

TUESDAY, MAY 11, 2021

2:43 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

The Reverend Elia will offer a prayer.

REVEREND DONNA ELIA: Let us pray. O God, whom we call by many names, thank You for the beauty of this day and for those we hold dear. Receive our gratitude. As the Assembly gathers for today's work, fill them with energy and every ability they need to build more vibrant communities and a better State. Thank You that once again, on this day, they take up the mantle of public service. Remind them to hold on to their most integrous ideals and to bring their very best to the table. Be in their thinking, in their speaking, in their listening and decision-making, and let their collective wisdom serve the common good. Thank You for all staff,

for those whose work is visible and for those whose work is unseen but essential to the tasks at hand. Thank You for unsung heroes on whose shoulders we stand. We pray for those in harm's way that they may be kept safe. We pray for those around the world stricken by COVID that they may have the equipment and vaccines they need, bring about the day when all will be made well. We think of places near and far torn apart by violence, and we pray for the coming of peace, equity, justice and wholeness. In Your holy name we pray.

Amen.

Members: Amen.

ACTING SPEAKER AUBRY: 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, May 10th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of Monday, May the 10th and ask that the same would stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I would like to begin our proceedings, as usual, with a quote

for today. This one is coming from Elizabeth Berg. She is also a *New York Times* best-selling author of many novels, including *Open House*, which was on Oprah Winfrey's Book Club list in 2000. Her words for us today that, "There is an incredible value in being of service to others."

With that, Mr. Speaker, I would certainly welcome my colleagues, both those in Chambers and those that are with us remotely to the second day of the 19th week of the 244th legislative Session. I would like to announce our schedule for the day. Members do have on their desks a Calendar and a debate list. Our principal work today will come from taking up the resolutions on page 3 immediately. And then we will work off of that debate list, Mr. Speaker. We're going to begin with page 16, Calendar No. 175, and they we're going to go to page 23 and take Calendar No. 279, immediately followed by page 24, Calendar No. 285 and then page 28, Calendar No. 312. In that order, Mr. Speaker. That -- that's a general outline. Of course there will be more -- more debates to go. And if you have any housekeeping and/or introductions, now would be an appropriate time.

ACTING SPEAKER AUBRY: No housekeeping, Madam Majority Leader.

We will go directly to page 3, Assembly No. 276 on resolutions. The Clerk will read.

THE CLERK: Assembly Resolution No. 276, Ms. Solages.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 9-15, 2021, as Fibromyalgia Awareness Week in the State of New York.

ACTING SPEAKER AUBRY: Ms. Solages to speak on the resolution.

(Pause)

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

THE CLERK: Assembly Resolution No. 277, Mrs. Barrett.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 2021, as Military Appreciation Month in the State of New York, in conjunction with the observance of National Military Appreciation Month.

ACTING SPEAKER AUBRY: Mrs. Barrett on the resolution.

MRS. BARRETT: Thank you, Mr. Speaker. The month of May encompasses multiple commemorations that recognize, honor and thank our veterans and military families, too many of whom who have given their lives for our country or continue to live with profound physical and mental wounds from their time in the service. We thank all who have served, and make it our goal to pause and show gratitude this month and every month. The observances that together make up Military Appreciation Month include the following: Public Service Recognition Week, which was -- has been celebrated

the first week of May since 1985 to honor all the people who serve our nation as Federal, state, county, local and tribal government employees - pretty much all of us here in the Chamber, too - and it reminds us the importance of service. Military Spouse Appreciation Day, which is celebrated May 7th and recognizes the sacrifices and dedication made by military spouses who in their own way serve. Congress made Military Spouse Appreciation Day official in 1999 as part of Military Appreciation Month. On May 8th we observe V-E Day, marking May 8, 1945, which commemorates the end of World War II in Europe. Armed Forces Day is celebrated on the third Saturday in May. President Harry S. Truman led the effort to establish this holiday to pay special tribute to the men and women of the Armed Forces, and the first Armed Forces Day was celebrated May 20, 1950. This year it will be held on May 15, 2021, a joint celebration honoring all people serving in all six branches of the U.S. military; Air Force, Army, Coast Guard, Marine, Navy and the newly-created Space Force. Memorial Day may be the most familiar. Observed on the last Monday of May, Memorial Day honors the men and women who died while in the military service of our country or those who died in battle or as a result of wounds sustained in battle, most particularly. The holiday, once called Decoration Day, can be traced back to the Civil War period, and it is long associated with the red poppies of the World War I-era poem *In Flanders Fields*. But it wasn't actually until 1971 that Memorial Day officially became a Federal holiday intended to observe and honor the people who lost their lives while serving in the U.S. military. The

celebration that I admit was -- I was the least familiar with is Loyalty Day, which is May 1st. But I learned of its relevance by reading President Joe Biden's recent proclamation of May 1, 2021 as Loyalty Day. It says, quote, "On Loyalty Day we celebrate our allegiance to the project of this great nation and the democratic ideals woven into the fabric of our Constitution. As Americans, we do not command loyalty, but seek to earn it through our actions, including by living up to the principles enshrined in our Constitution and respecting the will of the people as reflected in the democratic process. Drawn together by the promise of equality, freedom and justice, we are a nation of shared ideals and strong, resilient people. Here in America, loyalty does not mean fealty to any one leader or political party, nor does it mean unthinking praise or willful ignorance of our shortcomings. It means loyalty to our common ideals and to one another. It means standing united as one people, even as we cherish our differences and respect dissent."

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Barron.

MR. BARRON: Honesty compels me to speak today.

I certainly am very sensitive to all of those who lost their lives and the families who suffered. But I must say that I'm also concerned about the role of the American military across the decades in countries and continents like Africa and places like Latin America and the Caribbean. They served as an imperialistic colonial force, and today

as we speak, the Africa Command is in just about every country in Africa, the military bases. Not humanitarian aid, but military aid in the African countries and they are oppressing African people and allowing for capitalistic regimes that are supported by the West to continue to do the things that they do in Africa. So the American military across the world -- so some of us have been seen as a very imperialistic military. Even the role of America in the Middle East in terms of the Palestinians are being oppressed. The American military has been there.

So I just had to be honest today, and I know it's not comfortable for people and it's not really comfortable for me because I know some people lost their loved ones. But there also other people around the world that lost loved ones as well -- as well, at the hand of the American military. The people of Haiti are being oppressed by the American military. They took over Haiti. So I -- I just think that when we speak of the American military, if we are to be honest and open about its role in the world, it's been very, very imperialistic. And so it's very difficult for me to honor the American military, even as far back as the Vietnam War. In the 1960's, this nation, many of the people rose up against the military's role in Vietnam and what it did to the Vietnamese people. So I just wanted to be honest. I know it's going to provoke some others to speak, but so be it. I'm here to speak truth to power and to be honest.

ACTING SPEAKER AUBRY: Mr. Lavine on the resolution.

MR. LAVINE: Thank you, Mr. Speaker. To be sure, history is always full of contradictions. But I think it is extraordinarily and critically important for each and every one of us to realize and acknowledge that America is and remains an aspirational nation. On the subject of the military. No military in all of history has existed without some aberration. But America is very, very different. Now, I say this as the nephew of a Gold Star Mother. My Aunt Lil's just-turned-18-year-old son, William Kier was killed in action in -- in Santa Maria, Luzon, Philippines in -- at the very close of the Second World War. She helped bring me up. And I -- I also say this in -- with respect to the subject of Vietnam veterans. Many of my childhood friends did not come home from Vietnam. They went to Vietnam with the best of intentions, as did my cousin William Kier. I think that it's only fitting that we recognize that those who serve our nation deserve our support, they deserve our protection and they deserve our love. And that's what I've got to say because I also like to speak truth to power.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Ashby.

MR. ASHBY: Thank you, Mr. Speaker. I want to thank the sponsor for presenting this resolution, and I offer my full support of it. And I also would like to speak to -- a bit on one of the prior -- prior speakers' inceptions, and that being a prior service member and a veteran and someone who served in Africa, I can tell

you that what we did there was provide 100 percent humanitarian aid, providing medical care to not hundreds, but thousands of people there. Anti-malaria, cataract surgery, dental care, maternity care for an extended period of time. And the relationships that we forged -- I still have friends that are living there. I still communicate with them today and, you know, those relationships are lifelong. They're -- they're not -- they're not going away. And I think that if we're going to be talking about that, we need to hear both sides of that. And then we also need to recognize that because of our veterans and our service members, we are able to live in a country and freely express both sides, to hear both sides on a regular basis. And that is imperative. And it is because of our veterans that that reality exists.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Smullen.

MR. SMULLEN: Thank you, Mr. Speaker. I'd really like to commend the sponsor for the series of resolutions that have come in this month for National Military Appreciation Month. I didn't get a chance to speak when it was to talk about our military families, but I think it's very important that we recognize them for all that they do for all of the people of this country that support their military as it goes about doing the will of this nation. That's -- that's not only what our -- what our country asks those in the military to do, but requires them to do so under oath to the United States. And I -- and I think this whole series of events is very important because, you know, some

families lose their loved ones. In -- on April 8th of 1945 my great-uncle, Paul Rowley, my grandmother's brother who had three children, was killed in Germany in 1945 in the Invasion of the Third Reich, putting an end to Nazism. And he is buried today in Margraten Cemetery in the Netherlands where a Dutch family looks after him and his memory because his -- my great-uncle Paul, his -- my great-grandmother chose not to bring him home but left him where he fell, where he gave the ultimate sacrifice for American values in ridding Nazism from Europe.

So again, to the sponsor, thank you very much for the resolutions, and thank you very much for keeping our military in high esteem in this great country that we call the United States of America.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I rise to applaud the sponsor of this resolution as well. As the daughter of a World War II veteran, a granddaughter of a veteran, and I want to say a niece of at least four or five veterans, I honor their lives, I honor their services, and I honor the services of the people who served with them. It's not -- or at least it wasn't then, a choice to necessarily be in the service. But it is now. And so I want to honor the lives of the young men and women who are voluntarily choosing to go serve in the military of this country. There are clearly some things that some people don't like, but there are still tons of people who on a regular basis are striving to get to America. Why is that, Mr.

Speaker? I want to think because it is one of the greatest countries in the world. Even with its downsides it's one of the greatest countries in the world.

I would end with the fact that in the great City of Buffalo, we are building something that hasn't happened anywhere yet in America. It's a monument that honors veterans, African-American veterans, men and women in every branch of the service, for every war that we've ever served in. And by the way, there hasn't been a war in America that African-Americans haven't served in. Hopefully, Mr. Speaker, I will be able to invite this entire delegation of members sometime in the late spring or early fall to the opportunity to celebrate the lives of these veterans, much like our colleague has decided to celebrate their lives in the Military Appreciation Month.

So again, I want to commend the sponsor of the resolution, and hope that we will all be voting in support of it.

ACTING SPEAKER AUBRY: Mr. Lemondes.

