

**MONDAY, JANUARY 14, 2019**

**1:51 P.M.**

**SPEAKER HEASTIE:** The House will come to order.

Reverend Elia will offer a prayer.

**REVEREND DONNA ELIA:** Let us pray. Good and gracious God, humbly we offer You gratitude for this new day and for the opportunity to work for a more just State, nation and world. Thank You for all legislators, new and returning. Pour out a generous measure of Your spirit, especially upon the new legislators. Thank You for their fresh perspective, commitment and dedication. Renew the commitment of all Assemblymembers as, once again, they take on the mantle of public service. Equip them with every good gift. Thank You for our new Majority Leader. Empower her as she leads. And bless the deliberations and decision-making of this Body. Help them

to find common ground and to build bridges across challenging issues. We give You thanks for all staff members whose work is invaluable to the work of this Body. Strengthen any who particularly need strength today, and bless their families and all their dear ones and bring healing and peace to the world. In Your holy name we pray. Amen.

**SPEAKER HEASTIE:** Visitors are invited to join the members in the Pledge of Allegiance.

(Whereupon, visitors joined the members in the Pledge of Allegiance.)

A quorum being present, the Clerk will read the Journal of Sunday, January 13th.

Mrs. Peoples-Stokes.

**MRS. PEOPLES-STOKES:** Mr. Speaker, I move to dispense with the further reading of the Journal of Sunday, January 13th and ask that the same stand approved.

**SPEAKER HEASTIE:** Without objection, so ordered.

Mrs. Peoples-Stokes.

**MRS. PEOPLES-STOKES:** Mr. Speaker, we have many members that we are going to be introducing on the floor today. We did welcome them last week, but we want to introduce them both to our remaining colleagues, as well as to each other's families and staff. But before we begin our work today, I want to start with a quote, Mr. Speaker: "Yesterday is gone, tomorrow not yet come. We only have today." That's by Mother Teresa. Let's begin.

Today we have a busy day, and I ask for members' cooperation. Our first order of business will be to fully introduce our newly-elected members. I have the honor of introducing our newest Democratic members and our colleague, Minority Leader Brian Kolb, will introduce the newest Republican members. After all the introductions have concluded, Mr. Speaker, we will take a brief break for a new members reception outside the Assembly Chambers in the East Gallery on the fourth floor. Following the break, we will immediately call the following Committees off the floor: Election Law, Judiciary, Governmental Operations, Higher Ed, Codes, Insurance, Ways and Means and Rules. These Committees will produce our first bills for our Calendar which we will take up today. Our principle work will be seven -- a seven-bill Election Law package led by our colleague, Chuck Lavine.

So with that as a general outline, Mr. Speaker, if there are introductions - and there is actually only one introduction, the others we will do after our new members have been introduced - now would be the appropriate time.

**SPEAKER HEASTIE:** Thank you, Mrs. Peoples-Stokes.

Deputy Majority Leader Ramos for the purposes of an introduction.

**MR. RAMOS:** Thank you, Mr. Speaker. Today, I have the honor of, as I have for the past 16 years, to bring on opening day community members and constituents from the Towns of

Brentwood, Central Islip and North Bay Shore. With us today is Pastor Mangum, House of Judah; Miguel Alas, who is the Consul General of El Salvador; Carolina Parra, Public Relations for the Salvadoran Consulate; Cecelia Martinez, Coordinator of TPS New York; Gotsul Gooban (phonetic) from the Turkish Cultural Center; Yokasa Elia Nunez (phonetic), owner of Arias Tax Multi-Service; Mickey Williams (phonetic), leader of Lift and owner of JRL Dance Studio; Roger De Lo Santos (phonetic), teacher in Central Islip; Enesto Trejo (phonetic), Salvadorianos Unidos; Canal Waters (phonetic), who is the President of the Student Council of the Brentwood Schools; Erin Johnson (phonetic), Bay Shore teacher; Cathy Gomez (phonetic), another community leader whose daughter is one of the shining stars of our school district; Maria Sheek (phonetic), President of Quality of Life Coalition; Bob Achara (phonetic) from the Brentwood Pharmacy; Sabrina Lacey (phonetic), one of the -- she's the Suffolk County VFW Commander, one who has given much for our country and our community; Vivian Hart (phonetic), Executive Director of Pronto Long Island.

Mr. Speaker, I ask that you please give this distinguished group a warm welcome and please extend them all the courtesies of the House.

**SPEAKER HEASTIE:** Thank you, Mr. Ramos. On behalf of Mr. Ramos, myself and all the members, I want to thank these wonderful guests from Long Island. Suffolk County, a place that I know very well, when I attended Stony Brook University. I want to

extend all the privileges of you -- of the floor to you. I hope that you come back and join us, and I hope you continue to be the great citizens that you are. Welcome to Albany. Thank you for being here.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I've had the opportunity to review the bios of these awesome new members. I can say we have definitely some of the best in the cream of the crop of the State of New York. I took the liberty, Mr. Speaker, to put these 13 bios in alphabetical order. Everybody's familiar with that, we've been through the school system, that's kind of how things work sometime.

So, we're going to be starting, Mr. Speaker, with the 142nd Assembly District, Patrick Burke. I'll ask Patrick to stand, and any of his family, friends and/or guests that are joining him today. Patrick Burke represents the 142nd District in the County of Erie, including parts of South Buffalo, Lackawanna, the Town of West Seneca and Orchard Park. Assemblymember Burke is a Buffalo native where he resides with his wife, Shannon, and their three children. He previously served the community as an Erie County legislator. He also serves as a Political Science instructor at Buffalo State College.

During Patrick's tenure in the County Legislature, his notable legislative accomplishments include a ban on microbead plastics, a repeal of Sunday Blue Laws, a million-dollar emergency fund created to combat the opioid crisis, and the formation of the Erie

County Broadband Committee. As a father of three, protecting the health and well-being of his children has been at the forefront of Pat's legislative efforts. He banned smoking in vehicles with children, wrote the PENCE Law - Prevention of Emotional and Neglect and Child Endangerment - to end harmful gay conversion therapy, and championed a local law implementing youth concussion protocol to ensure the safety of minors playing contact sports. Pat also introduced legislation that would make pharmaceutical industry pay its fair share to keep our local drinking waters free of medical waste and not pass the burden on to taxpayers. He also introduced the Invest in Erie, Invest in America Act, promoting and encouraging local business in Erie County.

Please join me in welcoming Pat Burke to the Chambers.

(Applause)

The 119th Assembly District, Marianne Buttenschon. Marianne, could you please have your family and guests stand with you. Dr. Marianne Buttenschon represents the 119th Assembly District in the Mohawk Valley. Her district encompasses Rome, Utica, Floyd, Marcy and Whitehouse (sic) in Oneida County, and Frankfort in Herkimer County. Before her election to the Assembly, Dr. Buttenschon was the Dean of Public Service and Emergency Preparedness at Mohawk Valley Community College.

Marianne's distinguished academic career began at the Mohawk Valley Community College with a Criminal Justice

Major. She then earned a B.A. in criminal -- in Public Justice from SUNY Polytechnic Institute, and an M.A. in Public Policy from Binghamton University, and a Doctorate of Education from Northwest (sic) University. Marianne's objective as a public servant has -- are reflected in her high level of civic and professional engagement. She was a Vice President of the Utica Community Food Bank and a member of the League of Women Voters. Marianne was also a member of the International Association of Police Chiefs, the New York State Association of Fire Chiefs, and the Hispanic Association of Colleges and Universities.

Marianne is married to Don, a retired public school psychologist. They have three children and one granddaughter and for over 30 years, Don and Marianne have operated the Buttenschon Christmas Tree Farm in the Town of Marcy, Oneida County. Please join me in welcoming Marianne Buttenschon to our Chamber.

(Applause)

The 39th Assembly District, Catalina Cruz.

(Applause)

Let's have her family and friends stand with her, please.

Catalina Cruz was elected to serve the 39th Assembly District which is comprised of Corona, Elmhurst and Jackson Heights in Queens. Born in Colombia, Catalina came to Queens at the age of nine. She grew up as a DREAMer and lived in the United States for more than 10 years as an un-documented American. Catalina was

raised and inspired by her single mother who, like many immigrants, had to work multiple and menial jobs to provide for her four children.

Catalina is an experienced attorney, a leader in -- for tenant protections, immigration reform and workers' rights. She most recently served as the Chief-of-Staff to New York City Council Finance Chair. She previously served as the Director of the Governor's Exploited Workers Task Force, helping New York become the nation's leader in the fight against worker exploitation and human trafficking. Assemblymember Cruz began her career as a housing attorney, fighting to keep low-income tenants and seniors in their homes.

Catalina lives in Jackson Heights, Queens, with her husband. She holds a Bachelor's Degree from the John Jay College of Criminal Justice, and received her Juris Doctor from the City University of New York Law. Please join me in welcoming Catalina Cruz to our Chambers.

(Applause)

Simcha Eichenstein. Assemblymember Simcha Eichenstein was elected to represent the 48th Assembly District which includes the neighborhoods of Borough Park and Midwood, Brooklyn.

Before his election, Simcha served as New York City Mayor Bill de Blasio's legislative affairs team in Albany as a part of the Mayor's senior inter-governmental staff at City Hall. During this time, Simcha advocated for budgetary and legislative priorities vital to New York City in Albany. Before joining the Mayor's team, Simcha



-- Simcha served four years as a senior aide to New York State Comptroller Tom DiNapoli, where his responsibilities included working on intergovernmental affairs. Simcha is proud to have worked with many non-profit organizations and community groups in helping New Yorkers identify and reclaim funds through the State's Unclaimed Fund Program.

Simcha previously served as a Political Affairs Director at a public relations firm, as a special assistant to the New York State Legislature, and as a member of Brooklyn's Community Board No. 12.

Simcha is a graduate of New York's Yeshiva school system, and a lifelong resident of Borough Park. Simcha and his wife, Pearl, are the proud parents of four children. Welcome, Assemblymember Eichenstein.

(Applause)

Charles Fall -- family and friends please stand with Mr. Fall. Assemblymember Charles Fall was elected to represent New York's 61st Assembly District, covering the Northern Shore of Staten Island. Charles is the first Muslim and African-American Assemblymember elected from Staten Island.

(Applause)

He comes from a working-class family of six. His parents immigrated to Staten Island from Guinea, West Africa, and displayed a commitment to improving the lives of those around them. In 2014, Charles served as Staten Island Borough Director and

Citywide Islamic Liaison for the Mayor of New York City, working to ensure that Universal Pre-K and Paid Sick Leave became realities. Charles then became the Chief-of-Staff to Staten Island Parks and Recreation Commissioner.

Assemblymember Fall earned his Bachelor's Degree from Southwestern College in Kansas, and received a Master of Public Administration with honors at Pace University. In his spare time, Charles has always had a passion for running and basketball. He played college basketball and now extends that love of sport to young kids in his community, hosting basketball clinics with different organizations on the North Shore of Staten Island. Today, Assemblymember Fall resides in his childhood neighborhood, Mariner Harbor, with his high school sweetheart, Alesse, and their two daughters, Maimouna and Naila.

Please join me in welcoming Charles Fall to our Chambers.

(Applause)

Mathylde Frontus. Dr. Mathylde Frontus was elected to serve the 46th Assembly District. She represents all of Coney Island and Sea Gale, as well as parts of Bath Beach, Bay Ridge, Brighton Beach, Dyker Heights and Gravesend. Dr. Frontus grew up in a working-class family as the eldest child of Caribbean immigrant parents who moved to Coney Island to purchase their first home. From 2004 to 2016, Assemblymember Frontus served as the founder and Executive Director of Urban Neighborhood Services, a grassroots

agency providing a wide range of services to the community. While running that agency, Assemblymember Frontus continued her role as community organizer and founded two multi-stakeholder coalitions to address gun violence in the Coney Island community, and in December 9th -- December '09, she created the Coney Island Coalition Against Violence and was elected as its Co-Chair. The Coalition created a calendar of monthly anti-violent events to raise awareness in the community about the devastating effects of gun violence.

Assemblymember Frontus received her Bachelor's Degree of Social Work and a Masters of Social Work from New York University. She also received a Master of Arts in Psychology from Teachers College, Columbia University, as well as a Masters of Theological Studies from Harvard Divinity School. In 2015, Assemblymember Frontus received her PhD from Columbia University of Social Work --

(Applause)

-- where she specializes -- where she specializes in social policy administration. She is an Adjunct Assistant Professor at Columbia School of Social Work and the NYU Silver School of Social Work. Please join me in welcoming Dr. Mathylde Frontus.

(Applause)

Judy Griffin. Assemblymember Griffin represents the 21st Assembly District of Nassau County, which includes Lynbrook, Rockville Centre, Malverne, South Hempstead, Baldwin,

parts of Freeport, West Hempstead, Oceanside, East Rockaway, Lakeview, Hewlett, Hempstead - wow - Franklin Square and Valley Stream. Wow.

Prior to her election to the Assembly, Judy served as a Senior Advisor and Director of Community Outreach for Senator Todd Kaminsky. Assemblymember Griffin and her husband raised their four children in Rockville Centre, where they've lived for nearly three decades. Judy has advocated for educational programs that enable all students to thrive, especially those with special education classifications. Judy has been a leader of the "opt-out" movement, where she fought to rid school districts of unfair standardized testing practices.

Assemblymember Griffin holds a Bachelor of Science in Business Economics, with a Minor in Political Science and Communications from the University of New York at Oneonta. After graduating from college, she worked in the financial industry at Dean Witter Reynolds, Inc., and Scudder Stevens and Clark, Inc.. Judy later graduated from the Institute of Integrative Nutrition and became an integrative health coach. She then founded the health coaching business, and co-founded a corporate wellness business. Judy is also the author of *Flourish Beyond 50*. Join me in welcoming Judy Griffin to our Chambers.

(Applause)

Jonathan Jacobson. Jonathan Jacobson was elected to serve the 104th Assembly District. He represents areas of

Dutchess, Orange and Ulster Counties, including cities of Beacon and Poughkeepsie in Dutchess County, the City and Town of Newburgh in Orange County, and Lloyd and Marlborough in Ulster County.

Assemblymember Jacobson most recently served as Newburgh City Councilman where he championed infrastructure repair. Early in his career, Jacobson served as an Assistant Counsel to the Assembly's Labor Committee, later as an Assistant to New York State Attorney General, he headed the Consumer Affairs Bureau at the Poughkeepsie Regional Office, protecting the people of New York State from fraudulent and illegal business practices. He continued his public service career as a New York State Workers' Compensation Law Judge. In the early 1990's, Mr. Jonathan headed the City of Newburgh's Charter Review Commission, and wrote the proposed new charter for their city. Jonathan also started his own law firm and focused on representing workers in workers' compensation and social security disability cases.

Assemblymember Jacobson is a product of the Newburgh Public School System, having graduated from Newburgh Free Academy. He graduated from Duke University, Cum Laude, with honors in Political Science. Jonathan went on to earn his Law Degree from New York Law School. Please join me in welcoming our colleague, Jonathan Jacobson to our Chamber.

(Applause)

Karen McMahan. Karen McMahan represents the 141st -- 146th Assembly District, which includes the Town of

Amherst, the Village of Williamsville in Erie County and the Town of Pendleton in Niagara County. Karen was raised in Snyder and earned both her undergraduate and law degrees from the University of Buffalo. She worked for nearly 30 years as a confidential law clerk to judges of the New York State Appellate Division 4th Department, and the United States District Court for the Western District of New York. Following her retirement from Federal service in 2016, she joined the private practice of her husband, attorney Jeff Marcus, representing parents of students with disabilities in special education classes.

Karen served on the Village of Williamsville Environmental Advisory Committee and the Village Master Plan Revision Committee. She is a member of the Women's Bar Association of the State of New York, Western New York Chapter, the Adirondack Mountain Club and the Adirondack forty-sixers. Karen and her husband, Jeff, live in the Village of Williamsville, have raised their three daughters there, Emily, Alison and Sarah. Please join me in welcoming Karen McMahon to our Chamber.

(Applause)

Taylor Raynor. Taylor was elected to serve the 18th Assembly District, which comprises areas of Nassau County including Hempstead, Lakeview, Uniondale and Roosevelt, as well as parts of Freeport and Garden City. Assemblymember Raynor was born in Brooklyn to Raulston and Towana Bertley. During her early childhood, Taylor lived in Europe with her parents. It was there that she welcomed her sister, Sydney. At the age of four, Taylor's father

taught her the game of chess. She and her sister, Sydney, became nationally-ranked chess players who practiced and competed seven days a week. Her chess team, the Soulmates Chess Club, came in 14th in the nation in 1994. Taylor credits the game for developing her strategic approach to problem-solving, which has served her well in every endeavor she has assumed.

Taylor has devoted her life to a field of psychology. She attended Spelman College at 16 years of age, and was accepted into a clinical psychology doctoral program at age 19. Taylor eventually transferred to Hofstra University and became an industrial organizational psychologist.

Assemblymember Raynor has worked in various industries, creating and implementing systems to increase efficiency, productivity and profitability. Please join me in welcoming chessmaster Taylor Raynor.

(Applause)

Karines Reyes.

(Applause)

Karines represents the 87th Assembly District in the Bronx, which includes the communities of Castle Hill, Parkchester, Van Nest and West Farms. Assemblymember Reyes was born in the Dominican Republic. In her early childhood, her family left the Dominican Republic and moved her to her father's homeland of Puerto Rico. She later immigrated to the United States with her mother when she was six years old. Karines attended CUNY Baruch

College and studied Communications. During that time, she began working at Mount Sinai Hospital in the health information management department. Later, she moved into the physical therapy department as an admissions coordinator. The Assemblymember received her degree in nursing in 2013. She's a Registered Nurse in Oncology Department at Montefiore Einstein Hospital. She is an active leader and served on the New York State Nurses Association's Executive Committee at the hospital as Vice Chair of the Bargaining Unit.

Additionally, she has participated in lobbying for safer nurse-to-patient ratios and single-payer health care in New York State. After Hurricane Maria hit Puerto Rico, she served as a volunteer nurse with the first group of medical professionals deployed by New York State. Karines has devoted much of her career, both in labor and in nursing, to helping others. Assemblymember Reyes is the proud mother of two young sons. Please join me in welcoming our new colleague.

(Applause)

Jamie Romeo. Hi Jamie. Assemblymember Jamie Romeo represents the 136th Assembly District in Monroe County, including the Towns of Brighton and Irondequoit, as well as portions of the City of Rochester. Jamie is the proud mother of her son, Dominic.

As a lifelong resident of the Town of Irondequoit, Jamie has become -- became an activist as a young child, organizing



neighborhood friends to form a 4-H Club that focused on environmental stewardship and volunteerism. Jamie was instrumental in organizing the first annual international coastal cleanup at the Durand Eastman Beach, along the shoreline of Lake Ontario. That effort is now in its 25th year.

A graduate of Irondequoit High School, Assemblymember Romeo attended St. John Fisher College through the Service Scholarship Program and received her undergraduate degree in Political Science, Cum Laude. She went on to earn a -- have a Master's Degree in Public Administration from SUNY Brockport. While attending both undergraduate and graduate programs, Ms. Jamie began working as a staff member to the Monroe County Legislature. During her tenure, she rose from an intern to staff director. Jamie then became Chief-of-Staff to former New York State Senator Ted O'Brien. Assemblymember Romeo has been a leader in many local organizations, including the Town of Irondequoit Environmental Sustainability Advisory Committee, and is former board member to the Cornell Cooperative Extension of Monroe County. She received the International Humanitarian Award by the United Nations' Association of Rochester in 2011.

