

MONDAY, MAY 2, 2022

3:22 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

Pastor David Traynham will offer a prayer.

PASTOR DAVID TRAYNHAM: Thank you.

Heavenly Father, we come today as servants both the people of the State of New York and You as being sovereign over this world. We thank You for calling each of these Assemblymembers into Your will, purpose, and plan. We invoke Your presence in these Chambers today as we acknowledge our need for help beyond our personal gifts, our talents, and our abilities. Father, as the Jewish population is recognizing Yom HaShoah, or the Holocaust Remembrance Day, we pray that the evils of oppression and hatred would be rooted out of our country as You continue to heal the hurt

and the pain that many people that have been oppressed have endured.

Today, as our Assembly Speaker, Carl Heastie, and our Assemblymembers conduct the business of the people, we ask that You would take charge by leading, guiding, and directing their steps. Father, we pray that they would accomplish the mandates that You have placed before them, and as King Solomon asked for wisdom to judge Your people, I ask the same for these great men and women who gather in these Chambers. I pray that they will have the mind of our Lord and govern with all prudence. Let Your officials govern as fine-tuned instruments in Your hands, and let their moral and ethical convictions guide them in their decisions. Let Godly character give each of them longevity in the offices that they hold. Let Your unity amongst these leaders prevail as they put aside the things that would divide and distract them. Father, may You operate in them as one people under Your government.

Father, we pray for their safety as You continue to guide them through this COVID pandemic, as they travel the roads and when they attend public meetings. We pray for their families as they serve our families. And I pray specifically for Assemblymember Pat Fahy and the passing of her beloved son, Brendan. We join with her and her family, supporting her with our thoughts and prayers, and I trust that You will continue to strengthen and comfort her heart as she served the people of our State for a year-and-a-half while going through her own battle. Father, bless her, indeed, for this, and I ask that You bring health and healing to every one of our

Assemblymembers. Give each of them strength and endurance as they give their lives to make the lives of the residents of New York State better.

And lastly, Lord, we pray that these servants will have spiritual eyes to see what cannot be seen, spiritual ears to hear what You want them to hear, and give them a tongue like that of a skillful bullet, giving them insight so they will know how to govern our great State, and use them as Your spokespersons in the Earth. Renew our faith in You, our hope in You and renew our love for You. This is our prayer for Your Assemblymembers today as we know that their hearts are in Your hands, O Lord, and we pray this in the name of our Lord, Amen. Amen. Thank you.

ACTING SPEAKER AUBRY: Amen.

Visitors are invited to join the members in the Pledge of Allegiance.

(Whereupon, Acting Speaker Aubry led visitors and members in the Pledge of Allegiance.)

A quorum being present, the Clerk will read the Journal of Sunday, May 1st.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of Sunday, May 1st and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir. Happy Monday to all of the colleagues and guests that are in the Chambers, certainly to the Pastor who delivered us that gorgeous afternoon. I want to share a quote today, Mr. Speaker, from Maya Angelou, who happens to be one of my favorites. She was an American poet, a Civil Rights activist, and she wrote seven autobiographies, three essays, and several poetry books. Her words for us today, *Do the best you can until you know better. Then when you know better, do better.* Again, Mr. Speaker, those words from Maya Angelou.

Members have on their desk a main Calendar and it has 69 new bills on it, as well as Calendar resolutions. We also have a one-bill A-Calendar. Mr. Speaker, I now move to advance that A-Calendar.

ACTING SPEAKER AUBRY: On Mrs. Peoples-Stokes' motion, the A-Calendar is advanced.

MRS. PEOPLES-STOKES: Thank you. The majority of our work today will be to take up the A-Calendar first, Mr. Speaker, and I will announce some other points today while we're on the floor if we need to take up additional issues. That is where we're going to start and that's the general outline, so if you have any housekeeping, now would be a great time to do that, sir. Thank you.

ACTING SPEAKER AUBRY: Certainly. On a motion by Mr. Gottfried, page 8, Calendar No. 542, Bill No. 7712-A, amendments are received and adopted.

On a motion by Ms. Paulin, page 9, Calendar No. 4 -- 547, Bill No. 8319-B, amendments are received and adopted.

On a motion by Mr. Gottfried, page 13, Calendar No. 566, Bill No. 9442, amendments are received and adopted.

Mr. McDonald for the purposes of an introduction.

MR. MCDONALD: Thank you, Mr. Speaker. It is my honor and privilege, along with Member Fahy, to welcome Pastor David Traynham back to the New York State Assembly Chamber. Pastor Traynham is a lifelong resident of the City of Albany. Back in 1990, he was ordained as a Christian minister and started New Horizons Christian Church here in Albany, and up until 2020, he and his wife who is with him today, Pastor Brenda Traynham, spread the good word throughout the South End of Albany and I would say also the Capital Region. Pastor Traynham is no slacker by any stretch of the imagination, very much involved in the community in many different aspects, a members of the Albany County Land Bank, the Albany County Ethics Commission, the Albany County Executive's Opioid Task Force, the City of Albany Community Equity Advisory Board, Chairman for the Cure Violence Committee, former President of the Albany NAACP, and as of recently the last couple years, founder of the Albany Law Enforcement Resolution Team, otherwise known as ALERT, which primary focus is to build a relationship between law enforcement and members of the community because, as you might guess, at times there's tension and we need a peacemaker to bring everybody together to be willing to listen to each other.

Now, I will tell you back on March 20th, 2020, Member Fahy and myself were scheduled to present this beautiful proclamation that Brenda is holding up in the Speaker's seat today. Unfortunately, COVID hit us. That proclamation has been in my car for a couple months, it was in a pharmacy for a couple months, and now it's finally safely in the hands of Pastor Brenda and David Traynham. We want to thank them for their continued work as they focus on what I consider the three main P's: People, passion, and public service. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Assemblymember McDonald and Assemblywoman Fahy, the Speaker and all the members, we welcome you back to the New York State Assembly. Congratulate you on your proclamation, though delayed, and know that you are always welcome here, as well as your beautiful wife. Thank you so very much, and thank you for the prayer today.

(Applause)

Mr. Ramos for the purposes of an introduction.

MR. RAMOS: Mr. Speaker, I rise for the purpose of an introduction. For the past 20 years, I've had the honor to represent a town called Brentwood, which has a large school district, over 20,000 students. And throughout the years, we've had some real accomplishments as far as our students. Brentwood has produced Olympic athletes, many scholars, many award -- nationwide award winners for their academic achievement. And this year is no -- is no

different.

Today I have with me two young men, they are twin brothers, Ricardo and Roberto Lopez, and they have both achieved an award, a nationwide award from Regeneron Science achievement, and have both been awarded \$25,000 and a chance to compete in Washington, D.C. Roberto is 18 years old, he's a senior in the high school. He was named Valedictorian of his senior class. He was accepted to multiple colleges, including Yale, Harvard, Columbia. He's still undecided as to which one he wants. Part of the -- he's part of the Brentwood boys swim team. Roberto's passions include swimming, research, spending as much time with his three youngest brothers as possible, and he takes pride and joy in being an avid volunteer in his local home community. Roberto was named semi-finalist along with his identical twin brother, in the nation's most prestigious science competition known as the Regeneron Science Project. Roberto was also named a Regeneron finalist and winner of the \$25,000 chance to compete in Washington.

His brother, Ricardo Lopez, is also 18 years old. He's the captain of the boys swim team with a passion for research. Ricardo was accepted to many colleges, also: Yale, Columbia, Johns Hopkins. Him and his brother -- twin brother will be the first in their family to attend college. Still undecided which plans -- which college he's going to go to, but he plans to major in biology and follow in a pre-med track. Through research which he has done, his Brentwood class, under the guidance of Dr. Rebecca Grella, a wonderful teacher

in our school, and under the guidance of his mother who accompanies us today, Cheryl D'Agostino, he has also been nominated by Regeneron, and he also plays an active role in his hometown and community. He's the president of the math honor society, a member of the student council, and he's currently getting involved in future endeavors with the Town of Islip Youth Advocacy Board for underprivileged youth in the area.

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

ACTING SPEAKER AUBRY: Certainly. On behalf of Assemblyman Ramos, the Speaker and all the members, gentlemen, Ricardo, Roberto, congratulations gentlemen, you have done an extraordinary job. The pride you must bring to your family is -- cannot be overestimated. To be the first in your families to go to college is extraordinary, to have those extraordinary schools want you, accept you, and seek you is even better. So we're so happy to have you. We extend to you the privileges of the floor. We will follow your success. We know that it will lead to a great life and you will make a better State and country by the work that you do. Thank you so very much, gentlemen.

(Applause)

Mr. Epstein for the purposes of an introduction.

MR. EPSTEIN: Thank you, Mr. Speaker. I rise for an introduction. Fortunately, or unfortunately, my wife found me 30 years ago today, and unfortunately it's a Session day, but happy to

have her come with me to Albany, to have the most important person in my life be with me today on this amazing day. I really want to welcome her to the floor and bring the cordialities of the House, and encourage people to say positive things about us today, 30 years later, and really love her, appreciate her, and thank her for our amazing kids and family. So please welcome her to the floor.

ACTING SPEAKER AUBRY: Ms. Epstein --

MR. EPSTEIN: Eliot.

ACTING SPEAKER AUBRY: Ms. Eliot, how did you manage 30 years?

(Laughter)

We just -- we've had him for a little time, oh, my gosh. We are so pleased that you are here, you're family, you will always be welcome here. We extend to you the privileges of the floor. And you must really love him because this is where you come for your anniversary, oh, my goodness, but we are so happy to have you, so pleased that you have joined us and chose to join the Assembly at this time. May you always continue this love and another 30 years and we'll see you again. Thank you so very much.

(Applause)

We must also note that this is also the end of Ramadan, the Muslim communities are celebrating Eid today so we are mindful of all religions in the New York State Assembly.

We will go to page 3, resolutions. The Clerk will read.

THE CLERK: Assembly Resolution No. 786, Mr. Hevesi.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim April 30th, 2022 as Adverse Childhood Experience Awareness Day in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 787, Mr. Tague.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim April 30th, 2022 as Therapy Animal Day in the State of New York.

ACTING SPEAKER AUBRY: Mr. Tague on the resolution.

MR. TAGUE: Thank you, Mr. Speaker. It's my honor to join all of my colleagues today in declaring April 30th, 2022 as Therapy Animal Day in New York State. Today we honor those who work and live with therapy animals, and take time to appreciate the positive impact they make in the lives of countless New Yorkers from all walks of life. Therapy animals have been shown to do wonders for both the levels of pain and emotional stress that people feel in times of need. This includes our nation's heroes, as programs connecting returning service members with therapy dogs have shown promising results in helping them adapt to civilian life.

The use of therapy animals in maintaining human wellness will only increase over time, and I look forward to exploring even further the roles therapy animals can play in the lives of those who live with pain and distress. These animals provide healing comfort that can never be extrapolated into a drug, and I will continue to advocate utilizing them in the treatment of physical and mental ailments, whenever their companionship may be helpful. In a time when prescription drug addiction is reaching new heights and taking our loved ones from us across this State, utilizing alternative treatment options such as therapy animal companionship can both provide more effective care and potentially save lives.

Mr. Speaker, I hope you and all join me in supporting therapy animal programs and celebrating the positive impact therapy animals make in the lives of thousands of New Yorkers today and every day. My colleagues, please join me in supporting this resolution.

ACTING SPEAKER AUBRY: Mr. Goodell, on the resolution.

MR. GOODELL: Thank you, sir. I rise in support of this resolution and I just want to share with my colleagues that periodically we have a couple of little tiny therapy dogs that attend in my office in the Legislative Office Building, and if anyone needs some therapy, they are all invited to come. We have a steady stream of both Republican and Democratic legislators who appreciate the calming effect of those small, loving dogs. We will not discuss any

bill or resolution that's pending, but it's there -- but they are there to give unequivocal love and attention. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 788, Ms. Joyner.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 2022 as Global Employee Health and Fitness Month in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 789, Mr. McDonald.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 2022 as Neurofibromatosis Month in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 790, Mr. Byrne.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim May 2022 as Water Safety Awareness

Month in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

On the A-Calendar, page 3, Rules Report No. 92, the Clerk will read.

THE CLERK: Assembly No. A10135, Rules Report No. 92, Paulin, Walker, Jacobson, Griffin. An act to amend the Election Law, in relation to providing for the declination of a designation as a candidate or nomination for a party position under special circumstances.

ACTING SPEAKER AUBRY: There is an amendment at the desk by Mr. Tannousis. To briefly explain the amendment while the Chair examines it, Mr. Tannousis.

MR. TANNOUSIS: Thank you, Mr. Speaker. I offer the following amendment, waive its reading, move for its immediate adoption and ask for an opportunity to explain it.

ACTING SPEAKER AUBRY: Proceed.

MR. TANNOUSIS: Thank you. This amendment, Mr. Speaker, would amend Section 43 of the Public Officers Law to provide for the filling of a vacancy in the Office of Lieutenant Governor in the event of his or her death, resignation, impeachment, or ascension to Governor by appointment of the Governor subject to confirmation by a majority vote of each House of the Legislature.

ACTING SPEAKER AUBRY: Mr. Tannousis, we

have examined your amendment and found it not germane to the bill before the House. You may appeal the ruling of the Chair.

MR. TANNOUSIS: Yes, Mr. Speaker. I would like to appeal that ruling and would like to explain further as to germaneness.

ACTING SPEAKER AUBRY: Proceed.

MR. TANNOUSIS: Thank you, Mr. Speaker. The bill-in-chief would amend Section 6-146 of the Election Law to extend the period of time by which a person designated as a candidate for nomination or for party position, or nominated for an office may decline said designation or nomination in the event that they are arrested or charged with certain crimes. The bill-in-chief proposes an immediate effective date, thus it would necessarily affect the election cycle that is currently underway, which includes Statewide elected offices, specifically the Office of Lieutenant Governor.

The bill-in-chief seeks to permit a candidate who has been arrested, indicted or convicted of criminal charges between their nomination for office and the deadline for certifying the ballot on which they will appear. The bill-in-chief and the amendment address the possibility of the declination of a candidate and potential resulting vacancy of an office. The amendment provides for the filling of a vacancy in one of the Statewide elected offices that would be affected, the Office of Lieutenant Governor. This bill-in-chief addresses the procedure and protocol for the declination of candidates for public office, the Office of Lieutenant Governor, in order to preserve and

protect the Democratic process. This amendment similarly addresses the procedure and protocol for protecting the integrity of elected office in New York State and the Democratic process by providing clarity and uniformity in the procedure of filling a vacancy in the Office of Lieutenant Governor.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Lawler on the amendment.

MR. LAWLER: Thank you, Mr. Speaker. The reason this amendment is germane is because we all have a Twitter feed and we all read the press and we all know why we're voting on the bill-in-chief. The bill-in-chief is the Brian Benjamin Removal Act. It is about creating an opportunity for Kathy Hochul, the Governor of the State of New York, to make up for her horrible judgment. Apparently on the Second Floor, they don't know how to Google information when they're going through a vetting process.

And so what this bill -- this amendment would do is ensure that as part of the Brian Benjamin Removal Act that we, this Body, have the opportunity to vet a replacement. It's very simple. I did a Google search today. I typed in Brian Benjamin campaign finance corruption. I had three articles immediately pop up dated January 4th, January 5th, and March 28th of 2021. This is well before the time that Governor Hochul chose Brian Benjamin as her Lieutenant Governor.

