108-B; Chapter 136; Rosenthal)**

This law provides that campaign funds may be used to pay for childcare expenses incurred in a campaign or in the execution of the duties of public office or party position.

**Special Ballots for Victims of Domestic Violence (A.219-A; Chapter 150; Paulin)**

This law creates a special ballot for victims of domestic violence to vote in the same manner as voters who vote via absentee ballot, if they choose to.

**Special Ballots for Election Workers (A.202; Chapter 257; Cahill)**

This law allows election workers to submit special ballots any time after such ballots are printed and until the close of polls on Election Day.

**Relates to the Date of the Presidential Primary, and Provides for the Election of Delegates to a National Party Convention or a National Party Conference in 2020 (A.8176; Chapter 290; Blake)**

This law sets the date of the 2020 presidential primary for April 28, 2020, and enacts the statutory changes required, including adjustments to the political calendar and the respective plans for the election of delegates and alternate delegates to the national party conventions.

**Relates to Change of Enrollment by Previously Registered Voters (A.8228-B; Chapter 316; Jacobson)**

This law ensures that voters who wish to vote for a preferred presidential, state, or local candidate in a political party's primary election, but who are not enrolled members of that party, may change their enrollment by February 14<sup>th</sup> prior to a primary.

**Restricts Certain Corporations from Participating or Intervening in Any Political Campaign On Behalf Of or In Opposition To Any Candidate for Public Office (A.623; Chapter 407; Paulin)**

This law codifies existing federal law prohibiting not-for-profit corporations from participating in any political campaign on behalf of, or in opposition to, any candidate.

**Relates to Ballot Instructions (A.112-A; Chapter 409; Buchwald)**

This law requires ballots to include instructions in a format provided by the state board of elections, which may include a graphic arrow, indicating the ballot is two-sided.

**Relates to Accessible Sample Ballots (A.163; Chapter 410; Rosenthal)**

This law requires the state board of elections to create a system that will allow ballot information to be made publicly available via its website, as well as the website of a county board of elections, and in such a way as to be accessible to voters with certain disabilities.

**Enacts the Voter Friendly Ballot Act (A.2682-A; Chapter 411; Lavine)**

This law creates a ballot layout that is easier for voters to read and use, and will help ensure a more voter-friendly experience.

**Boards of Election Posting Campaign Contribution Limits (A.111; Chapter 412; Buchwald)**

This law requires local boards of election to calculate and publish on their website, on or before April 15<sup>th</sup>, all contribution limits for the county, town, city, and village offices on the ballot in that year, as well as provide such contribution limits to the state board of elections.

**Relates to Special Election Notifications (A.837-A; Chapter 413; Rosenthal)**

This law requires boards of election to post on their website, as soon as practicable, but not less than two weeks before a special election, the date, time, and offices to be voted on in a special election.

**Relates to Filing Requirements for Certain Candidate Committees (A.1641; Chapter 416; Seawright)**

This law eliminates the one thousand dollar (\$1,000) filing threshold and requires all candidates or their authorized committee to electronically file with the state board of elections, while removing the requirement for all local and county filers to file with their respective county board of elections.

**Relates to Alternative Poll Site Staffing (A.1454; Chapter 417; Buchwald)**

This law authorizes a board of elections to design an alternative poll site staffing plan to more efficiently conduct an election. Alternative poll site staffing plans will be required to be filed with the state board of elections. Such plan will need to provide for at least four inspectors, equally divided among the major parties, to be assigned to each poll site, and all staffing would be required to be bipartisan.

**Relates to Poll Watchers (A.1525-A; Chapter 418; Buchwald)**

This law clarifies the existing process for appointing poll watchers for any general, primary, special, village, or town election.

**Relates to the Uniform Election Night Procedure Act (A.2264; Chapter 437; Lavine)**

This law improves uniformity and clarity in Article Nine of the Election Law following the enactment of the “Election Night Poll Site Procedures Act,” streamlining the process for winding down poll sites at the end of an election day.

**Authorizes Consolidation of Certain Voting Districts with a Small Number of Eligible Voters (A.3543; Chapter 438; Carroll)**

This law provides that if an election district contains fewer than ten voters eligible to vote in such election then the normal limitation of 500 maximum voters in a combined district shall not be applicable.

**Relates to the Filing of Petitions or Designation or Nomination in the County of Westchester (A.349-A; Chapter 439; Paulin)**

This law requires the Westchester County Board of Elections to remain open to receive nominating petitions between the hours of 9 a.m. and midnight on the last day of filing in the county.

**Relates to Committees to Receive Notices for Opportunity to Ballot Petitions (A.6714; Chapter 440; Galef)**

This law provides the capacity for committees to receive notices for opportunity to ballot petitions to bring a proceeding under this chapter in same manner as a candidate named on such petition.

**Relates to Providing Uniform Polling Hours During a Primary (A.7709; Chapter 441; Lifton)**

This law amended Section 2 of Part BBB of Chapter 55 of the Laws of 2019, to change the effective date by 5 days to ensure uniform statewide primary hours are in place for the 2020 presidential primary election.