Please join me in welcoming Jamie Romeo to our Chamber.

(Applause)

Nader Sayegh. Dr. Nader Sayegh was elected to represent the 90th Assembly District which encompasses portions of

the City of Yonkers in Westchester County. The residents of Yonkers for over 60 years -- a resident of Yonkers for over 60 years, Assemblymember Sayegh grew up with seven siblings on the southwest side of the city.

Dr. Sayegh earned an Associate's Degree from Westchester Community College, a Bachelor's Degree in History and Political Science from Lehman College, a Master's Degree in International Affairs from Fairleigh Dickinson University, a Professional Diploma in Administration and Supervision from Fordham University, and a Juris Doctor of Law from Pace University of Law.

After working his way through college, Nader served as a teacher, principal, college professor, Captain of the New York State Guard and President of Yonkers Public School District. Nader's leadership and community service as an attorney for 28 years specializing in personal injury, immigration, criminal and real estate law has resulted in his participation in numerous civic, hospital and non-profit scholarship committees, including the Spanish Foundation and the NAACP. Assemblymember Sayegh has been married to his wife, Sana, for 34 years. They have five daughters who are successful in the fields of medicine, education and dentistry.

Please join me in welcoming our new colleague, Dr. Nader Sayegh to our Chambers.

(Applause)

Mr. Speaker, I don't think I missed any of our new

Democratic colleagues. I would now hope that Mr. Kolb can introduce our new colleagues on the Republican side.

**SPEAKER HEASTIE:** Mr. Kolb.

**MR. KOLB:** Thank you, Mr. Speaker. Good afternoon, everybody.

It's my pleasure to introduce Assemblywoman Marjorie Byrnes.

(Applause)

Marjorie Byrnes was elected to the New York State Assembly on November 6th, 2018. Her district is comprised of Livingston County and parts of Monroe and Steuben Counties. Marjorie has been an attorney for 32 years, and for 10 years served as a Rochester City Court Judge. She retired from the court system in 2017 and then served as a Caledonia Village Trustee and she has resided in Caledonia for 12 years. Marjorie is an avid outdoor enthusiast and a member of numerous sportsmen and sportswomen organizations, and she is a strong supporter of the 2nd Amendment.

As an Assemblywoman, she will push for increased school safety measures. Marjorie will also advocate for increases in State-funded infrastructure programs, and plans to partner with stakeholders to address New York's crumbling infrastructure. Marjorie will work to provide relief to New Yorkers burdened by taxes, regulations and red tape, and last, but not least, make our great State more affordable. Congratulations.

(Applause)

From the 3rd Assembly District, Joe DeStefano.

Hello, Joe. Joe, obviously, was recently elected to the Assembly's 3rd District, which is comprised of parts of Suffolk County, including Medford and Mastic Beach.

Dedicated to making his community a safer place, since 1980 Joe has served as an active member of the Medford Fire Department and has served in various capacities within the Suffolk County and Medford Fire Districts. For the last 27 years, Joe has served in the Suffolk County Sheriff's Office of Public Safety, managing day-to-day operations, radio communications and other vital functions.

A resident of the 3rd Assembly District for more than 46 years, Joe is committed to making his community and the State a better place for all New Yorkers. Joe plans to fight for safer neighborhoods and stronger communities, preserve the property tax cap while pushing to curb Albany spending, make college more affordable for our students and advocate for the passage of Angelica's Law. Joe and his wife, Linda, have two children and one grandchild.

Welcome, Joe.

(Applause)

From the 9th Assembly District, I'd like to welcome Mike LiPetri.

(Applause)

The 9th Assembly District is comprised of parts of both Nassau and Suffolk Counties. As an Assemblyman, Mike will

continue his fight to hold criminals accountable and root out and prevent public corruption in State government. He will also advocate for reduced State spending, small business growth and the elimination of burdensome regulations that hamper Statewide economic development. Mike will continue to advocate for law enforcement, and take steps to provide resources to curtail the proliferation of heroin and other opioids in communities across the State.

Mike has worked in the United States Attorney's Office for the Eastern District of New York, Albany County District Attorney's Office and the Attorney General of the State of New York. Mike holds a Juris Doctorate from Albany Law School and a Bachelor's Degree from the State University of New York at Albany. Mike is very involved with his community and volunteers his time at several community and civic organizations.

Welcome, Assemblyman Mike LiPetri.

(Applause)

From the 130th Assembly District, please welcome Assemblyman Brian Manktelow.

(Applause)

Brian was elected to the Assembly's 130th Assembly District, which is comprised of all of Wayne County and parts of Cayuga and Oswego Counties. Brian is an Armed Services veteran. He was a Sergeant in the United States Army prior to being elected into the Assembly. Brian was also the Town of Lyons Supervisor since 2009, and also the Vice Chairman of the Wayne County Board

of Supervisors, where he served on the Board's Finance, Government Operations and Human Services Committees.

Brian is a graduate of Finger Lakes Community College. Brian has more than 30 years of experience as the owner/operator of Manktelow Farms, providing him with a unique perspective on the challenges faced by business -- businesses owned in everyday New Yorkers. As an Assemblyman, Brian will fight to encourage economic growth, push to reduce unfunded State mandates and high taxes, advocate for resources to battle the opioid epidemic and address the need to protect the natural resources in his district.

Dedicated to family life and community, Brian resides in Lyons with his wife, Crystal, and they have five children.

Please welcome Brian Manktelow.

(Applause)

From the 62nd Assembly District, please welcome Assemblyman Mike Reilly.

(Applause)

Mike Reilly's district is comprised of parts of Richmond County. As an Assemblyman, Michael will work to improve the State's education system, ensure adequate funding for our schools, and programs critical to his constituents. Support -- he supports law enforcement officers and combatting, obviously, the devastating opioid crisis, and looking to craft legislation to bolster public safety.

Mike has served as a volunteer with the New York

City Community Education Council for Staten Island, and was first elected to the School Board in 2009. Mike has served as President of his Community Education Council since 2014. Michael is a retired New York City Police Lieutenant, and served in the United States Army Reserves. Committed to making his community stronger, Michael has been a mentor and coach for the YMCA Youth Baseball League and, additionally, he volunteers as a member of the Board of Managers for the Staten Island YMCA. Michael and his wife, Mary, and their three children live in Eltingville, New York.

Welcome, Mike.

(Applause)

From the 121st Assembly District, please welcome Assemblyman John Salka.

(Applause)

John represents the 121st District, which is comprised of Madison County and parts of Otsego and Oneida Counties. As a small business owner, John understands the challenges facing job creators across this State. He strongly believes that agriculture is the backbone of the Upstate economy, and will advocate on the behalf of farmers.

As an Assemblyman, John hopes to bring more transparency to his constituents and combat corruption in Albany. He also hopes to address issues within the education system, specifically flaws with the Common Core standards. John and his wife, Erin, have been residents of the Town of Brookfield for 27 years. They have

raised two children there and have very strong community ties.

Welcome, Assemblyman John Salka.

(Applause)

From the 99th Assembly District, please welcome  
Colin J. Schmitt.

(Applause)

The 99th Assembly District, which is comprised of parts of Orange and Rockland Counties, Colin is an active member of the New York Army National Guard's 1569th - or 1,569th, I'm not sure how to pronounce it - first one, okay -- 1569th Transportation Company located in New Windsor. He previously served as the Director of Operations for the Senate Veterans, Homeland Security and Military Affairs Committee while working for former Senator Greg Ball. Prior to being elected to the Assembly, Colin served as Chief-of-Staff for the Town of New Windsor, where he helped oversee day-to-day operations and to implement comprehensive ethics reform.

Colin is a graduate of the Catholic University of America. Colin will utilize his degree in politics and background in government to champion the need for non-partisan government and budget reform, job creation and sound economic development investments, as well as initiatives that support first responders and veterans. Colin resides in New Windsor with his wife, Nikki, and husband and wife were just married this past fall.

Welcome, Colin.



(Applause)

Now, I'd like to welcome, from the 118th Assembly District, Robert Smullen.

(Applause)

Robert's district is comprised of Fulton, Hamilton and parts of Herkimer, Oneida and St. Lawrence Counties. Robert plans to work on lowering taxes, cutting regulations and protecting our Constitutional freedoms. He is committing to providing support for veterans and active military personnel, protecting vulnerable New Yorkers and working to improve the quality of life for all of his residents.

In 2015, Robert returned from the Marine Corps at the rank of Colonel. He has served at the Pentagon as a Military Strategist and in numerous command positions around the world. In 2003, Robert was appointed by President George W. Bush as a White House Fellow, serving at the Department of Energy.

Robert has a BA in History from the Citadel and degrees from the School of Foreign Service at Georgetown University and in Resource Management from the Eisenhower School, where he also was a distinguished graduate of National Defense University.

A lifelong resident of Upstate New York, Robert and his wife, Megan, live on Matilda Hill Farm in the Town of Johnstown, and they have four children.

Welcome, Robert.

(Applause)

And last, but certainly not least, from the 116th Assembly District, please welcome Assemblyman Mark Walczyk.

(Applause)

Mark's district is comprised of Northern Jefferson and St. Lawrence Counties. Mark earned a rank of Eagle Scout out of high school, and graduated from the University at Albany. For the last six years, Mark has served in the Armed Forces as a Commissioned Officer in the United States Army Reserve. For the last two years, he has served as Company Commander of the 366th Engineer Company based in Canton - pardon me.

Mark is an active volunteer and community member. As an Assemblyman, Mark will tackle issues facing the small business community. He's also committed to making State investments in aging infrastructure programs, as well as protecting precious rivers and lakes located in the 116th District. Mark is an angler - for those folks, that's a fishing term - and hiker, avid hiker, and four-time Ironman Triathlete. Mark resides in Watertown near his fiancée, Jessica.

Please welcome Assemblyman Mark Walczyk.

(Applause)

Thank you, Mr. Speaker.

**SPEAKER HEASTIE:** Thank you, Mr. Kolb.

So, let me officially welcome and congratulate our 22 new colleagues, 13 on our side of the aisle, nine on the other side of the aisle. And as I said in my opening comments, we may disagree on

policy, but we all should remember that we've been given a privilege by our constituents. You're very lucky. We are 150 of the luckiest people in the State. Out of 19 million people, we're the only ones that get to do this job. So, I just want to say to you welcome, congratulations and always remember, we should keep our constituents in mind in everything that we do. Congratulations, and welcome to the New York State Assembly.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, before we break for a bit of a recess for a reception on the fourth floor for our new members, I would like to introduce, on behalf of our colleague, Mr. Weprin, Mazeda Uddin. She's the Founder and the CEO of the South Asian Fund for Education and Scholarship and Training. And, Mr. Speaker, would you welcome her to our Chambers.

SPEAKER HEASTIE: Mr. Weprin, for -- on behalf of -- Oh, I thought Mark was going to speak -- I mean David was going to speak, sorry.

On behalf of Mr. Weprin, myself and all the members, I want to welcome this special guest to the Chamber. I hope you enjoy the proceedings. You have all the privileges of the floor. Thank you for coming to Albany.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, following

the break, we will immediately be calling the Committees to meet off the floor. I will repeat them again so that those Chairs and Committee members will be in the ready: Election Law, Judiciary, Government Operations, Higher Ed, Codes, Insurance, Ways and Means and Rules.

SPEAKER HEASTIE: So ordered, the House stands in recess.

(Whereupon, at 2:31 p.m., the House stood in recess.)

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**AFTER THE RECESS**

**5:19 P.M.**

ACTING SPEAKER AUBRY: The House will come to order.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to advance Calendar No. 1, which we should have on our desks by now. We are going to start --

ACTING SPEAKER AUBRY: On Mrs. Peoples-Stokes' motion, the No. 1 Calendar is advanced.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: On the Calendar, Mr. Speaker, we would like to start with Bill No. 774 by Mr. Lavine. We will follow right through 74 through 780 in that order on debate, Mr. Speaker.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A00774, Rules Report No. 3, Lavine, Galef, Buchwald, Lupardo, L. Rosenthal, Fahy,

Englebright, Abinanti, Stirpe, Lifton, Dinowitz, Blake, Zebrowski, Simon, Jaffee, Colton, Walker, Ortiz, Epstein, Burke, Carroll, Cruz, Eichenstein, Fall, Frontus, Glick, Griffin, Heastie, Jacobson, McMahon, Otis, Raynor, Reyes, Weinstein, Bronson, DenDekker, Romeo, Taylor, Gantt. An act to amend the Election Law, in relation to voter pre-registration.

ACTING SPEAKER AUBRY: An explanation is requested.

MR. LAVINE: We are about to engage in an extraordinary exercise in our American Democracy as we take up legislation to preserve, to protect and to advance the right to vote, and it is a right, not a privilege. We are a nation and we are a State in which for us to survive, our State government has the responsibility, the solemn responsibility to protect our rights. We believe that Democracy functions best when the greatest number of our people participate in choosing their representatives. The Supreme Court of the United States long ago said that voting is a fundamental right because it is preservative of all other rights. It is, as well, a right of expression entitled to all the protections of the First Amendment rights of Speech, Religion, Assembly and Press.

With our rights, as grave concerns of the American citizens, Americans voted in record numbers the month before last, making all the more evident the need for today's debate. This particular bill's purpose is to increase youth turnout, and it permits 16- and 17-year-olds to pre-register to vote. The bill also requires

local boards of education to adopt policies to promote student registration and pre-registration.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Would the sponsor yield?

MR. LAVINE: Of course.

ACTING SPEAKER AUBRY: Mr. Lavine, you yield?

MR. LAVINE: Of course.

ACTING SPEAKER AUBRY: Mr. Lavine yields.

MR. GOODELL: Thank you, Mr. Lavine, and congratulations for having the very first bill in a new Session. I think that's a very nice honor.

MR. LAVINE: Thank you, Mr. Goodell. It is, and having the ability to discuss it with you is an honor, as well.

(Laughter)

As we're all country boys, Andy; you know that.

MR. GOODELL: And good luck on the final vote. We'll see how this comes --

(Laughter)

-- but, your memorandum of support for authorizing the registration of 16-year-olds notes that only about a third, a little bit more than one-third of those between the ages of 18 and, I think, 24 currently vote. Currently are registered to vote; is that correct?

MR. LAVINE: I believe that's -- I believe that's

correct.

MR. GOODELL: And what efforts are being made to increase the number of voters who are eligible to vote to register to vote?

MR. LAVINE: Now, you're not speaking specifically with respect to 16- and 17-year-olds, your question is addressed to everyone.

MR. GOODELL: Right.

MR. LAVINE: Well, we are --

MR. GOODELL: Right now, we do allow 17-year-olds to register, correct?

MR. LAVINE: Yes, and now it'll be -- this -- this bill provides for 16-year-olds to pre-register.

MR. GOODELL: So, what are we doing to encourage more 17- and 18-year-olds to register since their registration is only about one-third?

MR. LAVINE: We are going to hopefully pass a bill such as this to allow even younger people to pre-register. We will be, in the days to come and months to come, discussing same-day registration for voting. Actually, we will be discussing that today I understand, and we'll be discussing non-excuse absentee ballots, and we'll be discussing a lot of different methods to make it easier for Americans to vote, whether they're 16, 17 or as old as I am.

MR. GOODELL: Now, under this bill, an individual who turns 16, say, early December, would be allowed to register when

they turn 16, right?

MR. LAVINE: So far so good.

MR. GOODELL: And that individual then would have to wait three years basically before they could vote because the next year they'd still be 16, the following year they'd be 17 and they wouldn't turn 18 until just after the third election, or just before. So, what happens to their voter registration during that two-and-a-half to three year period?

MR. LAVINE: It remains.

MR. GOODELL: Remains where?

MR. LAVINE: With the Boards of Elections.

MR. GOODELL: And does the Board of Election under this bill then mark it as inactive or invalid during that period?

MR. LAVINE: Yes, of course.

MR. GOODELL: Now, how many thousands of pending inactive registrations do you anticipate that our local Boards of Elections will have to have in their database to comply with this?

MR. LAVINE: I haven't anticipated the number. The more obviously the better. The earlier people are involved in the governmental process and the political process, the more likely - all the studies indicate - they will continue to vote throughout the course of their lives.

MR. GOODELL: And along the same lines, the more inactive pending registrations we'll be seeing in our Boards of Elections. I mean, if this is successful, right, your objective is to have



as many as possible there.

MR. LAVINE: That's obvious, yes; so far so good.

MR. GOODELL: What do the Boards of Election have to do to convert these pending, inactive registrations into a (sic) active registration?

MR. LAVINE: When the person is old enough to be eligible to vote, their voter information is -- is activated.

MR. GOODELL: Automatically?

MR. LAVINE: Andy, I don't know if it's automatic. I don't know the actual inherent mechanics of how that works. And we're going to leave it up to the experts at the Boards of Election to make that determination.

MR. GOODELL: Well, of course, as we all know, our ability to vote in a particular election is site-specific, it's based on our residence at the time we vote. And, of course, one of the -- the great aspects, of course, of American society is that many of us are mobile and move. And so, we're dealing with 16-year-olds that may or may not live in the same household three years later. How will the Board of Elections verify what their current address is so that they vote in the proper election district?

MR. LAVINE: They will send a notification card at the first eligible election the same way they do with everybody else.

MR. GOODELL: Does this bill require the Board of Elections to purge all those inactive, pending registrations if they are unable to verify current residence once the individual turns 18?

MR. LAVINE: Funny you mention that, because I was very fortunate to attend a National Conference of State Legislatures Northeastern meeting in -- in November on the subject of cybersecurity. And I was somewhat taken aback that some of our sister states pride themselves on advancing voter rights by purging people right and left. No, there's no reference here to purging whatsoever.

MR. GOODELL: I see. And, in fact, as you know, there's a recent court case in California where they discovered there are a million-and-a-half inactive voters carried on the rolls in Los Angeles, I believe.

MR. LAVINE: And, may I --

MR. GOODELL: A great concern about --

MR. LAVINE: Oh, I'm sorry.

MR. GOODELL: I'm sorry?

MR. LAVINE: No, no. I'm sorry, I thought you had finished.

MR. GOODELL: And there is a great concern about fraud because if you have a whole bunch of inactive registrations or active registrations where people aren't participating who may not live there anymore, there's an opportunity for fraudulent voting. This bill doesn't address that though, does it?

MR. LAVINE: You know, I think you practiced some criminal defense law yourself as a lawyer, and I practiced criminal defense law for an awfully long time and opportunity for

fraud doesn't mean fraud. Do you have instances of fraud amongst those million-and-a-half people in the State of California?

MR. GOODELL: Well, fortunately, it was in a different State, so I've been focused more on our State.

(Laughter)

Thank you so much for your comments. On the bill.

MR. LAVINE: Thank you, Andy.

ACTING SPEAKER AUBRY: On the bill, Mr. Goodell.

MR. GOODELL: Certainly everyone in this room shares the sponsor's objective of increasing the number of people who are participating in elections. And, of course, that's a two-part process; you have to be registered first, then you actually have to show up. And, of course, in theory we could have everyone registered by requiring it as part of the birth certificate. You know, you're automatically registered and then once you figure out how to read and write you can select which political party you want and then we'd have 100 percent registration, but we'd still have the same level of participation.

