

TUESDAY, FEBRUARY 8, 2022

3:24 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

In the absence of clergy, let us pause for a moment of silence.

(Whereupon, a moment of silence was observed.)

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 Monday, February 8th [sic].

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to

dispense with the further reading of the Journal of Monday, February the 7th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir. Today I would like to start our process with a quote that comes from Mary McLeod Bethune. Miss Bethune was an American educator, a stateswoman, a philanthropic humanitarian and a civil rights activist. Her words for us today, *Education is the great American adventure, the world's most colossal democratic experiment*. Those words were very valid at the time it was said, they're very valid today, Mr. Speaker. As you know, we still have a little bit of work we have to do on that democratic experience so that we can demonstrate equity for all students.

So, colleagues, welcome to the Chambers. Today you should realize that you do have on your desk a main Calendar, and after housekeeping that's been completed we're going to take up the resolutions on page 3, by which some of our colleagues will be speaking on the resolution today. Then we will take up the following bills on consent: Calendar No. 129 and Calendar No. 131. They are both on page 23, Mr. Speaker. Then we're going to continue our consent on the main Calendar with Calendar No. 157 through Calendar No. 175, starting on page 27. At that point, Mr. Speaker, we're going have -- to go on debate and we're going to start with Rules

Report No. 46. It's on page 4 and it's by Ms. Walker.

That is a general outline. Colleagues should also know that there will definitely be a need for a Majority conference immediately following the close of Session today. And as we always do, we'll consult with our colleagues to determine what their needs may be as well. Mr. Speaker, that's generally where we're going today. If you have housekeeping, now would be a great time.

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes. We do have a bit of housekeeping.

At the request of Ms. Richardson, Calendar No. 124, Bill No. 3366-B is recommitted to the Committee on Corrections.

Also at the request of Ms. Richardson, Calendar No. 166, Bill No. 5264-C is recommitted to the Committee on Codes.

And Ms. Richardson completes with Calendar No. 283, Bill No. 7957 and is recommitted to the Committee on Codes.

Page 3, Assembly 54 -- 541, the Clerk will read.

THE CLERK: Assembly No. 541, Mr. Cusick.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim February 2022 as Teen Dating Violence Awareness and Prevention 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 No. 542, Mr. DeStefano.
Legislative Resolution memorializing Governor

Kathy Hochul to proclaim February 2022 as Library Lover's Month in the State of New York.

ACTING SPEAKER AUBRY: Mr. DeStefano on the resolution.

MR. DESTEFANO: Thank you, Mr. Speaker, for the opportunity to speak on this resolution. As we've done in the past, Library Lover's Month is a celebration dedicated to everyday people. In libraries you can discover amazing adventures, enjoy music and art, culture and history. You might find -- find out something about yourself. Libraries are often seen as a thing of the past. However, they are more important today than ever before. This is because libraries are one of the most important resources our community has. Libraries are free and they offer a variety of resources that are accessible to everyone. Libraries provide a sense of community. They're a place where people can meet friends, study for exams or just relax. In today's society it is more important than ever to have places where people can come together and connect. Libraries are most important for education. Most libraries offer free classes like everything from computer skills to cooking. There are also extensive collections of books, movies and music that you can borrow for free. Libraries hope -- libraries help promote literacy. According to the National Institute of Literacy, 32 million adults in the United States cannot read well enough to do everyday tasks like reading, medication labels or filling out job applications. Libraries offer resources like tutoring programs and early childhood literacy activities that help

promote literacy and encourage people to read for pleasure. Libraries offer a safe place for kids. According to the American Library Association, public libraries are one of the few places where kids can go without an adult. In addition, there are activities and programs specifically designed for children. And most libraries have a zero tolerance for bullying and harassment. Libraries are homes to some of the world oldest manuscripts and documents. They also have extensive collections of photographs, maps and other historical artifacts that would be otherwise unavailable to the public. Libraries provide access to technology. In addition to computers, most libraries now have e-readers, tablets and other devices you can borrow or use in the library. They also offer free Wi-Fi and internet access. Libraries are a great place to find jobs and career advice. Most libraries have databases of job listings and resources like resume-writing classes and interview tips. Libraries help support the local economy. Libraries often -- often partner with businesses and organizations to offer discounts, free events and programs for the public. Libraries provide a place to learn new things. Libraries offer more than just books, movies. They also have classes, workshops and other activities you can participate in for free.