**Relates to the Disclosure of the Identity of Political Committees that Make Political Communications (A.4668; Chapter 454; Zebrowski)**

This law requires that political communications disclose the identity of the political committee that made the expenditure for the communication.

**Relates to Committees to Receive Notices for Opportunities to Ballot (A.5219; Chapter 456; Galef)**

This law requires individuals nominated to serve on committees to receive notices to sign and accept the nomination of the committee, otherwise such nomination shall be null and void. This bill further requires all certificates of acceptance to be filed no later than the fourth day after the last day to file petitions for the opportunity ballot.

**Relates to the Elimination of Duplicate Filings (A.1740; Chapter 465; Seawright)**

This law provides that any candidate or authorized candidate's committee required to file electronically with the state board of elections be deemed to satisfy the requirement upon making electronic filings with a local campaign finance board.

**Relates to the Mailing of Compliance Unit Notices (A3360; Chapter 530; Carroll)**

This law authorizes the State Board of Elections compliance unit to send deficiency notices by first class mail, in addition to certified mail to ensure campaign filers receive them.

**Relates to Testimony Related to a Voter's Signature on a Petition (A.120; Chapter 533; Buchwald)**

This law provides that a court may receive sworn testimony from a signer of a designating petition as to the authenticity of his or her own signature.

**Provides for the Inclusion, at a Voter's Option, of an E-Mail Address in the Voter Registration Application (A.1565; Chapter 536; Galef)**

This law requires the state board of elections to include a space for a voter to provide, at their option, an e-mail address on the voter registration application, together with a notice stating that if an e-mail address is furnished, all notices and communications required to be sent by the state board of elections to the voter by postal mail shall additionally be sent by e-mail.

Additionally, this law provides county boards of election the option to send required notices by e-mail in addition to postal mail.

**Relates to Voter Registration Form for Distribution and Assistance (A.2599-A; Chapter 587; Approval Memo 30; Dinowitz)**

This law requires SUNY and CUNY to provide voter registration and absentee ballot applications, and it requires SUNY and CUNY to submit annual compliance reports to the state board of elections.

**Relates to Ballots for Absentee Voters (A.2687; Chapter 615; Thiele)**

This law allows voters to vote for party positions by absentee ballot consistent with other offices on Election Day.

**Prohibits the Change of Name of Any Independent Body Making Nominations (A.2047-A; Chapter 619; Galef)**

This law requires that a party that received the necessary number of signatures to receive a ballot line for four years be prohibited from changing its name.

**Relates to the Canvassing of Ballots for Certain Voters (A.1320-A; Chapter 717; Cahill)**

This law provides that boards of election shall cast and canvass a voter's affidavit ballot if it substantially complies with the requirements of this chapter. The law further provides that if a voter does not include their previous address on the affidavit ballot envelope, it shall not be considered a fatal defect, provided that the statewide voter registration system provides sufficient information to identify the voter.

**III. 2019 CONSTITUTIONAL AMENDMENTS REPORTED BY THE COMMITTEE THAT PASSED  
THE ASSEMBLY AND SENATE AND REQUIRE PASSAGE  
IN CONCURRENT LEGISLATIVE TERM**

**Authorizes Ballots by Mail (A.778; Requires Second Passage; Vanel)**

This bill would authorize voting by mail by amending the New York State Constitution to remove the cause requirements for absentee ballot voting.

**Removes Ten Day Advance Voter Registration Requirement (A.777; Requires Second Passage; Carroll)**

This bill would amend the Constitution to remove the 10 day registration deadline and therefore allow for same day registration.

**IV. 2019 COMMITTEE INITIATIVES WHICH PASSED THE ASSEMBLY BUT WERE NOT  
CONSIDERED BY THE SENATE**

**Specification of Objections for Petitions and Nominations (A.452; Steck)**

This bill would establish statewide uniformity with regard to specific objections to nominating petitions, designating petitions, or certificates of nomination or ballot access documents.



## **V. ELECTION LAW COMMITTEE PUBLIC HEARING**

On November 20, 2019, the Committee held a joint public hearing with the Senate Elections Committee to review the initial implementation of early voting in New York State. The 2019 legislative session was one of the most successful ever for election reform. One of the most important reforms passed was the establishment of a nine day period of early voting prior to any primary, general, or special election. Those who provided testimony at the hearing included election administrators from the State Board of Elections, the New York City Board of Elections, the Election Commissioners Association, and the Office of the New York City Mayor. Testimony was additionally received from a number of good government groups including the Brennan Center, Citizens Union, Common Cause, NYPIRG, and the League of Women Voters, as well as legal, voting, and civil rights groups including the New York State Democratic Lawyers Council, NYCLU, Generation Citizen, Brooklyn Voter's Alliance, and the Chinese American Planning Council. Testimony was also provided by school administrators from several New York City area schools.

The testimony received from all of the witnesses demonstrated that the initial 2019 rollout of early voting was successful across the state. It was also evident that the use of electronic poll books and on-demand printers, which were also implemented during the 2019 legislative session, was critical to the successful implementation of early voting. Overall, election administrators and advocates testified that voters and poll workers alike found early voting to be a pleasant experience. Although all testified to the success of early voting, several concerns were raised by witnesses and legislators in attendance including: the use of electronic poll books with features that allowed for the scanning of a voter's ID, the inconsistent location of early voting poll sites, the need for county or city-wide poll sites instead of regionalized sites, and the need for consistent state funding to ensure reliability of services.