And so, we always are trying to balance how do we maximize participation? The current law allows someone to register a year in advance - a year in advance. This bill, think about it, if you're birthday is, say, in the middle of November and you turn 16 this November, you can't vote next year because the election will occur before your birthday, so you're still 16. You can't vote the next year

because the election will occur while you're 17. It'll be three years before you vote.

And part of our other challenge, of course, not only do we want to encourage people to participate in voting, but we want to make sure that our electoral process is as error free and accurate as possible. And so, when we have inactive registrations in our Board of Elections for almost three years while people are moving from place to place, or going to college or re-registering when they go to college so they can vote in their new college, it's a system that's designed to have multiple registrations inadvertently occur as 16-year-olds properly re-register somewhere else when they turn 18.

So, knowing this is going to cause a lot more cost to our Board of Elections, knowing we're going to have a lot of inactive registrations in the system, knowing that these are young people who not yet have developed firm opinions on political parties and the knowledge that goes with that, knowing that these are a very mobile group of people who are likely going to look at college and other career opportunities in other locales, I think the better approach is to focus our efforts on encouraging those who are 17- and 18-year-old to actually get out and vote.

And so, I appreciate the overall objective. I think this has a lot of cost, a lot of electoral uncertainty that's built into it, and it's not the right way to go and distracts us from trying to get as many of those 18-year-olds out registered and voting. For that reason, I and some of my colleagues will not be supporting this. Thank you very

much, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect January 1st.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, this is our first vote of the day -- the evening, and I would remind colleagues that they should be in the Chambers and casting those votes as quickly as possible as we do have several other bills we'd like to get through this evening. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly, Mrs. Peoples-Stokes. First vote of the day, first vote of the year. You should be here in order to take that vote. If you're in the sound of our voice, please come to the Chamber and cast your vote. If you are in your seats, vote now. Thank you.

Ms. Lifton to explain her vote.

MS. LIFTON: Yes. I -- I want to thank the sponsor wholeheartedly for this important legislation. I don't know how many times I went to speak to government classes over the years and the students, as juniors and seniors, were so excited. They'd been learning about government and they were so eager to participate and, unfortunately, they couldn't do anything. They couldn't even register to vote. And then they often went off to college and that whole

process got kind of crazy and they didn't end up registering and participating.

So, I think it's so important that we allow those high school students that are at that peak of enthusiasm to get registered, to understand what that process is, and to be starting to carry that through their lives, wherever they happen to end up. So, I thank you very much and I vote in the affirmative, Mr. Speaker. Thank you.

ACTING SPEAKER AUBRY: Ms. Lifton in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, Insurance Committee to meet in the Speaker's Conference Room for an immediate Committee meeting.

ACTING SPEAKER AUBRY: Insurance Committee, Speaker's Conference Room, immediately, please.

The Clerk will read.

THE CLERK: Assembly No. A00775, Rules Report No. 4, Dinowitz, Lavine, L. Rosenthal, Glick, Englebright, Crespo, Lupardo, Fahy, Colton, Mosley, Abinanti, Zebrowski, Otis, Simon, Rozic, Jaffee, Buchwald, Ryan, Cusick, Paulin, Hevesi, Carroll, Galef, Ramos, Lifton, Vanel, D'Urso, Seawright, Wright, Niou, Blake, Burke, Cruz, Eichenstein, Epstein, Fall, Frontus, Griffin, Heastie,

Jacobson, McMahon, Raynor, Reyes, Thiele, Weinstein, DenDekker, Romeo, Taylor, Gantt, Lentol, Simotas. An act to amend the Election Law, in relation to voter registration transfers.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Dinowitz.

Ladies and gentlemen in the rear, we're in Session. We're on debate.

MR. DINOWITZ: This bill amends the Election Law to allow a voter to who moves anywhere within the State to vote in his or her new election districts. Boards of Elections would automatically transfer registrations for such a voter, as they currently do for voters who move within their own county or within the five boroughs of New York City. And affidavit ballots would be verified using the Statewide voter file.

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER AUBRY: Will you yield, Mr. Dinowitz?

MR. DINOWITZ: Yes, I will.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: Thank you. So, I just want to go through this quickly in terms of what this would actually do. Now, I know under current law, this only operates if you move within a county. So, if you're -- if you have a new address you would go in and then I

believe you would cast an affidavit or provisional ballot; is that correct?

MR. DINOWITZ: Yes.

MR. RA: Okay. And currently, if you were to, you know, do that and you're a first-time resident of the county, what -- what happens if you show up at your -- your polling place and you're registered, you know, whether it's, *I'm a new resident of Nassau and I was registered in Suffolk*, or, *I was registered somewhere within New York City*?

MR. DINOWITZ: Right now if you live in -- you're in Suffolk -- you're Suffolk?

MR. RA: I'm Nassau.

MR. DINOWITZ: You're Nassau. So, right now if you live in the far western end of Nassau County and you move to the far eastern end of New York County many tens of miles away, you can vote in the new place by filling out an affidavit ballot and it will be validated by the Board of Elections; however, if you move from the very, very eastern tip of Nassau County one block away into Suffolk County and you try to vote in your new election district, you won't be able to unless you had already registered in Suffolk County. That's the current law. So, what this would do is it would say you can move anywhere in the State -- and since we have a Statewide voter database, it's very simple to do.

MR. RA: Okay. And so, currently, even though the Board of Elections in the county of your new residence would have



the ability to see you were registered in Suffolk County or wherever, they, under current law, could not count that -- that ballot.

MR. DINOWITZ: Correct.

MR. RA: And under this, they will be able to?

MR. DINOWITZ: Yes.

MR. RA: Okay. Thank you very much.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, Mr. Ra.

MR. RA: Thank you. I think this, obviously, as this package goes, is -- is something that may assist people who have moved to new locations. I actually experienced this moving within my county a couple of years ago. I went to -- I went to vote. They had processed my wife's change of address, but not mine and, you know, I had to -- I had to cast an affidavit ballot, which presumably was counted, but... but I think one of the things I -- I experienced at that time was the poll workers not necessarily being familiar with the process.

So, I think this is a -- a positive change, but one of the things, you know, we know under current law is that you're within the same jurisdiction, which is the same Board of Elections. So, whether it's within the five boroughs of New York City or each of the counties, they have their own Boards of Elections, as opposed this is going to be, you know, with a different entity. They do have access to the information, but I hope it's something that we will kind of keep an eye on to make sure that it is implemented properly, most importantly then

being that, you know, the people working at the polls understand what the process is and understand how to give the voter, you know, the opportunity to fill out the -- the form and cast their vote. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Ra.  
Read the last section.

THE CLERK: This act shall take effect on the 60th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

If you are on the floor or in your seats, please vote now.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00776, Rules Report No. 5, Simon, Lavine, Heastie, Buchwald, M. G. Miller, Thiele, Ortiz, Niou, Fahy, Dinowitz, Gottfried, Santabarbara, Glick, Seawright, Magnarelli, D'Urso, Montesano, Arroyo, Mosley, Cahill, Zebrowski, Abinanti, Barnwell, Blake, Carroll, Barron, Taylor, Galef, Lupardo, Steck, L. Rosenthal, Wallace, Rozic, Ryan, Jaffee, Burke, Cruz, Eichenstein, Epstein, Fall, Frontus, Griffin, Jacobson, Lifton, McMahan, Otis, Reyes, Weinstein, Bronson, DenDekker, Romeo, Gantt, Lentol. An act to amend the Election Law, in relation to

political contributions.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Simon.

MS. SIMON: Thank you. The purpose of this bill is to provide much needed clarity in respect to political contributions made by Limited Liability Companies which the Appellate Division in the Third Department has confirmed as recently as March of 2018 is a matter for the Legislature.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Would the sponsor yield?

ACTING SPEAKER AUBRY: Will you yield, Ms. Simon?

MS. SIMON: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you very much, Ms. Simon. As you know, in 2014 there was a Federal court case, *Hispanic Leadership Fund and the Freedom New York v. Walsh*, and in that case the Federal Court determined that the aggregate limits that apply to corporations is unconstitutional. Is there any distinction between that analysis that held that the aggregate limit for corporations is unconstitutional and its applicability to an LLC?

MS. SIMON: I don't believe that there's any definitive decision on -- on this issue about the Constitutionality of -- of aggregating corporate contributions. But, as you know, especially since Citizens United, corporations are free to participate in

independent expenditure groups. So, I-- I think that that is probably not going to be the precedent.

MR. GOODELL: But, of course, on the Federal Court case went beyond Citizens United and said corporations could contribute any amount they wanted in the aggregate as long as they were within the individual caps for candidates, correct?

MS. SIMON: Do you have a citation for the case that you're talking about?

MR. GOODELL: I do. It's 42(f) sub-third 365. It was in the Northern District of New York in 2014.

But there's also a formal opinion from the New York State Board of Elections; in fact, the first opinion they rendered in 2016 dealt specifically with the question of whether or not you could Constitutionally cap the aggregate amount contributed by a corporation or, in this case, an LLC.

MS. SIMON: Well, first of all, I would say that that is a State Board of Elections decision which is not -- they don't get to decide what's Constitutional, that is up to -- with regard to the State Constitution, that's going to be up to the New York State Court of Appeals to render a decision on that. And there has been -- there's no -- there's no effort to address this issue. I'm not aware of any case percolating. So, in -- in my view, and I believe the view of counsel, that we are -- this is not an unconstitutional problem here.

MR. GOODELL: Well, I certainly agree with you that the State Board of Elections is not the same as the Federal Court,

but they are the ones that actually enforce this, aren't they? Is there anyone else that would enforce this type of legislation other than the State Board of Elections?

MS. SIMON: Well, your question is about unconstitutionality, not about enforceability. The State Board of Elections would enforce it, and they have repeatedly refused, for example, to characterize or change their characterization of LLCs from individuals, which was a 1996 Board of Elections determination, as a matter of policy and have repeatedly said it must be a matter for the Legislature to determine. And we are the Legislature and we're about to determine it.

MR. GOODELL: I see. I assume that the reason you want to add LLCs to the aggregate cap is that you believe entities such as LLCs should be treated the same way as we treat partnerships, corporations, joint stock companies and similar entities; is that your rationale?

MS. SIMON: Excuse me. I'm sorry, Mr. Goodell. I only heard the first part of your question. I apologize.

MR. GOODELL: Sure. Is it your rationale for making the proposal that we add LLCs to corporations, partnerships, joint stock corporations, is that we want to treat all those types of entities in the same way?

MS. SIMON: Yes, and we believe that LLCs are more like corporations, for example, than anything else.

MR. GOODELL: Is there any reason under that

rationale that your bill does not also include unions or other large groups that spend hundred of thousands of dollars trying to influence elections?

MS. SIMON: Well, first of all, the Federal government characterizes LLCs as corporations for purposes of Federal law and for purposes of Federal enforcement of their Election Laws. So, that is a very good guidepost. The second is, of course, you can -- you can start an LLC any time, day or night, on your own, with a few people. LLCs, you can just keep creating them, right? You can't do that with unions. Unions, we know who they are, we know who their members are and part of the problem with the LLC loophole is the anonymity of the people who are the members of the LLCs. So, it's a quite different circumstance for unions versus LLCs. It's a very, very different circumstance. We know who unions are, they have very, very specific requirements in their formation and we know who they are supporting, whereas the LLCs operate under a cloak of darkness.

MR. GOODELL: Well, of course, the LLCs do have to openly register with the Department of State. They do have to show who the registrant is. They do have to have a public entity to serve any notice, so it's not like they're totally in the dark. They have the same type of notice requirements that apply to all corporations, but moving on... I see that your bill takes a contribution by an LLC and attributes that contribution to its members.

MS. SIMON: Proportionately, yes.

MR. GOODELL: And in order to do that, you require the LLC, by December 31st of each year, to file a report with the Board of Elections designating who their members are.

MS. SIMON: Mm-hmm; yes.

MR. GOODELL: I'm looking at your statute on page 2 on line 27, and you say, *The LLC has to identify all direct and indirect owners.*

MS. SIMON: Yes.

MR. GOODELL: And what is meant by "indirect owners?" I mean, the best of my knowledge, you're either an owner or you're not an owner. What is an "indirect owner?"

MS. SIMON: Because LLCs can -- can be members of other LLCs. And so, this is to peel back the layers of the onion to find out who actually are the real members in interest.

MR. GOODELL: But if you have an LLC that has a member who's an LLC, that secondary LLC is a direct owner, correct?

MS. SIMON: The LLC is the direct owner, but we don't know who the person is who is -- that's an indirect owner because we're looking at the people. We want to be able to identify who are the people who are, in fact, behind the LLC.

MR. GOODELL: Does your language in this bill anywhere define what's meant by an "indirect owner?"

MS. SIMON: I believe it does.

MR. GOODELL: And what line would that be?

MS. SIMON: I'm -- I -- I'm trying -- you know, we

have this gismo here on our desks and all it's showing me is the memo, not the language of the statute. So, if you'll give me a moment.

MR. GOODELL: You are wisely enlisting the help of a staff person. I usually reach out, by the way, when it comes to technology to my grandkids, but would you like me to wait, or...

MS. SIMON: Okay. I would direct your attention to line 37 -- actually from I would say 32 to 44, which describes the intention of what you're talking about is to find out who are indirect members and to define them. This may very well become a matter of regulation by the State Board of Elections in terms of how to operationalize that.

MR. GOODELL: So it's your intent, even though it doesn't expressly define indirect, it's your intent that the secondary LLC that's a member of the first LLC, its members -- the secondary LLC members are the indirect owners of the first LLC; is that your intent?

MS. SIMON: I would think -- depending on the situation, you might have a series of indirect owners. The point that we are getting at here is we want to unmask who those owners are and if the LLC who is part of -- who is a member of another LLC is itself not clear who is actually an owner or a member of the LLC. And we would keep looking, keep peeling back those layers of the onion to find the actual individuals, natural persons who would be members of the LLCs that would be influencing them.

MR. GOODELL: Now, your statutory language



requires the LLC that makes the contribution to file a report listing its members.

MS. SIMON: Yes.

MR. GOODELL: Is there any statutory requirement to have the secondary LLC file any report listing its members?

MS. SIMON: If they are, in fact, members of an LLC that is making political contributions, yes.

MR. GOODELL: Where is that language, because I only see the language requiring the primary LLC --

MS. SIMON: That's the indirect. That's the indirect.

MR. GOODELL: Well, the primary LLC wouldn't necessarily know who the members of the secondary LLC is --

MS. SIMON: Well, they can ask the secondary LLC.

MR. GOODELL: -- as other members. Are we holding the primary LLC liable to a criminal misdemeanor if it doesn't know the ultimate natural person who owns?

MS. SIMON: Right. It would be -- I direct your attention to line 32. So, it's A and B there which would address this issue.

MR. GOODELL: Right, but there's no obligation for the secondary LLC or any of its members to file any report, correct? The reporting requirement only applies to the LLC that's making the contribution.

MS. SIMON: It requires -- to an LLC that is making contributions to disclose its members, those members who might be

indirectly involved, because they are also LLCs, must also -- they must disclose who they are.

MR. GOODELL: And is the membership disclosed as of the date and time of the contribution, or as of the date and time of the report, which may have very different membership?

MS. SIMON: My understanding is that they have to report by the end of the year.

MR. GOODELL: When they report at the end of the year, do they report who the members were at the day of the contribution, or the membership at the end of the year?

MS. SIMON: They should be reporting the day of the contribution, obviously.

MR. GOODELL: So, if an LLC has a --

MS. SIMON: As of.

MR. GOODELL: So, if an LLC has a fluid membership and is making contributions throughout the election campaign, it would actually file, then, multiple reports?

MS. SIMON: Well, I believe at the end of the year they would file a report and that would cover the period of time that the report covers. So, if it's an annual report, every annual report would look back a year and identify --

MR. GOODELL: Is there anything in the language of the bill that's in front of us that defines when the report is to list the membership? It tells us when the report has to be filed, but is there anything that tells us that the LLC should make the report based on

the membership at the time of the contribution?

MS. SIMON: Well, it says in the statute under Section 3, which is line 23 it begins, that it would be a "Report that would be filed in the form prescribed by the State Board of Elections. The identity of all direct and indirect owners of the membership interest in the Limited Liability Company and the proportion of each direct or indirect members' ownership interest in the Limited Liability Company." So --

MR. GOODELL: But that's --

MS. SIMON: So I would suggest that --

MR. GOODELL: But that's actually silent as to -- right? That section doesn't say as of what date.

MS. SIMON: It doesn't, but it does say, "In a form prescribed by the Board of Elections."

MR. GOODELL: Okay.

MS. SIMON: And the Board of Elections is going to be implementing this and I'll be happy to carry your suggestion back to the Board of Elections.

MR. GOODELL: Now, you indicated that all the contributions by an LLC are attributed to the members. And, as you know, we do that in a somewhat different manner for partnerships.

MS. SIMON: That's correct.

MR. GOODELL: Was it your intent that the same process would apply to an LLC as applies to a partnership?

MS. SIMON: It is a similar process, yes.

MR. GOODELL: And, of course, as you know, if a partnership has two equal partners, they make a \$4,000 contribution, \$2,000 is allocated to each owner of the partnership and the amount that the -- the remaining contribution levels of those two partners to that particular candidate is reduced by \$2,000, right?

MS. SIMON: Right; mm-hmm.

MR. GOODELL: You intend that the same -- you would anticipate the same process would apply to an LLC?

MS. SIMON: The LLC -- so it's all attributed to the members equally.

MR. GOODELL: But not --

MS. SIMON: The members of the LLC.

MR. GOODELL: The LLC is attributed to their membership interest in proportion to their ownership interest, right? So, if you're a 10 percent owner of the LLC, you get 10 percent attribution on the contribution?

MS. SIMON: Correct.

MR. GOODELL: Okay. So, hypothetically, if somebody contributed the maximum amount to my campaign, it's happened rarely, but let's assume it happened, and --

MS. SIMON: I feel your pain.

MR. GOODELL: -- and they are a member of an LLC and that LLC contributes any amount to my campaign, are you saying the first contributor then would be exceeding the maximum they could contribute because the LLC contribution is attributed to

them?

MS. SIMON: It would be an over contribution if they did.

MR. GOODELL: I see. And does it matter who made the contribution first? I mean, this is backed by a misdemeanor so, obviously, our donors want to know are they committing a misdemeanor. So, let me give you a simple example. If someone gives me the maximum, or I'll make it more pleasant for you. If someone gave you the maximum and you then got a contribution of \$1,000 from an LLC. The first contributor who is absolutely in the clear when they gave you the check, they're now subject to an overpayment?

MS. SIMON: They would have to return those funds. I mean, it has to be a knowing violation.

MR. GOODELL: Who would have to return the funds, your campaign?

MS. SIMON: The campaign who was the recipient of said over-contribution; yes, of course.

MR. GOODELL: And what money would you return? Would you return the second contribution to the LLC, or would you return \$1,000 to the first contributor?

ACTING SPEAKER AUBRY: Mr. Goodell, excuse me, but you have elapsed your 15 minutes.

MR. GOODELL: And I was just having fun.