MR. LEMONDES: Thank you, Mr. Speaker. I did not intend to speak today, but feel compelled to. With the issue of Africa, the colonization of Africa is being done by the Chinese, if anybody wants to check history. With respect to the military and our service, I want to say to the sponsor thank you so much. It was -- it was an honor to listen to something so positive for something that impacts us all in such a visceral way, our very survival in many times in our history. For those of us that are veterans - and I will only speak for myself; I'm sure my colleagues would agree - I wish I could show

you some of the things that we've had to do. I wish you could hear some of the things that we've had to hear. And I wish you were there with me so you'd know what it entails to be free to express that here in this House, in this Chamber, on behalf of all of our people and families. Too many people don't know this today and they're afraid to say so. When I look at somebody and evaluate their character, I look at whether or not I'm looking at an American renter or buyer. Have they bought part of our humanity and a part of our soul? And do they have a stake in our country and moving our -- our -- from the local community down to the national level. Are they moving that forward in a positive way, or are they just a renter, a bystander, sitting by, taking cheap shots at everything everyone has done over the course of our history as a nation. I looked up today - and I'll spare you the numbers - the number of dead that we've -- that we've had across time since our founding, and it's a big number. And it's unfortunate. And I -- I want to say one little fact that was very apparent if you - if you take a moment to look. New York itself, our own State, has given up more war dead since World War II than any other state in the nation. How many people knew that? New York has answered the call. We New Yorkers have answered the call for a long time, and will continue to do so. And I ask that this Body honors in a positive way the sacrifices of so few for so many.

Mr. Speaker, thank you.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. I am so

thankful that I have the opportunity to serve my residents here on the floor of the New York State Assembly. But I am deeply mindful that my opportunity to be here on the floor of the Assembly, like all of my colleagues, reflects the incredible amount of sacrifice, effort and commitment made by those who went ahead of me. My county was formed in the early 1800's, and it was almost exclusively agricultural. But when the Civil War came, my county contributed 4,000 young men to that effort. And back then there was no social safety net. There was no welfare provisions. There was no Social Security survivor benefits. When these young men left the farm it was a huge commitment and a huge sacrifice for the entire family. And about one-quarter of those young men never came home. I'm mindful that during World War II it was the United States that stood up with our allies and stopped the systematic slaughter of millions of innocent civilians. If it weren't for our military, millions more would have died. And while we may sometimes disagree here in this Chamber or across our country over whether we should be engaged and at what level and which countries, I'm mindful of the fact that our military, throughout the entire course of our country's history, has been run by civilians. Our military is not engaged without the approval of the Secretary of Defense, who is a civilian, and it's always under a commander-in-chief, who is elected. And so if we think we should have gotten into a conflict sooner or should have gotten out of a conflict sooner, it's not the military to blame. It's the elected officials who made those calls.

And so I'm deeply thankful to the sponsor and for our military for enabling all of us to be here today in the greatest country in the world and the great State of New York. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Angelino.

Mr. Manktelow, I'm sorry.

MR. MANKTELOW: Okay. Thank you, Mr.

Speaker. First of all, I would like to thank the sponsor of this piece of legislation -- or this -- this -- yeah, this piece of legislation, for bringing this forward. This past weekend I attended a memorial service for a World War II veteran. And to see the pride on that -- see the pride on that family and their children of what he gave was remarkable, and I'll never forget that. And the other thing I thought about is some of the things that were said, families endure a lot. They don't know where their loved one is. They don't talk to them for quite some time. And it just makes me think of the sacrifices that our men and women give, not only for their families, for our country, but for the world. And I always go back to this. If you think about all the conflicts we've been in, the Vietnam War, the Korean War, World War II, Afghanistan, Iraq, Europe, Africa, Grenada -- Grenada, of all of these conflicts the United States has ever been in, we have never once taken a piece of property to belong to the United States. You can't say that about a lot of militaries throughout the world. But we go in there, the men and women who were given the directive to do what

we're ordered to do. We do it not because we want to but because we love our nation. And let's -- let's never forget that. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker. On the resolution.

ACTING SPEAKER AUBRY: On the resolution, sir.

MR. TAGUE: First of all, I want to commend the sponsor of this resolution. I'm a proud cosponsor, and I can't thank you enough, Member Barrett, for putting this resolution to the floor. I'm the grandson of a World War II United States Army veteran, a survivor of Pearl Harbor, Schofield Barracks, a survivor of D-Day and a survivor of the Battle of the Bulge. My two uncles were Marine and Navy veterans during Korea, and my father a Vietnam veteran in the United States Air Force. I want to thank all the veterans, all the veterans for their service to this great nation, and for most importantly for their sacrifices. And thank you again to the sponsor for her thoughtfulness and her patriotism.

I wholeheartedly support this resolution, and I say God bless our veterans and God bless these United States of America. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Jackson.

MS. JACKSON: Thank you, Mr. Speaker. I would

like to thank the sponsor of this resolution. I'm the granddaughter of Leroy Meyers, Sr., who proudly served in World War II. He was able to get a job when he came back home and take care of his family. So I am grateful for our -- our military men and women. I'm grateful for my sister, Cassandra Jackson, who served almost a decade and was able to tour the world because of her service to this country.

However, I think my disappointment always comes with our elected officials and people who send us into places that we don't belong, and when our men and women have to come home and redlining and racism. That -- that's something that our country cannot act like it doesn't -- it doesn't happen. It happens. And so while we are grateful for our military families and the people -- the men and women who chooses to serve, that be mindful of the people who sent us into places that we have no business belonging, and making sure that we take care of them when they come back home, like we did for my grandfather, Mr. Leroy Meyers and my sister Cassandra Jackson.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Gandolfo.

(Pause)

Mr. Gandolfo?

(Pause)

We will move on to Mr. Santabarbara.

MR. SANTABARBARA: Thank you, Mr. Speaker.

I want to also thank the sponsor of this resolution. Military

Appreciation Month honors the heroes from our community, across the country who have served our country. Our nation's Armed Forces act as a global force for good around the world around the clock and they also assure that our country is safe. So I rise to thank the brave men and women who have answered the call of duty and have made our Armed Forces the most respected in the entire world. For those in need of protecting the -- our nation's military brings a sense of safety. For those in need of humanitarian aid, we bring a sense of relief. And in times when disaster strikes, American troops are never far behind, offering support when it's needed the most. This is the honor and respect that these brave men and women and all of those who have served before them have brought our country. Millions of Americans have fought and died on battlefields here and abroad to defend our freedoms and our way of life. Military Appreciation Month is a way for us to say thank you. A way for us to say that we remember.

May God bless our troops, and may God bless the United States of America. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mr. Lawler.

MR. LAWLER: Thank you, Mr. Speaker. This morning when I woke up I read about rocket fire going into Tel Aviv in Israel. And one of the things I thought was how fortunate we are that that does not happen in the United States. That we are able here today in this Body to conduct our business without fear of that happening here. And that is because of the men and women in our

military who serve our country, not just here but around the world, to protect the United States of America and its citizens. We are fortunate. Most of the members of the military are young. They're 18-, 19-, 20-year-old children. And they go to war, as some of my colleagues have pointed out, at the direction of the politicians and the elected officials. One such person was a young man named Johnathan Benson from North Branch, Minnesota. I wear his bracelet every day as a reminder of the sacrifice that he made and that so many of the men and women in our Armed Forces make every year, and it's a painful reminder of the cost of freedom. And so we, as a Body, should always, always be grateful to the men and women who serve our country, keep us safe, allow us to do the people's work in this Chamber and in chambers all across the country.

And so I thank the sponsor for putting this resolution forward, and I'm proud to support the men and women in our Armed Forces.

ACTING SPEAKER AUBRY: Mr. Burdick.

MR. BURDICK: Thank you, Mr. Speaker. On the resolution.

ACTING SPEAKER AUBRY: On the resolution.

MR. BURDICK: Thank you. As the son of a World War II veteran and as a member of the Veterans' Committee, I wish to thank the sponsor for bringing this resolution. The first obligation of government is to protect the life and the safety of every citizen, and that's the principal role of our military. Virtually every conflict and

war in this nation's history has engendered some controversy. Including World War II where many historians believe that had there not been the day of infamy, we might have not tried to be allies in fighting against fascism, mass genocide and totalitarianism. Not only would we likely not be here today, but this world would be vastly different had it not been for those brave women and men who gave their lives to protect our way of life.

So I am incredibly grateful and feel that this is the very least we can do to show a tremendous debt of gratitude to those who have protected our nation. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Ms. Hunter to close.

MS. HUNTER: Thank you, Mr. Speaker, for allowing me to speak on this resolution. I'm always honored to stand in front of this Body, especially memorializing today and this month as Military Appreciation Month. As many of my colleagues know - and I say this proudly every year - I am a female Army veteran. And I actually am the only female veteran in the entire State Legislature. For the 20 million people in the State of New York, I, for one, am the only female veteran representing you in the State of New York and I say that proudly. I -- I'd like to thank the sponsor for putting this in every -- every year. It's always important to pause, Mr. Speaker. Many times we hear people in the community, especially during times when Memorial Day is coming soon and Veteran's Day, and we hear people say, *Thank you for your service*. And while I always appreciate when

someone says that to me, I usually counter and say, *But what are you doing to help a veteran?* So I would just like to put that out to many people out here in the -- the universe watching on Zoom and at home today, that if you're thanking a veteran, maybe next time ask them what they need. Because there are a lot of services required for many of our veterans. Many are homeless, many are food unstable and many just are coming back and many need help relative to PTSD.

So please make sure to offer something as you're thanking veterans, and again, I would like to thank the sponsor.

Thank you, Mr. Speaker.

(Applause)

ACTING SPEAKER AUBRY: On the resolution -- may we all stand to honor the veterans that we honor today.

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

(Applause)

The Clerk will read.

THE CLERK: Assembly Resolution No. 278, Mr. Thiele.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 2021, as Lupus Awareness Month in the State of New York.

ACTING SPEAKER AUBRY: Mr. Thiele on the resolution.

MR. THIELE: Thank you, Mr. Speaker. And it is

again this year my honor to sponsor this resolution calling upon the Governor to proclaim May as Lupus Awareness Month in the State of New York. Each year we designate May as Lupus Awareness Month to show support for the more than 100,000 New Yorkers, 1.5 million Americans and 5 million people worldwide who suffer from the often debilitating effects of Lupus, a chronic autoimmune disease that can cause severe damage to the tissue and organs in the body, and in some cases, death. The great majority of those diagnosed are young people in the primes of their lives, and 90 percent are women. My daughter Josephine is one of those young women. Lupus is most prevalent among African-Americans, Hispanics, Native Americans and Asians. Tragically, thousands of people die from Lupus each year because a cure remains elusive. The most common symptoms of Lupus are joint swelling, joint and muscle pain, extreme -- extreme fatigue, fever and skin rashes on the face, neck and scalp. Many health professionals are unaware of symptoms and the health effects of Lupus, causing people with Lupus to suffer for many years before they obtain a correct diagnosis and medical treatment, demonstrating the need for increased public and professional awareness of Lupus. And as I mentioned, my daughter Josephine was diagnosed with Lupus about ten years ago. And she was out to visit this last weekend and we were talking about when she was diagnosed just about ten years ago, and I told her it was the scariest period in my life. One of the most times -- at time I was more afraid than ever for my daughter's future. It took a while for her to be -- to be diagnosed, and she went through so many tests. There

was so much uncertainty. But finally, you know, by process of elimination she was diagnosed with Lupus. You know, found good treatment and recovered and has lived a -- a very, very productive life. She -- it changed her -- her direction in life. She was a biochemistry major in college when she was diagnosed, and she switched, went to graduate school for nutrition because she realized how important nutrition was to dealing with her particular disease. And now she serves with -- as the head of nutrition for GMHC in New York City. Medical efforts into Lupus and the discovery of safe or more effective treatments for Lupus patients are underfunded. Increasing community awareness and focusing public attention on Lupus and its devastating impact on patients' lives will provide hope for a better future for those affected.