So what this amendment seeks to do and why it is germane is because of the fact that we all know why we are here

today, and that is to clean up the Governor's mess. When you look at *Skelos v. Paterson* in 2009, the Court of Appeals ruled that under Public Officer Law Section 43, Governor Paterson had the right to appoint a vacancy and appoint a Lieutenant Governor.

The same ruling from 2009 when the last disgraced Democratic Governor resigned, forcing the Lieutenant Governor to become elevated to Governor and thereby creating the vacancy is the exact same scenario we are dealing with here. Governor Hochul became Governor through the resignation of another disgraced Governor, Andrew Cuomo, and the vacancy for Lieutenant Governor was created. She relied on Section 43 of the Public Officers Law to fill that vacancy. And as I said, apparently upon filling that vacancy her and her team on the Second Floor did not know how to do a basic Google search.

So this is very simple. What the amendment seeks to do is ensure that by -- if this bill-in-chief passes and Brian Benjamin is able to remove himself from the ballot, thereby creating an opportunity for the Vacancy Committee, which includes three members of the Assembly, by the way, the Vacancy Committee will be able to appoint somebody to fill that vacancy, which in theory means that the Governor will appoint that individual to serve as her Lieutenant Governor effective immediately. This bill seeks to ensure that there's a level of legislative oversight, as there is for Attorney General, and as there is for Comptroller, a Joint Session of the Legislature to approve an individual to be appointed to that position.

It would amend Section 43 of the Public Officers Law and ensure that a competent individual who has not been accused of a crime, who has not been arrested, who has not been convicted, is not appointed to the second-most powerful position in the State of New York.

None of this today would be necessary if the Governor of the State of New York didn't have horrible judgment. That she does is why we are here today. And let's be very clear, this bill-in-chief is purely political, purely political. There is no other reason to do this bill effective immediately except to bail the Governor out, and that is why the amendment is so critical to ensure, to ensure we don't have a repeat disaster under Kathy Hochul. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Ra.

MR. RA: Thank you, Mr. Speaker, on the germaneness of this amendment. So we've done, you know, plenty of amendments over the time many of us have been here, but what does it mean that something is germane? The only mention of germaneness in our rules says no amendment shall be allowed to any bill which is not germane to the original object or purpose thereof. So that doesn't provide a lot of detail. You might maybe look up the dictionary definition of germaneness, but one of the places we often look when our rules are silent about things are some of the information that's out there on rules. So Robert's Rules of Order, Section 12, Determining the Germaneness of an Amendment: *As already stated, an*

amendment must be germane to be in order. To be germane, an amendment must, in some way, involve the same question that is raised by the motion to which it is applied.

So what's the question before us in this bill-in-chief? We're talking about somebody being able to, after they're arrested, charged with a crime, to get off of the ballot. But we're not just doing that in a theoretical sense because we're making it applicable to right now. We're making it applicable to a situation we are currently under, which is that the New York State Democratic Party nominated somebody to be Attorney General -- I'm sorry, to be Lieutenant Governor. That person was -- had been previously appointed Lieutenant Governor by the Governor, and there was no process whatsoever. She chose the person. She vetted the person - we might want to debate language here, we could talk about vetting because obviously that didn't happen - but she chose this person with absolutely no oversight.

Now, any of my colleagues who have been here for a number of years, before I was here there was a vacancy in the State Comptroller's Office. We came together in a Joint Session and there was a vote taken. Senate, Assembly to appoint a new Comptroller. A few years ago, the Attorney General resigned. Again, Joint Session occurred and there was a vote taken and an Attorney General was appointed. We have no such procedure for a vacancy in the Office of Lieutenant Governor. And, in fact, because it was so unclear, there was litigation back when Governor Paterson wanted to appoint a

Lieutenant Governor. And ultimately, the courts decided that he was able to do so.

So what's the question that I see here when it comes to this amendment? If we defeat this amendment and we approve the bill-in-chief, the only people who will get a vote as to who the next Lieutenant Governor of New York State is will be the people that were designated on the New York State Democratic Party's Committee to Fill Vacancies. Those are the only people that will have a vote on it. None of us in the elected Legislature will have a vote on it, the person who will be first in the line of succession to be the Executive of this State. So that's the question before you right here. Should us, as the Legislature, have the ability to approve that individual, just like the 25th Amendment does at the Federal level? Or do we think the only people who should have that ability are the people that were designated by the New York State Democratic Party on the Committee to Fill Vacancies under certificate of nomination for former Lieutenant Governor Benjamin.

So I urge you to vote that this is a germane amendment and to adopt it. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Tannousis 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.

This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. With all due respect to the decision of the Chair, the Republican Conference is generally voting in favor of overriding that decision. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference honors your decision that this amendment before us today is not germane, and no matter how deeply our colleagues on the other side of the aisle want to go into the political fodder, this is about exactly what the bill calls -- the bill-in-chief calls for. It's allowing someone who is not going to run for this office to have their name removed from the ballot. Thank you, sir. So colleagues will be voting in favor of this one; however, there may be a few who would like to be an exception. They should feel free to contact the Majority Leader's Office to make that vote known and we'll make sure it's properly recorded.

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

(The Clerk recorded the vote.)

MRS. PEOPLES-STOKES: Mr. Speaker, if you could please record our colleagues Ms. Buttenschon and Mrs. Gunther in the negative on this amendment.

ACTING SPEAKER AUBRY: So noted, thank you. Announce the results.

(The Clerk announced the results.)

The ruling of the Chair is sustained on Bill No. 10135.

We have an additional amendment at the desk by Mr. Lawler, who will briefly explain the amendment while we examine that.

MR. LAWLER: Thank you, Mr. Speaker. I offer the following amendment, waive its reading, move for its immediate adoption, and ask for an opportunity to explain it.

ACTING SPEAKER AUBRY: Proceed, sir.

MR. LAWLER: Thank you, Mr. Speaker. The bill-in-chief would amend Section 6-146 of the Election Law to extend the period of time by which a person designated as a candidate for nomination or for party position or nominated for an office may decline said designation or nomination in the event that they are arrested or charged with certain crimes. This amendment changes the effective date of this legislation to January 1st, 2023.

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

On the amendment, Mr. Lawler.

MR. LAWLER: Thank you, Mr. Chair -- Mr. Speaker.

ACTING SPEAKER AUBRY: This is no affront to Mr. Tannousis' amendment, that's for sure.

MR. LAWLER: It was a fine amendment.

So Mr. Speaker, when you look at the political calendar that was released by the New York State Board of Elections, the period by which someone may be nominated for a position for Statewide office was February 8th through March 1st. And as I recall, we were in Session and many of our colleagues did not attend that day so that they could go to the Democratic Convention and nominate Governor Hochul and Lieutenant Governor Benjamin. And when you look at the calendar, the day to decline a nomination, the last day to decline a nomination from a convention was February 25th of 2022. The last day to fill a vacancy was March 1st, 2022. Those deadlines have obviously since passed.

And so what the bill-in-chief seeks to do is change the rules in the middle of the game, rules that were established for everyone across the State of New York in a political calendar that was adopted by the Board of Elections based on State Election Law. The bill-in-chief seeks to remedy a situation that has arisen due to the alleged criminal acts of our former Lieutenant Governor and the horrific judgment of our Governor. Clearly, she chose poorly, and she should have to live with the consequences of that decision. To

changes the rules in the middle of the game to benefit one person, the Governor of the State of New York, is outrageous.

It is not to say that the intent of the bill is wrong. I think we all agree we would like a government free of corruption; we would like a government free of elected officials being arrested; we would like a government free of elected officials being convicted of crimes. I don't think anybody in the State of New York disagrees with that. But what they do disagree with is the naked political partisanship that this bill seeks to enact. The bill-in-chief seeks to remedy a unique situation brought about by the Governor and the Lieutenant Governor. Does anybody think that if one of the other candidates for Lieutenant Governor found themselves in this situation, or that a Republican candidate for Lieutenant Governor or Statewide office found themselves in this situation, does anyone think this bill would be before us today? Does anyone think that this bill would take effect immediately? Of course not. And anybody who says so is lying through their teeth.

The bottom line here is this: The amendment proposed would ensure that the actual intent of this bill does go into effect, but it goes into effect next year so that future elections will be governed under these rules. To change the rules in the middle of the game is wrong, it's cynical, and it shows a blatant disregard and disrespect to the voters in the State of New York. There are already other candidates on the ballot who went through the petition process and got on the ballot for Lieutenant Governor in the Democratic

Primary. Do the people in this Body think the Democratic voters are that stupid that they can't choose somebody who has not been arrested or under indictment? Do you think so little of your own party and your own voters? Are they incapable of making a reasoned judgment given all the facts? I would argue that they are able to delineate; heck, two years ago there was a primary for State Assembly, a former member of the State Senate who slashed his girlfriend with a broken bottle, the voters chose wisely, hence we have the Speaker Pro Tem. Voters are smart enough to figure it out, they're not stupid. This bill seems to indicate that they're stupid and incapable of making a decision based on the facts.

So I strongly encourage everyone to adopt this amendment that changes the effective date. It's literally one change. It changes the effective date to January 1st, 2023. That seems like a fair, reasonable and honest compromise, and ensures that the intent of the bill moves forward. Nobody's against that, but we are against passing legislation to benefit one individual and one political party in the middle of an election.

So Mr. Speaker, I think this amendment is fair, it's reasonable, and I would hope that this Body adopt the amendment so that New Yorkers can have confidence in their State government, that New Yorkers can trust that when legislation is put forward it is not put forward solely to benefit one individual or one political party, but that it is to ensure a fair and even playing field, and to ensure a fair election. We don't have dictatorships. We do not have royalty in the

United States or in the State of New York. You are not entitled to these seats. Changing the rules to benefit Governor Hochul is shameful. It's shameful. And the fact that she has demanded this bill - this is a Governor's program bill - and the fact that this Body is moving forward with it with record speed is wrong.

With that, Mr. Speaker, I encourage everyone to support the amendment and let the effective date be January 1st, 2023.

ACTING SPEAKER AUBRY: The Clerk will record the vote. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference is supportive of this commonsense amendment to change the Election Law procedure in the future rather than doing it in the face of obvious corruption that's facing the Democratic Party now, and we hope, by the way, that if we do extend it for a year we won't have to go through this procedure again. Thank you, sir.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker -- Mr. Speaker. The Majority Conference is going to be in the negative on this resolution -- amendment rather. I certainly do hear my colleague's comments as it relates to people not being interested in a government that is corrupt, but I might remind them

that we sat through four years of a corrupt government at the Federal level and some people are still desiring to see this gentleman elected again. So I would encourage my colleagues to vote this particular amendment down; however, Mr. Speaker, there may be some of our colleagues who would like to be an exception. They should feel free to contact the Majority Leader's Office and their vote will be properly recorded. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you both.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you could please record our colleague, Ms. Buttenschon, in the affirmative on this one.

ACTING SPEAKER AUBRY: So noted.

Announce the results.

(The Clerk announced the results.)

The amendment is defeated.

On the bill.

Mr. Norris.

MR. NORRIS: Thank you, Mr. Speaker. I would like an explanation and if the sponsor would yield for a few questions, please.

ACTING SPEAKER AUBRY: Ms. Paulin, an explanation has been requested.

MS. PAULIN: Certainly. The bill would permit a

person designated as a candidate for nomination or for party position, or nominated for an office, to decline the nomination in additional certain circumstances.

MR. NORRIS: Okay. And would that include the former Lieutenant Governor, Brian Benjamin?

MS. PAULIN: Can you --

MR. NORRIS: Would that include the former Lieutenant Governor Brian Benjamin?

MS. PAULIN: Yes.

MR. NORRIS: Candidate for Lieutenant Governor right now?

MS. PAULIN: Yes, it would.

MR. NORRIS: All right. And my next question for you is will -- if a declination is filed, not just in that particular situation or others under the bill, will a committee for vacancies be permitted to fill a vacancy on the ballot?

MS. PAULIN: Yes, it would.

MR. NORRIS: It would. Okay. And then my next question is in the bill text itself, this declination could be filed up until the last day to certify the ballot, which my understanding would be May 4th; is that correct?

MS. PAULIN: Fifty-five days into the law.

MR. NORRIS: Fifty-five days. Would that be May 4th under the current --

MS. PAULIN: Yes.

MR. NORRIS: The changing by the 2nd, but if approved right now.

MS. PAULIN: Yes, yeah.

MR. NORRIS: Okay. Now, was it contemplated by you whether or not it should say in the bill text four days prior to the certification, because it's my understanding that you would have four days to make a substitution.

MS. PAULIN: Right now if you died or moved which are, you know, or you were nominated to another office, there's nothing in the law that precludes that really from being until the last minute. So there's -- there's no reason to have four days before. We just thought that the date of certification, as was in my original bill, was a good date to do it. So no, it was not contemplated.

MR. NORRIS: Isn't it ironic that we're in a situation negotiations, according to Twitter, were taking place over the weekend and through actually to -- at least through Friday night when the bill was submitted; is that the reason why it's not four days prior to, because the time frame we are right now with the current situation?

MS. PAULIN: So the original reason I put the bill in -- as you know, I had the bill prior to the program bill, was for the voters. The voters deserve to vote for someone who is not under indictment and/or has no intention of serving once elected. So it was purposeful to be able to include this circumstance.

MR. NORRIS: With the current situation with the former Lieutenant Governor?

MS. PAULIN: Yes.

MR. NORRIS: Okay. Now, my next question would be is there a remedy right now for voters in the event that we were not to pass this bill? Is there a remedy for them, the voters?

MS. PAULIN: Yes. They -- the gentleman we're talking about could move, or could get nominated to another position. One would be unfair to him and the other would be almost fraudulent to the voters because he would be nominated for something, again, that he doesn't intend to be -- to be elected to.

MR. NORRIS: Okay. Well, I understand that for the candidate, but what about for the voters? Is there an option for them when they go in the voting booth this year?

MS. PAULIN: There's an option for two candidates who petition who were not representative of the party at-large, but not an option for voters who are party members who believe that that should have been -- they should have that option.

MR. NORRIS: Okay. In the current situation for the Lieutenant Governor in the Democratic line, is there a primary right now between other candidates with the exception of -- for the Lieutenant Governor?

MS. PAULIN: Yes, yes.

MR. NORRIS: Okay. Would that open up, then, a primary on the ballot for voters to write in?

MS. PAULIN: There's always an option to write in.

MR. NORRIS: So there is a remedy for the voters

this year to write in another name. So if the Governor of the State of New York says this person, X, is going to be my candidate, the members of the Democratic Party could go in and write in a name on that ballot; is that correct?

MS. PAULIN: I don't know how many write-in elections you've been involved in, I have been involved in a write-in. It's a very difficult process and voters often make mistakes in the write-in; it's very technically complex. So I don't know what kind of remedy that really is for voters because voters may not be able to avail themselves of a write-in in the way that a write-in would be received properly by the Board of Elections.

MR. NORRIS: I'm familiar with write-ins, in my neck of the woods, the City of Buffalo, the Mayor of Buffalo had no other options in the General Election, he chose to do a write-in campaign and get over 30,000 write-in votes using stamps.