ACTING SPEAKER AUBRY: I could tell.

MR. GOODELL: Is there anyone else in the queue?

ACTING SPEAKER AUBRY: Thankfully, no.

(Laughter)

MR. GOODELL: May I continue, sir?

ACTING SPEAKER AUBRY: You have the absolute right to continue.

MR. GOODELL: And thank you so much for your patience.

So, using that hypothetical, someone gave you the maximum contribution. An LLC later, a month later, gives you \$1,000. Who do you return the money to, the second LLC or the first contributor?

MS. SIMON: I would think it would be the second. The second.

MR. GOODELL: The LLC.

MS. SIMON: If it's the LLC who contributes second, afterwards, yes.

MR. GOODELL: Now, of course, under this, the LLC doesn't have to disclose to you, the candidate, who their members are, right? The report goes to the State Board of Elections.

MS. SIMON: If I got an over contribution from an LLC, I could return that money to the LLC. The LLC would then include that information in its report.

MR. GOODELL: But you wouldn't get a report from the LLC as to who the members are, this only requires the report to be

sent to the Board of Elections.

MS. SIMON: Me, as the candidate, who is the recipient of said over contribution, would return it to the LLC. The Board of Elections requires the disclosure of who that person is. I don't necessarily have that information under any circumstance.

MR. GOODELL: Ms. Simon, thank you very much.

MS. SIMON: You're quite welcome, sir.

MR. GOODELL: These are interesting issues.

On the bill.

ACTING SPEAKER AUBRY: On the bill, Mr. Goodell.

MR. GOODELL: It may seem a long time ago, but just last week everyone in this room raised their right hand, I think, and swore or affirmed that they would uphold the Constitution of the United States. Remember that? It was, like, last week. Not quite a week ago, because I think it was on Tuesday or Wednesday, but in any event, recently. So, here we have a bill that purports to cap LLC contributions to an aggregate of a \$150 -- I'm sorry, \$5,000 a year and we have not only an opinion by our State Board of Elections saying that's unconstitutional, but we actually have a Federal Court case, not on the Supreme Court level, granted, not involving other states, but a Federal Court case right here in New York dealing with our Election Law that says that type of cap is unconstitutional. So, my friends, when we swore or affirmed to uphold the Constitution of the United States, were we serious? Because if we are, we should not vote for

something that has already been held to be unconstitutional.

Now, for those of you who don't feel constrained by the Constitution, this bill has a lot of practical issues that need to be addressed before we move it forward. For example, and I'll deal with your situation. You get a contribution from an LLC. Let's say it's a generous contribution, \$4,400; can you keep it? Can you spend it? Maybe, maybe not, right? Because it may be that any member, any member of that LLC might make a contribution before or after in any amount, and once they make a contribution in any amount, your -- you have a contributor because of the attribution requirements that exceeds the maximum. Now, you may think you're being safe because you call up the LLC and say, *Who are your members?* Ahh, you're not that safe, are you, because if that LLC has another LLC, any one of those members if they contribute to you, you're in trouble. Your campaign's in trouble. You have exceeded the maximum campaign contributions. And when will you know? Will you know right away? No, because the ownership interests of the LLCs aren't reported until December 31st after your election. Yeah, think about that. Six to eight weeks after you've been elected, they report it to the Board of Elections. That's the first time you might know about it.

Now, this bill says there's no cost to the State, but we're asking the Board of Elections to get a report of membership interests of an LLC and then birdog every single contribution from every single member of every LLC, and every secondary and so on, and aggregate them all. How many we talking about? Well,



according to a recent article in *City and State*, the Governor got \$23 million over the course of his career from LLC contributions. Let's assume those LLCs were remarkably generous and gave the Governor the absolute maximum they could. We're talking about over 500,000 LLC contributions. So, now the Board of Elections has to take those 530,000 contributions, look at every single member, or every half million contributions, and track every single one of those? We're talking about millions, aren't we?

How much money have we provided to the Board of Elections for this monumental task that will take months to complete before they tell us that we inadvertently exceeded it, at which time we can hopefully have enough money to refund it? Let's be practical. Let's start out by trying to comply with the Constitution, that's a good start, and let's focus on what makes practical sense on how we address this and move forward. Thank you very much and, again, thank you very much to the sponsor for answering those questions.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 7th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Simon to explain her vote.

MS. SIMON: Thank you, Mr. Speaker. Since 1996, LLCs have existed in a legal grey zone where they were neither fish

nor fowl, neither partnerships or corporations or individuals. Nevertheless, the State Board of Elections has treated them as if they were natural persons, vastly increasing the political influence of wealthy donors contributing through one or more LLCs, anonymously pouring unlimited amounts of money into campaigns in hopes of influencing preferred candidates. This egregious loophole has allowed LLCs to funnel millions of dollars into State elections with almost no transparency.

This bill changes all that. It treats LLCs as the corporations that they really are. It requires disclosure of direct and indirect members of the LLCs and limits their level of contribution to those of corporate entities. Closing the LLC loophole will blunt the outsized influence of those who control LLCs and enable the voices of average New Yorkers to be heard. New Yorkers deserve transparency and fairness in the electoral process, and closing the notorious LLC loophole is an important step forward. A new day is dawning, returning power to the people, not corporations. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Simon in the affirmative.

Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker. I want to compliment the sponsor and thank our Election Law Committee for bringing this bill forward. There's been a lot of discussion about what this bill does and doesn't do, and it makes it sounds very confusing. In

simple terms, we are amending the section of the law that restricts corporations to spending \$5,000 a year in campaigns, and we're adding to that section some language that says LLCs are corporations; they're going to be bound by the same rules. Sounds fair to me. They are corporations.

There's also some language being added, because LLCs are these slippery little creatures that are easy to form and have been used over the years to avoid campaign contribution limits. So, the statute as proposed sets forth some standards so that we can identify who is behind that LLC. We're not banning LLCs, but they're so easy to form, we don't want lots of them to pop up for the same person. So, we're now identifying what these LLCs are and allowing people to track them so that if you are making a contribution through an LLC, you can only do it once. It seems very fair to me. I don't understand why a contributor, as an individual, is limited to what he or she can give, but somebody who is imaginative enough, has a lawyer handy and a lot of money can now avoid that limit by making that same contribution over and over and over again. It seems to me we represent people. People should contribute to campaigns. Every person should have the same limit. We shouldn't allow an LLC to be the vehicle through which people avoid the limits that we all agree to. Therefore, I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, to briefly explain my vote. I want to commend the sponsor of this legislation. Sometimes it's really difficult for people to stand forward and say that everybody has the same ability to contribute to a campaign. Some people are very wealthy and they have the ability to put together LLCs, to hire a lawyer to do that so they can get more than one contribution from the same member. There's others of us who don't have that same capacity. We get one donor at a time. Everybody should get one donor at a time. People should not have the ability to go over the limits because they've come up with some legal scheme that allows them to do it.

So, thank you, Member Simon, for putting together this legislation so that we not only will have one person, one vote, but we'll have one person at a time giving contributions to our campaigns as opposed to organizations that allow some people to contribute multiple times. Thank you, Mr. Speaker. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes in the affirmative.

Ms. Fahy.

MS. FAHY: Thank you, Mr. Speaker, for allowing me to rise to explain my vote. This -- I just want to start by commending the sponsor. This is my seventh year and this is something I have supported each year. I just think that this is -- we often refer to it as just the LLC loophole and it's been one whopper of a loophole that I think has been abused so much. And it's just a truly,

truly momentous day, especially assuming that they have passed this over in the Senate if we think that we can make progress on this. As -- as our colleague said, this gets us out of the grey zone and now begins to treat LLCs as corporations.

The most important thing is we talk all the time here about opening up our books to make sure we are transparent in what we do and having more disclosure. And the disclosure part of this is really, really critical. I recognize, as others have said, they'll need more enforcement, but having the disclosure is truly important and this really begins to level the playing field. I know that's the one thing that really kept me from almost running for this seat, and that is the influence of money and running against big money. And the fact that this will help us with leveling the playing field and get the dark money or shady money, whatever you call it, out of politics, this is a momentous step and, with that, I -- I vote in the affirmative and thank the sponsor, again, for her efforts.

ACTING SPEAKER AUBRY: Ms. Fahy in the affirmative.

Ms. Linda Rosenthal.

MS. ROSENTHAL: Thank you, Mr. Speaker, to explain my vote. Today, we are finally taking action to close the much despised LLC loophole. By doing so, we are shining a much needed light on campaign finances and helping to restore the balance of power in Albany by putting it back into the people's hands. For years, the LLC loophole, which was created via a misinterpretation of

State Election Law, has allowed wealthy donors to skirt campaign contributions -- contribution limits that would otherwise apply to them by encouraging them to hide behind a series of complicated and secretive LLCs.

According to the Brennan Center for Justice, a single real estate developer in one election cycle in 2014 created an astounding 27 individual LLCs to donate more than \$4.3 million that cycle, well over the allowable individual, corporate or partnership limits. Voting to close the LLC loophole is a vote to end the days when wealthy individuals controlled the debate. It's a vote to restore the power back to the people of the State of New York and ensure that their voices rise above the din. Today, we send a strong message - New York is not for sale - and we will work to do what is right for the voters and our constituents, regardless of their income because that is what we are elected to do.

So, I -- I thank the sponsor for her diligence and persistence on this bill and I proudly cast my vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Rosenthal in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00777, Rules Report No. 6, Carroll, Lavine, Englebright, Galef, Gottfried, Ortiz, Quart, Paulin, Buchwald, M. G. Miller, Colton, L. Rosenthal, Mosley, Fahy,

Zebrowski, Otis, Abinanti, Rozic, Jaffee, Hevesi, Wallace, Stirpe, Seawright, Blake, Cusick, De La Rosa, Jones, Lentol, Niou, Rivera, Ryan, Rodriguez, Bronson, Santabarbara, Steck, Walker, Vanel, Burke, Cruz, Eichenstein, Epstein, Fall, Griffin, Heastie, Jacobson, McMahon, Raynor, Reyes, Romeo, Weinstein, DenDekker, Frontus, Taylor, Gantt, Simon. Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 5 of Article II of the Constitution, in relation to the 10-day advance registration requirement.

ACTING SPEAKER AUBRY: On a motion by Mr. Carroll, the Senate bill is before the House, the Senate Bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: Sorry. An explanation is requested by Mr. Goodell.

MR. CARROLL: Good evening. This bill would eliminate the provision in the New York State Constitution that requires a voter to vote -- to register to vote at least 10 days prior to an election.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Would the sponsor yield?

ACTING SPEAKER AUBRY: Will you yield, Mr. Carroll?

MR. CARROLL: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you very much. Now, if this -- well, first of all, let me back up. Right now under the Constitution, you have to register at least 10 days before the election, correct?

MR. CARROLL: Yes.

MR. GOODELL: And did you look at the legislative history, the Constitutional history as to why we have that ten-day requirement?

MR. CARROLL: Why do we have it, Mr. Goodell?

MR. GOODELL: Well, I believe it's so that we can ensure that those who vote in the election have been properly vetted by Boards of Elections. Are you aware of other reasons?

MR. CARROLL: Well, I am also aware that we have had some advances in technology recently, and I think that we will make sure once we pass this Constitutional amendment, not just this year, but two years from now, and when the people of the State of New York then vote it into our Constitution, that we will be able to come up with a framework in enacting legislation to make sure that all of those who want -- wish to register to vote are actually able to vote.

MR. GOODELL: Of course we're not at the implementation phase --

MR. CARROLL: We are not.

MR. GOODELL: -- yet.

But would it be your objective, if this passes in two consecutive Legislature and whatever, that an individual could show



up for the first time on the day of the election, register to vote and cast their vote?

MR. CARROLL: Yes.

MR. GOODELL: And where would they show up to register? Would they show up at the Board of Elections office?

MR. CARROLL: Well, I think that would be the enacting legislation and that this Body would decide that. But, yes, I could see either going to your local polling place and being able to register to vote right there, or there could be a scheme that says one would have to go to their local Board of Elections in their county to register to vote, if they were to decide to register on the day of the election itself.

MR. GOODELL: And then you envision instantaneous voter registration updates so that the polling places would know that this individual registered at another --

MR. CARROLL: I envision that and many other things.

MR. GOODELL: What's that?

MR. CARROLL: I envision that and many other things.

MR. GOODELL: I see. And, of course, as we all know, the Election Day is the busiest day of the year for the Board of Elections. In my district, there are 99 election districts, so, they would register them on that day, calculate which of the 99 election districts they're in, give them a provisional or an absentee or an affidavit ballot

at that point in time?

MR. CARROLL: Yes. Presumably, they would be able to do that.

MR. GOODELL: I see. And does this bill provide any funding to the Boards of Elections for the necessary staff or technological updates or anything of that nature?

MR. CARROLL: Mr. Goodell, this is the first step in a two-year process. This Body and the State Senate will be able to draft and review the enacting legislation. As you know full well, even though the Constitutional minimum is 10 days, currently in law it is actually 25 days that you must register prior to an election. And so I believe this Body will be able to take that under advisement and make sure that we bring same-day registration to the State of New York, because what I think is most important here and what I think many people in this Body believe, is that you have a Constitutional right to vote and we should not put any arbitrary impositions on that right to vote. And a person who is eligible to vote should be able to go to their polling place, or go to their county Board of Elections and be able to vote that day, because that is their right as a U.S. citizen.

MR. GOODELL: Thank you, Mr. Carroll.

On the bill.

ACTING SPEAKER AUBRY: On the bill, Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Thank you, Mr. Carroll. Certainly, I agree with the sponsor that we want to

encourage people to vote. But a fundamental challenge of our voting system is to ensure that people vote in the right district, using the right ballot, that they're duly-eligible and they're qualified. Our Constitution currently requires at least 10 days to verify where they live and, yet, in many of our districts you have multiple, overlapping jurisdictions with different ballots. So, you might be in one town with two different fire districts, different county legislative districts, different Assembly Districts, even.

And so, it's not necessarily a simple process for the Board of Elections to determine on the spot, on the busiest day of the year, while they're handling everything else, which is a correct election district for you, and it is almost impossible for them to accurately verify your background information.

And so, certainly we want to encourage people to register and vote, no question about that. But fundamental to any Democratic system is that we only have the right eligible voters voting in the right district using the right ballots. Because when we don't have assurance that the individuals are properly registered where they belong and they are who they are, who they claim to be, then we have more problems with voter fraud, and we underpin -- undercut, rather, the Democratic system.

Right now, as correctly pointed out by my colleague, State law requires 25 days. Before we go to zero, we could always consider, by the way, as an alternative, reducing the 25 and see if our Boards of Elections can bring their technology and their processing up

to speed. For that reason, I and some of my colleagues have concerns about the implementation of this bill.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER AUBRY: Will you yield, Mr. Carroll?

MR. CARROLL: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: Thank you. So, if we could just take a step back for a second in terms of voter registration as it's currently done, now I know there's that 25-day requirement in existing law.

MR. CARROLL: Yes.

MR. RA: When an individual who wishes to enroll to vote fills out the voter registration form, they provide a couple of items of information to the Board of Elections that then will allow them to verify who the person is, that they live where they say there is; is that correct?

MR. CARROLL: That is correct.

MR. RA: Okay. And that includes, I believe, either a driver's license number or -- or a portion of a Social Security number?

MR. CARROLL: Yes.

MR. RA: And then it also requires a box be checked that -- confirming that they're a citizen --

MR. CARROLL: Yes.

MR. RA: -- and thus eligible to vote. So, do you know what the Board of Elections then does with that information with -- with the, you know, 25-plus days they have?

MR. CARROLL: Mr. Ra, I don't work for the Board of Elections, nor have I ever worked for the Board of Elections --

MR. RA: But you are trying make a change in the voting law.

MR. CARROLL: Yes, but what I do know is that the technology exists to make sure that we can verify who a person is and whether they are eligible to vote. And, again, we're talking about a Constitutional right here. And what you and Mr. Goodell have continually brought forth this evening are clerical and bureaucratic impediments to that Constitutional right. So, what I think is much more important is to make sure that the Board of Elections can get on the level of the Constitution, and not the other way around.

MR. RA: Well, I -- I agree with you it's a Constitutional right, but it's a Constitutional right for every single one of us. So, if somebody comes and votes that is not supposed to be voting, they're cancelling out somebody else's vote and disenfranchising that person, as well.

MR. CARROLL: I don't think that's how Constitutional rights work, but okay.

MR. RA: My -- so, if my Constitutional rights, you know -- okay. Well -- well, we'll agree to disagree on that. You

know, Constitutional rights, you can protect each individual's Constitutional rights. It -- it doesn't have to be --

MR. CARROLL: And that is exactly what this bill is doing.

MR. RA: Okay. But --

MR. CARROLL: This bill is protecting every single New Yorker's Constitutional right, those who are eligible to vote. We should not put up any false barrier to someone's ability to go out and vote because of a time requirement, which is purely based on bureaucracy. All of your arguments are around that can the Board of Elections actually be able to register someone to vote. And I think yes. And what we should not do is throw our hands up in the air and say, *Well, we're not sure, so you know what, let's just put a line in the sand and say, let's wait 10 days, 25 days. Hey, why not a year?*

MR. RA: I -- I don't think anybody's arguing for that, but we have 25 days in statute. This is -- this is taking away the ten-day requirement. Okay. So -- so moving on and we're -- I guess we're going to disagree on that factor that if somebody does come and vote who's not supposed to be voting, that that is, I believe, disenfranchising other eligible voters. But, we'll -- we'll agree to disagree on that -- on that point.

So, one of the things that the Board of Elections does have the ability to do, then, you know, they go back, they put the person into their system, and as we all know, as -- and we talked about this with the pre-registration, as an eligible election comes up, we

send out these voter cards, correct?

MR. CARROLL: Yes.

MR. RA: And one of the things that -- that I know happens is sometimes those voter cards get returned. And now, there's perhaps -- perhaps it's just, you know, an honest reason it's returned, or perhaps that person is no longer living at that address. It does provide some level of check. What do you believe -- I know there's going to be some type of enabling legislation, this is just the Constitutional piece of it, but what do you envision would be the process when this person comes in for the same-day registration? Would they show some form of ID or would they just fill out a form?

MR. CARROLL: Mr. Ra, I don't plan to decide hypothetically what this Legislature is going to do in two years. We don't even know the makeup of what this Body will be. What we're deciding right now is this enacting legislation. And, again, though, you keep falling back on the idea that a bureaucratic process should get in the way of a Constitutional right. And I just don't believe in that.

MR. RA: I -- I don't think that's what I'm saying. I'm saying that we need to be able to verify the person coming forward if -- now --

MR. CARROLL: There are -- there are consistent ways that the Board of Elections, you mentioned two of them, one, your Social Security number, or a -- a New York State ID through your driver's license are two ways that we've been able to verify. I am

sure in the 21st Century, in 2021 when this would actually come into effect, that between the Department of State, the Board of Elections and all of the apparatuses in New York State, that we would be able to find a way to make sure that we could verify a voter. And then, if we couldn't, we could very easily create a provisional ballot situation where that person's eligibility could be checked after the election and counted as if it were an absentee ballot or an emergency ballot. So, there are a multitude of ways that we could do this. But I think yourself and Mr. Goodell are deciding to kind of narrow down and drill down the most picayune and pedantic points to make sure that we get bureaucracy, again, in the way of Constitutional rights.