Finally, I just want to thank the Lupus agencies of the State of New York. They are dedicated to improving the quality of life for individuals with Lupus and their loved ones by providing education, support, outreach services and promoting programs of awareness, advocacy and research.

Mr. Speaker, I thank all of those who -- who are going to support this resolution and I will be voting in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: On the resolution, all those -- oh, I'm sorry. Ms. Miller on the resolution.

MS. MILLER: Thank you, Mr. Speaker. I just want to thank the sponsor for introducing this resolution. I'm fairly quiet

about it, but I've had Lupus for many years. But like Assemblyman Thiele said, you know, these -- the doctors too often are unaware of all the symptoms, misdiagnose other conditions. For years I was misdiagnosed. It wasn't until I had paracardial effusion, I had fluid around my heart and I was having a lot of symptoms. And when they point -- put all the pieces together and did a few more tests and finally diagnosed me with Lupus and I was able to get treatment accordingly, according to that diagnosis. And I think, you know, had the right doctors had the right information we just -- we desperately do need more awareness. You know at the time when you -- when you have these things going on, especially me with -- with my son, with Oliver, with all of his medical needs, it was, you know, extremely scary to be diagnosed with something that had the potential to really hurt me and to get -- you know, have to get hospitalized. All of that stuff is -- you know, it stops people in their tracks. So if we can get some more awareness and some better funding, it's really something once diagnosed and treated better, you have a good chance for a full quality life. I'm certainly -- I've been very productive since I've been diagnosed. You know, look -- look at me here. So I think, you know, it's definitely something that's needed and so I thank the sponsor for this.

ACTING SPEAKER AUBRY: Thank you.

Mr. Barron on the resolution.

MR. BARRON: Thank you very much, Mr. Speaker.

I want to thank the sponsor of this resolution because it affects so

many people and it's not -- there's not enough education or financial support for it, and particularly in the Black community. It reminds me of sickle cell anemia, which was another kind of disease that was peculiar to our community. So I want to thank you so much for bringing attention to this, and I want to encourage all of my colleagues to not only support this resolution but support the education of it and the proper funding of it and research so that this can be properly dealt with for everybody that's affected by it.

I'll be voting in the affirmative.

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. 279, Ms. Rosenthal.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 2021, as Be Kind to Animals -- Animals Month -- Be Kind to Animals 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. 280, Mr. Cymbrowitz.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 2021, as Stroke 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.

THE CLERK: Assembly Resolution No. 281, Ms. McMahon.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 16-23, 2021, as Family Physician Week 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. 282, Ms. Seawright.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim October as Domestic Violence Awareness Month in the State of New York.

ACTING SPEAKER AUBRY: Ms. Seawright on the resolution.

MS. SEAWRIGHT: Thank you, Mr. Speaker. It's my honor to sponsor this legislation to proclaim October as Domestic Violence Awareness Month in the State of New York. As Chair of the Task Force on Women's Issues, I'm privileged to call attention to this issue that plagues communities across New York State. Domestic violence can happen to anyone. People of any and every age, race,

gender, sexual orientation, income and occupation. One in four women and one in seven men over the age of 18 will experience severe domestic violence throughout their lifetime. Every 24 people -- every minute, 24 people are victims of rape, physical violence or stalking by an intimate partner in the United States. Survivors of the violence will experience health and mental health-related consequences. New York State has been a leader in supporting survivors. The Office of Children and Family Services reported that over 53,000 survivors of domestic violence and their children received housing supports. Providing funding and social support to survivors and children prevent adverse outcomes like chronic disease, substance abuse, dropping out of school and employment and relationship challenges. We honor the work of the New York State Coalition Against Domestic Violence work to end domestic violence throughout the community outreach, education, training, technical assistance and policy development. Thank you to the Executive Director, Connie Neal, and Joan Gerhardt, Policy Director, on their successful lobby day. By proclaiming October to be Domestic Violence Awareness Month, we are amplifying the voices of survivors to help those who are still struggling today and making the public aware of the resources available to aid victims.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Rosenthal.

MS. ROSENTHAL: Thank you, Mr. Speaker. I rise

today as cosponsor of this resolution to proclaim October 2021 as Domestic Violence Prevention Month. We are adopting this resolution today in conjunction with the New York State Coalition Against Domestic Violence's annual legislative day of action. Since 1978, NYSCADV has worked to provide services for victims of domestic violence and their children around the State, including domestic violence hotlines, community outreach programs, training programs and so much more. New York State has one of the highest needs for domestic violence services in the country, and since the beginning of COVID-19 that need has only grown as many survivors have been quarantined at home with an abuser. Nationwide it is estimated that one in three women and one and four men have experienced physical violence by an intimate partner. This problem continues to grow, and it is imperative that we provide robust funding and strong policy solutions to help protect survivors of domestic violence and their children. With the proper resources, organizations can continue the work in our communities and make certain that domestic violence does not continue to occur at the rampant levels it is occurring at today.

The work of our DV prevention organizations Statewide continues to help people escape harm each and every day and saves lives. I could not be prouder to work with NYSCADV and the other organizations in this field as the Chair of the Social Services Committee, and I commend the Chair of the Women's Legislative Task Force for bringing this forward. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Kelles.

MS. KELLES: I want to thank the sponsor of presenting this, Domestic Violence Awareness Month. I felt it very important to speak today. As a previous county legislator, I wanted to share the experience that I had coming from a small county. I was on the Corrections Committee, and very early on in the COVID pandemic we saw a 30 percent increase in cases, 9/11 cases reported of domestic violence. And I want to point out that this really brought to light something that has existed, continues to exist and is something that we have not fully addressed to the need that exists. So I just want to read you some statistics that I got from this last year. Just this last year in a one-day survey -- this is a one-day survey in New York State -- 8,313 total victims were served in one 24-hour period. Over 4,000 adults and children, victims of domestic violence, found shelter in emergency shelters. Over 4,300 adults and children received counseling, legal advocacy and children support groups. Over 2,100 contacts to domestic violence hotlines, and just under 2,000 unmet requests for services. Why do I bring this up? Why is this so important? Domestic violence we know causes perpetual domestic violence. If we want to address this, if we want to stop this from continuing, then we need to acknowledge that domestic violence in a household is one of the primary, primary of the ten points -- when we talk about the ACE score -- we've all talked about this, the adolescent Adverse Childhood Experiences -- that has that has been one of the estimates

that is the most highly correlated with the greatest range of adverse negative consequences in public health. One of the most profound we've ever seen. And one of the factors that increases your ACE score is domestic violence more than anything else. So not only do we know that it causes mental health issues, that it causes physical issues, but it also leads to increased risk of perpetuation of domestic violence. There's a significant increased number of people who become perpetrators of domestic violence who themselves experienced domestic violence as a child. We point a finger and call them monsters, but they started as a victim. We have not put our best foot forward to minimize and eliminate domestic violence in our State. So I just want to point out that COVID has brought to light the magnitude that we have in our country, but it has not started with COVID. We had not solved this problem.

So I just wanted to bring these numbers to light, and I hope that we can continue to fight to reduce this tremendous ill that we have in our State and our country and all across the world. Thank you so much.

ACTING SPEAKER AUBRY: Thank you.

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

Page 16, Calendar No. 175 -- let me remind the House, even though they're not that many of us in the House, we still do not want you talking while people are speaking. It disturbs the speaker, and we also -- it doesn't allow us to hear what they're saying

and concentrate on. So even though there are a few of us, the reality is that the less we hear, the more our voices carry. Please be mindful and respectful for your fellow members as they either explain their vote or debate or on the bill. Thank you very much.

The Clerk will read.

THE CLERK: Assembly No. A05765-B, Calendar No. 175, Pretflow. An act to amend the Pari-Mutuel Wagering and Breeding Law, in relation to health insurance for New York trainers at franchised corporation racetracks.

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 5765-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.)

First vote of the day, members.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 23, Calendar No. 279, the Clerk will read.

THE CLERK: Assembly No. A07120-A, Calendar No. 279, Jackson. An act to amend Chapter 352 of the Laws of 2005, amending the Education Law relating to implementation of the Federal

Individuals with Disabilities Education Improvement Act of 2004; to amend Chapter 430 of the Laws of 2006, amending the Education Law relating to implementation of the Federal Individuals with Disabilities Education Improvement Act of 2004; and to amend Chapter 378 of the Laws of 2007, amending the Education Law relating to the implementation of the Federal Individuals with Disabilities Education Improvement Act of 2004, in relation to the effectiveness thereof.

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 7120-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.)

Ms. Jackson, you have just passed your first vote. Highlight of the year, maybe the career. Thank you so very much.

(Applause)

Page 24, Calendar No. 285.

THE CLERK: Senate No. A00517, Calendar No. 285, Senator Gianaris (A00502, Carroll, Cahill, Englebright, Jacobson, Lupardo, Anderson, Jackson, Galef, Mitaynes, L. Rosenthal, Burdick, Otis). Concurrent Resolution of the Senate and

Assembly proposing an amendment to Section 5 of Article II of the Constitution, in relation to the ten-day advance registration requirement.

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

MR. CARROLL: Thank you, Mr. Speaker. This is a Constitutional amendment to strike the ten-day requirement of before -- that there be at least ten days -- you must give at least ten days prior to notice to change -- to register to vote in the State Constitution. We passed this Constitutional Amendment in 2019. We are passing it again so that it can be put before the voters in November.

ACTING SPEAKER AUBRY: Mr. Ra.

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

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

MR. CARROLL: Yes, and I'll try to be --

ACTING SPEAKER AUBRY: Mr. Carroll yields.

MR. RA: Thank you, Mr. Carroll. So as you mentioned, we passed this -- or we did first passage of this amendment a couple of years ago -- for my colleagues particularly who weren't here -- and now we will do second passage and then this would go to the voters. But one of the things that we often look at when we do second passage of a constitutional amendment is, you know, the things that aren't in the detail of the Constitution. We talked about two years

ago perhaps what the statutory framework might be for this, and -- and I know at the time we said, okay that -- that's more of an implementation issue than a constitutional issue. But I'm just wondering if you could provide any -- or give -- are other bills introduced that might create the statutory framework for this going forward once it's adopted?

MR. CARROLL: I believe there are a number of bills that would be introduced to create enacting legislation so that New Yorkers could register prior to ten days before an election. But there is no specific bill for enacting legislation that would say would it be same day registration, would it be ten days, would it be seven days. I don't believe that legislation exists currently.

MR. RA: Okay. So -- so just for, you know, for clarification. You know, as you said, this just strikes the ten days. A very simple, I think, change in what it does. And, you know, for my colleagues who maybe weren't here last time, we debated this. Things like, you know, what the procedures would be. Would you go to the Board of Elections? Would you go to your local polling place? What type of verification might -- might be required? You know, whether it's identification, whether it's providing, you know, some of the information we currently provide when we register, which is part of -- a Social Security number or -- or a driver's ID and all of that type of stuff. Or even perhaps the form and format in which you would vote, whether it might be a -- on a machine or whether it might be in an affidavit or provisional ballot form would only be something that

would be done outside of this amendment but be done by -- by legislation, correct?

MR. CARROLL: Yes.

MR. RA: Okay. Thank you very much.

The last thing, have we made any changes since this time in terms of registration? I know, you know, it says we have ten days in the Constitution that we're striking, but there's also -- I guess by statute we've had for years a 25-day requirement. Is that to your knowledge still the statutory requirement that we have in New York State?

MR. CARROLL: I believe the statutory requirement is 25 days. I believe you're correct.