MS. PAULIN: I'm not just suggesting it can't happen, I'm just suggesting it's difficult.

MR. NORRIS: And Lisa Murkowski, the Senator from Alaska, a Statewide election, there was a write-in campaign that she ran.

MS. PAULIN: I agree that there's a remedy; however, this is a better remedy.

MR. NORRIS: Okay. Now, my next question for you is since we're making this permanent change, I understand that it's going to address potentially Mr. Benjamin's situation, but it will also

be in statute potentially for a long time. Did you consider any other reasons for declinations, for example, illness, serious illness, someone who is diagnosed with cancer, someone who has been involved with a serious motor vehicle accident and is disabled, where they're on the ballot. And other, massive stroke, for example. Was that in consideration when we were doing this comprehensive bill to look at the declinations?

MS. PAULIN: Actually, my original bill included other provisions, two other provisions in addition to this one, so I am very supportive; however, as someone who does get a lot of two-House bills and laws enacted, I recognized that sometimes you have to make compromise and you have to take baby steps. So this is a baby step. I do intend, though, to introduce other provisions because I think this situation, as you're suggesting with illness, warrants it.

MR. NORRIS: Let me ask you one more question, we just -- the amendment was defeated, unfortunately, to make this effective next year since we're in the middle of an election season right now, it's been ongoing now since at least the end of February, why are we changing this in the middle of the game?

MS. PAULIN: Because we recognize that we have a situation right now that we have to remedy. You know, so many times I can think of situations where we have done laws that we know have to address a certain circumstance, and we do them as quickly as we can to be able to address that circumstance. So it would be really unfortunate to do this after the fact and not to be able to help the

voters vote for someone in this election.

MR. NORRIS: Let's go back to the certification, if that's okay with you. Supposed to be certified on May 4th. In the event that a declination, a substitution are not filed by that day, will absentee ballots in the printing of other ballots, particularly our military ballots, be harmed in any way?

MS. PAULIN: No. According to Election Law 10-108, which sets out the provisions for military ballots which compliments the Federal law, military ballots actually according to State law have to be sectionally certified or processed 46 days, there's a nine-day window. I have the same concern and wondered the same thing so when checking with the State Board learned about the nine-day window and learned that if we are as we are in this bill allowing four days, that still gives a five-day window for those -- for those names to be changed and incorporated into any military absentee ballot going out. Also, I learned in talking to the State Board that there have been times, as we know, when someone dies or moves, where there has to be an additional ballot sent out to the military, so that provision would also be there. It wouldn't be necessary in this case because we would be able to accomplish it in time according to the State law.

MR. NORRIS: Okay. Do you take any consideration of potential litigation in the delay of a Statewide ballot when you're looking at this language, which I know will be effective for this primary and general election, but also for those in the future until

amended.

MS. PAULIN: I guess I'm not exactly sure what you

--

MR. NORRIS: Well, if there's litigation and there's a delay, that could delay the ballot, that's why I --

MS. PAULIN: Litigation regarding --

MR. NORRIS: The certificate that may be filed, we don't know, I mean, there's always --

MS. PAULIN: Well, certificates are always amended.

MR. NORRIS: Yeah.

MS. PAULIN: You know, certificates, the requirement to have the names in 55 days is also a process in the law, Section 148-2, that outlines exactly, you know, how the Board would notify the local Boards if there was an amendment to a certification that needed to occur.

MR. NORRIS: Okay. Thank you very much, Ms. Paulin. I appreciate you answering my questions.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. NORRIS: Mr. Speaker, we all know why we're here. This is to clean up the mess of the Governor of the State of New York who appointed and then nominated, the Democratic Party nominated a failed Lieutenant Governor candidate. This is why we're here, and it's just makes sense to me that we should really look at that

amendment again and do it next year. Why should we be doing it this year and changing the rules in the middle of the game to clean up her mess and her poor decision? You know, just four days before the Lieutenant Governor was charged with I believe five felonies, the Governor stated, *I have the utmost confidence in my Lieutenant Governor*. Now today, less than a month later, she certainly has changed her tune.

And I just think changing the rules in the middle of the game because of events and circumstances of not your liking, not the Majority's liking, not the Governor's liking. We have rules in place for a reason, and there are options in place, as well. The voters can write in someone, they can choose not to vote for that particular candidate if they wish not to. They can vote for another candidate, there's a primary right now for the Democratic nomination for Lieutenant Governor that already exists without the former Lieutenant Governor. And I mention Mayor Byron Brown, Senator Lisa Murkowski from Alaska, they won write-in campaigns. But you know what? That's not convenient. That's not convenient for the Governor and for the Democratic Party, and that's why we're changing it today.

I just also find it very ironic, I live out in Western New York and unfortunately we had a situation where our former Congressman, Chris Collins, was charged with felonies, as well. Well, his name was on the ballot, and I did not see the former Democratic Governor, the former Lieutenant Governor and current

Governor, this Body, rushing back to Albany saying we need to enact this right now for the voters of that district. Well, the voters in that district realized what was at stake, and they elected Chris Collins.

So I just wanted to also say that it's very interesting to me that we are going to change the rules midstream. And I know that this may be very controversial to say, particularly after everything we went through in the last month with the budget, but I also remember on January 23rd, a football game between the Buffalo Bills and the Kansas City Chiefs. And it pained me, and it pained many of you in this room, if not all of you, to watch in overtime the Buffalo Bills lose because they didn't have a chance at the ball on offense. They ran down, Kansas City Chiefs, and they scored and the game was over. And I think to myself, what if Roger Goodell would have ran down and said, *Wait a minute, no, no, the season's still going on, we've got to change the rule right now and the Bills, you get the ball.* That's what we're doing here in the middle of the election season because individuals, including the Governor, does not like the current situation, we need to change the rules. But you know what the NFL did? The NFL didn't do anything that evening. They had a meeting at the owner's meeting after the season, and they changed the rule for this upcoming season. That's the best analogy that I could come up with other than a baseball one because we're in season right now, where potentially you could change the rules, you know, at the 7th inning stretch because we don't like the way the particular game is going.

I'm usually pretty calm, but this bill is bad and it's self-serving to the Governor and to the Democratic Party. And I just don't think that is right. I agree that this bill should be amended, I agree with the changes in that bill, but I don't agree it should be effective during the middle of the game. That should take place at the end of the season and go into effect next year.

With that, Mr. Speaker, I urge all of my colleagues to oppose this bill, and I appreciate the opportunity to be heard and for Ms. Paulin to answering my questions. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Ra.

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

ACTING SPEAKER AUBRY: Ms. Paulin?

MS. PAULIN: Yes.

MR. RA: Thank you, Ms. Paulin. So if we can just go through quick where this is effective. You know, I looked through the current 6-146 and some of the provisions talk about where somebody's designated for a nomination other than as, you know, in a primary election. So is this meant to apply in both the situation we're talking about with the Lieutenant Governor where there was somebody, you know, certificate of nomination, petition to file, but also after a primary election before a general election ballot is...

MS. PAULIN: Yes. It would apply in both cases.

MR. RA: Okay. And -- so you said earlier, right,

that under these circumstances when it's prior to a primary election there's an opportunity to fill that spot on the ballot, correct?

MS. PAULIN: Yes.

MR. RA: Okay. Now, when you get into a general election situation, because I know a lot of people are talking about this saying, *Hey, we talk about this all the time how difficult it is to be off the ballot in New York*, and your point is well-taken about that it's, you know, a little bit of a farce that we nominate, you know, sometimes they even talk about nominating somebody for a judicial office like in some other part of the State, and that is a little silly, the person never intends to serve in that office. But we're really, in those instances, we're talking about after a primary election, we're talking usually about somebody maybe who was a designated major party candidate who lost their primary or won a primary but somebody was nominated by another minor party and they want to get them off the ballot so as to not split the vote, essentially. Under those types of circumstances, would the -- if somebody were, you know, were in this situation, got arrested, got charged, they would be able to be removed from -- or I shouldn't say be removed, they would file paperwork to remove themselves from the ballot, but would they be able to be replaced for a general election?

MS. PAULIN: For a general election. I think so; yes, I think there's a provision, I can cite it, that the party has the ability to make that substitution.

(Pause)

Give us a minute.

MR. RA: Sure.

MS. PAULIN: So the scenario that you're talking about is if someone similarly to we see --

MR. RA: Yeah, let's say we look at four years ago, Governor Cuomo at the time was nominated by the Democratic Party, he has a primary, you know, Cynthia Nixon who was his challenger is nominated by the Working Families Party and now she loses the Democratic Primary, the Working Families Party says, *Hey, we don't want to run a separate candidate from the Democrats*; what happens?

MS. PAULIN: So I'm just thinking this through. If that -- so it would be the same process. So for example, we have seen the minor parties, you know, do this, right, when they want to substitute for the, you know, a candidate that is going to draw them more votes in a Statewide election. That could -- that would be absolutely possible here, as well, because we are following exactly the same procedure.

MR. RA: Well, it's not the same process because in the primary situation, there is --

MS. PAULIN: No, I'm not saying the same as a primary, I'm just saying the same as Election Law --

MR. RA: And if somebody comes off the ballot under -- by a death or judicial --

MS. PAULIN: -- is now because we -- so I'm not finding exactly where or how, but I believe I remember reading when

I was rehearsing for this debate, or looking at some of the laws in preparation, that there is a provision where parties can nominate a substitution.

MR. RA: Okay. So -- so just quickly then, so when we're talking about the primary situation, it's going to be dictated by, you know, the Committee to Fill Vacancies that was on that certificate of nomination, or that was on the petitions that were filed. In the general, we'd be talking about the Committee of that particular party --

MS. PAULIN: Right.

MR. RA: -- correct? Okay. Thank you very much, Ms. Paulin.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: Thank you. So you know, a couple of thoughts on this and, you know, this has been talked about the last few weeks as a good government measure and those types of things, and it's been talked about as is the Legislature going to take up a bill to allow former Lieutenant Governor Benjamin to remove himself from the ballot. And I don't think that was ever what the conversation was about. The conversation really is about whether somebody is going to replace him on the ballot. And I want to remind everybody, you know, we talk about we don't want corrupt people in government and all that, and that's 100 percent true, but Mr. Benjamin is not on the June ballot right now if we don't pass this bill, and assuming he doesn't move out-of-State and, you know, any of those other things

happen. He's not on the ballot to be Governor -- he's on the -- to be Lieutenant Governor, he's on the ballot to be the Democratic nominee for the Lieutenant Governor. And, by the way, the New York State Democratic Party decided they wanted him to be their nominee for Lieutenant Governor.

So really what we're talking about is whether they should get a second chance at designating that candidate. There are other people on the ballot. Governor Hochul is not stuck with Mr. Benjamin on the general election ballot, assuming she wins the primary, unless the Democratic voters in this State decide we want a nominee who resigned from office because he was arrested and charged with a crime. So I have to ask myself, are we scared that's what's going to happen? Is that why we're doing this? Are we scared that his name being next to Governor Hochul's, because remember, while they run together in the General Election, they are separate in the primary, they are separate races. They're not voted on together.

So are we worried that people are going to go into the booth and when they decide whether to vote for -- for Governor Hochul versus the other candidates that are on the Democratic ballot that they're going to see that name next to it and be reminded of what just happened and the poor judgment that it showed in vetting and appointing the Lieutenant Governor? Is that why we're doing this?

So I don't think there's any real good government purpose served here. We are not talking about the General Election ballot, which is the circumstances under which we always talk about

this issue. We talk about getting people off the ballot that don't want to serve in the office in the General Election. There are other individuals who went through -- which is not an easy process if you're familiar with it. To run for Statewide office without the support of the Statewide party is very difficult. We require signatures and we require them to be spread out throughout the State. You have to show a broad base of support. But basically what we're doing here today is saying those individuals, they made their case, just like same thing happened in the Republican Party, right? People made their case to the party leadership, the Chairs from all over the State, everybody involved, and the Chairs decided who they were going to go with. And individuals said, *Hey, I think I'm the best person to carry the banner of my party in the General Election*, and they went out and they solicited -- they solicited signatures and they filed petitions and got themselves on the ballot.

Now, at this day, months after the period of time for declination for somebody nominated by a political party has passed, nobody else has the ability to get on the ballot for Governor or Lieutenant Governor, that ship has sailed, unless you go one of the independent, you know, nominating petition routes. You can't get on as a major party person. But what we're saying today is, *Hey, Lieutenant Governor, you got arrested*. We knew he had some problems but, you know, he assured us they were behind him, so okay. We're going to get a second bite at the apple. Why? Because the right letter is next to the person's name, because that's the single party that

controls this government. That's why we're doing this today. My colleague said it earlier. You think in a million years we'd be doing this if this was the Republican nominee for Lieutenant Governor? No way, no how. We would not be even thinking about making this change.

So you know, my colleague made a great analogy about the football game. This reminds me a little bit more of, like, when I was a kid, I don't know if anybody else, like, played board games. You know, sometimes I'd play with friends and family, we'd play, like, you know, play Monopoly or something, and I think we all had that friend and maybe for some of us it was us, but had that friend who would, like, get annoyed they were losing. Maybe they didn't get to buy the properties they wanted or something, so they would get mad and just flip the board over and say, *I'm done*. That's what we're doing today. We're saying we don't like the way the board is, let's flip it over and reconfigure it and put in our own person. And like I said earlier, nobody else is going to have the ability to determine who that individual is going to be other than the few people who are listed on a certificate of nomination by the New York State Democratic Party. They're going to pick who the Lieutenant Governor is for the rest of the year and they're going to pick somebody who's going to get to go on the ballot completely outside of any other rules, somebody who never came before the party leadership to say, *Hey, I should be the person*, somebody who never went out and got petitions because essentially what we're saying is the party higher-ups know better than

the voters. We're saying we don't want the voters to get to make the choice. We don't -- we don't like the choices that are out there, we want an additional choice because it's not good for the current Governor that she chose the wrong person to be the Lieutenant Governor.

So just to close on this, we -- yes, we've talked about for years our rules about getting off of a ballot, but we talk about that and, look, I'm sure there are some examples, but I'd love for somebody to listen to me. I don't remember ever talking about somebody getting off a primary ballot, because the purpose of a primary election is to choose who the designated candidate is for the General Election. It may almost be hard for some of us to remember that because there are so many, you know, people here who never had an opponent in the General Election, you only have an opponent in the primary, but you are not running for the office in the primary election. You're running to be your party's designee to run for that office when you run in a primary election.

So this isn't about whether we want corrupt people in government, of course we don't. And, by the way, if we don't want corrupt people in government, there's a heck of a lot more we can do about it well outside of this, like do real ethics reform and not the garbage that we passed in the budget this year that's going to have no impact whatsoever. But this is about whether the rules should change in the middle of the game to benefit one person and one party, that's what we're voting on today. And if you think that because the right

letter is next to that candidate's name who got arrested and charged, and because that's the party that controls our State government, we should change the rules in the middle of the game, then by all means vote yes. But if you think that's the wrong way to go about government, if you think that we're here to represent the people of New York State and not do something because it's politically convenient, then you should vote no, and I would urge each and every one of us who know what the right answer to that question is to vote against this bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Lawler.

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

ACTING SPEAKER AUBRY: The sponsor yields.

MR. LAWLER: Thank you. Thank you. Before we get to the Governor's program bill, why did you introduce your original bill?