MR. RA: Yeah, well, I -- I don't agree that that's what we're doing at all. We're trying to ensure that there's a process that -- that can be done correctly to make sure we -- we verify that people who are eligible to vote can vote, and people that are not eligible to vote cannot. So, you just mentioned the -- the last question I had. Do you envision that this would be somebody who could come in and then vote on the machine, or -- or would it be some type of affidavit or provisional ballot situation?

MR. CARROLL: Again, it would be presumptuous of myself to assume how we would do that. That's the -- that's a decision for this entire Body. That's a decision for a -- two years from now. But, yes, I could envision either scenario.

MR. RA: Thank you very much, Mr. Carroll.

Mr. Speaker, on the bill.



ACTING SPEAKER AUBRY: On the bill, Mr. Ra.

MR. RA: So -- so this -- yes, this is a Constitutional amendment. I -- I don't think we should make, you know, the provisions in our Constitution overly wordy, but I do believe that we -- we should, as we're doing this, have some idea of how this process is going to work. What happens when you register in advance, there are several checks there, because if you've filled out that paperwork in advance, you're now giving a signature that they're going to have on file, there's some information that can be verified, there's the voter card, as opposed to the person comes in that day, there is -- there's not really kind of two levels involved, there's only one.

So, there are a lot of concerns with this. It has nothing to do with trying to put up bureaucratic barriers, but -- but it does have to do with making sure that people, again, who are eligible to vote are able to vote, and people who are not eligible to vote do not vote. We disagree on the point, but, I believe that if somebody comes in and votes who is not supposed to vote, I think that is disenfranchising other voters because it can be canceling out their vote.

So, I -- I think many people here have a concern about this. I'm going to be casting my vote in the negative and I think for -- for those same reasons, many of my colleagues will as well. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Johns.

MR. JOHNS: Yes, Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. JOHNS: Mr. Speaker, I plan on voting for most of these voter reforms. I think I voted for the first two or three. I have a little problem with this one, because I just don't think same-day registration, or one day in advance of the vote is really enough time to do a background check. And I would refer to another Constitutional right besides voting, I don't know own a gun, never have, but I see legislation that says that we're going to go to a ten-day background check for guns. So, no one can buy a gun until they go in and try and purchase it and wait for a ten-day background check. I don't think a ten-day background check if someone's going to purchase a gun is any different than going to a ten-day background check to see if someone's eligible to vote. We want to make sure that in both cases there's no fraud, the people that shouldn't vote shouldn't vote, and people that haven't a gun or a weapon should not have a gun or a weapon. And to take an extra 10 days to make sure that that happens I don't think is unreasonable. So, I'll be voting no for this particular piece of legislation. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Johns.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Ortiz to explain his vote.

MR. ORTIZ: Thank you -- thank you, Mr. Speaker.

And I'm -- I am standing here today to congratulate and to thank the sponsor of this piece of legislation. Ten days or one day I think is very important and very critical that we give the voters the opportunity that they -- if they choose to vote the same day, they should be registering and voting the same day. And I think this bill is a step in the right direction. I think we have a lot that we have done today, about the LLC, which is another important piece of legislation, and also engaging in our -- our new generation by allowing them to register at the age of 16.

With that, Mr. Speaker, I would like to thank the Speaker, the sponsor of this bill for giving us this wonderful piece of legislation, and I hope that we can see the day where we can register the same day and vote in the same day. Thank you.

ACTING SPEAKER AUBRY: Mr. Ortiz in the affirmative.

Are there any other votes?

Mr. Manktelow to explain his vote.

MR. MANKTELOW: I'd like to explain my vote.

ACTING SPEAKER AUBRY: Proceed, sir.

MR. MANKTELOW: We've talked about this for quite a -- a little bit here today. And I appreciate the -- the process of this and where we want to go, but this is what I see from the local

level. We've talked about several different bills here and each time, yep, we're going to take care of it, yes, we're going to take care of it. We're putting all this burden back on our local Board of Elections. And, by the way, we're not funding it. As a -- as a former county legislator and a town supervisor, I do know that every time you add one of these pieces of bills back to our local people, we've got to take care of that. And not having an answer, *Well, we'll work it out*. Well, we work it out, that doesn't always work. It definitely does not work from the State level down to the local municipalities in governments.

So, we've got to find a way of funding these things as we move forward, because right now our county budgets are so tight underneath the tax cap in doing so. And every time we add one other thing to that -- to that mission of these people, we're adding more cost to the local governments. And we want to keep the costs down. We want to keep people here. We want them to be able to do so. So, I'm going to vote no on this, only because there's no explanation of how we're going to fund it, who's going to do it. And, oh, by the way, we'll fix it later. That does not work. Thank you.

ACTING SPEAKER AUBRY: Mr. Manktelow in the negative. Welcome to the New York State Legislature, sir.

(Laughter)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00778, Rules Report

No. 7, Vanel, Lavine, Heastie, Cusick, Lupardo, Gottfried, Paulin, Aubry, Simotas, Galef, Lifton, Abinanti, Zebrowski, Colton, Carroll, Weprin, Barnwell, Seawright, Ramos, Simon, Otis, Glick, Schimminger, Dinowitz, Jones, Buchwald, L. Rosenthal, Wallace, Englebright, Jaffee, Hyndman, Burke, Cruz, Eichenstein, Epstein, Fall, Griffin, Jacobson, McMahon, Raynor, Reyes, Romeo, Weinstein, Blake, DenDekker, Frontus, Taylor, Gantt, Lentol. Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 2 of Article II of the Constitution, in relation to authorizing ballot by mail by removing cause for absentee ballot voting.

ACTING SPEAKER AUBRY: On a motion by Mr. Vanel, the Senate bill is before the House. The Senate bill is advanced and a (sic) explanation is requested, Mr. Vanel.

MR. VANEL: Thank you, Mr. Speaker.

This bill is about protecting the franchise of voting. Voting is a cornerstone of our Democracy. It is the rock that this House is built upon. We must do all in our power to ensure that New Yorkers are not constrained by exercising their right to vote. During a recent -- this recent General Election in 2018 in New York City, many people waited on line for over an hour-and-a-half to cast their ballot. Many poll -- poll sites were overcrowded, poll workers were overworked, and too many New Yorkers were turned away. In Upstate New York, there are counties that are very large that span many miles. It's extremely difficult for those New Yorkers and those counties to vote if they work on one end of the county to get to the

other end of a county to work on that -- I mean, to -- to vote on that day.

Today, the law does not allow that person to vote via absentee ballot because they would not have a valid excuse. We must make it easier for New Yorkers to vote. This bill amends Section 2, Article II of the New York State Constitution by removing cause for absentee ballot voting. In New -- a New Yorker would be able to apply for an absentee ballot by right without having to identify an -- an enumerated excuse.

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER AUBRY: Will you yield, Mr. Vanel?

MR. VANEL: Yes, I will.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: Thank you very much. So, you know, as we know this is -- the provisions regarding, you know, what excuses allow somebody to currently apply for an absentee ballot are listed in our State Constitution. So, the only way to expand that is through a Constitutional Amendment such as this, correct?

MR. VANEL: Correct.

MR. RA: So, now, we're not really adding additional excuses, what we're really saying here is that you don't need any excuse. If you want to vote for absentee, you'll -- you know, you'll fill

out, presumably, the paperwork like you do now if you had met one of the excuses, you'll -- you'll fill out the paperwork, submit it to the Board of Elections and you can vote absentee.

MR. VANEL: That's correct. So, right now, the application for absentee ballot, I think the second or third section has enumerated excuses that would be -- that make up -- we'd have to have enumerate -- enumerating legislation to figure out, you know, whether or not to remove and how to remove that -- that section in the application.

MR. RA: Okay. And just, presumably like -- like the previous resolution, this would require in the future maybe some type of enacting legislation on what the procedures would be within the Board of Elections?

MR. VANEL: That is correct. So, if it -- this legislation passes today and in the Senate, we'd have to pass it again in the next Session, and then we'd have to figure out the -- the enacting legislation.

MR. RA: Okay. Thank you very much.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, Mr. Ra.

MR. RA: I -- I think this -- this piece of legislation, and I've supported it in the past, is a -- is a good one in that we're going to give people the opportunity, you know, who want to vote absentee. With our current system, unfortunately, because you have to be absent from the county, you could -- you could be a couple of hours

away and still be within the county -- the county. You know, maybe you live on one end of the county on a larger county, and -- and you work on the other end, you wouldn't currently be eligible. So, I think that this, rather than the bill that we're going to be taking up later on to -- to allow the 10 days of early voting, I think this is really the better approach for us to -- to give people the ability to submit for an absentee ballot and -- and cast their ballot in that way, as opposed to some of the concerns with -- with costs that are going to come up with the early voting proposal later on.

So, I'm happy to support this piece of legislation. Again, I understand there are some concerns that people have with bringing in many more absentee ballots than -- than we're used to, be they from, you know, that there may be some potential for fraud, or there may be just an in -- a major increase in absentee ballots that might delay, you know, calculating election results. But I think by and large this is -- this is the right approach and I'm going to be casting my vote in the affirmative.

ACTING SPEAKER AUBRY: Thank you.

Mr. Phillip Steck.

MR. STECK: Thank you, Mr. Speaker. I want to commend the sponsor for undertaking to change the Constitution to make this possible. I will be voting no not so much because I'm against this in concept, but because I want to sound an alarm so that when we do subsequent legislation to implement it, we will get it right. The Governor has proposed, although only in a press release



without any details, voting by mail. I support that concept because in voting by mail, such as the system Oregon has, ballots are sent direct to voters without the need for applications. Only voters can handle the ballots.

In New York, the no excuses absentee ballots has been a -- a problem. And I am hoping that someone will listen and revise our current process in which political operatives can handle absentee ballots. The ability of political operatives to manipulate absentee ballots has led to corruption in those parts of the State where minor party primaries matter. Our Court of Appeals has recognized this problem numerous times in decisions relating to absentee ballots. Manipulation of absentee ballots has enabled major parties to take over minor party lines, such as the Green Party and the Working Families Party by persons who do not support the principles of either party. This is a fraud on the voters who go to the polls, for example, to vote Green, and then end up voting for a Conservative candidate who is opposed to everything the Green Party stands for.

I will cite three examples from within my district. In Schenectady, I was the attorney for Marion Porterfield, the only African-American City Council member in a contest over the Working Families Party endorsement. Her opponent, an owner of many apartments in the city, enrolled tenants of his in the Working Families Party, even though the testimony showed they could not understand the absentee ballot application, and did not know anything about the Working Families Party. Fortunately, due to the fact that

one brother signed the poll book in place of another brother, the scheme was exposed, and Ms. Porterfield retained the Working Families line.

A similar scheme occurred in Colonie. A Conservative candidate enrolled 21 persons in the Green Party. All 21 voted in the Green Party Primary by absentee ballot. It was highly improbable that all 21 were qualified to vote by absentee ballot. The Conservative candidate voted them by absentee ballot and seized the Green Party line even though he did not subscribe to any of the principles of the Green Party. In the Independence Party Primary, the candidate endorsed by that party won the primary 2-1 on the machine. But her opponent orchestrated a scheme to enroll over 100 people in the Independence Party, almost all of whom voted by absentee ballot, completely reversing the result of the election.

In fact, this is possible due to a combination of factors. First, in reality, we already have no excuses absentee balloting in New York. The current form allows someone to vote by absentee ballot just by checking the box saying they are ill or not in the county. There's no evidence needed to support that claim. Second, political operatives tell the voters that they do not have to go to the polls on Election Day, which is not the truth. Third, political operatives carry absentee applications to voters, return them to the Board of Elections, then carry the ballots back to the voters, often supervise the voting process and then return the completed ballots to the Board. The secret ballot process is thus defeated.

This is something that has been occurring all over the State, not just in the 110th Assembly District, though it may not occur in areas where minor party lines do not matter. Incidentally, in my 30-plus years of electoral involvement in the community I represent, I have never heard of anyone being denied an absentee ballot who sincerely wanted to get one. Nor do I see any evidence that turnout will be increased, unless people who are not voting now come to see they have a stake in the system. Believing you have a stake in the system, that the system is there for you, increases turnout. No excuses absentee ballots have very little to do with it.

To repeat, I agree with the sponsor very strongly. People should not wait on line for hours to vote. That is why I support a process of voting by mail, such as Oregon has, which assures that there is no manipulation of the process of casting a vote. Until appropriate safeguards are in place, the concept of no excuses absentee ballot will not be a policy to increase voter turnout, but one that favors voter manipulation. I hope that as we go forward with the statutes to implement this change that we will understand the importance of a vote by mail scheme, as opposed to a structure of an absentee ballot, and that we can follow through to preserve the integrity of the voting system. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Buchwald to explain his vote.

MR. BUCHWALD: Thank you, Mr. Speaker. I -- I first rise to thank and congratulate the sponsor of the -- of this Constitutional Amendment, but I want to have most of my remarks to go to the entire package of seven Election Law reform bills that we're adopting today because I think each of them stand for a principle which is that we should be encouraging people to vote, but collectively, they also send a message that votes of New Yorkers really do matter. And the fact that these bills are coming to the floor, not just to the Assembly but are going to pass the other Body, and those that go to the Governor go to the Governor, these Constitutional Amendments will come back to the Legislature for us to vote on a second time, really do, I think, encourage New Yorkers to see that their votes do make a difference, and that message in totality is extremely important. So, my thanks to all the sponsors of these individual pieces of legislation.

I also want to thank the Chair of the Election Law Committee, Mr. Lavine, who I have the honor of serving with, and the leadership of this Assembly, for, I think, providing a very bright day for the future of voting here in New York State. With that, I urge my colleagues to support this bill and all the bills in the package.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you. Mr. Buchwald in the affirmative.

Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker. I join in thanking our colleagues for bringing these Constitutional Amendments forward, and the Committees for moving them so quickly. These Constitutional Amendments all remove restrictive language that constrains this Legislature from modernizing our election process to meet today's conditions. They will allow us to craft new legislation with appropriate language to make sure that none of the concerns expressed by our colleagues become problems. But we can't pass those statutes unless we first change the Constitution and give our ourselves that leeway. So, therefore, I commend my colleagues on these and I vote in the affirmative.

I'd like to make one additional note. On this particular Constitutional Amendment, it has been suggested by some that we, in effect, have absentee voting today without excuse. I respectfully disagree with my colleagues. As an election attorney, I've spent hours, hours at hearings arguing over validity of absentee ballots. In the end, the ballots are usually accepted, but there -- I have been in circumstances where evidence has been brought forward to challenge the validity of an absentee ballot claiming that a person was, in fact, in the county on the date of the election, or was not sick on the date of an election. This would remove a lot of litigation if we properly draft the statute after passing this Constitutional Amendment.

So, I vote in the affirmative.

ACTING SPEAKER PICHARDO: Mr. Abinanti in

the affirmative.

Mr. Montesano to explain his vote.

MR. MONTESANO: Thank you, Mr. Speaker. I support this bill and gladly vote for it, and I would hope that sometime during this legislative year we pass legislation which a bill I have, that amends the Education Law for the same reason, for absentee ballots for school vote -- school board votes, school budgets, library votes have the most restrictions on absentee ballots, even more so than what the State currently has. So it's my hope that we do the same amendment to that law to make those ballots just as easily accessible. So, I vote in the affirmative. Thank you.

ACTING SPEAKER PICHARDO: Mr. Montesano in the affirmative.

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Mr. Speaker. I rise just to explain my vote. In the past, I have not supported this measure. I am supporting it today. I do think that out of the package of different reforms that have been put forward today that we're addressing, this is probably, I think, the most workable. I just think that it bears mentioning that voting is a civic responsibility and there's always a preference for in-person voting. So I -- I was contacted by a number of constituents in the last couple of years really expressing that because of their work schedules and other difficulties, that they aren't able to exercise currently the absentee ballot legitimately, unless they want to, you know, make a liar of themselves. So, I do think that it

may make voting more convenient for some people in that situation.

I just would say that, you know, if we think that making more convenient is necessarily going to considerably increase voter participation, I think we all might be, you know, surprised to find out that it really doesn't. I think that the people who genuinely really want to vote and exercise their vote, are going to do so.

But I will support this measure today. Thank you.

ACTING SPEAKER PICHARDO: Ms. Walsh in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00779 --

(Pause)

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A00779, Rules Report No. 8, Lavine, Heastie, Bronson, Paulin, DenDekker, Gottfried, Ortiz, Hevesi, Dinowitz, McDonald, Simotas, L. Rosenthal, Stirpe, Abinanti, Barrett, Fahy, Brabenec, Galef, Weprin, Rozic, Blake, Burke, Carroll, Cruz, Eichenstein, Epstein, Fall, Glick, Griffin, Jacobson, Lifton, McMahan, Otis, Romeo, Thiele, Weinstein, Frontus, Reyes, Taylor, Gantt, Zebrowski, Simon. An act to amend the Election Law, in relation to Primary Elections and amending certain deadlines to facilitate the timely transmission of ballots to military voters stationed overseas; to amend the Public Officers Law, in relation to filling

vacancies in elective offices; to amend the Election Law, in relation to date of Primary Elections; and to amend the Election Law, in relation to canvass and audit of returns.

ACTING SPEAKER AUBRY: Mr. Norris.

MR. NORRIS: I rise to offer the following amendment, waive its reading, move its immediate adoption and request the opportunity to briefly explain it. I hereby request that this amendment amends the Bill-in-Chief by striking the existing text and replacing it with language which will move the Primary to August, also in compliance with the Federal MOVE Act.

ACTING SPEAKER AUBRY: Thank you, Mr. Norris. So, the amendment is at the desk and we will examine it, you can briefly explain the amendment while the Chair examines it, please.

MR. NORRIS: Thank you, Mr. Speaker. This bill, if it became law, it would become effective at this point immediately. Which would mean that on February 26th of this year, designating petitions would be hitting the street. That's about six weeks from now. Many party leaders, many candidates throughout the State of New York have been, quite frankly, caught off guard that this proposal would go into effect this year. Also, I'd like to just briefly say that for individuals who live Upstate, I live in Lockport, New York, right outside of Buffalo and Niagara Falls, it is very cold to gather petitions in February and March, and the weather is very inclement, which would depress candidates from actually going out and getting these



signatures.

So, also balancing the military and making sure that those ballots are received in a proper fashion and in compliance with the MOVE Act, I kindly ask that it be amended to have the Primary held in August.

Thank you, Mr. Speaker, for the consideration.

ACTING SPEAKER AUBRY: The Chair has examined your bill, Mr. Norris, and found it germane to the bill before the House.

On the amendment, the Clerk will record the vote.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Yes. Mr. -- thank you, Mr. Speaker. I will remind my colleagues that this is legislation that we are mirroring to meet the Federal standards. This is something that we've been voting for since 2014, and I would encourage my colleagues to pay due attention to that and vote accordingly. Thank you.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The amendment has failed.

There is an amendment at the desk. Mr. Norris to briefly explain the amendment while the Chair examines it.

Mr. Norris.

MR. NORRIS: Thank you, Mr. Speaker. I will try again.

So, on this particular amendment, I would ask that the language be struck from it taking effective immediately and being effective on January 1st, 2020.

ACTING SPEAKER AUBRY: Certainly. The Chair has examined your amendment and found it germane to the bill before the House.