It is the sense of this legislative Body that when you have institutions of such noble aims and accomplishments, they should be recognized and celebrated. As such, I proudly introduce this measure proclaiming February as Library Lover's Month in the State of New York, and encourage the Governor and all of my

colleagues to join me in heralding this great -- and many libraries that people tirelessly work to make a community place to get together.

I want to thank my colleagues on both sides of the aisle for cosponsoring this. This is -- this a very important resolution because it provides communities a get-together place, a place where people can get together and just learn about things that they want to learn about and just connect with other people within their community. And thank you, Mr. Speaker, for the opportunity to speak on this.

ACTING SPEAKER AUBRY: Thank you, sir.

And Mr. Goodell.

MR. GOODELL: Thank you, sir. I -- I join my colleagues on both sides of the aisle in asking Governor Kathy Hochul to proclaim February as Library Lover's Month, and I look forward to joining with all my friends and colleagues on both sides of the aisle -- the aisle in March to restore all the funding cuts for our libraries.

Thank you, sir.

ACTING SPEAKER AUBRY: Certainly.

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

And I hope, Mr. DeStefano, you let me on that because I'm a library kid from when I grew up. Thank you.

The Clerk will read.

THE CLERK: Assembly No. 543, Mr. McDonald.

Legislative Resolution memorializing Governor

Kathy Hochul to proclaim April 9, 2022 as Yellow Ribbon 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.

Page 23, Calendar No. 129, the Clerk will read.

THE CLERK: Assembly No. A03600-B, Calendar No. 129, Paulin, Otis, Sayegh. An act to amend Chapter 154 of the Laws of 1921 relating to the Port Authority of New York and New Jersey, in relation to Port Authority organization, appearance and notice.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 3600-B. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 24, Calendar No. 131.

THE CLERK: Assembly No. A03826-B, Calendar No. 131, Vanel. An act to amend the Racing, Pari-Mutuel Wagering

and Breeding Law, in relation to requiring all advertisements for gambling and sports betting to include warnings about potential harmful and addictive effects of gambling and to requiring the State Gaming Commission to cooperate with the Commissioner of Addiction Services and Supports to ensure that all advertisements for gaming activity state a problem gambling hotline number.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 3826-B. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 27, Calendar No. 157 on consent.

THE CLERK: Assembly No. A04870, Calendar No. 157, Goodell. An act to amend the Criminal Procedure Law, in relation to designating uniformed court officers in the Town of Busti, County of Chautauqua, as peace officers.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 4870. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

MRS. PEOPLES-STOKES: Mr. Speaker, if you could please record our colleague Mr. Dilan in the negative on this legislation as well.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04905, Calendar No. 158, Weprin. An act to amend the Correction Law, in relation to providing identification cards to inmates upon release from incarceration.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04938, Calendar No. 159, Epstein, Gallagher, Steck, Jackson, Gottfried. An act to amend the Civil Practice Law and Rules, in relation to limited scope appearances.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04947, Calendar No. 160, Bichotte Hermelyn, Reyes, Griffin, Meeks, Colton, Zinerman, Simon, Frontus. An act to amend the Penal Law, in relation to crimes

involving the death or injury of a worker.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04962, Calendar No. 161, Zebrowski, Glick. An act to amend the Penal Law, in relation to the unlawful use or operation of an unmanned aircraft.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 4962. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05031, Calendar No. 162, Ramos, Weprin, Taylor, L. Rosenthal, Thiele, Colton, Abinanti, Reyes, Griffin, Carroll, Jacobson, Glick, Gottfried. An act to amend the Civil Practice Law and Rules, in relation to time limitations for filing claims for certain injuries.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05108, Calendar No. 163, Abbate, Colton, Barnwell, Lawler, Sillitti, Sayegh. An act in relation to affecting -- affecting the health insurance benefits and contributions of certain retired public employees.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05224, Calendar No. 164, Galef, Seawright, Jacobson, Ashby, Thiele, Burdick, Jensen, McDonald, Sillitti. An act to amend the Election Law, in relation to providing for mandatory training curriculum for treasurers of political committees.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect July 1, 2023.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 5224. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Please record my colleague Mr. DiPietro in the negative on this bill. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. DiPietro in the negative. So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05238, Calendar No. 165, Barrett, Dickens, Zinerman, Magnarelli, Thiele, Simon, Seawright, Galef, Stern, Fernandez, Montesano, González-Rojas,

Forrest, Reyes, Burgos, Burdick, Dinowitz, Abinanti, Salka, Walczyk, Hevesi, Gottfried, Cahill, Englebright, Aubry, Jackson, Solages.