MS. PAULIN: One of the voters in my community thought that it was -- the Election Law is a bit archaic. This particular situation brought that to his attention, and so I introduced the bill.

MR. LAWLER: So this particular situation that we have been discussing with the former Lieutenant Governor, that was at least the basis by which you brought the bill?

MS. PAULIN: That was the catalyst for his thinking, and he called me.

MR. LAWLER: Okay. If the role was reversed and this was a Republican candidate for Lieutenant Governor, would you have introduced the bill?

MS. PAULIN: I think that if someone from my constituents called in a similar circumstance and realized that there was an error in the law, yeah I would have. I -- I don't know that it would have gotten this much attention from everyone, but I would in my own way have tried to advance a bill that corrected the Election Law, absolutely.

MR. LAWLER: Do you think we would be voting on it today or that the effective date would take place immediately if it was a Republican candidate for Lieutenant Governor?

MS. PAULIN: So I will just say that as of today, I have 302 laws signed, that's a lot.

MR. LAWLER: You are prolific, and I do appreciate the way that you do.

MS. PAULIN: Each one has its own path. Some of the paths are immediate, and some of the paths, you're in for the long haul. I have some bills I did last year that I put in my very first year of getting here, so you never know exactly what that path is going to be.

MR. LAWLER: Do you think -- do you think this bill is the most pressing issue of all the bills that you've introduced that it requires a vote immediately?

MS. PAULIN: I think that for my voters who want an alternative on the ballot, it's very pressing. To me, voting is

fundamentally the most Democratic right that we have.

MR. LAWLER: But don't they have an alternative? Aren't there two other candidates for Lieutenant Governor?

MS. PAULIN: So I would just say those other two Democratic candidates didn't even choose to come before the Democratic Committee to be nominated. They didn't even attempt to be part of that process. So for many Democratic voters, they don't see these two candidates as those candidates being selected by the Democratic Party.

MR. LAWLER: Well, respectfully, what I would say is that they were not chosen by the party insiders, they had tens of thousands of Democratic enrolled voters sign petitions and put them on the ballot.

MS. PAULIN: I would say State Committee members are not Democratic insiders, they are elected by the people just like you and I, and they represent --

MR. LAWLER: How many people voted -- how many people vote at convention, do you know?

MS. PAULIN: I don't know that answer.

MR. LAWLER: Would you say it's less than 1,000 people?

MS. PAULIN: I think that every Assembly district has two --

MR. LAWLER: Two.

MS. PAULIN: Right. So you have potentially 300.

MR. LAWLER: So 300 -- potentially 300 individuals versus at least 15,000 Democrats; who got selected by more people?

MS. PAULIN: I would say there's 150 Assemblymembers here, we vote on tons of things with representative government, and that is a similar circumstance.

MR. LAWLER: I agree, but you made the point that they were --

ACTING SPEAKER AUBRY: We're not in court, barristers, so you will let an answer be answered --

MS. PAULIN: Absolutely, sorry.

ACTING SPEAKER AUBRY: -- and you will not interfere with your cross. Thank you.

MS. PAULIN: Go ahead.

MR. LAWLER: I would just argue that they were selected by the Democratic Party insofar as tens of thousands of voters chose to sign their petitions expressing that they wanted them on the ballot. So the Office of the Governor has been in existence for 244 years. Have we managed to get through elections electing Statewide officers without this bill in effect?

MS. PAULIN: Absolutely.

MR. LAWLER: Okay. So why the urgency on implementing this bill if we've been able to survive for 244 years?

MS. PAULIN: So I'm always a lawmaker that looks for the opportunity and, to me, this was an opportunity to put in a bill that made sense, that gave voters additional choices, that corrected a

flawed system. And this was that opportunity which is why I advanced a bill prior to it becoming such a big deal.

MR. LAWLER: Well, but you advanced it with a memo to all of us colleagues, and I mean, I responded right away. It became a big deal pretty quickly. It wasn't like it was introduced and hidden in some back room.

MS. PAULIN: No, no. I always try to get sponsors on my bills.

MR. LAWLER: Right. So why did this become a Governor's program bill as opposed to taking your legislation and advancing it, or amending your bill and advancing it forward? Why did it become a Governor's program bill, and were you involved in the discussions?

MS. PAULIN: I was not involved in the discussions. I think that the Governor recognized, you know, that groups like Common Cause were very supportive and wanted voter's choice, and she got involved so that we could pass something expeditiously so it would have a three-way approval.

MR. LAWLER: So I want to point you to Article III, Section 17 of the State Constitution. It talks about cases in which private or local bills shall not be passed. *The Legislature shall not pass a private or a local bill in any of the following cases*, and then it goes down to talk about the opening and conducting of elections. So my question to you is very simple. The Governor put this forward as a gubernatorial program bill. You yourself acknowledged that the only

reason right now that we're dealing, the only case that you can find that we're dealing with is the Lieutenant Governor. So this particular bill passing serves to benefit one person right now, Governor Kathy Hochul. She is the only person who will benefit as of today from this bill, and it is a gubernatorial program bill. How is that not in violation of Article III, Section 17 of the Constitution?

MS. PAULIN: I did not introduce this to benefit the Governor. I introduced this to benefit my voters. My voters want an alternative. My voters are the ones who came to me and said, *Can you do this for us?* So this does not benefit the Governor, this bill benefits the moderate Democrats who want a choice on the ballot.

MR. LAWLER: Wait a minute. You just said it's no longer your bill, it's a gubernatorial program bill that has been introduced. So we are introducing -- we are voting on this at the behest of the Governor.

MS. PAULIN: Yes.

MR. LAWLER: You also said that this is not to benefit Kathy Hochul, it's for the voters.

MS. PAULIN: Yes.

MR. LAWLER: You acknowledge there are already two other candidates on the ballot for Lieutenant Governor. If it's not to benefit Kathy Hochul, and voters in the Democratic primary already have a choice of two other people other than Brian Benjamin, why not make this effective date January 1st, 2023 so that there's no question that this was not done in a partisan, political manner but that

it was done for ensuring free and fair elections going forward. We've survived 244 years without this bill, you acknowledged that. What is the purpose of this other than to benefit Kathy Hochul in this election?

MS. PAULIN: The benefit is that so me, Amy Paulin, as a voter gets to vote for someone who I think represents my views, which is a moderate, mainstream Democrat which is supported by the party.

MR. LAWLER: So there are seven people on the Committee to Fill Vacancies as I understand; in fact, I'll read the names: Jay Jacobs, the State Chairman of the Democratic Party; Christine Quinn, the former Speaker of the New York City Council; our esteemed Majority Leader, Crystal Peoples-Stokes; June F. O'Neill; our colleague, Rodneyse Bichotte; the Suffolk County Democratic Chairman Rich Schaffer; and our colleague Ms. Catalina Cruz. So those seven people are going to choose who fills the vacancy, correct?

MS. PAULIN: Yes.

MR. LAWLER: Okay. Have you had any conversations to determine who the moderate Democrat choice is going to be?

MS. PAULIN: No.

MR. LAWLER: Okay. So do we know that they're going to choose a moderate, or who's actually making this choice, is it the Governor, is it the seven people? Who is going to make the choice?

MS. PAULIN: What I do know is that the choice will be from the Democratic Party and not self-selected like the other two Lieutenant Governor candidates. There will be much more of an opportunity for that person to represent a majority view.

MR. LAWLER: Was Brian Benjamin self-selected by Kathy Hochul?

MS. PAULIN: She -- I'm presuming that that's a slightly different circumstance. We're not talking about running. We're talking about, you know, a very unfortunate situation where, you know, we had one Governor who resigned, another Governor who came into office and needed a -- someone to substitute. We've had that situation before.

MR. LAWLER: I just want to reiterate the question: Did Governor Hochul self-select Brian Benjamin as her Lieutenant Governor?

MS. PAULIN: I don't know what that process was.

MR. LAWLER: Did she announce the decision?

MS. PAULIN: Yes, she did.

MR. LAWLER: Okay. Do you have any reason to believe she didn't make the sole decision of who her Lieutenant Governor was?

MS. PAULIN: I have no reason to believe in any of the processes because I wasn't part of them.

MR. LAWLER: Okay. Do you think the Governor made a horrible decision in choosing Brian Benjamin as Lieutenant

Governor?

MS. PAULIN: I think it was very unfortunate.

MR. LAWLER: I'll take that.

(Laughter)

Thank you. On the bill.

ACTING SPEAKER AUBRY: On the bill, Mr.

Lawler.

MR. LAWLER: Look. This is very simple, folks. We all know this is purely political. It is purely intended to benefit one person who made a horrific lapse in judgment; Kathy Hochul chose poorly. She has to live with the consequences of that decision. The Election Law was very clear, the Constitution is very clear and seemingly we're violating the Constitution and I would remind my colleagues just last week, this Body was slapped down historically for violating the State Constitution. It violated the process by which we draw maps, both in terms of intent and process. An entirely Democrat-controlled Court of Appeals slapped this Body down and told this Body you have lost the trust of the people of the State of New York, and deservedly so.

The arrogance, the hubris that it takes to put this legislation forward today is the very arrogance and hubris that this Body used to pass unconstitutional maps. The voters last year rejected the cynical attempt of this Body to weaken the independent redistricting commission and that process. The voters rejected the attempt to undermine our election process, and rejected the attempt to

allow no excuse absentee balloting. And what did this Body do? This year, it extended a provision under the guise of COVID that if you are fearful of COVID, you can vote by absentee ballot. It is remarkable that out of a Body of 150 people, a majority seems not to care what the people who elected them here want. They are tired of the corruption.

Since 2003, over 50 members of the State Legislature and Statewide office holders have either been arrested, indicted or resigned in disgrace. Since Eliot Spitzer, it has been one awful episode after the next. This is what you get with one-party rule. This is what you get when the urge, the urge to abuse power is there. Power corrupts, absolute power corrupts, absolutely, we all know the saying, and it has never been more truer than today. The fact that the Governor has the gall to demand this bill when there are already two candidates on the ballot, the Democratic vote -- primary voters have a choice. Maybe the Governor won't like their choice, but guess what? That's a result of her own horrific judgment. That is a result of her decision to appoint somebody who as far back as January 4th, 2021 was under investigation by the New York City Board of Elections and the Campaign Finance Board. And the fact that this bill has been pushed through in record speed is remarkable.

What about the bill to investigate the 15,000 seniors who were killed in our nursing homes? That doesn't seem to be a priority for this Body, but giving Kathy Hochul a get out of jail free card, that's what we want to spend our time on? It is purely political.

My colleague did a wonderful job of dancing around my question as to whether or not she would have introduced this bill if a Republican candidate for office had been arrested. We all know the answer to that. She didn't say yes. It's a definitive answer, yes or no.

So I strongly encourage everybody to vote no on this and restore the faith and trust of the people of the State of New York.

ACTING SPEAKER AUBRY: Thank you.

Mr. Carroll.

MR. CARROLL: On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. CARROLL: Bills like this on days like today, it makes you hard not to be cynical about what goes on in Albany. There is no reason we should be voting on this bill. There is no reason we should give the Governor the opportunity to appoint and hand select yet another Lieutenant Governor. There has been ample opportunity. There are two Democrats on the ballot. This is unnecessary.

Now, if this bill were about being merciful towards Mr. Benjamin, I would say sure, let us be merciful to him. But it is absurd to provide the Governor with an opportunity to hand select yet another Lieutenant Governor candidate. The rules are the rules, and the fact of the matter is the declination process and the Committee on Vacancies process is fraught with inequity. It is a terrible process under normal circumstances. When you give a select few, a select few who are always insiders, the ability to place somebody on the ballot

who had not put themselves forth to be candidates for higher office, it astounds me that we are doing this today.

The Governor should feel shameful at her actions. We, as a Legislature, should have more agency. We should stop bending to the will of all of her becks and calls. You know, when she was first named Governor after the last Governor resigned, she told us it was a new day, a new dawn. She seemed nice and friendly, she had a lot of great sound bytes. But it sure as heck feels like *déjà vu*, because I don't see how this is at all different.

We should vote no on this bill because it defies good government, it defies transparency, and that's what we should be calling for whether we're Democrats or Republicans. We don't have to love the two nominees that are on the Democratic ballot, that's fine, but my guess is that often people don't love the nominees on any ballot. That doesn't mean we should change the rules in the middle of the game. This is unfortunate. This is unnecessary. I hope that my colleagues will join me in voting no.

ACTING SPEAKER AUBRY: Mr. Jacobson.

MR. JACOBSON: Mr. Speaker, we in this Body have all witnessed and sat through the fiction when people try to get off the ballot. We have seen time in and time out people being nominated for State Supreme Court races in areas where they have no chance of winning and they're not even interested in running. I think that all of us in this room, if we weren't supporting a candidate for Lieutenant Governor, would say -- and we had a blank slate, we would

pass -- we would have a provision that would be similar to this bill.

And if you ask the voters and you said to them, *Well, what do you think, what should happen when somebody gets arrested, indicted or convicted of a crime, should they be allowed to stay on the ballot?* People would say, *No, of course not.* Well, you can't do that now. So people would want a chance to be able to vote.

Now, it's been said that, well, there are two other people running in the Democratic primary, by the way, our party is Democratic, not Democrat, we're the Democratic Party. And so in our primary, there are two people, but if you do not like those two choices then you have to go through another fiction. You would have to vote for the third candidate and then hope that that candidate gets nominated for a Supreme Court seat or another office, or moves out of the district which, in this case, would be the State. So this bill of it by itself is long overdue.

Now, to argue that this has not changed in a good number of years would mean that we should come up here and not change laws that have existed for a long time. Of course that's an absurd argument, we come up here all the time with changes to make us better, to create a more perfect State, to paraphrase the U.S. Constitution of a more perfect union. And so this bill makes sense. It makes sense because it allows the -- someone, and you never know who is going to be the next person because we all know that crime is not, unfortunately, or fortunately is not delegated and relegated to one party only.

And so I think here it's a bill that is long overdue and that all of you in this Chamber, if you were not supporting a candidate, would say yes, we should do this. If this was a blank slate and we were crafting the Election Law, we would say yes, we should do it. So I commend the sponsor and I believe that this is a good bill for the time that we are in, and it's something that's long overdue and I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Wallace.

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

MS. PAULIN: Yes.

ACTING SPEAKER AUBRY: Ms. Paulin yields.

MS. WALLACE: So let me just understand, this bill, does it only apply for this current election cycle?

MS. PAULIN: No.

MS. WALLACE: And does it only apply for State offices?

MS. PAULIN: No.

MS. WALLACE: So this bill applies for this current election cycle and for future election cycles, and it applies for State positions, local positions, and Federal positions, correct?

MS. PAULIN: Yes.

MS. WALLACE: Thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, Ms. Wallace.

MS. WALLACE: This legislation is about good government, which is why it is supported by good government groups. Most New Yorkers are shocked to hear that someone who has been indicted can't get off the ballot even though that person no longer wants to or intends to run for office. This legislation would allow someone who is accused of a crime to voluntarily remove themselves from the ballot as a result of those criminal charges.

In this situation, we have a candidate who has been indicted, has since resigned and has no intention of seeking reelection, but because of the arcane Election Law rules that we have, he cannot get off the ballot. This is a clear disservice to the voters and an impediment to holding corrupt politicians accountable.