MR. RA: Thank you, Mr. Carroll.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: Thank you. So, you know, as I mentioned when we discussed this bill a couple years ago, one of the issues that we brought up was how exactly are we going to do this. Now, I know there are states that -- that have done this, but one of the things that I think gives me pause and gives many -- many of us on our side of the aisle pause on this is that we don't know what that statutory framework looks like. You know, these things may be, you know, clerical and procedural things that have to happen, but they do have to happen. And as many of us know, you know, we have a system where there are so many overlapping offices, but we have, you know, counties that

may have -- especially the larger counties -- they may have ten, 12 or more Assemblymembers. They may have, you know, four or five State Senators. They may have several different county legislators or town members. Or in some parts of the State where there's, you know, fire districts and all kinds of different elections that take place on Election Day. So I think and I hope that we can utilize some of the technology that's come about over the past couple of years. One thing that is different than when we did this last time, we've now seen a couple of years of the successful implementation of early voting. And one of the, you know, just really procedural things we needed was the ability to print the ballot. To be able -- rather than having perhaps hundreds of different ballots at every site, the ability to print on -- on demand a ballot that corresponded to somebody's proper, you know, legislative district or Assembly District so that they were voting for the proper offices so that they could go to any one -- like, I know in my county -- and I know this isn't necessarily the case everywhere -- but in my county you could go to any one of these early voting sites and they look up your information, find your registration and print you out the ballot. So even if you were, you know, closer to where you work than where you live, you could get the proper ballot that had the proper districts. So one of the things that I hope that as this -- if it goes out on the referendum, the public approves it, that we need to do in implementing this is make sure that we do give proper procedures and ability for our boards of elections to verify an individual when they come in to register. I mean, I would've rather seen us perhaps

make the statutory change that -- the current Constitution would have allowed us to go from 25 to ten days, which I think still would have went into our early voting period that we have now, but it would have given a little bit more time for the boards of elections to make a verification. Because don't forget, when somebody now registers, you know, there's -- there's the cards that get mailed out, there's different checks and ability to -- to look up an individual. And thankfully, technology is making this a little simpler and I hope that will continue to. But we need to keep that in mind as we're implementing this. How do we ensure that an individual who comes in not only is properly, you know, qualified to vote in terms of citizenship and things like that, but also that they're given the ballot for the -- for the proper district because we have so many different layers of government and different -- different ballot forms that we have in each and every one of our counties. And I had hoped that when we were voting on this a second time that we would have a little bit clearer of a picture, because one of the things we all know, you know, we saw last year with counting absentee ballots, and we had a congressional race in this State that wasn't decided until February. This could potentially be more ballots that need to be verified after the fact. So we need to both ensure that there's adequate time to verify and then count those ballots at our boards of elections. And we've done an unprecedented amount of changes to our election laws in the last three years. So I hope as we move forward that we make sure we put the statutory framework in place so that those needed verifications can happen, but

that we also continue to provide funding to our -- our local governments because, you know, they're -- they're dealing with implementing all of these different changes that have come about in -- in recent years. And I think they're going to be tasked with doing even more as we're now looking at, you know, speeding up the counting of -- of absentee ballots and perhaps starting to count them earlier on Election Day and all these different things. That would be something that would be happening on Election Day. You know, they're -- if they're counting absentee ballots, then they're also going to have staffing needs to be verifying that somebody who walks into a polling place, perhaps, or into their Board of Election offices for the first time to register that they can make needed verifications there.

So I hope that -- that statutory framework takes all of this into account, but without having that clear picture, I am -- I'm not comfortable voting in the favor -- in favor of this piece of legislation and I'll be casting my vote in the negative. Thank you.

ACTING SPEAKER BURDICK: Thank you, Mr. Ra.

The Clerk will read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER BURDICK: The Clerk will record the vote on Senate print 517. 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.

MRS. PEOPLES-STOKES: Mr. Speaker, one of our colleagues has his light on.

ACTING SPEAKER BURDICK: Thank you.

MRS. PEOPLES-STOKES: It didn't show up here, but he's got it on, so if you'll allow him to speak on the bill, please.

ACTING SPEAKER BURDICK: I'm sorry, Mr. Lawler.

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

MR. CARROLL: Yes.

MR. LAWLER: Thank you. Currently how many days prior to Election Day does somebody have to register in order to be eligible to vote?

MR. CARROLL: Twenty-five.

MR. LAWLER: Okay. So this bill, this Constitutional Amendment would not change that, it just would allow it to come closer to Election Day, potentially, correct?

MR. CARROLL: Correct.

MR. LAWLER: Okay. So if somebody registers on Election Day, how would they be voting? Would they be voting on the machine? Would they be voting by absentee? Would they be voting by affidavit? What is the mechanism by which they might vote?

MR. CARROLL: Well, current law, they would not be able to vote because you must register 25 days prior to the election.

If we pass this Constitutional Amendment today and the voters of the State of New York affirm that, they still won't be able to vote on Election Day. If we decide to draft a piece of legislation that then changes the law to meet the new Constitutional Amendment, be it same-day registration or we pick some other day, well, then we can have that discussion.

MR. LAWLER: Generally speaking, how do you verify if someone is legally eligible to vote?

MR. CARROLL: There are many different ways that the Board of Elections verifies if someone is legally allowed to vote, be it their Social Security Number, be it a driver's license or some other verification that they use when a person registers. And there are 49 other states in the Union that also verify individuals' eligibility to vote, and some of those states are able to do it on the same day or within a short period of time before the election.

MR. LAWLER: So, we have bills before this House that are intending to expedite the counting process of ballots, that are intending to count absentee ballots, for instance, on Election Day, that are intending to ensure that early voting is all counted on Election Day. If somebody ends up registering to vote on the same day, do you think there should be a -- a mechanism by which we can verify that that person was, in fact, able to -- to vote or should it be counted on the same day?

MR. CARROLL: What I do or don't think isn't germane to this amendment.

MR. LAWLER: Well, I disagree because this bill is opening the door for the same-day voting and registration.

MR. CARROLL: This amendment purely strikes the requirement that you must register ten -- at least ten days prior to an election.

MR. LAWLER: Right. Which --

MR. CARROLL: We're asking (inaudible) --

MR. LAWLER: Which means it does not prohibit for the future this Body coming and changing the law, correct?

MR. CARROLL: Sure.

MR. LAWLER: Right. So what I'm asking is, do you think that you should be allowed -- this is your bill. You're -- you're opening the door for same-day registration. So the question is, do you think that somebody should be allowed to vote on the machine on the same day that they register?

MR. CARROLL: What I think is not germane to this Constitutional Amendment. The only thing that is germane to this debate is whether or not this Body believes we should strike the part of the New York State Constitution that says you must register to vote at least ten days prior to an election. And to that question I would say yes, I do not believe that we should have a requirement in our Constitution that says you must register to vote at least ten days prior to an election.

MR. LAWLER: Why do you think we should not have a constitutional requirement that you register at least ten days

prior?

MR. CARROLL: Because I believe that New York State, like many other states in our country, should make it as easy as possible for eligible voters to register to vote and to be able to vote.

MR. LAWLER: So you believe, ultimately, that we should potentially have same-day registration as Election Day, correct?

MR. CARROLL: Again, that is not germane to this debate because that's not what we're discussing. We're discussing whether or not the New York State Constitution should put an impediment before this Legislature to whether or not we decide how long it should -- how long one must wait -- or how long one must register prior to an election.

MR. LAWLER: Do we currently have laws that prohibit somebody from requesting an absentee ballot within ten days of an election?

MR. CARROLL: I believe that there are a number of requirements to how one is supposed to request an absentee ballot, when and for what cause.

MR. LAWLER: In fact, we -- we actually expanded the time frame this year in this Body.

MR. CARROLL: I believe we did.

MR. LAWLER: So if it was okay in terms of requesting an absentee ballot, why would having a time frame in terms of registering to vote be a problem?

MR. CARROLL: I didn't say that.

MR. LAWLER: Well, you're saying there should be no impediment. Why should there be no impediment?

MR. CARROLL: I said that we are -- what this amendment does is it strikes in the New York Constitution the clause that says one must register to vote at least ten days prior to an election. And so, yes, I do believe that we should strike that clause and we should, like many other states in our nation, figure out a way to allow people to register to vote as easily as possible with as few impediments as possible. However, that is not before us today. That will be decided by future Legislatures when they create enacting legislation. And I am sure that whoever is the sponsor of that bill would be happy to debate you on the merits of that bill. But of course that bill didn't exist so it's very hard for me to debate you on the merits of a bill that is completely theoretical.

MR. LAWLER: Would this -- if we did not pass your Constitutional Amendment, would it prevent same-day voter registration if we did not pass your Constitutional Amendment?

MR. CARROLL: Currently, the State Constitution does not allow for same-day registration.

MR. LAWLER: Okay.

On the bill.

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

MR. LAWLER: Very clearly, despite the attempts by

my colleague not to answer the questions, this is nothing more than an attempt to allow for same-day voter registration. It is there to open the door so that people can show up at the polls and vote. And not necessarily the Board of Elections or the State of New York know whether or not they are legally eligible to vote. And this Session already extended the window to request an absentee ballot to 15 days. Why? Because we saw last year the disaster that occurs when you have mass applications coming through to request an absentee ballot. The Board of Elections needs time to verify that the application itself is valid and is legitimate. That should be something we all embrace. I don't know why we would want to lift a ten-day requirement to make sure that somebody who applies for the opportunity to vote in the State of New York, why we wouldn't want to give the Board of Elections the time to ensure that that person is legally eligible to vote. It really is not an obstruction to somebody's ability to vote. You need to live within the State for a certain number of days to be a resident of the State, so it would seem that it would make sense to ensure that somebody is legally eligible to vote. Ten days is not an impediment to that. And any suggestion to -- to otherwise is a red herring. This bill is very clearly designed to ensure that anyone and everyone who wants to vote in our elections, whether they're eligible or not, will have the opportunity to do so.

So I cannot in good conscience support this
Constitutional Amendment.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, Ms.

Walsh.

MS. WALSH: So I was -- we're -- we're taking up a package of different voting measures today, and I was thinking about high school science class. What's the first thing that we learned when we're doing an experiment? You have to control your variables, right? You got to -- you've got to maybe change one thing at a time, otherwise your whole experiment is just not going to be valid. And I just think about that when it comes to all of the different various things that we've done over the last few years. As my colleague said, over the last few years we've made a lot of changes -- some COVID-related, some not -- in the way that people are -- are voting. And I just think that, you know, early voting, which honestly, I was kind of pleasantly surprised with how that has gone, how it went last year. The lines were pretty long up in my district. Sometimes a couple of hours long. And it was kind of ironic because when Election Day finally rolled around, you could walk right in and vote. It seemed like all the lines really happened in advance. But it ran more smoothly than I thought it would. The no-excuse absentee voting bill we'll be taking up later. That's another variable. This same-day -- effectively allowing same-day voter registration that we're talking about right now. I think throwing out all of this stuff at once in the name of encouraging people to go out to vote, it might be just too

much. I think that -- I think that there's a real balance that we're trying to achieve here. It's a delicate balance, right? We want to try to encourage or facilitate good voter turnout, but we also have to take a look, as another one of my colleagues has stated, take a look at a cautionary tale, the congressional race in the middle part of our State last year where, you know, it came down to 109 votes between the two, and the decision wasn't made until I think around, you know, early February before we even had anybody in that seat. We have to take a look at the broader landscape where races are getting closer and closer. We're very -- almost evenly divided. Maybe not in enrollment in our State, but in some of these races we're coming down to just a handful of votes, especially when you get down to some of our more local races. I have the -- the distinct pleasure - and I use that term very, very loosely - of having been in a -- in a three-way tie one time for when I was running for town government on a -- on a minor party line. A tie. It was miserable. In-person voting should always be preferred, and we do need timely certifications of winners. It's important to our process. It's important to make sure that we have people who know that they're winning, that they're ready to assume the duties and responsibilities of their office. We need to make sure that we're going to have adequate funding and staffing to be able to work whatever programs we have in place. So I just feel, overall, that, you know, we need to -- we need to show -- exercise some caution, I think, in the way that we move forward. Of course we want people to come out and vote. It is really one of the only things that we ask the people

of our State to do. It's one of the most fundamental responsibilities of people who are eligible to vote. We want them to come out and vote. We expect it as a -- as a basic matter of citizenship. And, you know, I just think that if we just allow too many of these variables to go through at once I think we could end up really messing the whole thing up.

So, thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 517. 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, sir. The Republican Conference is generally opposed to this amendment. Those who support it should contact the Minority Leader's Office.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference will generally be in favor of this piece of legislation, this very well-done piece of legislation. However,

colleagues deciding to be an exception should feel free to contact the Majority Leader's Office and we will be more than happy to properly record your vote.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. Just this year we witnessed one of the embarrassing situations where New York State was one of the last states in the entire nation to certify a congressional election. It went beyond three months. And amongst the issues that the parties were litigating extensively is the difficulty of implementing automatic voter registration and then making sure that the voter roles are updated and everyone has an opportunity to vote. We all want as many people as possible to vote. It's an important civic responsibility. But at the same time we also want to make sure that every voter registration is properly processed, that the people who are submitting the registration are properly authorized and qualified to vote in an election. And those are not always easy issues, whether in a primary or in a general election. And I had cases that I've taken all the way to the Court of Appeals, challenging the validity of voters who had moved to a different county and whose vote could have decided an election that decided which party controlled the entire county legislature. So we have automatic voter registration. That's an issue. We have signature verification. That takes time. We used to look at, and still do, Social Security numbers and driver's license numbers, but

we now issue driver's license numbers to illegal immigrants or those who are undocumented that are not eligible to vote. We have multiple ballot formats because in every general election -- there's literally in my district 50 to 75 different ballot formats, depending on which local government you're in. And when you allow for same-day registration that means those who are voting are probably not on any database that we would use to help make sure the voters are educated over the issues by mailers and other contact forms. So there's a lot of issues. And as my colleague pointed out, under current constitutional provisions if we want, we could move it up to ten days, then that way a congressional election instead of taking three months might take four. But we could try it.

For these reasons I will not be supporting it. Thank you.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Jacobson to explain his vote.

MR. JACOBSON: Thank you, Mr. Speaker. I want to thank the sponsor for bringing this important Constitutional Amendment forward. You know, the Constitution is only a blueprint. It doesn't tell us how the State is run every day. That's why we're here. We pass laws all the time to carry out the mandate of the New York State Constitution. And I -- I really don't see the fear. I don't see the problem. I don't see why there's these concerns. There's always concerns but, you know, we -- we've never had Statewide registration

before. And we do now because of the technology that's involved. And we -- and we set up a process so that there would not be double voting and -- and that everyone would have a chance. And we'll do the same thing here. If it's necessary to pass legislation, I'm sure we will. Voting should be simple and easy. That should be the ultimate goal all the time.

So I'm happy that this is the second vote on this Constitutional Amendment and that it will go before the voters this November. So I proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Jacobson in the affirmative.

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker. To explain my vote. I think that we have seen across the country a divergence between the perspectives of the two parties. We, on our side, I think believe that the more people who vote, the better it is. Making it easier, removing barriers that might have existed in part because of a lack of technology need to be adjusted and changed, and I very much appreciate the amendment before us.

ACTING SPEAKER AUBRY: Ms. Glick.

MS. GLICK: Did that -- did that not get registered?

ACTING SPEAKER AUBRY: We -- we got some of it, Ms. Glick, but not all. You might want to turn your camera off. Often because of your connectivity we have that problem.

MS. GLICK: Well, I will be in the LOB starting next

week, so we won't have the same issues. So hopefully -- so I just believe that it's important to remove whatever barriers we can to ensure that the largest number of people have access to the franchise and I vote in the affirmative.

ACTING SPEAKER AUBRY: Thank you. Ms. Glick in the affirmative.

Mr. Carroll to explain his vote.

MR. CARROLL: Thank you, Mr. Speaker. Today with the passage of this Constitutional Amendment and hopefully with its ratification by the people of the State of New York, we will do away with an antiquated time period and allow for this Body to debate how best to make sure all New Yorkers who are eligible to vote are able to vote. And that debate should be centered around 21st Century technology and best practices from around our country. And it happens to be with 21st Century technology and best practices from around our country, we will see that making it possible for New Yorkers to register and vote as close to the election as possible is the best policy. They do it in other states. They do it during early voting in other states. There's no reason that New York can't do it. There's no reason why we can't make sure that we secure and verify those votes. So I look forward to working with my colleagues in the future to make sure that that happens, and today we take one step closer to making sure that every New Yorker who is eligible to vote is able to vote and able to exercise the franchise and able to exercise their constitutional rights.

I will be voting in the affirmative and I hope my colleagues do the same.

ACTING SPEAKER AUBRY: Mr. Carroll in the affirmative.

Are there --

(Pause)

Do we have exceptions, Mr. Goodell?

MR. GOODELL: No, sir.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes?

MRS. PEOPLES-STOKES: No.

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

(The Clerk announced the results.)

The bill is passed.

Page 28, Calendar No. 312, the Clerk will read.

THE CLERK: Senate No. S00360, Calendar No. 312, Senator Comrie (A04431, Vanel, Jacobson, Stirpe, Galef, Burdick, Hyndman). Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 2 of Article II of the Constitution, in relation to authorizing ballot by mail by removing cause for absentee ballot voting.

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

MR. VANEL: This bill is for a concurrent resolution

of the Senate and Assembly which proposes an amendment to Section 2, Article II of the New York State Constitution in relation to authorizing ballot by mail by removing cause for absentee ballot voting. The resolution shall proposed to amend the Constitution to allow for an eligible request without declaring a reason for doing so.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you. Would the sponsor yield?

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

MR. VANEL: Yes.

ACTING SPEAKER AUBRY: Mr. Vanel yields.

MR. GOODELL: Thank you. Under current law you had to file an application and ask them for an absentee ballot and it requires that the person who is applying for it certify that they meet certain criteria, correct?

MR. VANEL: Correct.

MR. GOODELL: And if this amendment passes then there would no longer be any need to certify for anything, correct?

MR. VANEL: Correct.

MR. GOODELL: And since there would no longer be any need to certify for anything, am I correct, then, that the application for an absentee ballot will no longer require a signature?

MR. VANEL: That is not correct.

MR. GOODELL: So why would you have a

signature requirement if -- if there's nothing for the signature to attest to?

MR. VANEL: So, this -- with respect to this -- this amendment in relation to absentee ballot voting, there's going to be enacting legislation to require what other requirements there are, what needs to be with respect to an absentee ballot. Currently, Section 2, Article II of the Constitution states that in order to be qualified for an absentee ballot you either have to be absent from the -- from the county on the day of the election, or -- or ill. And we find that we must make it easier for people to be able to -- to vote. But there are going to be some other enacting regulations in order -- you know, after this -- if and when this -- this amendment to the Constitution is ratified.

MR. GOODELL: And am I -- I'm correct, right, Calendar 206, for example, it eliminates signature requirements by allowing an electronic application, right? So that would fit right into this.

MR. VANEL: Excuse me? I didn't hear what you said.

MR. GOODELL: Okay. It's not your bill so I know you didn't come prepared to debate on the legislation. But thank you, Mr. Vanel. I appreciate your comments.

On the bill.

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

MR. GOODELL: Thank you. Mr. Speaker, when this legislation was introduced a couple of years ago I supported it as an alternative to early voting. I thought it was a preferable method of maximizing the voter opportunity. But the Legislature went ahead with early voting, and as a result the residents of the State of New York can vote for a couple weeks before the election. And with the advent of early voting, the need for absentee ballots went down dramatically because you had two weeks to schedule a time for you to vote. And so the likelihood that you wouldn't be able to vote in a two-week period was dramatically reduced. My concern, of course, is that as we eliminate any excuse and as we look at other legislation that's actually on our Calendar today, we can see the move is to eliminate any signature requirement for absentee ballots, but no requirement that voter rolls be purged of people who are no longer alive or are no longer residing where they should be resided -- residing. And so we're seeing a substantial erosion in all of the provisions that we normally would look to to help ensure voter integrity. And this is the last Constitutional Amendment on this subject. And as for the other ones, it makes it easier for those who are not eligible to vote or shouldn't be voting or are taking advantage of our system to obtain an absentee ballot with no excuse whatsoever, with no justification whatsoever, even though they have two weeks to vote, and thereby circumvent our voter integrity provisions.

So while I supported it in the past, with the advent of early voting I cannot support it today. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Senate print 360. 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, sir. The Republican Conference is generally opposed to this constitutional amendment, but those who support it are encouraged to call the Minority Leader's Office so we can properly record their vote.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority Conference will be in the affirmative on this one. Those desiring to be in the negative for an exception should feel free to contact the Majority Leader's Office at the previously given number and your vote will be properly recorded.

ACTING SPEAKER AUBRY: Thank you so much.

(The Clerk recorded the vote.)

Mr. Lawler to explain his vote.

MR. LAWLER: Thank you, Mr. Speaker. I support

allowing any legally eligible voter the opportunity to vote how they choose to. Whether it's by mail, by early voting or on Election Day. I have in the past and today support the opportunity for somebody to vote by mail without a reason. I do believe people have that right so long as they are legally eligible. And that is the key. As we make some of these changes, what will be critically important is ensuring that anybody who applies to vote by absentee ballot is legally eligible to do so, and that it is, in fact, they, the individual who is requesting that ballot. What we cannot allow is for absentee ballots to be mailed en masse to those who have not requested it. And so while I do support this legislation, I think it is critically important to get on the record that we must, as a Body, safeguard against the ability of ballots to just go out the door willy-nilly. We need to make sure that those requesting that ballot are, in fact, the ones legally eligible to vote on that ballot.

So I support this legislation and hope that my colleagues will join me in safeguarding against any attempt to misuse the absentee ballot process.

ACTING SPEAKER AUBRY: Mr. Lawler in the affirmative.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Just briefly to explain my vote. I had supported this piece of legislation the last time it came up. But for the reasons that one of my colleagues just recently expressed, I don't think it's necessary anymore. I -- I always

had felt that -- I didn't want to make a liar out of somebody who just had to say that they were going to be out of the county and unavailable in order to get an absentee ballot. I never liked that idea. But now that we've got the early voting option, and that's -- and that's in-person voting which I think is really the gold standard because we want to get people in person, able to vote, whenever possible. And we -- we are still -- we would still be allowing, obviously, the absentee balloting process for those who still required it. You know, again, I've just got to go back to the race, the congressional race that we talked about. The -- the egregious mishandling of the tens of thousands of absentee ballots in that case really made me start to worry about having a lot of paper being submitted on Election Day. And just, you know, batches of ballots that weren't counted or lost. The "stickygate" scandal where there were sticky notes that they couldn't figure out what the signature matching was about. It was just a big mess. I think if we want to encourage people to come in person to vote, I'm going to vote no this year on this and I think that -- I think that that's the right thing to do for me anyway. So, thank you.