Concurrent Resolution of the Senate and Assembly proposing amendments to Sections 3 and 4 of Article 17 of the Constitution, in relation to the protection and promotion of the mental health of New Yorkers.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 5238. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mrs. Barrett to explain her vote.

MRS. BARRETT: Thank you, Mr. Speaker, and thank you, colleagues. I don't think there's a person in this room or any of our constituents who have not been impacted over the last couple of years with issues around mental health. COVID really brought to focus what a crises we have in our State and in our country around mental health, whether it's school children from the earliest -- early childhood through adolescence, whether it's seniors who struggle with isolation, veterans who are struggling with issues that -- that hearken back to their service and haunted them throughout this period. So I'm really proud to have this constitutional amendment move forward. New York needs to do our part to destigmatize mental health and give it parity with physical health in our New York State

Constitution and amend laws that started to develop in 1938 and haven't been changed since then.

I'm honored to vote in the affirmative, and I thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mrs. Barrett in the affirmative.

Mr. Abinanti to explain his vote.

MR. ABINANTI: Thank you, Mr. Speaker. This legislation would add -- would present to the voters a -- a proposal to add the words "physical and mental health" to our New York State Constitution in a section that provides protection against discrimination. This constitutional amendment puts in our Constitution what we have long believed to be the basic principles of New York State, that we should not discriminate against people on the basis of their physical or mental health. And this provides parity for mental health to physical health. I commend the sponsor, and this is an important piece of legislation. We need the people of the State of New York to come forward and affirmatively state that it's important that we have parity for physical and mental health in the State of New York.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05264-C, Calendar No. 166 was previously committed to committee.

Assembly No. A05338, Calendar No. 167, J.M. Giglio. An act to amend Chapter 264 of the Laws of 1981, relating to authorizing the sale of certain lands in the towns of Cuba, Allegany County, and Ischua, Cattaraugus County, and the State Finance Law, in relation to the sale of certain lands in the towns of Cuba, Allegany County, and Ischua, Cattaraugus County, and the disbursement of monies from the Cuba Lake Management Fund.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 5338. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05373-A, Calendar No. 168, Lawler. An act to amend the Town Law, in relation to authorizing the Town of Orangetown, County of Rockland, to establish community preservation funds; to amend the tax law, in relation to authorizing the Town of Orangetown to impose a real estate transfer tax with revenues therefrom to be deposited in said

community preservation fund; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05438-A, Calendar No. 169, Zebrowski, Otis. An act to amend the Public Service Law, in relation to responsibility for cable bills after a disconnection or downgrade in service.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 5438-A. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05458, Calendar No. 170, Solages, Griffin, Sillitti, Taylor, Epstein, Dickens, González-Rojas, Kelles, Zinerman, Jackson, Lavine, Lunsford. An act to amend the General Municipal Law and the Public Buildings Law, in relation to prohibiting municipal officers or employees from displaying political advertisements on or within public buildings.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05469, Calendar No. 171, Englebright, Peoples-Stokes, Glick, Galef, Abinanti, Seawright, Lupardo, Zinerman, Sayegh. An act to amend the Public Officers Law, in relation to defining the terms "retiree" and "beneficiary" within the Freedom of Information Law.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05473-B, Calendar No. 172, Glick. An act to amend the Education Law, in relation to State appropriations to the State University of New York and the City University of New York.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 5473-B. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05495, Calendar No. 173, Glick, Fahy, Stirpe, Griffin, Colton, Aubry. An act to amend the Education Law, in relation to mandatory reporting of certain convictions, professional misconduct and/or employment termination;

and to amend the Criminal Procedure Law, in relation to notice to the Education Department.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 180th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 5495. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05499, Calendar No. 174, Glick, Simon, Gottfried, Griffin, L. Rosenthal, Epstein, Otis, Rozic, Lupardo, Clark, Magnarelli, Jacobson, Dinowitz, González-Rojas, Carroll, Bichotte Hermelyn, Mitaynes, Quart, Aubry, Cruz, Seawright. An act authorizing the Commissioner of Health to conduct a study and issue a report examining the unmet health and resource needs facing pregnant women in New York and the impact of limited service pregnancy centers on the ability of women to obtain accurate, non-coercive health care information and timely access to a comprehensive range of reproductive and sexual healthcare services.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05517-B, Calendar

No. 175, Solages, Gottfried, Hevesi, Jacobson, Wallace, Simon, Fernandez, DeStefano, Nolan, Bichotte Hermelyn, Seawright, Sillitti, Dinowitz, Galef, Zinerman, Englebright, L. Rosenthal, Davila, Griffin, Barrett, Cruz. An act to amend the Public Health Law, in relation to prohibiting virginity examinations.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 5517 [sic]. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 4, Rules Report No. 46, the Clerk will read.