On the amendment.

MR. NORRIS: Okay. Mr. Speaker, thank you very much. Just to briefly explain the amendment. Again, like I said previously, first day for petitions would be on February 26th for designating petitions, it's caught many party leaders and candidates who are thinking about running for office off -- off guard. I would kindly ask that this amendment be struck for the immediate language, and then go into effect starting January 1st, 2020.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

Mrs. Peoples-Stokes. Excuse me.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity once again to rise and -- and encourage my colleagues, to remind them that we have been voting for this legislation since 2014 and with all due respect to my colleagues on the other side of the aisle, we think that it is in the correct condition and it

does not need amendments.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir. On the amendment.

ACTING SPEAKER AUBRY: On the amendment, sir.

MR. GOODELL: We may have been voting on this for many years, but out in the real world outside of these halls, people are questioning when do they need to announce to run, when do they need to put together their campaign. The political committees are working on recruiting high-quality candidates. If we don't move this back one year, you're going to catch all those political parties off guard because they're going to have to have to announce candidates in about five weeks. Four to five weeks. And if you're out there trying to recruit local candidates and try and get the very best people, we should give them some advanced notice that they don't have until June of this year, but this would move it up until February. And so, all this amendment does is says kick this off with a new, accelerated Primary process next year so that all of our local committees have adequate time this year to recruit the best qualified candidates.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Smith.

MR. SMITH: Thank you, Mr. Speaker. On the amendment. I think that it's an important amendment to move back the consolidation of the Primary to next year, because next year we

actually will have a Congressional and a State Primary, so that will the time where we will be consolidating it. As far as encouraging people to participate in the electoral process, by moving the Primary from what would be September now to June and setting the petition process, it's very pro-incumbent and not very enticing for a challenger who might be, as Mr. Goodell and my colleagues mentioned, contemplating whether or not they should run for office, and I believe, as many of the sentiments here today, we're to encourage people to participate in our Democracy. And for that reason, I think we should support this amendment. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The amendment failed.

There is an amendment at the desk. Mr. Norris to briefly explain the amendment while the Chair examines it.

MR. NORRIS: I feel like it's an 0-2 count, Mr. Speaker. Let's -- let's give it a try.

ACTING SPEAKER AUBRY: I'm a Mets fan, I'm used to losing.

MR. NORRIS: Oh, okay --

(Applause/Laughter)

I'd like to offer -- offer the following amendment and

explain it. That any costs that are associated with moving the Primary to June is funded by the State of New York solely.

ACTING SPEAKER AUBRY: The Chair has examined your amendment and found it not germane to the bill before the House.

MR. NORRIS: Mr. Speaker.

ACTING SPEAKER AUBRY: Yes, Mr. Norris.

MR. NORRIS: With all due respect, I would like to appeal the ruling of the Chair and just offer the -- the explanation as follows: There may be unintended costs by the Board of Elections by moving up the Primary date this year, and petitions, particularly with employees and maybe potential overtime costs for everything being sped up. And I do believe that if this Body takes action to move the Primary up and there are unintended costs borne by the local counties and municipalities, then this -- the State of New York should ensure that those costs are paid for out of the State Budget and not the local budgets.

ACTING SPEAKER AUBRY: Mr. Norris appeals  
(pause) --

Mr. Norris appeals the decision of the Chair. The question before the House is, shall the decision of the Chair stand as the judgment of the House. Those voting yes vote to sustain the ruling of the Chair. Those voting no vote to override the decision of the Chair.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I urge my colleagues to vote yes and sustain the ruling of the Chair. The members are to -- should be reminded that this is a question that is procedural and that voting to sustain the Chair is the direction upon which we should take. We should be voting in the affirmative, Mr. Chair, and thank you very much.

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The ruling of the Chair is sustained.

On the bill.

Mr. Norris.

MR. NORRIS: Thank you, Mr. Speaker, and I appreciate the courtesies of you and the House on those last three amendments for consideration.

ACTING SPEAKER AUBRY: You're quite welcome.

MR. NORRIS: I would kindly ask for an explanation of this bill.

ACTING SPEAKER AUBRY: An explanation is requested.

MR. LAVINE: Certainly. Thank you, Mr. Speaker.

Thank you, Mr. Norris. This bill's purpose is to move State and local Primaries from September to June to ensure that our State is compliant with the Federal Military and Overseas Voter Empowerment, MOVE Act. Much of our State Election Law is based on our Primaries being held in September, and getting absentee ballots out 32 days, 32 days, before an legislation. This is a structure that doesn't allow getting absentee ballots to servicemembers in compliance with Federal standards. Our women and our men who are overseas fighting for us deserve a whole lot, including the capacity and the full-blown ability to participate in our elections.

The MOVE Act requires ballots have to be transmitted no later than 45 days before an election. So, every time New York State holds a Primary Election on a different day from the Federal Primary, it costs our taxpayers a minimum of \$25 million. So here, by consolidating these Primary Election Days, we save the taxpayers of the State of New York \$25 million, at least. We do everything we can, which is our obligation, to protect the rights of our servicemembers who run the risk of sacrificing for us on a daily basis. We also ensure that the many Americans and many New Yorkers who are -- work overseas are able to participate in our election process.

And we also have to be mindful of the fact that United States District Judge for the Northern District of New York, Gary Sharpe, entertained a case addressing the MOVE Act compliance, and it was Judge Sharpe himself who set the fourth Tuesday in June as the operative date for our Primaries, the reasoning

being that that would allow enough time, even a little more than the 45 days required by the MOVE Act, to be able to comply and make sure that our servicemembers receive the best protection we can give them.

ACTING SPEAKER AUBRY: Mr. Norris.

MR. NORRIS: Will the sponsor yield for a few questions?

MR. LAVINE: Of course, Michael.

MR. NORRIS: Thank you. Chuck, would an August primary be MOVE compliant?

MR. LAVINE: Judge Sharpe reasoned very well when he said the fourth Tuesday in June, because we need a little extra time. And why go anywhere near a -- a date which may prove to be fatal for MOVE purposes, and why have, then, a Primary in June to be followed by another Primary another five or six weeks later. And aside -- aside from that, many people are away in the month of -- of August, and I think that's pretty much true throughout the -- the State of New York.

MR. NORRIS: I -- I understand. But, I believe Judge Sharpe also said it would be left to the State Legislature if they could come up with a combined date which would be MOVE compliant. So, August would still be MOVE compliant, according to my understanding.

MR. LAVINE: I think Judge Sharpe believed the more time the better, and that's why he determined the -- the date of



the fourth Tuesday in June would be -- would be the -- the safest date. And I think -- one of the things I learned from working for many years in the United States District Courts and the United States Courts of Appeal is to pretty much do what Federal judges suggest.

MR. NORRIS: Thank you, Mr. Lavine --

(Laughter)

-- I have just a few more questions. This year, though we don't know if there will be any vacancies at the Federal level, currently there are not, to my understanding, for Congress. So, what is the rush this year? Why can't we wait to next year to do this?

MR. LAVINE: This gives us an opportunity to employ the system a year before a Presidential Election, or a Presidential Primary. It gives us a chance to work with the State and local Boards of Election to figure out best modalities and best ways to implement the system. And that's -- that's the idea. It gives us a chance to, in effect, iron-out come -- whatever problems we may encounter.

MR. NORRIS: Okay. Now, during the Legislative Session, I think we all, in this Body, understand that the busiest two weeks are probably the last two weeks of Session in June, other than the March Budget period of time. And we've had a history of individuals in the past in this Body who have decided to run for other office, or could be in a competitive Primary in the middle of June, where they need to decide between do they want to be in their districts as an active candidate, or here doing the People's business? Wouldn't

August still be a better date to alleviate any concerns with that -- with that issue?

MR. LAVINE: I think one of the important factors we should bear in mind as we consider this is that our legislative calendar is not set by statute or con -- or the Constitution, and it's up to the Senate and the Assembly to determine the best days on which we should meet here in Albany. And I would suspect that this is a concern that will get a lot of consideration. And we may end up spending a couple of more days earlier in the Session, or a couple -- few more days later in the -- in the year term. I think there's a measure of flexibility there.

MR. NORRIS: What would be the first day to circulate designating petitions this year?

MR. LAVINE: We -- I'm pretty sure it's February the 26th.

MR. NORRIS: Okay. And I just -- and you may not know, but you -- I -- I come from Lockport, New York, right outside of Buffalo and Niagara Falls. Do you happen to know what the average temperature is in Lockport, New York on February 26th?

MR. LAVINE: Michael, you may not remember this, but I grew up in the Upper Peninsula of Michigan. To me, the temperature in Lockport in February is tropical.

(Laughter)

MR. NORRIS: And I'm sure it is. Well, if I could just add, it is 32 degrees on February 26th --

MR. LAVINE: That's swimming weather for us --

(Laughter)

-- "Yoopers", people from the Upper Peninsula.

MR. NORRIS: And do you happen to know what time the sun sets in Lockport, New York on that day? About.

MR. LAVINE: I would guess the sun sets somewhere around 4:15 in the afternoon.

MR. NORRIS: You know what, I give you a little bit on that. It's around 6:00 o'clock on February 26th on that day. The reason why I raise those two points is because of the conditions, Upstate particularly, of the weather and the difficulty for candidates to actually go out and obtain signatures. I think one of the most important parts of this legislative Body is to encourage candidate participation. And that would be -- I think it's inhibitive with the weather being so frigid, so cold, for our candidates to get out and to gather those signatures. So, that's the only reason why I point that out on the record.

MR. LAVINE: Michael, may I just suggest -- and please, I didn't mean to interrupt you --

MR. NORRIS: Sure.

MR. LAVINE: -- if you were continuing, let me know. This is the way it was for many years with June Primaries in New York State going up, I think, from the '50s to the '70s. In addition to that, candidates for Federal office have to go out and get petitions signed and do that -- that legwork and that roadwork. And I

would suggest that if the comparison here is, is this somewhat uncomfortable for us who are in elected office, as opposed to doing everything humanly possible to protect the rights of our servicepeople overseas in harm's way, I'm going to resolve this in favor of doing everything possible to protect the interests and the rights of those servicemembers, and I think you agree with me.

MR. NORRIS: And when I get on the bill I'm going to mention that and how important that is that we do ensure that our military and overseas voters receive their ballots in a proper and timely manner. And I certainly agree with you 100 percent on that particular topic.

I just have two technical issues I just want to point out in -- in the language of the bill. And that is -- can be found starting on page 2, starting at line 6. And what that talks about are the actual filing of the documents, the petitions and the certificates. And there's some language that has been inserted in that section which would require that if the petition is postmarked, it also must be received within two business days at the Board of Election, otherwise it is a fatal defect. Which means if it arrives on a Tuesday, and the last day was on a -- on a Thursday, that petition would be fatally out. So, coming from, again, Western New York, realizing the mail can be awfully slow, I point that out, and I just encourage you to think about a potential amendment down the road. I offered several amendments earlier, I didn't want to continue with more amendments, but that's something that maybe we can work on going forward -- or what is the

rationale, Chuck, of that language that's in the bill?

MR. LAVINE: Well, a couple of factors, and this was language that was drafted after a lot of consideration and discussion with the Board of Elections. First of all, there's got to be some date. There's got to be some date. But secondly, the current state of the law isn't two days, it's one day. So, I suppose the idea here is that it's somewhat more expansive and, yet, Michael, I think your suggestion about us continuing to discuss this is a very good suggestion.

MR. NORRIS: Very good. And there's just one more point I want to put on the record so when the counsel and the Governor's Office reviews this legislation within the bill jacket, is the -- the time for the Judicial -- State Judicial Conventions for State Supreme Court, and how the language is right now is if there -- if there -- it would be on the first Monday -- the first Thursday following the first Monday. The issue being, under the State Constitution, there's a 90-day provision if there is a vacancy for the State Supreme Court Justice. So, in the rare occurrence, if Election Day happened to fall on the 8th of November, the 1st of August is actually a Monday, which would begin the process on the 4th, which would still not allow for a potential vacancy, either by, unfortunately, a death or resignation or something like that. So, again, I want to just point that out onto the record. Maybe ask -- I'll ask you if there is some rationale for that date, but also, have you potentially consider in working with the negotiations that that might be amended to the second Monday of the

-- of August.

MR. LAVINE: We will certainly continue to discuss -- to discuss that. After all, debate, debate is not heresy. Let's continue to talk about that. But we did discuss this with the Board of Elections and they had some very real concerns about the schedule that you're -- you're suggesting.

MR. NORRIS: Thank you, Chuck, for answering all my questions.

Mr. Speaker, on the bill.

MR. LAVINE: Thank you, Michael.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. NORRIS: You know, in a -- in a perfect world, it would be closer to the August timeframe, particularly concerning the weather conditions that we have in Upstate York which makes it very difficult for our candidates, whether they be incumbents or in challengers, to go out and to properly seek those signatures during February, late February and early March. But when you balance this against the cost that it will have if we continue to have two Primaries to the tune of \$25 million, and also the -- their need to ensure that our military and our oversea voters receive a timely ballot, weighing that, I certainly will be supportive of this bill, because it is critically important that we do the best job that we can to save municipalities, taxpayers' dollars, and also to ensure that our military voters receive their ballot on time.

Unfortunately, there is no perfect solution, no perfect

time, but at least this will be a step forward and -- and promoting cost efficiency, as well as protecting our military voters. And so, Mr. Speaker, I'll be voting in the affirmative on this bill. Thank you very much.

ACTING SPEAKER AUBRY: Thank you, Mr. Norris.

Mr. Ra.

MR. RA: Thank you, Mr. Speaker will the sponsor yield?

ACTING SPEAKER AUBRY: Will you yield, Mr. Lavine?

MR. LAVINE: Of course. Thank you.

ACTING SPEAKER AUBRY: Mr. Lavine yields.

MR. RA: Thank you very much. I -- I just wanted to bring up one other concern that has been raised with regard to this. As I'm sure you're aware, and I know many of our colleagues are aware, there has been an increasing concern regarding the use of schools as polling places. And I know this is probably this date, obviously, it's -- it's not a set date, it's a fourth Tuesday, as we do with -- with elections, that perhaps might be a conflict with -- with the school year, and perhaps might not be. And I -- I don't know if you're aware of this, but it -- this date this year, which is Tuesday, June 25th, apparently is a Regents testing day. So I -- I wanted to know, A, if you're aware of that and if -- if there's been any conversations with, you know, say, School Board Association or any of those types of entities to try to see

how we might be able to address those security concerns that they have raised.

MR. LAVINE: As always, the siting of polling places is the function of the County Boards of Election and I think we leave it to them to determine the best locations for -- for election events.

MR. RA: Okay.

MR. LAVINE: Thank you very much.

ACTING SPEAKER AUBRY: Read the last section.

On the bill, Mr. Barron?

MR. BARRON: Yes, I wanted to speak on the bill, because I have concerns about this one. I understand set 32 days versus 45 days, in terms of military voters, which means you're talking about a 13-day difference. This is a big shift to try to make up 13 days. So, I even ask, because I don't know anything about Election Law, could we move the November General back so we meet the 13-day. They said, *No, that's a Federal requirement*, so we would be putting the problem on the backside, where you would have a State General Election move back and a -- and a Federal Election, so you still have two.

But I think it is a problem, not only for incumbents, but also for those who are challenging us, because I think it should be more open. We're going to be up here in February dealing with bills, we're going to be dealing with the Budget, you're going to be dealing with raising money for your campaigns, you're going to be dealing



with trying to get people together to do the petitioning in the cold months. You also have college students that you might have been using in the summertime that you won't be able to use now because they'll be in school. I just think this needs more thought. I think it needs much more thought and weigh all possibilities, even those things that seem impossible.

We need to really look at this before we dive into it and say let's hurry up and do a -- a rush job so that we can be ready for next time, and we did it in the past, so we can do it again. Things have changed. And I don't like it. And -- and I'll be all right. Personally, I will be fine. You know, I can get a crew out there, volunteer. I don't have to get petitions for Congresspeople or anybody else, so I don't have that kind of problem, so I will be fine, I will be able to get people to come on out there in the cold and I'll get on the ballot and we still have a good chance of winning. But just this as a process, I don't think benefits incumbents or those who are challenging us. Those summer months were our challenges, and we will be there to campaign. All the block parties, you probably won't go to the block parties now that you don't have to. I think that these things take away from some interaction with the people I like, going to the block parties, I like mixing it up, I'll still go even if it is in June. But I think it forces us to interact more with our people when you have the summer to do that.

So I'm voting against this so that we can give it more thought, pull it and give it more thought and look at other possibilities

so that we make up that 13-day difference without shifting the whole thing as much as it's going to be shifted now. It's a 13-day difference and we need to really look at how we could make that up by having both elections, the Congressional elections and our elections at the same time, but make up that 13-day difference. I don't think this is good, so I'll be voting against it. And I want to let you know this is no reflection whatsoever of my liking of these guys over here at all (indicating).

(Laughter)

Even when they make sense, I don't like them, but...

(Laughter)

So...

(Laughter)

Politically --

(Laughter)

-- not personally.

But I think it's something that we really need to rethink. And so, I'll be voting no.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. You know, today is such an incredibly historic day, I wanted to take just a second to acknowledge we have a new Majority Leader, Mrs. Peoples-Stokes, who's doing a great job.

(Applause)

And on a different level, it's also historic because I

agree with Mr. Barron.

(Laughter)

You know, we always -- we hear that phrase sometimes, *Be careful what you wish for*. And under this bill, the petitions would be due April 1st, right after the most intensive budget process that all of us go through, often working late, late hours, very intensive. And that's when all your petitions are due. So, if you've got a problem in your district with collecting those petitions, you should be here. If you're not here, you're not meeting the responsibility of the very people that voted to send you here. And if you're not back home straightening out the problem with the -- with the petitions, you might not be here next year. Why would we want to put ourselves in that position?

But then this bill goes one step further and it says the actual Primary Day is the fourth Tuesday in June. Well, all of us know that in those first three or four weeks of June, we'll vote on about half of the bills, unless our new Majority Leader keeps us on the current schedule, in which case we'll all be dead by June.

(Laughter)

But assuming that we fall back into our historic practice of cramming all the votes, what are you going to do if you've got a tough primary? Are you going to be in your district campaigning? Because every day you're in your district campaigning, you're not up here voting on all those important bills. And we'll go through over 100 bills a day, 100 bills a day that your constituents

asked you to be here to represent them. I don't understand why anyone in this room wants to have the petitions due in the busiest time of the year on Budget and want to have a Primary that involves your future in the busiest weeks of our Legislative Session.

So, I'll be voting no. I don't think I have a Primary race, but it would certainly be an interesting challenge to run a campaign from the floor of this Legislature without using any, by the way -- make sure you don't use your office, because that would be improper, right? So don't return any campaign calls while you're up here. Make sure you don't use your office or the hallways or anything else up here and hope that your campaign staff can run your campaign and win the election in your absence. Because if you're there, you're not representing your constituents. And if you're here, you are not campaigning.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Abinanti to explain his vote.

MR. ABINANTI: Thank you, Mr. Speaker. I, once again, commend my colleagues for bringing forward this rather complex piece of legislation. Changing the -- the dates sounds like a simple thing to do, but it required a lot of work by the Committee and by the staff, so I compliment them on this.