Some of our colleagues have argued that this bill is just targeting one person. I disagree. The bill applies to the current situation, sure, but it also applies to any situation that might arise in the future, and anywhere on the ballot. It could be a State office, it could be a county office, it could be a town office, or it could be a Federal office. And sadly, having indicted individuals run for office despite wanting to get off the ballot is a bipartisan problem. Neither party has the moral high ground on this issue, and I know one of our colleagues said earlier 50 people have left in disgrace since 2003. That's shameful, that's horrible, but if memory serves me correct it's -- it wasn't just from one party; in fact, if I remember correctly, the

Minority Leader of this House was also one of those people.

And voters in Western New York remember not too long ago that Chris Collins was a sitting Congressman running for reelection when he was indicted on an insider trading scheme that happened on the front lawn of the White House. And yet because of our flawed, arcane Election Laws, Collins was able to -- wasn't able to remove his name. So despite efforts by not only him, but folks from his party who were, as was referred to earlier, trying to move him to another position on the ballot for another position that he had no intention to run for because that's the way our laws work but, in fact, it was only because Chris Collins' lawyers told him that doing that would put him in further legal jeopardy that he and his party abandoned that scheme. And what happened? Chris Collins got reelected, a sitting Congressman who had been stripped of his Committee assignments and basically abandoned his representation --

ACTING SPEAKER AUBRY: One minute. Mr. Lawler, why do you rise?

MS. WALLACE: -- of our community was reelected.

ACTING SPEAKER AUBRY: One minute, Ms. Wallace.

Yes, sir?

MR. LAWLER: Would you yield for a question?

MS. WALLACE: No.

ACTING SPEAKER AUBRY: It's a no I believe.

MR. LAWLER: Thank you.

MS. WALLACE: So let me go back. And what happened? Chris Collins, who was an indicted sitting Congressman who had been stripped of all his Committee assignments and had basically abandoned his representation of our community was reelected to his seat where he continued to collect a paycheck until he leveraged his position as a Congressman to get a better plea deal.

This bill would eliminate that situation, it would eliminate the current situation, and any future situations. I'd like to think that is the last time we're ever going to have an indicted person running for office, but if history serves - and I hope to God it is - but if history is any indicator, I think this might happen again. So this legislation will prevent anyone who might otherwise be reelected for an office that they don't want from using their position to then leverage a better plea deal, and it will prevent others from doing so. This is not about benefitting the Governor, it's about benefitting the voters in New York State now and in the future. I support this legislation and I urge my colleagues to vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Zebrowski.

MR. ZEBROWSKI: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. ZEBROWSKI: This is a pretty simple bill. It allows a person to get off the ballot if they're charged with a crime and

a few other things. I think it makes a lot of sense. Sitting here, I was struck because, you know, only in Albany can allowing a person to get off the ballot and, therefore, implying the way this would work and allowing another person to run for office, only in Albany would that somehow reduce the ability of the people of New York to elect somebody. We are giving the people of New York more choices.

Now, as the prior member mentioned, this has wide applicability. It's not just related to this situation with the Governor that you've heard here today, but could be used by anybody else. And for the life of me, I can't really understand why we would allow somebody who was in a legal predicament, had been charged or convicted, wants to get off the ballot, why we would make them stay on the ballot, unless of course you're a member of the opposite party. I get it. I get it. This is an election year and folks in one party would no doubt love to run and mail out 8x10 glossies with the fact that one person in the other party is indicted, but that's not good for the voters, Mr. Speaker. The voters deserve as many choices as possible. And I think if you apply this law, which has brought applicability to the current situation as we heard in the debate today, sure. Sure. There will be another candidate for Lieutenant Governor on the ballot.

Now, as is actually playing out out there in most races, the Lieutenant Governor candidates have attached themselves, if you will, to a gubernatorial candidate. I actually am one to think that this entire process is insane, the fact that the Lieutenant Governor, which beyond presiding over the Senate, the entire role is to work

with the Governor and do the things that the Governor, the current Governor tells them to do or tasks them to do, or takes over for the Governor in a situation where the Governor dies, resigns or whatever, but why they would be elected separately is beyond me. But that's the current situation, but as it plays out in elections is they tend to attach themselves.

So I get it. If you're a member of the other side of the aisle, you want Mr. Benjamin on the ballot. Probably had ads already keyed up. But that's not good for Democracy and that's not good for the voters of New York. And I also get it. If you're a current Lieutenant Governor candidate, oh, you're not -- you do not want another candidate on the ballot, you don't want New Yorkers to have another choice because you want to get elected. That's essentially -- or if you support one of those candidates, you want them to get elected. But that's not good for the voters.

This is getting way too complicated on the floor here. Should we allow somebody that's been indicted to stay on the ballot even if they want to get off the ballot, right, because we're not forcing the person. Certainly Mr. Benjamin or anybody else has the right to stay on the ballot, has the right to defend themselves in court and has the right to stay a candidate, but if they don't want to, perhaps it's a distraction for them, perhaps they want to focus on what's going on in the criminal justice and the legal system. If they want to get off, should they be able to or should New Yorkers have to have that person on the ballot. Of course I think we should allow that person to

get off the ballot. And then should there be a mechanism by which another candidate can be selected? I don't see how preventing New Yorkers from having another choice is good government, good politics or good for Democracy, I just don't.

So while we're on the floor today, I think there's a lot of back and forth, and it all is -- it all has a political bend to it in one way or the other. And look, I also know that we came out of a budget cycle and some folks didn't like certain things the Governor pushed for in the budget cycle. Mr. Speaker, that is what the separation of power is about. The Governor is going to be a Governor. The Legislature is going to be a legislature, and in my years here in the Assembly, depending upon who the Governor is sometimes I agree with them and when I agree with them, I am more than happy when they are pushing their issues as hard as possible. And when I don't agree with them, they drive me up a wall when they're attempting to use the powers of their branch of government. But that shouldn't be the reason why we make decisions on here on what's best for the electorate. And what I think is best for the electorate is to have choices, not to have a person who is indicted who doesn't want to run for office have to be on the ballot, and not to have voters have to vote for if we're just going to look at, because a lot of the debate has been around the gubernatorial race, and we're just going to look at the Governor's race, not to have Democratic voters have to choose the Lieutenant Governor candidate of two of the other primary challengers. If it's going to play out that way -- now, Mr. Benjamin

came through the party process at convention, those are the rules. If the rules were that everybody had to get petitions, well then everybody would have had to get petitions, but those are the rules. I believe they're the rules in both parties. So those are the rules.

So let's give those Democratic voters the opportunity to choose any of the candidates if they want someone who is different, because that's our crazy system, or if they're going to follow what seems to be happening where a Governor -- a gubernatorial candidate is running with a Lieutenant Governor candidate, then let's have three. Let's have three, because it just doesn't make any sense. I think this is a pretty simple bill. I thank the sponsoring for putting it forward. I think it's great policy for this year, I think it's great policy for all years, and I think at the end of the day giving voters more choices is good government and good politics, and good for Democracy. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Lavine.

MR. LAVINE: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. LAVINE: So some of you may say Charles D. Lavine, what upsets you about having someone indicted on a ballot? What concerns you? What could possibly concern you about having someone indicted possibly elected to Statewide office? After all, you're from Nassau County, and in Nassau County we have a long, a

rich, and a very proud history of having indicted and convicted public officials. Except that it's not a proud history, it's a shameful history. And while I hear today from both sides of the aisle, and maybe that's good, maybe that's good, maybe it's not good, is an effort to shame the Governor, to shame Kathy Hochul. There is absolutely no way that the State Police could have known that Brian Benjamin was going to be indicted, absolutely no way. The U.S. Attorneys Offices, the Federal investigative authorities do not disclose that kind of information, every one of us knows that.

But be that as it may, I'm not really worried about Kathy Hochul. Kathy Hochul -- Governor Hochul has a long, long career, a political career. I'm not worried about her in the least. She has always had the ability, and maybe this is what upsets some people, to be able to punch above her weight. So the effort to punish her is utterly, utterly misguided. And punching above her weight is a reference to the sweet science that's part of the parlance of boxing, punching above her weight. So I'm not concerned about her, and I'm not concerned about the efforts to try to shame her, because who is going to be prejudiced here? Who is going to suffer an impairment of legal position? Hochul will be fine. It is the people of the State of New York. It is the process of Democracy which will be held up to national ridicule, and you've gotten a little sense of what that's going to look like from the course of this debate by the fact that New York, one of the most complex and sophisticated states in the United States of America is running someone for office who is under indictment.

No, that's not going to work.

So I want to simply say to my colleagues who will vote against this, failure to act today is a failure to fight for and uphold Democracy, the Democratic process. It elevates form over substance which, if anything, gets citizens angry and should get citizens angry. So I want to say this. I know pretty much how everybody's going to vote here, but I'm going to offer my colleagues across the aisle my promise, my solemn assurance, if ever I am a member of this Body and the shoe is on the other foot, I will vote to support legislation to get your indicted, your indicted Statewide officer or anybody else off the ballot. And if anybody's watching and wants to know why I'm laughing, it's because my friend and colleague on the other side of the aisle has just taken his shoe off and showed me his shoe with reference to the shoe being on the other foot. So you have my solemn assurance. I shouldn't be laughing during the course of this -- of this discussion, because it is serious, it's serious for Democracy.

And finally, finally, to my colleagues who are so upset about a legislature taking action in the midst of a crisis, I want to offer a quote and I ask you, is this quote from some radical? Is this a quote from Bill Kunstler or Thomas Payne? And this is the quote: *Being at the mercy -- being at the mercy of legislative majorities is another way of describing the basic American plan, Representative Democracy.* No it wasn't Bill Kunstler, it wasn't Tom Payne, it was Robert Bork's quote, and it's true and it's about time we stand up and fight for Democracy. Thank you very much.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. WALSH: So I wasn't planning on speaking today; many of my colleagues have really given -- expressed my sentiments I think pretty well. But there were a couple of comments that were made that I guess, for a lack of a better phrase, kind of got my goat. You know, I'm a pretty reasonable person. I think that, you know, I try to adopt a pretty even tone in the Chamber, but the way that I was raised is you've got to call things the way -- the way that they are, not maybe the way that you wish them to be. And I completely understand that different people have different perspectives, but I do not agree with any idea that this bill represents good government. If it did represent good government, then the amendment that was proposed to make it effective January 1st next year, I would happily vote for it at that point.

But let's really be real here. I mean, this bill is being offered today on an extremely expedited basis as a Governor's program bill for a very political reason. So let's not scrub it up and call it good government. This is politics, this is absolutely politics. One of my previous colleagues -- previous speakers said that in his opinion, Kathy Hochul was going to be just fine. Well, somebody needs to tell the Siena poll that because that doesn't seem to be the

case. And we know, and some of us on our side of the aisle take great solace in the idea that once every 20 or so years even with tremendous disadvantage in enrollment in this State, the Republicans can get a Republican Governor elected. And I think that there's a real concern with the missteps being made by *this most transparent new day is dawning, I'm going to be the most ethical Governor that you've ever seen*, we're seeing a lot of missteps being made.

And this Body, I'm surprised you aren't all bowed over from carrying the water that you're being asked to carry. Straighten up and see it for what it is, this is politics, absolutely pure and simple. You know, there were a lot of political -- or a lot of sports analogies that were made. I'm not a big sports person, I learned a little bit about football during the whole budget process with the Bills, but I am learning how to golf so the thing that struck me about this was that this is kind of like a mulligan, right? This is, you know, you know about mulligans in golf and everyone kind of winks about them, and, you know, you play a -- you play a tournament and you can buy them, you can buy mulligans so that when you shank the ball, you can use a mulligan and you can drop the ball and you can hit it again, get another chance to hit the ball.

So I, you know, I see this more as a mulligan, but it's a lot less friendly and amusing than that. I think that the way that our government is run should be run a little bit better than a golf tournament. I honestly think it's disgraceful and I think that I do disagree, though, with some members who have said that the only

individual who benefits from this bill passing is Governor Hochul. I definitely think that she's -- she's the one that benefits the most to try to clean up a misjudgment that she made, but I also think that any other member in the Senate or Assembly with a primary benefits from this bill, because they don't want to have their names next to a disgraced former Lieutenant Governor on that ballot when somebody goes in to vote. They don't want to be sullied by having Brian Benjamin's name on the ballot next to theirs at a primary.

So elections do have consequences. This is definitely an attempt to control some bad consequences that came from having Brian Benjamin selected, and I think that, you know, my political judgment hasn't always been 100 percent, shall we say. I'm not always exactly on point. I thought that there was no way that the Buffalo Bills thing would be put into the budget, no way, it would not happen. You know, when the previous speaker talked a little bit about a Federal issue I, you know, when the idea of like packing the Supreme Court came up, oh absolutely not, that would never happen, that would -- no one would stand for that.

So you know, I don't know. I'm not always right on the politics, I guess, but even I'm a little bit surprised at the attempt to take something that is so obviously and completely political and try to scrub it up and call it good government and that it's good for the voters, that's why I just got enough of my Irish up, shall we say, and I just needed to stand up and talk a little bit about that. Obviously, I will not be supporting this and, Mr. Speaker, thank you for the

opportunity.

ACTING SPEAKER AUBRY: Thank you.

Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. WALCZYK: So we have a -- we have a two-party system in the State of New York and people have been frustrated by two-party systems for a long time and the United States founders had a lot of discussions about the merits of tyranny of majority, I have talked about it on this floor a number of times. It's easy to be critical of a two-party system, but if voters are thinking about one thing that's really handy about a two-party system it's that you have a party function of vetting candidates before they run against the opposition party for office. That would be one good thing I think most voters when they show up in the General Election would say because you're not voting on 50 candidates that you have to research for Governor or Lieutenant Governor of the State of New York. By that time, it's narrowed down to two. So the voters have a selection of one or the other, it's pretty easy to see them debate on a stage, it's pretty easy to see the issues and how they compare and contrast.

So we have this two-party system and we have rules that govern it in the State of New York, one of the rules we're looking to change today I guess with this bill. But one thing that is nice about the two-party system is that parties can vet their candidates, and if

they haven't figured out who they want to get behind, well, in this case they can have a party primary. Currently in the State of New York, there's a Republican primary for Governor and Lieutenant Governor, there's a Democratic primary for Governor and for Lieutenant Governor. And both parties, while they may have not all gotten behind one candidate or the other, both parties follow the same rules of the State of New York and put forth primaries.

Now, these candidates of those parties narrowed the choices down to a few, right, the Republicans did and so did the Democrats. And these candidates that have moved forward in the process, they have done their party vetting. They have done the petitioning required by the State of New York to get on the ballot. They have actually signed their acceptances saying, you know, I accept the party's nomination and we have done all of our petitions correctly, and they have qualified to be on the ballot as a Republican running for Governor or Lieutenant Governor, as a Democrat running for Lieutenant Governor or for Governor. There are three candidates on the Democratic line currently for Lieutenant Governor of the State of New York, one got arrested and resigned from the Office of Lieutenant Governor, you probably know that, Mr. Speaker. Two haven't been arrested so far and haven't resigned, at least the last time I checked Twitter, haven't resigned from any office as far as I know right now.