THE CLERK: Senate No. S07845, Rules Report No. 46, Senator Myrie (A08784, Walker). An act to amend Chapter 249 of the Laws of 2021, amending the Election Law relating to electronic applications for absentee ballots, in relation to the effectiveness thereof; and to amend a chapter of the Laws of 2021, amending the Election Law relating to establishing an electronic absentee ballot application transmittal system, as proposed in legislative bills numbers S.6482-B and A.6970-A, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING SPEAKER AUBRY: Ms. Walker, will you yield?

MS. WALKER: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you very much, Ms. Walker. I appreciate it. I know that this is a chapter amendment. It makes a few changes. But I wanted to go over to make sure we understand what stays the same and what changes. And as I understand it, this really focuses on the effective date of the original legislation.

MS. WALKER: Yes. So this changes the effective date from December 31st, 2021 to April 1st of 2022.

MR. GOODELL: And so our colleagues know what we're talking about, this bill -- the original bill-in-chief related to allowing electronic absentee ballot applications, correct?

MS. WALKER: Correct, sir.

MR. GOODELL: Now, last year when this bill was discussed there were some concerns that were raised that there were no safeguards in the ballot application process, the electronic ballot application process. In particular, there's no requirement for an original signature, it could be an electronic signature, correct?

MS. WALKER: Well -- well, what I believe, sir, and

you said there are no safeguards. Number one, the number one safeguard that we have is that any information that's false on any application is subject to the rules and the penalties under perjury. And secondly, with respect to the application, that all records with respect to signatures are in compliance with the New York State Electronic Signature and Records Act and the rules and regulations promulgated by the State Board of Elections. So to state that there are no regulations, I believe, sir, is incorrect.

MR. GOODELL: Well, so let's just look at the types of security that we have under the existing process. Under the existing process, if you apply to become registered as a voter you're asked to provide a Social Security number or a driver's ID number. But when you apply electronically for an absentee ballot there's no requirement that you identify even the last four digits of your Social Security number or any part of your driver's license number, correct?

MS. WALKER: Well, I believe, sir, that when you are applying to register to vote that those are the documentation or documentary evidence that you have to submit to the Board of Elections. But when you're going to vote as in voting, as you would, under an absentee ballot situation, you go -- when you vote you go to the appropriate desk, you do what is necessary and then you get your ballot and you go into the booth and you vote.

MR. GOODELL: And under the prior legislation, before this original bill and this amendment, in order to apply for an absentee ballot you had to actually sign the application, correct?

MS. WALKER: Well, there are rules now where under new technological advances there are many different means of supplying a signature; some being electronic and some being manual. And so this bill, along with its sister bills which does similar advances in technologies in our election systems, will require or allow a person to sign a bill electronically if they so choose to utilize its electronic system.

MR. GOODELL: But it's clear, though, under this bill no longer is it mandatory that you have a manual signature. As you mentioned, it could be an electronic signature, correct?

MS. WALKER: Well, it's not mandatory for a manual, but you have other options. And so we are putting more tools in the toolbox of the educated and technologically-advanced voter. However, in the event that people like my mom -- you know, she still liked to -- to do things the way things have been done since she's been knowing how to do them, you still have that as an opportunity as well. So we just want to make sure that we are speaking to voters of all ages as well as all experiences.

MR. GOODELL: Now, I know that a lot of times when there's, like, an online poll that the software that records the votes also records the IP address so that one person can't keep voting over and over and over on the online poll. Is there any protection like that on the electronic application so that one person at one computer couldn't apply for dozens of absentee ballots?

MS. WALKER: Well, sir, I don't believe that the

conversation is about how many applications are being requested by a particular computer. What we are talking about here is that a voter who chooses to vote because of -- by absentee ballot because of the condition of the pandemic that we are in at the moment, if they choose to request an absentee ballot it's about the individual voter and not about the IP address of the computer that's being utilized to make that request.