I'm rising to speak in favor of this legislation, but what I hear from voters is there's too many elections at too many different times during the year. It's time for us to bring the elections together and select some dates where we have as -- as few dates as possible and as many elections on those dates. And that's what this bill does.

Now, why do we take the end of June? Because a Federal Judge has already said this is the time that is best to be able to get the ballots to our military voters. It's also a good time, Mr. Chairman -- Mr. Speaker, for those people who are planning to go away for the summer, or have to deal with their kids over the summer. It just works well for the voters. And I hear that this might inconvenience us, but this is about the voters, this is not about us.

And I'd like to reiterate something that the Chairman of the Election Law Committee said: This worked very well until 1972. This Legislature has lived under this process, and it can be made to work. And maybe one of the benefits of changing this to the end of June is it might actually force a change in our calendar. There's all kinds of criticisms about the way we work, and maybe this will give us the -- the impetus to change our calendar so that maybe we can take some time off before the Primary, if that becomes the -- a problem, but that we can work later in the year. I remember back to the days the Legislature used to pass a budget in April, and then they would pass a supplemental budget towards the end of the year when they had better information and to decide on that, it gives the

Legislature more control over the budget process, and less for the Governor to be able to control by himself.

So, I think there's lots of reasons why we should do this, and I haven't heard any reasons why we shouldn't do it that make any sense to me. So, therefore, I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Abinanti in affirmative.

Mr. Epstein.

MR. EPSTEIN: Thank you, Mr. Speaker. I rise to explain my vote. I -- I want to thank the members of the Assembly who brought forward this amazing package of bills today. We stand here really at a historic moment for New York, with our colleagues in the Senate marching on the same path together. This bill around consolidated Primaries is a huge benefit for people in my community and across the State. The idea of voting month after month, time after time, understanding which Primary is for which race, so complicated, so difficult. So, I'm excited about being -- supporting this, as well as these early voting packages of bills, and I look forward to moving forward together to figure out how we're going to change or modify maybe the Legislative Session to raise and deal with the concerns spoken to by my colleagues today. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Mr. Jacobson.

MR. JACOBSON: I rise to explain my vote. There

is no logical reason to have two Primaries, and to remind my colleagues the history of why we have two Primaries. It was changed in 1974. Governor Rockefeller had resigned in December of 1973, the dynamic Lieutenant Governor Malcolm Wilson became Governor. It was the Watergate year. So, our friends across the aisle said, *Let's find a way that the Democrats can keep fighting longer, keep fighting among themselves, so let's put the Primary in September.* That was the only reason that it happened. Of course, it backfired, we won the Governorship and we won the Assembly on Republican lines. But there is no logical reason to have it, it was done for political purposes. This is done to end confusion and increase turnout. Thank you.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Ms. Fahy.

MS. FAHY: Mr. Speaker, I rise just to briefly address this bill. I think a number of excellent points have been raised this evening. And while I plan to support this legislation, I do recognize that the fact that we are implementing it this year, we have heard back from a number of those that may be impacted this year, particularly potential candidates, particularly judicial candidates, so this is a huge change. I agree it is a necessary change, but I want to be cognizant and -- and make note on the record that this is a -- going to be an inconvenience, if you will. Yes, there is the cold weather this time of year, so this change is going to take a while. And I understand that our calendar next year, our Legislative calendar is going to need

to pass -- to change in order to accommodate this.

And since I don't want to speak on each one of the initiatives, I'm also just going to note that overall tonight it really is a historic night, because what we are trying to do overall is encourage voting with the early voting, with same-day registration, with the alignment of the Primaries and with the no-excuses absentees. But I would be remiss if I also did not note, my colleague, Phil Steck, in mentioning some of the problems that have occurred with absentee voting, so I want to concur with his remarks. While I supported the absentee -- the no-excuses absentee voting, there has been some serious gaming of the system, if you will, here with some pretty egregious incidences over the last few years. So, either way we need to have in solid safeguards, as well as strong enforcement to make sure that those who have limited English or disabled or the elderly are not taken advantage of with any of these reforms.

And with that, again, I vote in the affirmative. And thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Fahy in the affirmative.

But I will remind members, I know you're just beginning, that we do not use other members' names in explaining our votes. Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, I was going to reiterate that. It actually happened a couple of



times today on the floor. It is a procedure that we don't use other members' names in -- in our debate or in explaining our vote.

But I do want to mention on this piece of legislation right here, Mr. Speaker, this is a very difficult thing to do, because it's going to call for us to have to change. And change is hard. It's -- there's nothing simple about change. It -- it is very difficult to do. But I think it's the right thing to do. It does make sense that there is only one Primary and that there's only one General; in fact, if I had my druthers, by the end of Session I would like to include our school board elections at the same time. Because what we do when we have these multiple elections is there's a multiple cost that comes with that. Not just to the taxpayer, but also to the voter who has to consistently go out to vote in similar elections.

So, Mr. Speaker, I think this is the right thing to do. Unfortunately, it wasn't our decision. This is something that happened before us and is upon us and I think we have to act accordingly and make this happen for the State of New York. So, I am encouraging all of my colleagues to vote in support of this, in spite of their desire not to see this change happen.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00780, Rules Report

No. 9, Lavine, Heastie, Cusick, Blake, Simon, Paulin, Dinowitz, L. Rosenthal, Lifton, Fahy, Lupardo, Abinanti, Rozic, Galef, Cook, Ramos, Cymbrowitz, Jaffee, Carroll, Taylor, Ortiz, Walker, Peoples-Stokes, Colton, De La Rosa, Wright, Barron, Gottfried, Otis, Englebright, Mosley, Glick, Burke, Cruz, Epstein, Fall, Frontus, Griffin, Jacobson, McMahon, Raynor, Reyes, Romeo, Thiele, Weinstein, Bronson, DenDekker, Zebrowski, Gantt. An act to amend the Election Law, in relation to early voting.

**ACTING SPEAKER AUBRY:** There is an amendment at the desk. Mr. Norris to briefly explain the amendment while the Chair examines it.

Proceed, Mr. Norris.

**MR. NORRIS:** Thank you very much. I offer the following amendment by striking the text of this bill and replacing it with language which allows voters to vote by absentee and negate that vote by voting at their polling place on Election Day. The reason for this amendment is with everything occurring very quickly now with social media and current events, this would allow an individual to go to the polling site if they early voted to change their vote.

**ACTING SPEAKER AUBRY:** The Chair has examined your amendment and found it not germane to the bill before the House.

**MR. NORRIS:** Mr. Speaker, with all due respect, I would like to appeal the ruling of the Chair and for the same reasons I offered before, that this does impact the bill that is before us and it

should be considered for the reasons I previously stated.

ACTING SPEAKER AUBRY: Certainly. Mr. Norris appeals the decision of the Chair. The question before the House is shall the decision of the Chair stand as the judgment of the House. Those voting yes vote to sustain the ruling of the Chair. Those voting no vote to override the decision of the Chair.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Members are reminded --

ACTING SPEAKER AUBRY: Ladies and gentlemen -- hold on one minute, Ms. Stokes (sic).

MRS. PEOPLES-STOKES: -- that the question before the House is a procedural vote on sustaining the ruling of the Chair that offered an amendment that is not germane to the Bill-in-Chief. It is not a vote of the merits of the amendment, but only as to whether the ruling of the Chair shall be the ruling of this House. I urge my colleagues to vote yes.

ACTING SPEAKER AUBRY: Announce the results.

(The Clerk announced the results.)

The ruling of the Chair is sustained.

On a motion by Mr. Lavine, the Senate bill is before the House. The Senate bill is advanced. There's an amendment at the

desk. Mr. Norris to briefly explain the amendment while the Chair examines it.

Mr. Norris.

MR. NORRIS: Thank you, Mr. Speaker. I offer the following amendment that any costs associated with the early voting will be paid for by the New York State Budget -- contained within the New York State Budget. I believe that the costs are going to be placed again on to our local municipalities, our counties and local governments and if we are putting forth this legislation then we should be responsible to pay for that mandate.

ACTING SPEAKER AUBRY: The Chair has examined your amendment and found it not germane to the bill before the House.

Mr. Norris.

MR. NORRIS: Mr. Speaker, with all due respect, I would like to appeal the ruling of the Chair for the reasons I mentioned before that because this legislation does have a fiscal impact and it would hopefully borne by the State taxpayers under my amendment that it is germane. Thank you.

ACTING SPEAKER AUBRY: Certainly. Mr. Norris appeals the decision of the Chair. The question before the House is shall a decision of the Chair stand as the judgment of the House. Those voting yes vote to sustain the ruling of the Chair. Those voting no vote to override the decision of the Chair.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, in light of the fact that we have had a few of these that are not germane, let me just repeat that I'm urging my colleagues to vote yes to sustain the ruling of the Chair. This is just a procedural vote and I'm encouraging folks to vote yes. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes.

Announce the results.

(The Clerk announced the results.)

The ruling of the Chair is sustained.

Read the last section.

An explanation is requested, Mr. Lavine.

MR. LAVINE: Thank you, Mr. Speaker. This bill authorizes a period of early voting, beginning the 10th day before an election and ending on and including the second day before any special primary, runoff primary or General Election. It requires one poll site for every 50,000 voters in each county, with a minimum of one site and a maximum of seven sites. Maximum numbers can be enlarged on the consent of the Elections Commissioners. It authorizes counties to establish additional poll sites in excess of the minimum number required for the convenience of voters and Boards of Election on a majority vote, as I said, may reduce the number of sites if it's determined a lesser number is sufficient to meet the needs of the

voters and it provides that an eligible voter may vote at any early polling site within a county with certain limitations.

And I want to add one more factor, which is this: I know that there's been some concern among people who are disabled, because the language of the bill does not specifically relate to disability; however, it is the law of the State of New York, and it is explicitly defined in Section 4, 104-1a of the Election Law that any polling site has to be fully accessible to the disabled. And some people have been concerned that the ballot markers may not be available, but Section 7-202 of the Election Law of the State of New York mandates that they be present at each polling site.

ACTING SPEAKER AUBRY: Mr. Norris.

MR. NORRIS: Thank you, Mr. Speaker. Will the sponsor yield for a few questions?

ACTING SPEAKER AUBRY: Mr. Lavine, will you yield?

MR. LAVINE: Of course.

ACTING SPEAKER AUBRY: Mr. Lavine yields.

MR. NORRIS: I'll just make a brief statement, Chuck, in terms of the factors, if you would not mind. When you look at the factors for this particular legislation, I would think that one is to make sure that we maximize voter participation. That's cost-effective. Also, that we diminish any risk for fraud or errors. Also, is it fair to both challengers and incumbents? Is it fair to candidates of both major parties or all parties? Does it diminish the voters' ability to

make a full, informed decision and does it cause any additional voter confusion? And I think those would be seven factors that should be considered. Would you consider that to be a fair statement?

MR. LAVINE: I think there are at least seven -- seven factors that merit passage of this bill, including making it simply easier for New Yorkers, especially New Yorkers who may work two and three jobs, to be able to cast their ballots as is their right. And it becomes increasingly difficult, especially with our population rising, for one day simply to be sufficient to meet those seven ends and the one I suggested, and any number of other goals that would be accommodated by this bill.

MR. NORRIS: Now who would be responsible for funding the cost of this early voting proposal?

MR. LAVINE: I can recall last year when we talked about early voting, I think the Governor had put \$7- or \$8 million into one of his budgetary proposals, and one of the good things about passing this today so early in the Session is that it will give the Senate, the Assembly and the Governor an opportunity to make sure that there's sufficient funding in the budget.

MR. NORRIS: But is there any money in the current budget right now, the current fiscal year in the budget?

MR. LAVINE: No.

MR. NORRIS: And we don't know about the next fiscal year because we haven't adopted the budget.

MR. LAVINE: Well, we're designing that budget

certainly as we speak.

MR. NORRIS: Okay. Do you know what the actual cost of this may cost Statewide of such a proposal?

MR. LAVINE: Estimates have run from \$5- to \$10 million.

MR. NORRIS: Okay. Now, for some of those costs, they would include poll workers, polling site locations, additional ballots, poll books, security; they would be all considered as part of that, correct?

MR. LAVINE: I assume so.

MR. NORRIS: Okay. Now, my question for you is we just took up legislation, which I did support, for no excuse absentee voting. Now, wouldn't that be the most logical and cost-effective way for someone to receive a ballot if they wanted to do so prior to Election Day instead of having these multiple sites with these multiple costs all throughout the State of New York?

MR. LAVINE: The experts who have examined this question of how do we bring more people out to vote have been pretty clear that no one single factor is sufficient. The idea is we will pass many different approaches to making the voting experience simpler, easier and more efficient for our -- for our citizens.

MR. NORRIS: If I can just point to two studies, one that was done by the New York State Bar Association, which I think you and I are both a member of, and I believe this was in 2012 or '13. They stated, "The case has not yet been made that early voting in itself



actually increases voter turnout significantly." And I also understand that there are some distinguished alumni from the University of Wisconsin; is that true?

MR. LAVINE: (Laughter) yeah, there's a couple.

MR. NORRIS: Yes. I think I'm speaking with one. And they also conducted a study that said -- that concluded that early voting actually appears to lower the likelihood of turnout by 3 to 4 percentage points. So my question is, I looked at those two studies. Are you aware of any studies out there that actually show that early voting actually increases the overall turnout?

MR. LAVINE: I think studies by the Brennan Center and The Center for American Progress demonstrate that early -- early voting helps. By the way, the Bar Association report said early voting in and of itself wasn't going to be the game changer. And the University of Wisconsin report by Professor -- I'm trying to remember his name. So, that particular professor's report has been faulted because it dealt only with one election, and that was the 2008 election. And that particular professor also recently published a report which found that voter ID laws in the State of Wisconsin in the 2016 election suppressed the vote to the tune of over 100,000 potential voters. So, I'm guessing he may have been wrong back in 2008, but I'm guessing maybe he was right to --

ACTING SPEAKER AUBRY: Mr. Blake, why do you rise?

MR. BLAKE: Mr. Speaker, I wondered if Mr.

Lavine would yield for the point that was raised about the data?

MR. LAVINE: I'm sorry, Mike.

ACTING SPEAKER AUBRY: It's actually Mr. Norris' floor, not Mr. Lavine.

MR. BLAKE: Will Mr. Norris yield on a question he raised just now about data?

ACTING SPEAKER AUBRY: Will you yield, Mr. Norris?

MR. NORRIS: Sure, Mr. Blake.

ACTING SPEAKER AUBRY: Mr. Norris yields.

MR. BLAKE: Just to -- to the question, Mr. Norris. You -- you stated something respectfully that was inaccurate. You stated that there is no studies to demonstrate that early voting has not -- has increased turn out and in 2018, for example, more than 35 million Americans had voted before the election. It was a 75 percent increase according to the Harvard Institute of Politics. In addition, voters aged 18 to 39 had a nearly triple the early voting turnout that occurred, that came from turbo smart itself and Turbo voting (sic). In 2018, millennials became the earliest voting block demonstrated data increase, as well, in Illinois, for example, early voting went up by 144 percent. So, there is enough data to demonstrate to the question on that point that early voting dramatically increases turnout respectfully. I'll yield at this time. Thank you.

MR. NORRIS: Thank you. Thank you, Mr. Blake, for the question. It's my understanding that that information, or the

ones who actually -- voters who actually voted early and not compared to the overall turnout, and correct me if I'm wrong, but that's my understanding. When you -- the other information I have is when they look at the other 33 states where there's actually early voting that takes place, 61.6 percent in those states was the overall voter turnout for the entire election and where there was non-voting, it was 63.9 percent.

So, I guess my -- my question to Mr. Lavine was, are you aware of any studies out there that actually show the increase in early voting and I think you've addressed that particular question. Great. Thank you. Thank you, Mr. Lavine, Mr. Blake. I do have a few more questions to the sponsor if that's okay?

MR. LAVINE: Yes.

ACTING SPEAKER AUBRY: Mr. Lavine, will you continue to yield?

MR. LAVINE: Yes.

ACTING SPEAKER AUBRY: Mr. Lavine yields.

MR. NORRIS: Thank you, Mr. Lavine. Now, I do have a -- a question about whether or not an individual be able to change their early vote with late-breaking news is happening all the time both in presidential, gubernatorial, State, Federal elections. Will they have an opportunity to change their vote considering news breaks the weekend before Election Day?

MR. LAVINE: No.

MR. NORRIS: Okay. Now, I -- I want to just go

back to another point, if I may, and that is with the no excuse absentee ballot. An individual would have the opportunity to hold that ballot 'til the day before the election to cast that ballot from anywhere in the country or in the world with the proper postmark. So, I just want to point that out, again, that is a commonsense solution to solving that particular issue.

Now, if I may just ask a few specific questions regarding the polling sites. How many voters will there -- will be determined for there to be an early voting site?

MR. LAVINE: Fifty-thousand.

MR. NORRIS: And how many sites, maximum, will there be in a particular county?

MR. LAVINE: Seven, unless the Commissioners want more.

MR. NORRIS: Okay. And now you mentioned the Commissioners. Are those -- the Commissioners decide where the polling sites are located?

MR. LAVINE: That's my understanding.

MR. NORRIS: And does it have to be a unanimous decision of the Board? Where I come from there's a Republican Commissioner. Does it have to be unanimous?

MR. LAVINE: Yes.

MR. NORRIS: Now, I think we all have seen in the news, we've got concern about the safety and security of our schools, in particular. Is there any language contained within this bill, since

early voting will happen for about eight days under this proposal, which would prohibit early voting in school locations where our children are and anyone can enter those buildings to vote?

MR. LAVINE: No.

MR. NORRIS: Okay. And I have one more question -- okay, just about that. So, also, do you know if the individuals that the Governor had -- had commuted their sentence to allow to vote, the parolees, would they go be able to go to these schools and vote during early voting?

MR. LAVINE: I'm pretty sure that the Executive Order allows them to vote within a certain limited number of hours, but don't take that as -- as the definitive word.

MR. NORRIS: I suspect maybe you can find that out and we can talk about that later on.

MR. LAVINE: And it's the parole officers who make that determination.

MR. NORRIS: Okay. Thank you very much, Mr. Lavine.

MR. LAVINE: Thank you.

MR. NORRIS: Now in terms of these different sites -- so, there's a potential of seven different polling sites unless the Commissioners deem more. Can a voter, regardless of where they live in the county, go to any one of those locations to actually cast an early vote?

MR. LAVINE: That is the objective.

MR. NORRIS: Okay. And then what type of polling books will be used at these locations to ensure that a voter does not go from location A to B to C to D to E to F to G during the course of the day?

MR. LAVINE: That is a matter that's left to the -- to the Boards of Election.

MR. NORRIS: Are you aware if the electronic poll books have been approved yet by the State Board of Elections?

MR. LAVINE: I don't believe they have.

MR. NORRIS: All right. We sat together at a hearing, I know, two years ago on cybersecurity. I know it's a very big concern for all of us as Americans, as New Yorkers here in the State of New York. In terms of these networks in the event that there were electronic poll books through all the sites, would there be proper security measures to ensure that those computers are not hacked or tampered with?

MR. LAVINE: I'm sure the State of New York is going to continue to ensure that there is absolute protection. Other states have not.