So what's being brought forward here today with this bill? Well, it didn't work. The preferential candidate for the

Democratic Party for Lieutenant Governor, it didn't work out for him. Oh shoot, the top of our ticket when the fix was in within our own party for who we preferred in a Democracy within our own party. So on June 28th, Democrat voters, there's no bipartisanship here, there's only partisanship. There's only one party showing up to vote in the Democratic primary for Governor and for Lieutenant Governor, that's Democrats. And when they show up to the polls on June 28th, currently before this gets signed into law, they have three options for Governor and three options for Lieutenant Governor. Now, I can see why the party would be upset with that, because something went wrong back in step number one in the vetting process of one of these candidates, and that candidate unfortunately got arrested and had to resign from office and for your party I say unfortunately, that stinks, but those are the rules. Those are the rules that govern everybody. So it's odd to me -- now look, the fix is not in all the way to the General Election, you still have the opportunity as Democrat voters to go out there and select a different Lieutenant Governor on June 28th in your party primary.

So what on Earth are we doing in the State House talking about partisan politics today? The fix is in. What on Earth are we doing talking about scooting in a new candidate on the Democratic primary because oops, arrest and corruption and the top of our ticket when the fix was already in for our own party primary. And it comes in with a Message of Necessity from the Governor? No. No, not for me. That's right, Mr. Speaker, I said no -- and, well, you already

know how I'm going to vote on this thing, but before I conclude my comments, I want to -- I want to -- and I butchered this quote the other night when I used it and that was before this came up, but I want to get it absolutely right today because the 16th President of the United States said, *Elections belong to the people. It's their decision. If they decide to turn their back on the fire and burn their behinds, then they will just have to sit on their blisters.* That doesn't mean if you screwed up in your own party process and bring it into the State House and change the rules for everybody, not for this election, not in perpetuity. If you screw it up as Democrat party members in your own processes, then you sit on the blisters of Brian Benjamin and you deal with the consequences. Mr. Speaker, I'll be voting no.

ACTING SPEAKER AUBRY: Ms. Giglio.

MS. GIGLIO: Thank you, Mr. Speaker. So here we are, May 2nd, Assembly Bill No. 10135, that seems like an awful lot to me. Seems we get more and more bills as there are more and more mistakes with one-party rules, just fix it with a bill, it'll pass. You know, the voters voted no on the Constitutional amendment for absentee ballots, to get an absentee ballot without reason. How did we fix it? We adopted a bill that said you can vote with an absentee ballot without a reason. We adopted a bill to pay postage for the return of absentee ballots, those same absentee ballots that the voters voted no for in the Constitutional amendment. We -- we voted on a bill to allow voting on college campuses from people outside of college campuses without a vaccination card or ID. But meanwhile if

you're going to school, you have to have a vaccination card and an ID, but if you want to go on the campus and you're not vaccinated or, you know, have a photo ID, you can go on the campus and vote.

But back to the bill, Mr. Speaker. To be honest, I wouldn't want this person's name on the ballot next to mine either. He resigned from his position because of an accusation, an accusation. All I hear all day long in this Chamber is you're innocent until proven guilty, and everybody deserves a fair trial, and everybody deserves a second chance, but it doesn't seem to go that way when the odds are stacked against you.

You know, this happened to a political candidate on Long Island, and after a long trial and her name coming off the ballot and, you know -- or actually she was on the ballot and she lost the election, which is what should happen here, it turned out that she was innocent and she ruined her political career and it ruined her reputation. And this is a condemnation of Mr. Benjamin by all of his Democratic colleagues.

As my colleague said, we need separation of powers; I couldn't agree more. You know, how about the Governor giving the Department of Health jurisdiction and emergency powers over mask mandates, and over nursing homes visitations, and many other things. Instead of the Legislative body giving the Governor the powers during an emergency, the Governor gave the power to the Department of Health. What about separation of powers there?

You know, another statement was made about how

mail pieces would go with Mr. Benjamin's picture on it. You know what, that's not the mail piece anymore. The voters out there are disenfranchised, they see right through everything that is happening in Albany, and they're going to vote because they know that the wool is constantly trying to be pulled over their eyes, but they're smarter than that this year. The mail pieces are going to be about the cover-ups, the cover-ups of this Body and of the Senate body and of the Governor, that's what the mail pieces are going to be about.

So you know, and I'm glad that my colleague over here said that it'll be -- you know, it's not about the police, it's not about the police or the District Attorneys revealing information about, you know, Mr. Benjamin or any accusations or any investigations that they're doing, it's not about the police so I'm glad that you said that, because I appreciate that and I'm sure that they do, too. You know, everybody is just trying to do their jobs, everybody's trying to do the best that they can, but this is just changing the rules in the middle of the game, it's been said before many times today, just to serve one person, and that's the Governor. You have two other formidable candidates on the ballot. So it's not that the voters don't have a choice, it's that a mistake was made and you fixed it with a bill. What about the other bill? You know, I forgot to sign my acceptance later and I have been, you know, voted in as District Attorney? That's okay, we'll just change the law. You can sign the acceptance certificate whenever you want. But we just change bills to accommodate and the voters see right through it and that is going to be the subject of this coming

election.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Cahill.

MR. CAHILL: Thank you, Mr. Speaker. A quick question for the sponsor, and not the one I said I wouldn't ask you.

ACTING SPEAKER AUBRY: Ms. Paulin?

MR. CAHILL: Ms. Paulin, if this bill passes and if Mr. Benjamin comes off the ballot, what is the process that would be -- that would have to be undertaken in order to fill that vacancy should the appropriate parties determine that that's what they want to do?

MS. PAULIN: So the process would be within four days the Committee on Vacancies would have to submit a name to the State Board which, in turn, would certify that name to the local Boards.

MR. CAHILL: So the State Committee makes the choice?

MS. PAULIN: The Committee on Vacancies for the State Committee.

MR. CAHILL: The Committee on Vacancies for the State Committee.

MS. PAULIN: Just similarly to the way we have a Committee on Vacancies.

MR. CAHILL: Got it. That's not the Governor.

MS. PAULIN: No.

MR. CAHILL: Thank you. Thank you, Ms. Paulin.

Mr. Speaker, we heard here today discussions of this bill in the context of redistricting, that the courts threw out, redistricting that many members of this Body, including several from the other side of the aisle told me they thought were great lines. We heard today a discussion about numerous times when people have been disciplined, maybe arrested, maybe charged with something. But this bill doesn't have anything to do with the Majority Leader of the Senate and his son who set up a corrupt enterprise to enrich themselves at the public's expense. This bill doesn't have anything to do with a member of this Body who stalked a woman, broke into her house and violated her privacy, a member from Upstate New York from the Central or Western part of this State where there are very few Democrats. This bill doesn't have anything to do with a young woman who made a mistake in judgment and entered into a relationship with a member of her staff that went South on her that resulted in a disciplinary action against her. And this bill certainly doesn't have anything to do with other matters that came before us that have people making ad hominem attacks on what we do here for a living.

But there is this tendency, especially today, especially in the age of Fox News to conflate and put things together that don't belong together and that's how you make a point, because truth somehow or another no longer matters. All that matters is whether you can make a good argument. Well, that's not the Legislature that I know, nor is it the Legislature we should have. Our discussion should

be about the merits or the lack of merits of a specific piece of legislation. You know what I didn't hear today? I didn't hear a single person stand up and say this is how they do it in other states. I didn't hear a single person stand up and say I have a better idea of how you get someone who was accused of a crime, felony or misdemeanor, off the ballot if they want to get off the ballot so that the voters are not forced to consider that person in an election. All I heard was ad hominem attacks against the Capitol, against this nameless, faceless Albany, and Albany that many people come here and embrace, and then in their rhetoric and go back to their districts, bash. They want to participate in all the things that help them, they want to get all the largess of this place and then they want to go back and pretend, pretend that they are outsiders.

Guess why I'm voting for this bill? Not because of you, you, you, or somebody on the Second Floor, I'm voting for this bill because my constituents came to me and they said, *Are you kidding me? You can't get off the ballot if you have been charged with a felony? That's insane. Change that now, immediately.* And that's all we're doing here today. The Governor's not going to pick who the candidate is, let's hope she has a great deal of influence who the Committee on Vacancy chooses because that's the way it should be if a vacancy occurs, if the candidate that is on the ballot now chooses to get off the ballot. Let's hope that the Governor has something to say. But in the law is a check that says that candidate doesn't get to make this choice, that a committee gets to make this

choice based upon the recommendations of a larger representative Body, a Body of people that are also elected in the State of New York, the New York State Democratic Committee.

So let's leave our rhetoric home for 20 minutes, one day, one bill, and let's argue something on the merits of that legislation. And in this case, let's do what my commonsense constituents have said to me and, by the way, not just Democrats; in fact, mostly not Democrats. Let's do what my commonsense constituents said to do and fix this and fix this now.

ACTING SPEAKER AUBRY: Thank you.

Ladies and gentlemen in the rear, ladies and gentlemen in the rear, appreciate it if you would un-gather and be a little quiet. Thank you. They were quiet when you guys talked, you should be quiet when they talk.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

On the bill, please.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MANKTELOW: I think one of my colleagues said just a little while ago here from our side of the aisle, she wasn't prepared to speak, and I wasn't going to speak on this bill either, but I have sat here for the last how many minutes and heard from both sides, right or wrong, the previous speaker just talked about, you know, let's look at it for what it is, let's get rid of the rhetoric, let's get rid of Fox News. So let's do this, let's clear this Chamber out. I've

had the fortune of being a father and a stepfather and having the opportunity to raise five children. Our last one who is a stepson, Noah. He comes home all the time from school talking about politics and what's right and what's wrong.

So let's do this, let's clear this Chamber out of here. Let's get rid of the politics and let's fill every single one of these seats with an 8th grader, no party, no name, no he, no she, 150 8th graders. And at the same time, let's take three of their classmates and put them up front. They are going to be the President of the Class of 2000 whatever it is. And at the same time, they also put up three Vice Presidents for the Class of 2030. So they're getting ready to take a vote, mind you there's no political party in this 8th grade, these are all friends, people from different part of one community. So they're getting ready to vote, they get to ask a few questions of the six candidates. You have the three presidents that are running, you have the three vice presidents that are running. They ask their -- they asked all the questions, and come to find out the President from the 7th grade class who is running for reelection has that same running mate, the Vice President from the previous 7th grade class. And by the way, something comes up. That individual has some issues, we'll go with something we talked about last week, some bullying issues. That individual is a bully.

So now the President of that group says, *Man, I got a Vice President that's a bully and we're getting ready to vote, what am I going to do to better myself?* There's only one thing that president

can do, let me see if I can get rid of that vice president before we take the vote, because this is this clear. There's no -- there's no gray area here, it's either black or white. And if we take the simplicity of an 8th grader and apply it to the situation here, if we leave that individual on the ballot, that vice president with that president, there's a pretty good chance that these 150 8th graders probably won't vote for that group, they're probably going to pick one of the other two groups. And I know here in State of New York State that it's a little different for Governor and Lieutenant Governor.

This is what it's about. This isn't about politics, this isn't about what we're doing here in the Chamber, this is about what these 8th graders would know and what they know is right and wrong. We can sit here and make our own points all day long, but out of the mouth of the babes come the truth. And I remember the show, *Kids Say the Darndest Things*, but they say it for what it is. We can sit here and smudge it and massage it and make it look like a golden lamp, but we know what it is.

So just think about that. We are setting our children, those 8th graders, Mr. Speaker, up for failure. They're going to look at this some day and say what? What on Earth did the New York State Legislature do on this day, May 2nd, 2022 to change this when they know, they know today that if they had to take our vote here, they wouldn't support that candidate and that vice president in that particular case. We all know that, and this is what this is all about.

So let's leave the six of them in place, let it fall where

it may and let the true voters decide, not we as legislators. And as some of my colleagues said, if we want to change the rules, we can change it for next year, absolutely, but today we're here to vote on those six candidates up there, and I know that these 8th graders, these 150 8th graders could do the right thing, we can do the right thing here. We all know what this is.

So Mr. Speaker, I will be voting no not because of what I heard here on the floor, but because of what I think about those 8th graders and what they would do, they would do the right thing. So thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Gandolfo.

MR. GANDOLFO: Thank you, Mr. Speaker.

On the bill, please.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GANDOLFO: I just want to start today, I do take a little bit of an issue with one of our colleagues saying that no one had stood up to say we have better idea. Our Conference proposed two amendments to this bill which would have actually made it a good government bill by having it take place next year, take effect next year instead of in the middle of an election, but instead it was voted down and we have now a situation where we are changing the rules in the middle of an election to benefit one person specifically and one party.

Now, I don't know how you get to a point where

you're saying changing the rules mid-election to benefit one person and the Democratic Party is good for Democracy, I don't have the mental gymnastics to get there or the poker face to say it with a straight face and expect people to believe it, it just seems a little insane to me, Mr. Speaker. So I will not be voting for this bill and I would urge my colleagues to do the right thing for good government and say no to changing the rules right now.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Walker.

MS. WALKER: Thank you, Mr. Speaker. So as most people know, I'm a staunch advocate for the rights of those who are accused, and I believe that people should be presumed innocent until proven guilty. But I also believe in the fact that the people of the State of New York have a right to vote for an elected official that is not embattled or incumbered by a criminal prosecution in or being under indictment. And one of the things that I appreciate about this bill is that it doesn't require that someone give up, gives up pre-conviction their right to run for office, but it allows them the opportunity to create or continue a semblance of public confidence and integrity within our elected process.

There are a number of individuals who have had this fate be before them, including my own predecessor. There was a situation where there was an indictment and although there was an acquittal that resulted in that, he remained on the ballot, he was supported by a number of groups in their endorsement processes, he

was also even reelected. Then there was another subsequent case that led to eventually him being convicted and the seat being opened, and I ran for that office. And I remember just how difficult it was to restore confidence and public trust in the people because of all of the circumstances that were surrounding an election.

And so no, this may not be a comfortable experience for us to be embarking on in terms of this change, but is it long overdue? Absolutely. Have there been years and years of experiences where this has come before? Yes, even Aaron Burr, and I believe the year was 1804.

So yes, in 2022 under this circumstance, under these -- this fact pattern, we are presented with this decision to be made today. And one of the things as I mentioned, I am reading or rereading *The Art of War*, and one of the things that I have learned about, in Chinese there are no specialists in Chinese or any other language for that matter. I did learn, though, that the word for *crisis* is also included -- included in the word for crisis is the word for opportunity. And so while we have seen this crisis come before us again and again and again, and to be able to have this conversation over and over and over again ad nauseam, I think that the opportunity is right, I think that we have enough of a progressive State and a progressive Legislature in order to move this bill through this House at this time. Even if you don't believe it's the right thing to do in this moment, recognize that this is a right that will undo a number of wrongs that people have felt for many, many, many, many years.

And I will be proud to vote in the affirmative on this particular piece of legislation. As the Chair of Election Law, I support elections that are transparent, that are accountable, and particularly ones that the voters can trust. And because of that, I vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Gallahan, excuse me.

MR. GALLAHAN: Thank you, Mr. Speaker. Will the sponsor yield for one question?

MS. PAULIN: Yes.

ACTING SPEAKER AUBRY: Ms. Paulin says she yields.

MR. GALLAHAN: Thank you. I'm wondering if this bill passes today and is signed into law and Mr. Benjamin decides he's not going to take his name off the ballot, is there any bill language that you're considering for the future to rectify that situation?

MS. PAULIN: You mean to require him? No.