MR. GOODELL: As you know, there are every year reports of absentee ballot fraud. There were a couple -- in fact, just last year in the City election there was a very close race in the Council, and there were 11 absentee ballots that were submitted by people who were dead, which is always an interesting challenge to question them about it. Also, right next door in Rensselaer County, absentee ballots were discovered that were submitted by people who never applied for them and were surprised, perhaps, when they showed up at the ballot -- on Election Day to find out that somebody submitted a ballot for them. Perhaps most egregious, though, was back in 2015 involving a member of our own House here, was in a primary challenge and there were 242 fraudulent absentee ballots submitted in that primary. And what was fascinating to me was that even though one of the candidates was arrested for 242 counts of ballot fraud, absentee ballot fraud, he lost the primary by just two votes. Imagine if he had only put in 247 or 248, he might have won. But is there anything in this bill that tries to address the means that were used in all of those fraudulent absentee ballots? Is there

anything in this bill that tries to correct that problem?

MS. WALKER: Well, I am unaware of all of the accounts that you just recently spoke of. However, again, as I stated, anything -- any information which is untrue that is submitted is subject to the penalties of perjury, sir. In addition to that, there are very many safeguards that we believe are in many systems such as the New York State Department of Motor Vehicles, and any application or any signature will be obtained through the usage of the New York State Electronic Signature and Records Act. In addition to that, sir, if there is an opportunity where a signature was not included in the original application, the database, Statewide databases which -- which collects this information will be utilized for that exemplar. If we are unable to find it under those circumstances, then the voter will be contacted directly to be able to provide a signature, whether manually or electronically. So in addition to the two (inaudible) procedural safeguards that are embedded in this particular piece of legislation, it allows for the Board of Elections to make three attempts in order to obtain that application -- obtain the signature for the application.

MR. GOODELL: You've mentioned several times that, you know, false applications submitted are subject to perjury. And I've -- I've cited a number of different cases. Just last year in the New York City City Council race between Fox and Brannan. In Rensselaer County where several people pled guilty, and the one going back involving one of our own colleagues. Do you know if anyone in any one of those cases was arrested for perjury?

MS. WALKER: Well, you would have to ask the respective district attorneys and -- and police departments for those particular areas. That is just not something within my purview.

MR. GOODELL: Well, I -- I did some, you know, online research - and granted, that's not exhaustive - but I didn't come across a single case where a person was arrested in New York State for submitting a perjurious absentee ballot application. Are you aware of a single case?

MS. WALKER: Well, I will check my online database of the encyclopedia according to Twitter, Instagram or Facebook, sir, and I'll get back to you on that.

MR. GOODELL: And I would have to say, I'm not on any of those.

(Laughter)

MS. WALKER: Well, where are you sending me to?

MR. GOODELL: Okay. And the electronic signature, the electronic signature doesn't actually look like your manual signature in any way, correct?

MS. WALKER: The electronic signature -- well, there are very many ways that you can use an electronic signature. There are some electronic signatures that are not your actual signature, but, you know, you can still, for instance, I believe like they do if you're filing your taxes or other means. And there are other electronic signatures like around here when you're sending letters you can provide an exemplar which looks exactly like your electronic

signature. And so there are very many different ways by which you can provide an electronic signature.

MR. GOODELL: Well, one of the few ways the Board of Elections verifies voters is they compare a prior manual signature with your signature when you come in to sign or on the ballot application. Does this bill require that the electronic signature replicate the manual signature?

MS. WALKER: Well, I don't believe the bill will describe -- you know, you must sign your signature, you know, the way that we say you sign your signature. Whatever your signature is and you sign it and you say that this is your signature and that's the way you represent your signature, then who are we to tell you how you should sign it? And quite frankly, your signature changes. You know, I -- I remember my mom's signature when I was, you know, a little girl. It looked very differently than the signature that she signs today. And so should the Board of Elections say to her, No, come back and sign this form like you did when you were 35 years old? No.

MR. GOODELL: And that's why they compare it to the most recent manual signature, correct?

MS. WALKER: That's why they would compare it to that.

MR. GOODELL: Again, thank you very much, Ms. Walker.

On the bill, sir.

MS. WALKER: Thank you.

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

MR. GOODELL: I appreciate the comments from my colleague, and -- and I in general support the idea of making it easier for people to vote, certainly including by absentee ballot. But at the same time we need to balance our desire to have people being able to vote for absentee ballot if they're unable to attend because of sickness or because of absence with the need to ensure that the process meets minimum levels of integrity. And we're always reminded of that phrase, *Trust, but verify*, which should apply certainly in one of the most important democratic processes, which is voting. And unlike many other states, New York does virtually nothing to verify that the individual who shows up to vote is actually the individual who is registered to vote. And there are multiple stories in New York State of fairly widespread absentee ballot fraud. And when you read most stories about the most recent controversies, if you will, about the last election, almost all of them say the say thing. There wasn't enough fraud to change the outcome. And I would suggest that's not really the right standard. I think the real standard ought to be that we're doing everything that's reasonable to prevent ballot fraud.