ACTING SPEAKER AUBRY: Thank you. Ms. Walsh in the negative.

Mr. Jacobson.

MR. JACOBSON: Thank you, Mr. Speaker. First, I want to thank the sponsor for this legislation for the Constitutional Amendment. We have slowly chipped away at all the phony restrictions on absentee ballots. It used to be you had to get a doctor's

note. It used to be that you -- if you were out of the area for a certain period of time and you didn't -- and -- but you were back at quarter to nine, well then you could have voted when that really wasn't the case. And I do believe my -- the fundamental principle is that voting should be simple and easy. We should remove all barriers. And unlike some of our friends on the other side of the aisle, let's not look for red herrings. Let's not look for reasons why to deny people an easier way to vote. We should make it simple. We should make it easy. And by doing this, we're going to have a radical transformation. It's going to be, *I want a ballot. Please mail it to me. Or, I want to pick up a ballot. Please give it to me.* I don't think that's radical at all, to come down to it. It's really a matter of common sense.

So I'm so happy that we're doing this so we don't have to play the games, so people aren't going to court, they didn't check the box. Now, we -- we've made reforms last year. We're going to continue to make reforms this year, and this is a fundamental reform that's long overdue and I proudly support this Constitutional Amendment. Thank you.

ACTING SPEAKER AUBRY: Mr. Jacobson in the affirmative.

Mr. Jensen.

MR. JENSEN: Thank you, Mr. Speaker. To echo the -- the remarks of one of my earlier colleagues, I do believe that every New Yorker who's eligible to vote should have access to vote. So I will be supporting this Constitutional Amendment. However, I -- I do

not believe that we should be doing anything in addition that would eliminate the voters' need to request an absentee ballot, eliminate any signature requirements or signature matching or any sort of ballot harvesting.

So while I support this Constitutional Amendment, I still believe that there should be safeguards in place to ensure that the voter who's requesting the absentee ballot is the voter casting the absentee ballot. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, for the opportunity to explain my vote. I want to begin by, of course, thanking the sponsor of this Constitutional Amendment and to say that I think any opportunities we have as elected officials, we should be encouraging as many people to vote as possible. And so this opportunity I think is an awesome one. But the best thing I think about this one is that we're not just going to make the decision for the electorate. We're going to put this on the ballot and allow them to make it. And I think all too often as electeds, we would like to think we have all the answers and can get this done by just what we say. Sometimes I think it's important to bring it back to the people, and I want to applaud the sponsor for doing that and I look forward to the results of it. It's my pleasure to vote in favor of this legislation.

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

Mr. Vanel to close.

MR. VANEL: We're very -- you know, we're working very hard to make sure that we expand the franchise of voting. We have to make sure that people -- that we make it easier for people to vote. Today, under Article II, Section 2 of the Constitution you have to be either absent or sick in order to -- to vote absentee ballot voting. Even with early voting, for some of my members that are -- that are Upstate -- for some of my members that are Upstate, their -- some of their early voting sites are very far from where people live. So we have to make it easier for people to be able to go and vote. So now what does this -- what does this amendment do? This amendment removes the reason for being able to have to file an absentee ballot, making it easier for people to vote. Now keep in mind, I really believe that New Yorkers, all of us on both sides, believe that the proper authentication must happen when it comes to absentee ballots. Proper authentication must happen when it comes to voting. Even with that, we must make sure that the franchise of voting is easier, people are able to vote, and on November of this year the people of New York will have the opportunity in a referendum to vote on whether or not to remove the blockage of having an excuse to be able to vote.

I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Vanel in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. In addition to

those who are voting in favor of this bill on the floor of the Assembly, please record the following additional members: Mr. Ashby, Mr. Gandolfo, Mr. Giglio, Ms. Miller, Mr. Morinello, Mr. Norris and Mr. Schmitt.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

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, colleagues, we can now turn our attention to page 26, Calendar No. 299 by Mr. Rodriguez, followed by page 19, Calendar No. 226 by Mr. Abbate.

ACTING SPEAKER AUBRY: Calendar No. 299, the Clerk will read.

THE CLERK: Assembly No. A03213-A, Calendar No. 299, Rodriguez, Montesano, Fahy, Peoples-Stokes, Woerner, Weprin, Barron, Gottfried, Palmesano, Santabarbara, Ramos, Pichardo, Joyner, Epstein, Aubry, DeStefano, Cruz, Lavine, Glick, Simon, Carroll, Fernandez, Jacobson, Galef, McDonald, Dickens, Quart, Kelles, Lupardo, Cook, Mitaynes, Septimo, Braunstein, Taylor, De La Rosa, Seawright, González-Rojas, O'Donnell, Reyes, Richardson, Abbate, Griffin, Burdick. An act to amend the General Business Law, in relation to the Secure Choice Savings Program.

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

MR. RODRIGUEZ: (Inaudible) enacts the New York State Secure Choice Savings Program Act to provide a State-administered retirement savings plan for private-sector employees working for companies who do not offer retirement plans. The Act establishes the Secure Choice Program in the form of a payroll deduction IRA for employees, and a board to administer and oversee the program. Additionally, participation in the program is voluntary for both employers and employees such that employers can choose to offer the program to employees and employees must opt in. However, studies have shown that the automatic enrollment of employees boost participation in retirement savings plans, and we have seen this program enacted in three different states, California, Oregon and Illinois, allowing for automatic enrollment by the employees with an option to opt out. Therefore, the amendments that are being proposed in this legislation would allow for employers to participate and employees to be automatically enrolled with an opt-out provision.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Will the sponsor yield?

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

MR. RODRIGUEZ: Yes, I will yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. WALSH: Thank you so much. And that was a very -- a -- a good detailed explanation, so that cuts down my questioning considerably and I appreciate that. So, as you -- as you just explained, the -- the current law has a plan where it is optional for employers to offer this, is that correct?

MR. RODRIGUEZ: Correct.

MS. WALSH: It's optional for employers to offer it and it's optional for employees to participate in it. This bill would -- would change it around so that it be -- would become mandatory for for employers of a certain size. I think -- what is it, ten employees or more, they'd have to offer this and the employees would then have to opt out of it, is that correct?

MR. RODRIGUEZ: Correct.

MS. WALSH: Okay. And -- I mean, I -- I think we all can appreciate that it's important for people to have retirement savings, and so -- so many do not. And of course people are living longer, too, so I -- I can appreciate the need for this bill. Was there -- what was the thought process as far as the threshold of employees that the employer would then have -- be mandated to create this program?

MR. RODRIGUEZ: Sure. I think when we thought about the -- the idea of ten employees, it was making sure that, one, they had a sufficient amount of size. If they were truly a micro business or some sort of smaller-based entity that doesn't have the capacity or -- or utilize different systems for payroll. That

ten-employee threshold anecdotally is when people start to -- to utilize technology, ADP and different kind of withholdings in a more formal way, QuickBooks. So we thought very much that that would be that tipping point where a business would take on some systems that would be best able to accommodate the -- the -- the withholdings that we're talking about.

MS. WALSH: Very good. So, are you -- are you saying that part of the reason why the employers with ten or more employees would be required through this legislation is that it's sort of implied or assumed that if you've got ten employees or more that you already may be using a payroll system or you've got systems in place to be able to handle the additional administrative responsibilities that this bill would require?

MR. RODRIGUEZ: We thought about that and wanted to make sure that it was -- it was the right size for that. We certainly do recognize that the need is certainly well beyond those businesses that are beyond ten employees -- below ten employees. We think that this certainly should be made available to all -- all employees in -- across the State who don't have access to a retirement savings program, but certainly felt ten was a great place to start to begin to really making -- make this available in a widespread way.

MS. WALSH: Okay. So I just want to back up for one quick minute. When we talked about how the system exists right now, was -- was there -- can you generalize or talk a little bit about the -- the amount of participation in the program as it was established in

the 2018-'19 Budget of employers at -- number of employers or percentage of all employers and like what size they were? Anything like that that you that you could -- you could say?

MR. RODRIGUEZ: Well, I think it might be more helpful to look at what's currently out there in terms of existing retirement savings programs that are modeled -- that we are modeled after, particularly after this legislation. Those three states that I mentioned have approximately 300,000 employees amongst them that are participating in Secure Choice Savings Programs or they're -- they're branded, you know, a partner in those states. So I think that's representative of the amount of people that could initially be participating on -- on day one here. And I think what's representative of the status quo or what, you know, might exist in the legislation is -- is zero. I mean, I think the voluntary option proven both in terms of responsiveness in -- in -- in states that aren't utilizing that model and in terms of what we see here now, because I think what we're suggesting is that, you know, people going out and getting IRAs on their own is not the best method to be able to create retirement savings over time. On the contrary, we know that an employee-sponsored program in -- in any form is much more productive in terms of getting participation and growing retirement savings.

MS. WALSH: Very good. Now, under this piece of legislation, I -- I want to talk a little bit about the employees' ability to opt out. So, the opt-out has to be offered to the employee, correct?

MR. RODRIGUEZ: Correct.

MS. WALSH: And is that only at the outset? At the beginning of the plan being offered within a particular company, or how -- how often or how may an employee opt out? Could they -- could they opt out after a period of time? Maybe they participated for a while and then they don't want to anymore?

MR. RODRIGUEZ: They absolutely can. We left the timing of those provisions on opt out to the board. What we did include in this legislation is allow for 30 days - we'll call it a waiting period - for -- for the employer to decide if they wanted to remain participate in their -- to remain participating or to opt out.

MS. WALSH: Now, if -- if an employee does not opt out, what percentage of their earnings will be placed into this employer-created --

MR. RODRIGUEZ: The default is set at 3 percent.

MS. WALSH: Pardon me?

MR. RODRIGUEZ: The default is set at 3 percent contribution.

MS. WALSH: The default is 3 percent. Can an employee opt to change that around, that percentage? Could he drop it down to 1 percent or bring it up again?

MR. RODRIGUEZ: Sure. Sure that optionality is -- is built into the program and -- and the board is responsible for putting in place the -- the mechanisms to allow for the employee to do that.

MS. WALSH: Thank you very much.

Mr. Speaker, on the bill.

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

MS. WALSH: So, as I said earlier, I -- I thank the sponsor for his answers to my questions. I think that, you know, we all understand that, you know, if we take a look at people not only in our State but around the country, not only are people living longer, but I think it's like over half of American households have saved, you know, very, very little for retirement. I can't remember what the exact statistic was. It's pretty -- it's pretty low. Part of the problem is that, you know, there are a lot of -- there are a lot of employees that are really living paycheck to paycheck. So, even though, you know, 3 percent might not sound like a lot, but for some people that could be a big deal for them to have that taken out of your paycheck every single week. We know that, you know, compound interest is a beautiful thing and -- and, you know, we all know with our own retirement savings that, you know, you want to have people start early and have it build. But I think my -- my bigger issue with the bill is really the mandate that it imposes upon really quite small employers who already have a lot that they have to track and keep track of. And I don't know that it's a reasonable assumption that an employer with ten or more employees is necessarily going to have the kind of administrative backup and support within their organization to be able to do all of these -- to be able account for these monies coming in and out and -- and to be able to, you know, track and execute this program. So I just think that, you know, New York does make it really hard on

businesses and including small businesses. And although I think that it's a -- it's a laudable intent -- intent to encourage people to save for retirement, I would rather see it as an encouragement rather as -- rather than as a mandate.