MR. NORRIS: Now, in terms of voter confusion. As I referenced earlier, I come from Niagara County up in the northwest corner of New York State, very proud to have come there, that's the first mechanic voting booth was used in the City of Lockport many years ago. And there are many jurisdictions contained within my county. We've got 12 towns, we have three cities. As part of those

cities we have wards, we have multiple wards in two of the cities. We have 15 legislative -- County Legislative Districts also in our county, which leads to multiple ballots being handled by the Board of Election employees, particularly when they send them out to the polling site. At -- at the polling site where the early voting would take place, will these multiple ballots be there?

MR. LAVINE: I apologize, Mike.

MR. NORRIS: That's okay. I understand. I'll just go back. So, in terms of the jurisdiction. In my county, there's around 75 designed ballots usually every year during the General Election. If there's a primary, there's eight established parties in the State of New York, that could be 500 if there's judicial races. Will there be a ballot for every voter at that location?

MR. LAVINE: Ideally, but it remains up to the Board of Election to determine whether there should be regional polling places with that -- with that concern in mind.

MR. NORRIS: And I'm sure you would agree that we want to make sure every voter gets the proper ballot to cast when they go to these locations. I mean, when I go to vote at my election district in my 24 in the City of Lockport, I know which ballot I'm going to get because it's right there. But when you open this up to multiple jurisdictions, to multiple ballots, the potential is there for an individual to get the improper ballot. And, you know, I know this happens with absentees and the Board employees do the very best that they can, but they also work with these items every day and the

potential is is that these layworkers who maybe only do it a couple times a day have to be aware of all these ballot designs. So, my question to you is are there any provisions in this legislation to ensure that proper employees or proper oversight are at these locations to ensure that the voter gets the proper ballot?

MR. LAVINE: The oversight is up to the Boards of Election and the Boards of Election have a pretty good history in our State of making sure that there was sufficient education and supervision.

ACTING SPEAKER AUBRY: Excuse me. Mr. Norris, your time has expired.

MR. NORRIS: Thank you. Is there anybody else -- anyone else in the queue?

ACTING SPEAKER AUBRY: No one else.

MR. NORRIS: May I continue with a few more questions?

ACTING SPEAKER AUBRY: Oh, hold on. I'm sorry. We do have someone else.

MR. NORRIS: I will sit down. Thank you very much. Thank you.

ACTING SPEAKER AUBRY: Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. REILLY: While I was looking at it I see that,



you know, we're making some -- one polling site to seven polling sites for up to 50,000 voters. One thing that comes to mind is talking about the schools. Down in New York City in Staten Island, we're worried about polling sites that are going to fit ADA requirements. And, oftentimes, we're using, out of our 1,400 school buildings in New York City, upwards of 800 schools as polling sites and that's, of course, because they fit the model that we need for the ADA, so wheelchairs can get around the polling sites, around the booths to put in their votes.

The impact that this is going to have on our schools and our students is great. They're going to lose their cafeteria. They're going to lose their gymnasium, and we're talking for 10 days. So, it's also going to allow people, as Mr. Norris noted, coming into the school without having to show ID, which is the proper protocol now in the New York City Department of Education.

So, these are all questions that as I was looking over the bill, I don't see any answers to and I think that those are some points that we really need to touch on because we are going to impact the physical education mandates that we require under the Education Law for our students in K-12, and now we're talking about pre-K as well.

So, what we're voting on today with the Education Law talking about special elections, primary elections and General Elections, you're talking about possibly losing 30 days in your gym for your students, because that's where the sites are going to have to be

located so you fit the ADA requirements. And, you know, I know outside of New York City there's possibility that polling sites are at other locations. Unfortunately, for us to fit our polling locations, we don't have those facilities except schools. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Norris for round two.

MR. NORRIS: Thank you. Thank you, Mr. Speaker.

Will the sponsor yield for a couple more questions?

ACTING SPEAKER AUBRY: Mr. Lavine, will you yield?

MR. LAVINE: Of course.

ACTING SPEAKER AUBRY: Mr. Lavine yields.

MR. NORRIS: Thank you, Mr. Lavine. Just regarding the security of the ballots at the polling location. Do you know, at the polling sites for early voting, will they be -- will the voting take place on a paper ballot and then put into a machine or will they all be done by paper ballots and put in envelopes?

MR. LAVINE: Identical procedure to what we're using.

MR. NORRIS: The current?

MR. LAVINE: Identical procedure.

MR. NORRIS: Okay. So they'll vote on a machine by putting them in a machine.

MR. LAVINE: Yes.

MR. NORRIS: Okay. Very good. Now, how will

those machine tabulations, the computer chips, have you, be stored every evening, you know, to make sure they're secure, all the votes are secure?

MR. LAVINE: The memory sticks are -- will be protected and the bins will be protected just the way they're protected now.

MR. NORRIS: And they will go into some locked room, maybe a guard by a sheriff or by police or by a Board of Elections with two keys?

MR. LAVINE: That's my assumption.

MR. NORRIS: Okay. Very good. Now, in terms of counting of the ballots, I was reading the legislation and I noticed a provision in there that says that ballots for early voting can be counted one hour before the close of Election Day beginning at 8:00 here in New York State. Is -- is that -- is that accurate?

MR. LAVINE: Sure is.

MR. NORRIS: And why is that?

MR. LAVINE: I believe it is to allow for those ballots to be reported at about the same time that the regular ballots are reported so that there's not an unnecessary lag. And the expressed language of the statute mandates that the Boards of Election have to maintain absolute security over that hour-long process so that no one gets any inkling of what the -- those tabulated results are.

MR. NORRIS: Mr. Lavine, I do have serious concerns that votes will be counted in the State of New York before

the close of the polls, so I would just kindly ask you when you're dealing with the Governor's office and your other colleagues to consider a technical amendment to allow -- to make sure that those votes are not counted prior to the close of votes so there's no opportunity at all for any leak or any misinformation that is put out. Now, I just --

MR. LAVINE: It would be a violation of our Criminal Law for any Board of Election employees to report those results and, but, in addition, Michael, Mr. Norris, you and I have spoken many times and have a -- have a good form of communication and we will continue to talk.

MR. NORRIS: We certainly do, and I am very respectful of you and we work very well together in the Election Law Committee and I appreciate that.

MR. LAVINE: Michael, as they say in Brooklyn, coming right back atcha.

MR. NORRIS: Okay. Here we go. Thank you. I just have one more question. This only applies to primary elections, general elections and the runoff election in New York City?

MR. LAVINE: Special elections -- it applies to any election that's monitored by the Board of Elections.

MR. NORRIS: All right. But it wouldn't apply to school board elections or fire district elections or anything like that.

MR. LAVINE: Generally speaking, no.

MR. NORRIS: All right. Very good. Mr. Speaker,

on the bill.

ACTING SPEAKER AUBRY: On the bill, Mr. Norris.

MR. NORRIS: Thank you. And, Mr. Lavine, thank you very much for your courtesies throughout the debate. I did enjoy the opportunity to discuss these very important issues. And I want to just be very clear. I think it is critically important that every individual, every citizen have the opportunity to cast their vote in the State of New York. And I think we have that solution because you can go to the polling site to do it on Election Day, or if we're successful to have that Constitutional Amendment, which I so proudly supported, for no excuse absentee voting to be placed into effect. We have the commonsense solution right there that will reduce the cost and the burden on our local municipalities, which will reduce the burdens on our schools, which will reduce the burdens on trying to get poll workers. It's difficult enough here in the State of New York to actually get poll workers to be there, and I just think that because of that option, this particular legislation is not necessary.

And I also have concerns regarding voter confusion, to make sure they get the proper information, that they get the proper ballot and also about the security and the chain of custody of those ballots between the poll -- early polling sites and the Board of Elections and everywhere in between.

So, based upon the great cost in the State of New York to implement the early voting to the tune of \$2.4 million for

counties Upstate and I believe \$1 million in the City of New York per election, we have that solution and that is the early -- I'm sorry. That's the no excuse absentee ballot process that we voted on here today. So, for those reasons, I will be casting my vote in the negative and I encourage my colleagues to do the same. Thank you very much, Mr. Speaker, for your -- all your courtesies today, as well.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker. Briefly, I want to say that in many other states where there has been early voting, there has been a tremendous amount of energy and excitement. And my constituents have asked repeatedly why is New York behind the times. So, I'm very pleased to support this as well as the other measures that we put forward today. Hopefully, this will reduce some of the lines at the -- on Election Day which have, in my district, wrapped around the block. So, I commend the sponsor who sponsored many of these measures and I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Mr. Ra.

MR. RA: Thank you, Mr. Speaker. I just quickly want to mention, again, this issue of cost. I hope that when we're thinking about that in the budget process, we need to think really comprehensively. It's not just staffing these locations. There's going to be need for machines, all kinds of different things that are going to go along with this. If we think we're going to use ballot scanners on those days of voting, I don't think most of the machines that are currently in operation right now can handle doing different types of ballots. I know there's no way we're going to have hundreds of different machines at one place to scan all these ballots. So, they're going to have to really deal with that. Electronic poll books, that was -- as was mentioned, perhaps devices that can produce a ballot on the spot so that we give somebody the correct ballot rather than, you know, having maybe boxes of -- of perhaps hundreds of different versions of a ballot.

So, you know, we've seen many times in the past when pieces of legislation have been adopted and we've talked about costs later and our local municipalities have been caught holding the bill. And, look, we have some of the highest property taxes in the nation within our State and we need to make sure that it's not our property taxpayers that end up footing the bill for this. Thank you.

ACTING SPEAKER AUBRY: Mr. Carroll.

MR. CARROLL: Thank you, Mr. Speaker. First, I would like to commend the sponsor today on his piece of legislation. Because of what we've done today, New York will become the 39th

state to have early voting. It is too late, but thank God it happened. I'd also like to commend the sponsors of the other pieces of legislation. Because of what we've done today, we are going to greatly reform our electoral process here in New York. No-Fault absentee voting, same day registration, closing the LLC loophole will make sure that we make it easier for the citizens of the State of New York to participate in our elections and it will blunt the force and power of special interests. So, I withdraw my request and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Carroll in the affirmative.

Mr. Raia.

MR. RAIA: Thank you, Mr. Speaker. This is a tough vote. While I -- I certainly support the early voting, I am concerned about school safety. And I will be voting yes on this, but I find it just amazing that every day you have to present identification to walk into a school building. It's bad enough on Election Day and primary day and special elections that that goes away, but to make it go away on not only those elections, but then eight days, nine days, 10 days before an election where we're potentially putting our kids at risk, I'd hate to be -- I hope I'm not going to be in a position where I'm going to regret my yes vote, but I hope that there's a technical amendment that is going to do something to ensure the safety of our kids because God -- God help us if one child loses their life because some crazy walks in and didn't have to present ID on an election.



Therefore, I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Raia in the affirmative.

Mr. Dinowitz.

MR. DINOWITZ: To explain my vote. As representatives, we should be doing everything that we can to encourage larger voter turnouts, to make it easier, to make it simpler. And as a longtime advocate for Election Law reform and for inclusiveness, I can't be more thrilled that we have finally gotten to this day. And I want to thank our Speaker, but I also want to say that it's wonderful to know that we finally, finally have partners down the hall to help make this happen. And when you think about what we've done today, early voting, no excuse absentee balloting, one primary, same-day registration, the ability to transfer your enrollment where you move no matter where you move in the State, closing the LLC loophole. This is really a great day for Democracy in New York and it's really a great day -- a great way to start the Session this year. So, I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Dinowitz in the affirmative.

Ms. Bichotte.

MS. BICHOTTE: Thank you, Mr. Speaker, for allowing me to explain my vote. I want to commend all my colleagues for sponsoring these pieces of legislation to strengthen the electoral process, whether it's early voting, no excuse absentee ballot,

pre-registering 16- and 17-year-olds and a whole host of others, making it more flexible and inclusive of New Yorkers' situations.

In 1965, President Lyndon B. Johnson signed into the Voting Rights Act of 1965 aimed to overcome any impediments for African-Americans to exercise the right to vote protected under the 15th Amendment. In 1920, the U.S. Constitution was ratified to include the 19th Amendment giving women the right to vote. If all groups have the right to vote in our country, then there should be no reason why we should push even further to remove the obstacles that impede on this right.

So today, I support this election reform package and stand on the same side of history that our nation has thus far. Thank you.

ACTING SPEAKER AUBRY: Ms. Bichotte in the affirmative.

Ms. Linda Rosenthal.

MS. ROSENTHAL: Thank you, Mr. Speaker, to explain my vote. Elections matter. If the last two election cycles have taught us anything, it's that elections have wide ranging consequences, the effects of which will be felt long after the people who won leave office. All across the country, right here in New York State, people have been reminded of the importance of voting and have flocked to the polls to cast their ballots in record numbers. The increased turnout has inspired us all, but our system for voting does not make it easy for every person who wishes to cast their ballot. In fact, the system as it

exists today actually makes it harder for eager and eligible New Yorkers to cast their ballot. That changes today with the sweeping reforms that both the Assembly and now the State Senate have passed as well.

I'm incredibly proud to be part of this movement and part of this progressive change in New York State. Personally, I love to vote. I would vote every day if I could and, luckily for me, I found a job that allows me to do that. But for thousands of New Yorkers, no matter how much they want to vote, taking time away from their jobs can be an incredible burden and often a flat out impossibility. Therefore, our no excuses absentee voting bill will have a tremendous impact on many people. So will consolidating our primary days. We're going to save lots of money. We're going to drive people to the polls and we will get the government that we truly deserve, because people will be participating.

So, I'm so proud that we're empowering every New Yorker to register to vote easily, to cast a vote that will be counted and to make New York truly the progressive beacon that we ought to be. I cast my vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Rosenthal in the affirmative.

Mr. Blake.

MR. BLAKE: On primary day last year, Mr. Speaker and colleagues, there was a woman named Edith Conyer who shared with us on why she was excited to go vote. And she told a story that

in 1964, the first time she went to go vote, she was from Fort Motte, South Carolina, and she had to take a literacy test. And she had said she never missed an election ever since because of the responsibility that happened because of that. What happened on today was creating history and making it easier.

When we talk about early voting, it is essential and necessary when you realize that 47 percent of Americans do not have \$400 in their bank account when an emergency occurs. When we talk about the responsibility of consolidating our elections into one day, it makes it easier to increase turnout, where you saw there was a triple increase in the primary and a double increase in the General Election. When you further assess that you have to make it easier for same-day registration, obviously that's critical.

Now, this was a great day, but we have more that we have to do. We have to make it easier for those that are on parole the opportunity to be engaged in the process, and we have to make it statutory in Executive Order, but we also have to make sure we find more opportunities when it comes to automatic voter registration. This was a great day and we celebrate the sponsors and leadership that have been a part of this, but let us always remind ourselves, our purpose is to make it easier for someone to vote, not harder, and we are able to achieve that success on today. And I'm proudly voting in the affirmative on all bills on today. Thank you.

ACTING SPEAKER AUBRY: Mr. Blake in the affirmative.

Mr. Ortiz.

MR. ORTIZ: Thank you. Thank you, Mr. Speaker, for allowing me to explain my vote. Today not only is a great day in New York State, but today is a great historical moment as we're opening the 2019 Session. This bill is completely overdue. Thirty-seven states already have this bill. So, this is a great, great, great time for me to say how proud I feel to be a member of this Body and to be an Assemblymember from the State of New York. As we're moving forward, people right now should not have to choose between work and family duty to have the right to vote. The right to vote is a great right, not a privilege and having early voting in New York State will give the people in my district what they sent me to do here, to do the people's work. And I believe that they are going to feel very proud today as I cast my vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly. Mr. Ortiz in the affirmative.

Mr. Crespo.

MR. CRESPO: Thank you, Mr. Speaker, to explain my vote. You know, in these last few election cycles, we've seen incredible growth in turnouts, but we've also seen the challenges and the lack of preparation, the physical space and the resources accommodating that turnout. We expect turnout to continue to increase but, yet, we would oftentimes shoot ourselves in the foot by not looking at all of these options and making access to voting, access to the voting booth a reality for New Yorkers.

And so it's exciting. It's exciting that we're here today passing this package of bills and all of these things will make it easier, will make sense to our constituents who have been clamoring for these changes. We can no longer afford to see those lines, those inconveniences, those challenges with our -- with our machines. This package in its entirety will make sure that we're making voting a more accessible process as to all New Yorkers and -- and that is a great thing. But also to remind folks that we have been here before as an Assembly. We have championed many of these bills. We have passed legislation like this already, but it is great that we no longer have to revisit this, that we have a partner in the Senate that can get it done and this will be the year where voting reforms and accessibility becomes a reality to New Yorkers across the State.

So, for all those who are online asking, *What are you guys doing up in Albany?* We've been doing this. Hopefully it's the last time we have to. Thank you. I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Crespo in the affirmative.

Ms. Walsh.

MS. WALSH: Thank you. Just to quickly explain my vote. I feel like a little bit of a downer coming after everybody that's just been kind of saying how great this was. I have to say that the debate was very interesting and -- and let me just tell you some of the things that I heard which have influenced the vote that I'll be making today, that there is no real implementation plan. That we have

previously voted to consolidate our primaries. So, we're going to have a primary the third week of June and we're going to be implementing 10 days before that an early voting system, and we don't know what that is. We know that there are no electronic poll books, maybe not every place has them. I know my county doesn't have them. We have concerns about school safety. We have, in Saratoga County, we have 153,000 voters and 196 election districts. Each one has a two-part poll book and no way to estimate turnout, all right? So, even if we don't have a whole bunch of sites for early voting, we're going to need very large spaces and a lot of inspectors and we've already talked during debate about how difficult it is to find poll inspectors and to find poll watchers in this day and age.

So, voters could theoretically go from one poll site to the other and then vote on Election Day, as well, and we won't know until after the election, unless we have electronic poll books, with realtime connectivity and not just for the early voting sites, but for all of the sites. We also are going to need special ballot on demand printers. We don't even have the costs for that, at least in my county we don't know how much that's going to cost.

So I'm all for reform. I think that's a great thing. I think that this is great, maybe a great conceptual plan, but we're not there yet and by the looks of the vote, it's going to happen. So I would encourage the people that are supposed to put this plan together to really act quickly. I vote in the negative. Thank you.

ACTING SPEAKER AUBRY: Ms. Walsh in the

negative.

Ms. Woerner.

MS. WOERNER: Thank you, Mr. Speaker, for allowing me the opportunity to explain my vote. I share the enthusiasm many have expressed regarding the potential of early voting to ensure that more New Yorkers have the right to exercise their right to vote. I'm pleased that we're going to join 38 other states in permitting early voting. But I also share the concerns about that the integrity of our elections be protected. Many of the other 38 states permit, recommend or require the use of electronic poll books to enable that protection. I would ask that as the Assembly prepares our budget resolution that we include language requiring that this technology be used and that the State provide the funding necessary to the counties. With that, I cast my vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Woerner in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Is there any other housekeeping or resolutions?

ACTING SPEAKER AUBRY: We have numerous fine resolutions which we will take up with one vote. All those in



favor of the resolutions signify by saying aye; opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 9-18 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the Assembly stand adjourned until 10:30, Tuesday, January the 15th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: For your maiden voyage, Mrs. Peoples-Stokes, thank you so very much. The Assembly stands adjourned.

(Applause)

(Whereupon, at 8:33 p.m., the Assembly stood adjourned until Tuesday, January 15th at 10:30 a.m., Tuesday being a Session day.)