MR. GALLAHAN: Thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GALLAHAN: My colleagues have mentioned previously today a couple times about the Buffalo Bills, and I would like to also touch base upon the Buffalo Bills and in Super Bowl XXV, a man named Scotty Norwood, everybody probably is familiar with him, they call him "Wide Right." So I'm curious, I don't know

why but I know that Bill Parcels didn't call a timeout just before Scotty was going to kick that field goal and say, *Let's move the goal post four feet to the right*, because the honesty and integrity of the game would be at stake. You don't change the rules of the game in the middle of the game.

It's very uncommon to change a rule in the middle of the game, and that's what we're attempting to do here today. If, in fact, any of these amendments, particularly one of them, would have passed, you would have had support for this today, you would have had support for this today. But we're not doing the right thing here, we're changing the rules in the middle of the game. So I will not be supporting this bill and I would hope that any of my colleagues with an ounce of ethics or integrity would do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: I'm not speaking on the bill, whether you're for Mr. Benjamin or against Mr. Benjamin. I mean, I don't really care if the Governor's Lieutenant Governor's candidate has been arrested for corruption or supported defund the police or, you know, was an architect of the bail reform. That -- that's not really where I want to talk about. What I want to focus on is what this bill sets in place for the process for everyone, whether you're Republican

or Democrat. And there's two parts to this bill. On its face the bill says that if you've been arrested or convicted after you've been nominated, then you can withdraw. And I tend to like that because it's a little bit charitable, you know? So then, you know, if you've done something really awkward maybe, inconvenient, embarrassing and criminal, this bill would allow you to resign so you don't have to read all those three-by-five cards or all those political brochures pointing out all your criminal behavior. That -- that can be embarrassing. But there's a second part of this bill as well which I find more troubling. And the second part of the bill says that if you've been arrested or convicted after you were nominated, then a handpicked committee can select your successor for the primary. Now, all your opponents in the primary, well, they had to circulate petitions and get thousands and thousands of people to sign on the petition. But, this bill says you can have a handpicked committee put somebody on the ballot for a Statewide office or for any local office, put someone on the ballot who never circulated a single petition. Who never stood in front of the party and got their endorsement. Never went to the caucus. And just days before the ballot is mailed out, a handpicked committee will select them. Now, in my case I had a committee to fill vacancies. I had three great people. If I didn't run, those three people would select my replacement. And in the case of a Lieutenant Governor, in this particular case it's seven people. It's not the party. It's not a new convention. It's not a new caucus. It's not a new petition. We talk about democracy, yet we're setting up a procedure where a handpicked

committee can put somebody on a Statewide ballot. That's not democracy, my friends. Now, we've seen this in other nations, right, where they were a group of politically powerful people will select the president to be on the national ballot. And surprise, there's no one running against them. Now, granted, that kind of process is very convenient. It's very fast and efficient. But it's hardly democratic under any scenario. Now, I could mention a few inside baseball comments, and I feel compelled to do so only so that my clock today doesn't repeat something that everyone else has said. We all know that sometimes the person whose name is on that petition that's circulated has absolutely no intention from day one of ever running for office. We've all seen that, haven't we? They call it a placeholder. And what happens is one of the parties doesn't have a decent candidate when they start circulating the petition, so they get one of the party faithful to agree to have their name on and the party faithful tells them right up front, *I am never running for that position*. Right? It's a fraud right from day one. And they work the system so they get all that petition time in to try to find an opponent. And then on the last day to decline the placeholder declines. And on the last day to fill the vacancy, that handpicked committee fills the vacancy. Yes, that happened to me. It's probably happened to many of you. This is the second time I'm running against somebody who never circulated a single petition. They were selected by the party faithful or least a small handpicked committee. Now by the way, when that committee fills the vacancy, some of you might say, *Oh, well that's cut and dry*.

No, it's not always cut and dry, it isn't. There's seven members on that committee in this case, there's three in my case. Sometimes they don't do it right. In my first election I actually challenged the action of a committee to fill vacancies and won in court. Affirmed on appeal. The candidate was thrown off. So what's this process do? They say you have five days to bring your lawsuit, challenge that committee to fill vacancies decision, get a court decision, have it affirmed on appeal in five days. Because if you don't do it in five days you run out of time under Federal law to get that absentee ballot out to the -- to the military voters. You know, we -- we look to our judiciaries for check and balance, don't we, to make sure the rules are followed. But when we set up a procedure that only gives you five days to do the entire judicial review, it's a mockery of that check and balance. And then think about this bill. What's the message it sends? It says if you've been arrested or convicted of a crime you can withdraw and have your handpicked committee select a successor. Now, if you have a stroke you can't resign. If you're in a serious car accident and you're disabled, you can't resign. If you're in a coma -- of course it would probably difficult to resign under that situation anyway since you wouldn't be competent to resign -- but the only way you can resign under this bill is if you've been accused or convicted of criminal conduct. So we say to the committee to fill vacancies, *Yeah, someone's who's not a criminal, they have to sign up and resign within four days. You're not a criminal, you've got four days. But if you are a criminal, why, you get an extra week. Two weeks, three weeks,*

almost a month. Now why do we, as the Legislature, want to pass legislation that says if the appointed placeholder happens to be a criminal you get an extra three or four weeks? That just doesn't make sense. So I don't have a problem letting the voters decide. We've had situations where a candidate ran who was under arrest. Mr. Collins was mentioned. An amazing thing, the voters said, *You know what? We support Mr. Collins more than his opponent.* I don't know what kind of statement that made about the opponent, but I can tell you it was a pretty strong endorsement of Mr. Collins. And how many of us the day after election look back and say, *I can't believe that person got -- got elected.* Hey, you know, that's the way the democratic process works, doesn't it? So under the current law can the Democrat voters select Mr. Benjamin and anyone else who's been arrested of a crime in the last few weeks? Certainly. And shouldn't they -- shouldn't they have that opportunity? I mean, isn't that their right to say, *Yes we want this criminal* or, *No, we don't?* And don't the voters always have the choice to write in a name (inaudible)? Oh, wait, that's too difficult, except that it just happened last year in the second largest city in the State of New York where the mayor won two-to-one on a write-in vote. And I'm not displaying -- dis -- discounting the difficulty of it. All I'm saying is, folks, we know the rules. We shouldn't make special rules to benefit people who have been arrested of a crime so they can step off from the ballot to avoid the embarrassment of having their criminal activity pointed out in thousands and thousands of ads. I understand that. By the way,

there's a lot of people who might want to step down from the ballot after they've been caught doing something that's immoral or unethical. Does this bill allow that? To have a Lieutenant Governor -- hypothetically, not for sure -- but -- or -- or in any way make a mistake. But if you have a major political candidate who is caught sleeping with somebody else's wife or engaging in sexual harassment or domestic violence or any number of noncriminal but entirely unfortunate and extraordinarily embarrassing activities, do we let them say then, *I don't want to see all those ads anymore?* No. So let's recognize what this really is. It's a process that says if a candidate is arrested for a crime, they withdraw and allow a handpicked committee to put somebody else up in their stead rather than just let the process work as it has for nearly 250 years.

Thank you, Mr. Speaker.

ACTING SPEAKER J.D. RIVERA: Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker. Would the sponsor please yield for a quick question?

ACTING SPEAKER J.D. RIVERA: Does the sponsor yield?

MS. PAULIN: Sure.

ACTING SPEAKER J.D. RIVERA: The sponsor yields.

MR. TAGUE: Is there anything in this bill for someone that, let's say they go through the process, they're taken off the ballot and then they're found -- finds out that they're innocent?

MS. PAULIN: Well, this is optional. You know, this is permissive. This is not -- this doesn't require the -- the candidate to withdraw his name or her name, so it's voluntary.

MR. TAGUE: So it's up to the candidate to remove their name?

MS. PAULIN: Yes.

MR. TAGUE: It's not the party?

MS. PAULIN: No.

MR. TAGUE: So only the candidate can remove their name.

MS. PAULIN: Yes.

MR. TAGUE: All right. Well, at this point Mr. Benjamin has not removed his name, correct?

MS. PAULIN: Well, he can't remove his name --

MR. TAGUE: That's right because it's under the law.

MS. PAULIN: Right. He would have to wait for this bill to pass and become law.

MR. TAGUE: Okay. I thank you. I just wanted to clarify that. Thank you very much.

MS. PAULIN: Thank you.

MR. TAGUE: Thank you, Mr. Speaker.

ACTING SPEAKER J.D. RIVERA: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I have listened intently. I have heard people accusing other

people of doing things intentionally to their benefit. I think that at the end of the day because there's a law in place that was over 200 years does not make it right. And it is time to change what I think is an antiquated law. People are arrested and charged with a crime who decide they want to move their name off of the ballot, they should be allowed to do that. It's just as simple as that. I've heard football analogies about a wide right. No one mentioned an inflated ball, but that happened, too, in football. And I think this is an argument today that we've heard for the last almost four hours that's been relatively inflated. To act as if there's some objective here to take somebody's rights. And this is not that. This is an opportunity to give voters more choice, and that's exactly what we're doing here. And so I really want to encourage my colleagues to be in support of this legislation because I believe that it is the right thing to do. And if, in fact, Mr. Speaker, as was quoted by former President Lincoln, that we somehow had made an error or that the voters have made an error and that we will be all blistered as a result of it, I think the folks will be looking for that blister on the other side because I think this is the right decision for us to be doing today.

(Pause)

ACTING SPEAKER AUBRY: On a motion by Ms. Paulin, 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: The Clerk will call the roll slowly.

Mr. Abbate.

Mr. Abinanti.

Mr. Anderson.

Mr. Angelino.

MR. ANGELINO: I vote no.

THE CLERK: Mr. Ashby.

Mr. Aubry.

MR. AUBRY: Yes.

THE CLERK: Yes.

Mr. Barclay.

MR. BARCLAY: No.

THE CLERK: Mr. Barclay, no.

Mr. Barnwell.

Mrs. Barrett.

Mr. Benedetto.

Ms. Bichotte Hermelyn.

Mr. Blankenbush.

MR. BLANKENBUSH: No.

THE CLERK: Mr. Blankenbush, no.

Mr. Brabenec.

Mr. Braunstein.

MR. BRAUNSTEIN: Yes.

THE CLERK: Yes.

Mr. Bronson.

Mr. Eric Brown.

MR. E. BROWN: I vote no.

THE CLERK: No.

Mr. Keith Brown.

Mr. Burdick.

Mr. Burgos.

Mr. Burke.

Ms. Buttenschon.

Mr. Byrne.

Ms. Byrnes.

Mr. Cahill.

MR. CAHILL: Yes.

THE CLERK: Mr. Cahill, yes.

Mr. Carroll.

MR. CARROLL: No.

THE CLERK: Mr. Carroll, no.

Ms. Clark.

Mr. Colton.

Mr. Conrad.

Mrs. Cook.

MR. CONRAD: Yes.

THE CLERK: Mr. Conrad, yes.

Mrs. Cook.

Ms. Cruz.

Mr. Cunningham.

MR. CUNNINGHAM: I am -- I'm now unmuted?

Mr. Cusick.

Mr. Cymbrowitz.

MR. CYMBROWITZ: Yes.

THE CLERK: Mr. Cymbrowitz, yes.

Ms. Darling.

Ms. Davila.

Mr. De Los Santos.

Mr. DeStefano.

MR. DESTEFANO: No.

THE CLERK: Mr. DeStefano, no.

Ms. Dickens.

Mr. Dilan.

MR. DILAN: Yes.

Mr. Dilan, yes.

Mr. Dinowitz.

MR. DINOWITZ: Yes.

THE CLERK: Mr. Dinowitz, yes.

Mr. DiPietro.

MR. DIPIETRO: No, ma'am.

THE CLERK: Mr. DiPietro, no.

Mr. Durso.

MR. DURSO: No.

THE CLERK: Mr. Durso, no.

MR. DURSO: I know, on the left?

(Laughter)

Mr. Eichenstein.

Mr. Englebright.

Mr. Epstein.

MR. EPSTEIN: No.

THE CLERK: Mr. Epstein, no.

Ms. Fahy.

MS. FAHY: Yes.

THE CLERK: Ms. Fahy, yes.

Mr. Fall.

Ms. Fernandez.

MS. FERNANDEZ: Yes.

THE CLERK: Ms. Fernandez, yes.

Mr. Fitzpatrick.

MR. FITZPATRICK: No.

THE CLERK: Mr. Fitzpatrick, no.

Ms. Forrest.

MS. FORREST: No.

THE CLERK: Ms. Forrest, no.

Mr. Friend.

MR. FRIEND: No.

THE CLERK: Mr. Friend, no.

Ms. Frontus.

MS. FRONTUS: No.

THE CLERK: Ms. Frontus, no.

Mrs. Galef.

Ms. Gallagher.

MS. GALLAGHER: No.

THE CLERK: Ms. Gallagher, no.

Mr. Gallahan.

MR. GALLAHAN: No.

THE CLERK: Mr. Gallahan, no.

Mr. Gandolfo.

MR. GANDOLFO: No.

THE CLERK: Mr. Gandolfo, no.

Mr. Gibbs.

MR. GIBBS: Yes.

THE CLERK: Mr. Gibbs, yes.

Mr. Giglio.

MR. GIGLIO: No.

THE CLERK: Mr. Giglio, no.

Ms. Giglio.

MS. GIGLIO: No.

THE CLERK: Ms. Giglio, no.

Ms. Glick.

MS. GLICK: To explain my vote.

ACTING SPEAKER AUBRY: To explain your
vote?

MS. GLICK: I would have preferred that this

measure deal with all kinds of crises that somebody might face. I believe we've made an adjustment in declining a nomination from a minor party, something that I went through and we discovered a problem and we fixed it. I think that we should fix all the problems that could present themselves, including some sort of personal crisis of any type. But I am amused by folks on the other side who have said that, you know, we don't want to defy the will of the people when their national leader of their party since 2020 has refused to accept the will of the people.

So I am happy to vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

THE CLERK: Ms. Glick, yes.

Ms. González-Rojas.

MS. GONZÁLEZ-ROJAS: To explain my vote.

ACTING SPEAKER AUBRY: To explain your vote.

MS. GONZÁLEZ-ROJAS: Thank you, Mr. Speaker.

The bill before us today is a result of only one thing: The desire of the Governor to change the rules and results of this election to benefit her agenda midway. It is disappointing. Our constituents trusted our State's leader to do her best to screen and vet the Lieutenant Governor who assumed tremendous responsibility. There are consequences to all choices. But I want to be clear about a few things. I do want our Executive to succeed in running our State. I do want voters to go to the ballot and see on their ballot the reality of their current

circumstances. And I want them to have real choices. And they do. Voters have two candidates that they can vote for for the Lieutenant Governor. Two candidates who did the hard work in garnering over 15,000 signatures across the State to secure their position on the ballot as per New York State Election Law. The decision should now solely lie with the voters. If we weren't currently in the middle of an election I would be voting in favor of this bill because we should remedy the flaws in our election process. But I support fair elections, and that is not what the outcome of this legislation will be.

While I commend the sponsor for her intent to fix the wrongs of an archaic Election Law, I cannot vote for this bill at this moment. So I vote no.

ACTING SPEAKER AUBRY: Ms. González-Rojas in the negative.

THE CLERK: Mr. Goodell.

MR. GOODELL: No.