So, for those reasons, I don't think I'm going to be supporting this bill. But I thank the sponsor for his answers. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you -- thank you, Mr. Speaker. Will the sponsor yield for a question -- a couple of quick questions?

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

MR. RODRIGUEZ: Yes, I will.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. FITZPATRICK: Thank you. Thank you, Bobby. It's been a while since we've had a conversation about this, but I just wanted to clarify some things. Who will -- who will govern this program, and who will establish it, who will manage it?

MR. RODRIGUEZ: So currently we, in the original provision, create a board with numerous appointees, some of which have to -- all of which have to have financial experience to manage the -- the Board. And it --

MR. FITZPATRICK: When you say "we," who is we?

MR. RODRIGUEZ: Say again.

MR. FITZPATRICK: The Legislature? Or --

MR. RODRIGUEZ: Yeah, it's -- it's written in the legislation, correct.

MR. FITZPATRICK: The Legislature will choose the -- the members of the board.

MR. RODRIGUEZ: Let me refer back to the -- to the bill on the original formation of the board.

(Pause)

Correct. There are legislative appointees and gubernatorial appointees on that board.

MR. FITZPATRICK: And -- and how many total? And -- and how many from the Governor, how many from the Legislature? And will the Minority have any appointments?

(Pause)

MR. RODRIGUEZ: While I'm getting that information, are there any other questions I can address?

MR. FITZPATRICK: Yeah, the -- with regard to investments, now the Board, once constituted, you are giving them the authority to choose the investment mix? Am I correct?

MR. RODRIGUEZ: The investment managers --

MR. FITZPATRICK: Makes investments available to the participants. Okay. So there's no language in the -- in the

legislation that would require, say, an index fund or a bond fund or a certain asset allocation or a target date fund, for example, to offer people? Similar to what we have in our 457. Does -- does the legislation cover any of that or does it leave it entirely into the hands -- in the hands of this soon-to-be-constituted board?

MR. RODRIGUEZ: Correct. It does leave it to the -- to the board to do that. And -- and in particular, you know, we recognize that they have fiduciary responsibilities as members of that Board to make recommendations, you know, and -- and put forward plans that are suitable for the individuals that are -- that are participants.

MR. FITZPATRICK. Okay. With -- with regard to fees, are those charged to the participants? Who will cover those and transparency of those fees as well as fees that are made by the investment houses that may offer investments? Will there be total transparency with regard to those fees?

MR. RODRIGUEZ: Yes, there -- there -- it is our expectation that there will be transparency on all fees. And that -- that information should and will be reported.

MR. FITZPATRICK: Okay. And these accounts will be portable?

MR. RODRIGUEZ: Yes. These are designed to be portable. If the individual moves to different jobs they're able to continue and/or roll over those into different employee-sponsored plans, you know, should they move into -- into jobs and positions that

their employer -- their new employer does have an employer-based retirement plan.

MR. FITZPATRICK: Okay. So, when -- you know, many, many small employers will use, you know, payroll services, and those payroll services offer -- offer additional services such as 401(k) plans and other types of retirement plans. Which -- with -- with regard to setting up the plan, managing that plan, what responsibility will the employer have, and what cost is the employer expected to bear in establishing and managing this program?

MR. RODRIGUEZ: That's a really important question and point. The employer bears no responsibility on that. That is the State's responsibility to enact that, and I think is one of the features of -- of the bill that's so important. When we look at, you know, the -- the technical mechanism of making that withdrawal, you know, similar to Social Security or similar to Medicaid, it's that same kind of process. But the work of setting up the plan, administering the plan, creating investment vehicles, making sure that participants can access it online, that's the part that -- that is out of their hands. That is actually a benefit for small businesses to be able to offer this without having to take on any of those -- those costs or expenses. So I -- I think what we're providing is a service for small businesses and -- and -- and in doing so, at the same time allowing low-income New Yorkers, who usually do not have access to this, the opportunity to be able to participate -- participate and create some sort of savings.

MR. FITZPATRICK: So let me ask you another

question, Bobby, on this very important -- in -- in certain retirement plans the employer, when they design the plan document, as it's called, may allow borrowing by the participant against their account up to a certain percentage. Is it your intention to allow participants to borrow against their account? And before you answer, I would just like to offer my opinion. I think it is a bad idea to allow for borrowing. As you know, I spent many years in the business doing retirement plans, and some of the -- fields such as the hospitality industry, particularly restaurants, auto -- automobile dealerships, had a high number of employees that sought to borrow against their account which really defeats the purpose of saving for retirement. The loan has to be repaid. It also involves additional administration to handle that. Is -- is it your intention to allow or not allow borrowing in this -- in this program?

MR. RODRIGUEZ: So, I think many of --

MR. FITZPATRICK: The -- the right answer is don't allow it.

(Laughter)

MR. RODRIGUEZ: Okay. So I think we -- we left that to the Board, and I --

MR. FITZPATRICK: Right.

MR. RODRIGUEZ: -- think to -- to ultimately make that decision. I want to circle back to fill in some of those gaps on the -- on the board that were raised earlier. So, right now, we have in terms of appointees that are outlined in the law, two by the Governor,

one by the Senate, one by the Assembly and then three others, which are the Comptroller, Commissioner of Tax and the Superintendent of DFS.

MR. FITZPATRICK: Okay. That's a good -- okay. Very good. That's fair. Thank you, Bobby. I appreciate your -- your answers.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, Mr. Fitzpatrick. Even though you've established your position pretty clear in questioning.

MR. FITZPATRICK: I spent many years working in the retirement field and it's -- those were great years. And you really have an ability to help people save, build wealth, save for retirement and save for a prosperous future. I -- I think given the -- the makeup or the proposed makeup of the board, it's -- it's very important -- I know they will have fiduciary responsibility, keeping the investment mix somewhat simple. I would suggest that they offer target date funds, which make it very easy for people to save in a diversified portfolio for the future. Borrowing is a potential problem. If it can be avoided, that would be preferred.

But I applaud the sponsor for proposing this. I plan to vote in favor of it, and I want to thank you very much for allowing me to speak. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Fitzpatrick.

Mr. Smullen.

MR. SMULLEN: Thank you, Mr. Speaker. Would the sponsor yield for a few technical questions, please?

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

MR. RODRIGUEZ: Yes, I will. Thank you.

MR. SMULLEN: Thank -- thank you so much, Mr. Rodriguez. I really appreciate the opportunity to talk to you about this -- this legislation here. Maybe I missed it a bit earlier, this is a new bill but it came in before I joined the Body, so I'm not as familiar with it as -- as some are. How many New Yorkers have availed themselves of the voluntary program since its inception until today?

MR. RODRIGUEZ: Currently, though, the program is not up and running now. In this past budget, we passed an extension to allow for more time. And I think the -- the purpose of the legislation is to model us more closely to states that are up and running and are successful, and that's -- that's why we're -- we're moving this bill now.

MR. SMULLEN: Okay. So we haven't really run -- run the pilot test of getting the -- the mechanics of the program up and running with -- with volunteers, with people who are offered the program but have opted into it voluntarily. But -- so now that we're going -- we're going to pass this bill, and I -- and I assume it will pass and we'll have an opportunity for people to -- to save in a mandatory fashion. What is your estimate of how many New Yorkers will be

eligible for this program based on the number of employees in a business and the current number of New York's small businesses? Because this is really going to affect New York's small businesses significantly.

MR. RODRIGUEZ: I think our initial estimates show that about 3.5 million New Yorkers have no access to any program. Now, those are across a variety of fields. I think we could probably extract a similar level of participation as we've seen in maybe some of the three other states that have similar programs up and running. So, I would -- I would say that's maybe a comparable number. But the number of employers, maybe around 6,000 initially in -- in the -- in the first couple of years. So it really does -- that's -- that's, for example, what is being utilized in -- in Illinois, 10,000 approximately in California. Illinois, which has been running much longer, is around 16- or 17,000, so I think that's maybe a good proxy for where we could be in a few -- in a few years.

MR. SMULLEN: And thank you for that. Now, are those states, are they actually requiring enrollment or are they actually just taking volunteers?

MR. RODRIGUEZ: Those three states have the similar model to what we're proposing and passing today with the mandatory participation for -- for businesses and -- and employee opt out.

MR. SMULLEN: And how long have they been in -- in effect? It seems a -- quite a small number for a great state like

California to have so few people if it were mandatory.

MR. RODRIGUEZ: I think Oregon has been the longest, approximately three years, and I think California has been two, having worked through a number of -- of legal challenges to get there.

MR. SMULLEN: Very good. Well, thank you very much for -- for answering my questions.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SMULLEN: My concern is testing this out. You know, I -- I think this is a -- has potential for introducing capitalism to many parts of -- of New York State against people's will, which is something -- kind of a curious sort of situation that we find ourself in here. And I -- having not being able to know how many New Yorkers this is actually going to affect if it's passed, that leaves me great concern because we haven't really got the system up and running and piloted it.

So, for -- for those concerns, I have some reservations about voting in favor of this bill. Thank you very much.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker.

Would the sponsor yield for a question?

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

MR. RODRIGUEZ: Yes, I will.

ACTING SPEAKER AUBRY: Mr. Rodriguez yields, sir.

MR. MANKTELOW: Thank you, Assemblyman. Just a couple of questions from the ag side of this. I know up in my district we have a lot of fruit growers and we have many, many employees coming in especially at harvest time. How would this affect them?

MR. RODRIGUEZ: Are those full-time employees?

MR. MANKTELOW: No. Some are, some not. Is this only for full-time employees?

MR. RODRIGUEZ: I -- I believe that's the -- the measure that we're using for -- for small businesses, correct.

MR. MANKTELOW: Are you sure of that?

MR. RODRIGUEZ: Okay. Ten employees. It's a correction. So, Mr. Manktelow, are you -- are you suggesting that those -- those are ten folks that are operating year-round?

MR. MANKTELOW: So -- so, I didn't know if you answered the question. So, is this only full-time employees?

MR. RODRIGUEZ: No. It's ten employees.

MR. MANKTELOW: Okay. So, in the fall time when harvest starts up in our -- our area, you may have 50 employees that are working on a farm, they come in to harvest the crop. So, the employer will then have to offer this to each one of those employees even though they're -- they don't live here in New York?

MR. RODRIGUEZ: Yeah, that -- we don't -- there's no carveout for any particular sector. So, if they had 50 employees, then yes. And -- and obviously those employees could opt out.

MR. MANKTELOW: Is there any tax incentives for these employers to -- to help them by doing this?

MR. RODRIGUEZ: Not at this time.

MR. MANKTELOW: Is that something that you would consider doing, moving forward?

MR. RODRIGUEZ: Sure. We're always open to ideas and suggestions. Sure.

MR. MANKTELOW: And I think my -- my colleague just before me had talked about a possible pilot program. Is there any consideration in doing that as well?

MR. RODRIGUEZ: Well, I think in that respect we have pilot programs. They're being piloted by two -- three other states and counting. I think it's -- we're -- we're in a position where this is clearly successful and happening in other places and -- and, you know, we're -- we're not going to be off the ground for at least another two years by the time we're all up and running. So, I think that's a detriment, you know, to -- to continuing to wait and -- and make any delay for a pilot program when we can look and clearly see that, you know, states with, you know, smaller -- I would argue smaller populations, but, you know, are -- are moving ahead successfully.