Now, almost everyone in this room and probably those out in New York State have at one time used electronic means to purchase something or to check a bank account or whatever. But in almost every single private transaction they ask for some type of

verification, whether it's your credit card number or whether it's your Social Security number or whether it's a password that you selected that's personal to you. But when you want to participate in -- in the process of selecting the very people who run your government, in New York State we don't ask for any of that. We don't ask for the last four numbers of your Social Security number. We don't ask for you to set up a password that can verify your existence. We don't send out an access code so that you can verify that it's actually you. We don't ask you to disclose any part of your driver's license number. We don't ask anything. And so when it comes time to verify that the absentee ballot application was actually from someone who is entitled to one, about the only mechanism we've used in the past is we compare the manual signatures. A manual signature, by the way, that the original bill eliminated. And as my colleague pointed out, the electronic signature that is authorized under this bill has no requirement that it looks at all like your manual signature. So we take the inadequate one measure that we use, your signature, and with this bill we eliminate that requirement to the application. Now if we didn't have multiple examples of absentee ballot fraud where people are submitting applications on behalf of their dead mother or multiple dead people or what is often the case, they may submit it for people that they are pretty sure are never going to vote otherwise, or whether they go to a nursing home and they say, *Oh, dear, let me just help you out. I'll make sure that your ballot is completed the way you want. Just sign here.* And we send out absentee ballots that have no built-in security

of any kind. There's no watermark. There's no -- no security of any kind. So if you want to engage in ballot fraud, it's simple. You just take one of those ballots and you can run it off, mimeograph it. And of course as you know when they come back the ballot itself is not signed.

So I'm just suggesting that we ought to have a dual goal with this Legislature. And the dual goal ought to be to maximize the number of people who are participating in an election while minimizing the amount of fraud that has been well-documented in multiple stories including situations involving our own members. So let's not pretend that the system is perfect. Let's strive to make it better. And unfortunately, this bill which eliminates the need for a manual signature, accepts an electronic signature that is impossible to verify, goes, in my opinion, in the wrong direction as it relates to election integrity.

So while I certainly appreciate and agree with my colleague's desire to make it easier for people to register to vote, let's couple that with very simple commonsense verification processes that each one of us use and understand every day in every day life. It's not much to ask for. Unfortunately, it's missing in this bill and, therefore, I will be recommending against it.

Thank you, Mr. Speaker, and again, thank you to my colleague for her insights.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 7845. This is a Party vote. Any member who wishes to be recorded as an exception to their Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Conference will be generally opposed to this legislation, but those who support it should contact the Minority Leader's Office and we will record their vote accordingly.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Majority colleagues will generally be in favor of this piece of legislation. However, there may be a few that will desire to vote in the negative. If so, please feel free to contact the Majority Leader's Office and your vote will be properly recorded.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote. I -- I listened intently to a debate on this one and I've heard similar debates when it comes up to Election Law pieces of legislation. And it -- it occurred to me

that in -- in America some of us may view this voting opportunity in a different way than others. And there's an assumption that there's always going to be fraud. And I -- I realize that, you know, there are some people who will commit fraud when it's available to them, but by and large, people do not. People just really want to have the right to vote. And so I want to commend the sponsor of this legislation for giving people who are in some cases still yet afraid to leave their homes and join other people in public places an opportunity to continue to participate in the democratic process.

For that, Mr. Speaker, I'm pleased to be voting in favor of this legislation.

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

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: We have a few fine resolutions. We will take them up with one vote, Mrs. Peoples-Stokes.

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

(Whereupon, Assembly Resolution Nos. 544 and 545 were unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you. Could you please call on Ms. Hunter for the purpose of an announcement?

ACTING SPEAKER AUBRY: Ms. Hunter for the purpose of an announcement.

MS. HUNTER: Yes, Mr. Speaker. There will be a need for an immediate Majority conference at the conclusion of our Session.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I now move that the Assembly stand adjourned and that we reconvene at 10:00 a.m., Wednesday, February the 9th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 4:39 p.m., the House stood adjourned until Wednesday, February 9th at 10:00 a.m., that being a Session day.)