THE CLERK: Mr. Goodell, no.

Mr. Gottfried.

MR. GOTTFRIED: Yes.

THE CLERK: Mr. Gottfried, yes.

Mrs. Griffin.

MRS. GRIFFIN: Yes.

THE CLERK: Mrs. Griffin, yes.

Mrs. Gunther.

MRS. GUNTHER: No.

THE CLERK: Mrs. Gunther, no.

Mr. Hawley.

MR. HAWLEY: Absolutely no.

THE CLERK: Mr. Hawley, no.

Mr. Hevesi.

Ms. Hunter.

MS. HUNTER: Yes.

THE CLERK: Ms. Hunter, yes.

Ms. Hyndman.

MS. HYNDMAN: Yes.

THE CLERK: Ms. Hyndman, yes.

Mr. Jacobson.

MR. JACOBSON: Yes.

THE CLERK: Mr. Jacobson, yes.

Ms. Jackson.

MS. JACKSON: Yes.

THE CLERK: Ms. Jackson, yes.

Ms. Jean-Pierre.

MS. JEAN-PIERRE: Yes.

THE CLERK: Ms. Jean-Pierre, yes.

Mr. Jensen.

MR. JENSEN: No.

THE CLERK: Mr. Jensen, no.

Mr. Jones.

Mr. JONES: Yes.

THE CLERK: Mr. Jones, yes.

Ms. Joyner.

Ms. Kelles.

MS. KELLES: Yes.

THE CLERK: Ms. Kelles, yes.

Mr. Kim.

MR. KIM: No.

THE CLERK: Mr. Kim, no.

Mr. Lalor.

MR. LALOR: No.

THE CLERK: Mr. Lalor, no.

Mr. Lavine.

MR. LAVINE: Yes.

THE CLERK: Mr. Lavine, yes.

Mr. Lawler.

MR. LAWLER: No.

THE CLERK: Mr. Lawler, no.

Mr. Lemondes.

MR. LEMONDES: No.

THE CLERK: Mr. Lemondes, no.

Ms. Lucas.

MS. LUCAS: Yes.

THE CLERK: Ms. Lucas, yes.

Ms. Lunsford.

MS. LUNSFORD: Yes.

THE CLERK: Ms. Lunsford, yes.

Ms. Lupardo.

MS. LUPARDO: Yes.

THE CLERK: Ms. Lupardo, yes.

Mr. Magnarelli.

MR. MAGNARELLI: Yes.

THE CLERK: Mr. Magnarelli, yes.

Mr. Manktelow.

Mr. McDonald.

MR. MCDONALD: Yes.

THE CLERK: Mr. McDonald, yes.

Mr. McDonough.

MR. MCDONOUGH: McDonough, no.

THE CLERK: Mr. McDonough, no.

Ms. McMahan.

MS. MCMAHON: Yes.

THE CLERK: Ms. McMahan, yes.

Mr. Meeks.

MR. MEEKS: Yes.

THE CLERK: Mr. Meeks, yes.

Mr. Mikulin.

MR. MIKULIN: No.

THE CLERK: Mr. Mikulin, no.

Mr. Miller.

MR. MILLER: No.

THE CLERK: Mr. Miller, no.

Ms. Mitaynes.

MS. MITAYNES: Mitaynes is a no.

THE CLERK: Ms. Mitaynes, no.

Mr. Montesano.

Mr. Morinello.

MR. MORINELLO: No.

THE CLERK: Mr. Morinello is a no.

MR. MONTESANO: Montesano is a no.

THE CLERK: Mr. Montesano is a no.

Ms. Niou.

MS. NIOU: No.

THE CLERK: Ms. Niou, no.

Ms. Nolan.

MS. NOLAN: Yes.

THE CLERK: Ms. Nolan, yes.

Mr. Norris.

MR. NORRIS: No.

THE CLERK: Mr. Norris, no.

Mr. O'Donnell.

Mr. Otis.

MR. OTIS: I vote yes.

THE CLERK: Mr. Otis, yes.

Mr. Palmesano.

MR. PALMESANO: No.

THE CLERK: Mr. Palmesano, no.

Ms. Paulin.

MS. PAULIN: Yes.

THE CLERK: Ms. Paulin, yes.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Yes.

THE CLERK: Mrs. Peoples-Stokes, yes.

Ms. Pheffer Amato.

MS. PHEFFER AMATO: Yes.

THE CLERK: Ms. Pheffer Amato, yes.

Mr. Pretlow.

MR. PRETLOW: Yes.

THE CLERK: Mr. Pretlow, yes.

Mr. Quart.

Mr. Ra.

MR. RA: No.

THE CLERK: Mr. Ra, no.

Ms. Rajkumar.

MS. RAJKUMAR: I vote yes.

THE CLERK: Ms. Rajkumar, yes.

Mr. Ramos.

Mr. Reilly.

MR. REILLY: No.

THE CLERK: Mr. Reilly, no.

Ms. Reyes.

Mr. Jonathan Rivera.

MR. JONATHAN RIVERA: Yes.

THE CLERK: Mr. Rivera, yes.

Mr. José Rivera.

(Pause)

Mr. José Rivera?

MR. JOSÉ RIVERA: Yes.

THE CLERK: Mr. José Rivera, yes.

Mr. Daniel Rosenthal.

MR. DANIEL ROSENTHAL: Yes.

THE CLERK: Mr. Rosenthal, yes.

Miss -- Ms. Rosenthal.

MS. ROSENTHAL: Yes.

THE CLERK: Ms. Rosenthal, yes.

Ms. Rozic.

MS. ROZIC: Yes.

THE CLERK: Ms. Rozic, yes.

Mr. Salka.

Mr. Santabarbara.

MR. SANTABARBARA: No.

THE CLERK: Mr. Santabarbara, no.

Mr. Sayegh.

MR. SAYEGH: Yes.

THE CLERK: Mr. Sayegh, yes.

Mr. Schmitt.

MR. SCHMITT: No.

THE CLERK: Mr. Schmitt, no.

Ms. Seawright.

MS. SEAWRIGHT: Yes.

THE CLERK: Ms. Seawright, yes.

(Pause)

MR. ABINANTI: This is Assemblyman Abinanti.

I'd like to vote in the affirmative.

MS. BYRNES: Assemblywoman Marge Byrnes wants to vote in the negative.

MRS. PEOPLES-STOKES: Mr. Speaker, if colleagues that are not in the Chambers could be patient. If your name was already called and you didn't respond, the Clerk will get back to you. In fact, if you are in the Capitol why don't you make your way over to the Chambers and you can vote?

ACTING SPEAKER AUBRY: Again, if you are in Albany in your offices you must come to the Chamber to vote even if you voted already by Zoom. We need you physically to come here and vote. Thank you.

You can continue with the roll call.

THE CLERK: Ms. Septimo.

Ms. Sillitti.

MS. SILLITTI: Yes.

THE CLERK: Ms. Sillitti, yes.

Ms. Simon.

MS. SIMON: Yes.

THE CLERK: Ms. Simon, yes.

Mr. Simpson.

Mr. Smith.

MR. SMITH: No.

THE CLERK: Mr. Smith, no.

Mr. Smullen.

MR. SMULLEN: I vote no.

THE CLERK: Mr. Smullen, no.

Ms. Solages.

MS. SOLAGES: I vote no.

THE CLERK: Ms. Solages, no.

Mr. Steck.

MR. STECK: Yes.

THE CLERK: Mr. Steck, yes.

Mr. Stern.

Mr. Stern?

MR. STERN: Yes.

THE CLERK: Mr. Stern, yes.

Mr. Stirpe.

MR. STIRPE: Yes.

THE CLERK: Mr. Stirpe, yes.

Mr. Tague.

MR. TAGUE: Madam Clerk, Chris Tague votes no.

THE CLERK: Mr. Tague, no.

(Pause)

Mr. Tannousis.

MR. TANNOUSIS: No.

THE CLERK: Mr. Tannousis, no.

Ms. Tapia.

MS. TAPIA: Yes.

THE CLERK: Ms. Tapia, yes.

Mr. Taylor.

Mr. Thiele.

MR. THIELE: Yes.

THE CLERK: Mr. Thiele, yes.

Mr. Vanel.

MR. VANEL: No.

THE CLERK: Mr. Vanel, no.

Mr. Walczyk.

MR. WALCZYK: No.

THE CLERK: Mr. Walczyk, no.

Ms. Walker.

MS. WALKER: Yes.

THE CLERK: Ms. Walker, yes.

Ms. Wallace.

MS. WALLACE: Yes.

THE CLERK: Ms. Wallace, yes.

Ms. Walsh.

MS. WALSH: Ms. Walsh, no.

THE CLERK: Ms. Walsh, no.

Ms. Weinstein.

MS. WEINSTEIN: Yes.

THE CLERK: Ms. Weinstein, yes.

Mr. Weprin.

MR. WEPRIN: Mr. Weprin, yes.

THE CLERK: Mr. Weprin, yes.

Mrs. Williams.

MRS. WILLIAMS: Yes.

Ms. Woerner.

MS. WOERNER: Yes.

THE CLERK: Ms. Woerner, yes.

Mr. Zebrowski.

MR. ZEBROWSKI: Yes.

THE CLERK: Mr. Zebrowski, yes.

Ms. Zinerman.

MS. ZINERMAN: I vote yes.

THE CLERK: Mr. Speaker.

Yes.

(Pause)

ACTING SPEAKER AUBRY: Members will take their seats and maintain some quiet. The Clerk will continue the roll call.

THE CLERK: Mr. Abbate.

MR. ABBATE: Yes.

THE CLERK: Mr. Abbate, yes.

Mr. Abinanti.

MR. ABINANTI: Aye.

THE CLERK: Mr. Abinanti, yes.

Mr. Anderson.

Mrs. Barrett.

MRS. BARRETT: Yes.

THE CLERK: Mrs. Barrett, yes.

Mr. Benedetto.

MR. BENEDETTO: Yes.

THE CLERK: Mr. Benedetto, yes.

Mr. Bronson.

MR. BRONSON: Yes.

THE CLERK: Mr. Bronson, yes.

Excuse me, Mr. Brabenec.

MR. BRABENEC: Mr. Speaker, I proudly vote in
(inaudible) process. I vote no.

THE CLERK: Mr. Brabenec, no.

Mr. Keith Brown.

Mr. Burdick.

MR. KEITH BROWN: Mr. Brown --
Assemblymember Keith Brown votes no.

THE CLERK: Mr. Brown, no.

Mr. Burdick.

MR. BURDICK: Yes.

THE CLERK: Mr. Burdick, yes.

Mr. Burgos.

MR. BURGOS: Yes.

THE CLERK: Mr. Burgos, yes.

Mr. Burke.

MR. BURKE: No.

THE CLERK: Mr. Burke, no.

Ms. Buttenschon.

MS. BUTTENSCHON: Buttenschon, no.

THE CLERK: Ms. Buttenschon, no.

Mr. Byrne.

MR. BYRNE: No.

THE CLERK: Mr. Byrne, no.

Ms. Byrnes.

MS. BYRNES: Absolutely no.

THE CLERK: Ms. Byrnes, no.

Ms. Clark.

MS. CLARK: Yes.

THE CLERK: Ms. Clark, yes.

Mr. Colton.

MR. COLTON: Yes.

THE CLERK: Mr. Colton, yes.

Mrs. Cook.

Ms. Cruz.

MS. CRUZ: Yes.

THE CLERK: Ms. Cruz, yes.

Mr. Cunningham.

MR. CUNNINGHAM: Yes.

THE CLERK: Mr. Cunningham, yes.

Mr. Cusick.

MR. CUSICK: Yes.

THE CLERK: Mr. Cusick, yes.

Ms. Darling.

MS. DARLING: Yes.

THE CLERK: Ms. Darling, yes.

Ms. Davila.

Mr. Del Los Santos.

MR. DEL LOS SANTOS: I vote si. Yes.

THE CLERK: Mr. Del Los Santos, yes.

Ms. Dickens.

Mr. Eichenstein.

MR. EICHENSTEIN: Yes.

THE CLERK: Mr. Eichenstein, yes.

Mr. Englebright.

MR. ENGLEBRIGHT: Yes.

THE CLERK: Mr. Englebright, yes.

Mrs. Galef.

MRS. GALEF: Yes.

THE CLERK: Mrs. Galef, yes.

Mr. Hevesi.

MR. HEVESI: Yes.

THE CLERK: Mr. Hevesi, yes.

Ms. Joyner.

Mr. Dinowitz.

MR. DINOWITZ: Yes.

THE CLERK: Mr. Dinowitz is a yes.

Mr. Manktelow.

MR. MANKTELOW: No.

THE CLERK: Mr. Manktelow, no.

Mr. O'Donnell.

MR. O'DONNELL: Danny O'Donnell here voting
yes.

THE CLERK: Mr. -- Mr. O'Donnell, yes? Yes.

Ms. Reyes.

Yes.

Mr. Salka.

MR. SALKA: I vote no.

THE CLERK: Mr. Salka, no.

Ms. Septimo.

MS. SEPTIMO: No.

THE CLERK: Ms. Septimo, no.

Mr. Simpson.

MR. SIMPSON: No.

THE CLERK: Mr. Simpson, no.

Mr. Taylor.

MR. TAYLOR: Yes.

THE CLERK: Mr. Taylor, yes.

Mrs. Williams.

MRS. WILLIAMS: Yes.

THE CLERK: Mrs. Williams, yes.

Ms. Bichotte Hermelyn.

MS. BICHOTTE HERMELYN: Yes.

THE CLERK: Ms. Bichotte Hermelyn, yes.

Mr. Ashby.

MR. ASHBY: No.

THE CLERK: Mr. Ashby, no.

Mr. Barnwell.

MR. BARNWELL: Yes.

THE CLERK: Mr. Barnwell, yes.

Ms. Dickens.

MS. DICKENS: Yes.

THE CLERK: Ms. Dickens, yes.

Mrs. Cook.

MRS. COOK: And unmute this damn thing.

(Laughter - applause)

Yes.

THE CLERK: Mrs. Cook is a yes.

(Laughter)

Ms. Joyner.

Mr. K. Lalor.

MR. LALOR: No.

Mr. Ramos.

Mr. Steck.

MR. STECK: Yes.

THE CLERK: Mr. Steck, yes.

Ms. Joyner.

MS. JOYNER: Yes.

THE CLERK: Ms. Joyner, yes.

(Pause)

Ms. Jean-Pierre.

MS. JEAN-PIERRE: Yes.

THE CLERK: Ms. Jean-Pierre is a yes.

(Pause)

Ms. Zinerman.

Ms. Zinerman?

THE CLERK: Ms. Zinerman is a yes.

(Pause)

ACTING SPEAKER AUBRY: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, do you have any further housekeeping or resolutions?

ACTING SPEAKER AUBRY: We certainly have a piece of housekeeping.

On a motion by Mr. Abinanti, page 38, Calendar No. 297, Bill No. 8486-A, I move the bill -- amend the bill by restoring it to its original number of 8486.

Numerous fine resolutions, we'll take up with one vote.

On the resolutions, all those in favor signify by saying aye; opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 791-797 were unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move that the Assembly stand adjourned until 1:30 p.m., Tuesday, May the 3rd, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 7:26 p.m., the Assembly stood adjourned until Tuesday, May 3rd at 1:30 p.m., that being a Session day.)