Appendix A

**SUMMARY OF ACTION ON ALL BILLS  
REFERRED TO THE COMMITTEE ON**

**Election Law**

**TOTAL NUMBER OF COMMITTEE MEETINGS HELD** 9

**BILLS REPORTED FAVORABLE TO:**

Codes	8	0	8
Judiciary	3	0	3
Ways and Means	12	0	12
Rules	13	0	13
Floor	20	0	20
<b>TOTAL</b>	<b>56</b>	<b>0</b>	<b>56</b>

**COMMITTEE ACTION**

Held For Consideration	0	0	0
Defeated	0	0	0
Enacting Clause Stricken	3	0	3
<b>REMAINING IN COMMITTEE</b>	<b>222</b>	<b>14</b>	<b>236</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

2019 CHAPTERS

<u>BILL NUMBER</u>	<u>SPONSOR</u>	<u>DESCRIPTION</u>	<u>CHAPTER NUMBER</u>
A.774	Lavine	Voter Pre-Registration	2
A.775	Dinowitz	Universal Transfer	3
A.776	Simon	Closes LLC Loophole	4
A.779	Lavine	Consolidating Primaries	5
A.780	Lavine	Early Voting	6
A.2570	Jones	Reducing Petition Signature Requirements	17
A.2693	Dinowitz	Reducing Petition Signature Requirements	18
A.5979-A	Jones	Reducing Petition Signature Requirements	22
A.8227-B	Taylor	Political Party Organizational Meetings	42
A.4081	D'Urso	Filing Date for New Party Nominees	46
A.2005-C	Budget	E-Poll Books	55
A.2005-C	Budget	Time Off to Vote	55
A.2005-C	Budget	Prohibiting Certain Loans to Candidates	55
A.2005-C	Budget	Uniform Polling Hours for Primaries	55
A.2005-C	Budget	Online Voter Registration	55
A.2009-C	Budget	Public Financing Commission	59
A.7123	Jacobson	Ballot Accountability Practices	63
A.7606	Lavine	Color Coding of Primary Ballots	66
A.1108-B	Rosenthal	Campaign Funds for Childcare Expenses	136
A.219-A	Paulin	Special Ballots for Victims of Domestic Violence	150
A.202	Cahill	Special Ballots for Election Workers	257
A.8176	Blake	2020 Presidential Primary Date	290
A.8228-B	Jacobson	Change of Enrollment	316
A.623	Paulin	Restricts Not-for-Profits from Political Campaigns	407
A.112	Buchwald	Ballot Instructions	409
A.163	Rosenthal	Accessible Sample Ballots	410
A.2682-A	Lavine	Voter Friendly Ballot Act	411
A.111	Buchwald	Boards of Election Posting Contribution Limits	412
A.837-A	Rosenthal	Special Election Notifications	413
A.1641	Seawright	Campaign Filing Requirements	416
A.1454	Buchwald	Alternate Poll Site Staffing Plan	417
A.1525-A	Buchwald	Poll Watchers	418
A.2264	Lavine	Uniform Election Night Procedures	437
A.3543	Carroll	Consolidation of Small Election Districts	438
A.349-A	Paulin	Deadline for Filing Petitions in Westchester	439
A.6714	Galef	Committees to Receive Notices	440

<b><u>BILL NUMBER</u></b>	<b><u>SPONSOR</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>CHAPTER NUMBER</u></b>
<b>A.7709</b>	<b>Lifton</b>	<b>Uniform Primary Hours 2019</b>	<b>441</b>
<b>A.4668</b>	<b>Zebrowski</b>	<b>"Paid for by" Disclosures</b>	<b>454</b>
<b>A.5219</b>	<b>Galef</b>	<b>Committees to Receive Notices</b>	<b>456</b>
<b>A.1740</b>	<b>Seawright</b>	<b>Elimination of Duplicate Filings</b>	<b>465</b>
<b>A.3360</b>	<b>Carroll</b>	<b>Compliance Unit Mailings</b>	<b>530</b>
<b>A.120</b>	<b>Buchwald</b>	<b>Testimony Regarding a Voter's Signature</b>	<b>533</b>
<b>A.1565</b>	<b>Galef</b>	<b>Inclusion of Email Address on Registration Forms</b>	<b>536</b>
<b>A.2599-A</b>	<b>Dinowitz</b>	<b>Voter Registration Form Distribution and Assistance</b>	<b>587</b>
<b>A.2687</b>	<b>Thiele</b>	<b>Relates to Ballots for Absentee Voters</b>	<b>615</b>
<b>A.2047-A</b>	<b>Galef</b>	<b>Prohibits the Change of Name of Any Independent Body Making Nominations</b>	<b>619</b>
<b>A.1320-A</b>	<b>Cahill</b>	<b>Relates to the Canvassing of Ballots for Certain Voters</b>	<b>717</b>