MR. MANKTELOW: Okay. So, if it's not going to take effect for another two years, would -- would you consider

meeting with some of the farming communities or some of the farm businessowners and talking with them before this is actually implemented into place?

MR. RODRIGUEZ: Well, I think what's important is that we built the structure which allowed for the Board to provide feedback and -- and enact regulations that -- that work and -- and provide feedback. So, that's something we could certainly fix if it were a problem or if something were required in the future. But I think, you know, moving ahead with this legislation, because we are already delayed in implementing, you know, is -- is critical, and so to making sure that we -- we get something on the ground for the 3.5 million New Yorkers who have access to nothing right now.

MR. MANKTELOW: Okay. And I -- I think it is important to get it on the ground, but I think at the same time it's also important to take baby steps and not just do something radical all of a sudden across the board. Because I think that, you know, the little bit I read on the legislation and listening to the other colleagues about this bill, I -- I do have concerns that, again, that we're asking our employers to do another step, and especially in our ag communities where a lot of these employees are only here for two to three months, just to do that much work, that legwork upfront before they even get here or once they get here and are employed, that's a lot of work that we're adding to the employers again. So I just a -- just a consideration and I ask you to -- to think about that. And if you want to, I'd be more than willing to sit down with you and -- and work through that for the

ag community.

MR. RODRIGUEZ: Well, we're certainly open. And -- and just out of curiosity, how are the -- these farmers handling tax withholdings, Social Security withholdings, Medicaid withholdings?

MR. MANKTELOW: Well, that's -- that's already done. But now we're ask -- adding another step, and I would think that -- you know, being a former fruit farmer working with the workers that harvested our crops, what they want to do is they want to send as much money back home. They -- they don't want to be involved in retirement. I -- I think it's good to talk to them and I think it's good for the full-time employees to have that option. But because we're not allowing any sort of disconnect for part-timers other than they can opt out, we're still going to put a lot of work back on the employer to -- to get this message across. Those -- those are just some of my concerns. But I -- I thank you for bringing the bill forward.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Goodell.

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

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

MR. RODRIGUEZ: Yes, I will.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Mr. Rodriguez. In my

county we have a number of seasonal employees -- employers. We have a lot of tourism, and so, an employer might have, you know, one or two employees in the winter and have 30 to 40 employees in the summer. If this program goes mandatory, would that employer be obligated to offer this program when he crosses over ten employees, that when he crosses that threshold, whenever that might be during the season? And the corollary question is, when he drops below ten can he then drop it?

MR. RODRIGUEZ: Yeah, so I think the answer would be yes. During that period of time they -- they would be required to open -- to offer that and -- and the employee can opt out. And I think that's an important point of the -- of the -- of the program is that we have sometimes the low-wage earners, seasonal workers, and during that period of time they can be participating while they're earning, and then other periods of time not be -- be able to participate, but then potentially pick that up the following season. So, I think that's -- that's one of the reasons why we've created portable benefits and this opportunity for it to -- to follow them in -- in -- in -- during those time periods.

MR. GOODELL: Am I correct this legislation does not distinguish between part-time or full-time employees, it's just a head count?

MR. RODRIGUEZ: Correct, it's just a head count.

MR. GOODELL: So, a -- a company that has ten full-time employees would face the same obligations as the company

that might have one full-time and nine part-time?

MR. RODRIGUEZ: Correct.

MR. GOODELL: We talked a little bit about the appointees for this governing board. And it's my understanding it's the Commissioner of Taxation, who's appointed by the Governor, Superintendent of Financial Services, appointed by the Governor, State Comptroller, two appointments by the Majority, a representative of the employer appointed by the Governor, a representative employee appointed by the Governor and a representative of the participants appointed by the Governor. So, the Governor really controls five out of the seven seats, correct?

MR. RODRIGUEZ: Correct.

MR. GOODELL: Is there any reason why there's no appointments by the Minority on this committee?

MR. RODRIGUEZ: I believe when we originally passed the legislation that was the agreement that was arrived to with the Executive. And, Mr. Goodell, just to go back to one of your earlier questions, or suggestions. We -- we checked the legislation and the employer has to have had -- have employed ten employees at all times during the previous year.

MR. GOODELL: I see. Although they could be ten part-time employees?

MR. RODRIGUEZ: Mm-hmm.

MR. GOODELL: You mentioned that the voluntary program that we implemented has no participants. This program

would change it from the Secure Choice Program to the Secure No Choice Program, right?

MR. RODRIGUEZ: I would say a Secure More Choices for more people by participating.

MR. GOODELL: I see. And you indicated that potentially 3.5 million people would be eligible to participate?

MR. RODRIGUEZ: No. That -- that's the number of people that are not offered anything in the State through any workforce program.

MR. GOODELL: I see.

MR. RODRIGUEZ: Not the number that are -- are in small businesses --

MR. GOODELL: And how many employees do we have in the State of New York that work for a company that's ten or more employees?

MR. RODRIGUEZ: Can you repeat that?

MR. GOODELL: How many people do we have working in New York State for ten or more -- employed in a company that hires ten or more employees?

MR. RODRIGUEZ: Let me see if I can get that -- that information for you, Mr. Goodell.

MR. GOODELL: Okay. Now, right now employees are required to pay FICA. That comes out of their share, right? I think that's 6.75 percent. Employees are required to pay or may be required to pay the entire cost of Paid Family Leave. That's a payroll

deduction. Of course they're obligated to pay Federal income tax. That's a payroll deduction. They're obligated to pay New York State income tax. That's a payroll deduction. How much do all these payroll deductions, including this 3 percent amount as -- as a threshold, how much does that all add up? I mean, how much do employees actually get to take home after a hard day at work?

MR. RODRIGUEZ: I mean, I think an important distinction there is in those you're paying taxes or some other issue. With the program that we're suggesting, you're paying yourself.

MR. GOODELL: Well --

MR. RODRIGUEZ: You are investing in yourself and in your own retirement.

MR. GOODELL: Isn't that the theory --

MR. RODRIGUEZ: It's your own money to --

MR. GOODELL: Isn't that the theory for FICA? I mean, that's the -- -- that's the theory, right, for Social Security. The 6.75 percent is going for Social Security, right?

MR. RODRIGUEZ: Correct. Referring to someone -- (inaudible)

MR. GOODELL: And so what you're basically saying is that 6.75 percent is not enough, we should be looking closer to 10 percent.

MR. RODRIGUEZ: In terms of individual retirement savings?

MR. GOODELL: Yes.

MR. RODRIGUEZ: I'm sure it's -- you know --we allow more than that on 401(k)s, right? So certainly, the -- the recommended amount is what -- what -- is as much as you can -- you can do.

MR. GOODELL: Thank you, Mr. Rodriguez. I appreciate your questions.

On the bill, sir.

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

MR. GOODELL: So, a few years ago we were presented with a Secure Choice program and it really was a choice, it was entirely voluntary. It was voluntary on the part of employers and it was voluntary on the part of employees. And -- and we heard -- we heard back from employers and we heard back from employees, and irony -- ironically, apparently no one has opted into this program. And so when people didn't do what we wanted to do on a voluntary basis, we turn around and this bill would make it mandatory. One more burden on all the employers and employees in the State of New York. For employers, it means one more payroll deduction, one more separate payment on top of the tax withholding from the State, tax withholding for the Federal, the tax withholding for Social Security, the payroll withholding for Paid Family Leave and all the other expenses that we impose on employers and expect them to collect. I like voluntary. The reason I like voluntary is we leave it up to the individuals to select what they want to do in their best interest. So I'm

hesitant to impose one more expensive mandate on our employers as they are struggling to recover and put employees who fail to opt out into a program that takes another 3 percent out of their pay.

So for those reasons, while I supported the initial voluntary program, I will not be supporting this additional mandate. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 3213-A. 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, sir. The Republican Conference will be generally opposed to this legislation, but those who support it should contact the Minority Leader's Office.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Our Democratic colleagues will be supporting this piece of legislation. However, there may be some exceptions and those members should feel free to contact the Majority Leader's Office at the

previously-given number and we will properly record your vote.

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

(The Clerk recorded the vote.)

Mr. Rodriguez to explain his vote.

MR. RODRIGUEZ: Thank you, Mr. Speaker, for the opportunity to explain my vote. I want to certainly thank a number of different participants who have been working on this legislation for quite some time, including AARP. I think what's important here is we are in a retirement crisis. One that is disproportionately impacting Black and Brown communities who do not have access to a workplace employee retirement savings program. We know that 67 percent of Hispanics have no way to save. The number is over 50 percent of African-Americans and over 60 percent of Asians. And we know that the rate of savings is 15 times higher if you have an employer-based program. Now, we have significant models that are out there that are working, that are predominantly focused on low-income communities. They are not saving tons. This is not going to make them rich, but this will make sure that they don't go broke. The average contribution is roughly \$150 a month. But compounding interest is going to make sure that they have something at the end of the day. And of course this is an optional program. The employee can opt out if they choose not to participate. But we know that by able -- by being able to save, by being able to do that and budget around this 3 percent, you know, you will be able to see something at the end of the day with respect to

the nest egg growing.

There's been a lot of conversation about the cost to the small business. Literally, it is a push of a button. If they have QuickBooks or ADP, if they are doing withholdings for other things, this is literally a toggle in that -- in that application in which they manage their books. So, what we're talking about is not an overburdensome mandate on small businesses. We are getting them out of the business of trying to figure out how to offer a 401(k), we are putting them in the business of providing a benefit to their employees that they may not be able to do individually. And I hope that we're able to move forward with this quickly, and -- and put this in place in New York State so that we join Illinois, Oregon and California and make sure we provide benefits -- retirement benefits to all workers in the State of New York.

ACTING SPEAKER AUBRY: Mr. Rodriguez in the affirmative.

Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you, Mr. Speaker. To explain my vote. My colleagues, we need to help people save money for retirement. This program is worth a try. I spent 16 years in the retirement business. And nothing gave me a bigger sense of satisfaction than sitting down with a new employee, someone who was not sophisticated in the field of investing, but teaching that person how the program worked and how given time -- given time and the miracle of compounding, they could save money and have a nest egg

20, 30 or 40 more years down the road. This is important. And I have every trust in Comptroller DiNapoli and the others who will oversee this that they will be good fiduciaries, that they will have a -- an ample investment mix, especially using target date funds, which are a wonderful creation to help people who are not sophisticated save in a diversified portfolio. This has the potential to be a very, very good thing for the people of New York who do not have access today to small retirement plans. Running a 401(k) can be expensive. But this is a way to offer a good plan to people at a reasonable cost. And again, the fiduciaries must keep an eye on fees, on costs. But this has the potential to be a great thing and I wish it well.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Fitzpatrick in the affirmative.

Mr. Goodell.

MR. GOODELL: Thank you, sir. In addition to my colleagues who are here on the floor and voted directly, please record Mr. Brown in the affirmative as well as Mr. Fitzpatrick, Mr. Morinello, Mr. Norris and Mr. Walczyk. Also, Mr. Byrne -- I'm -- I apologize. Ms. Byrnes and Mr. Gandolfo.

Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 19, Calendar No. 226, the Clerk will read.

THE CLERK: Senate No. S01630-A, Calendar No. 226, Senator Savino (A04651, Abbate, McDonald, Zebrowski, Otis, Woerner). An act to amend the General Business Law, in relation to third-party delivery services.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: This legislation requires any food delivery service to have a written contract that contains various terms and conditions as a condition of listing or advertising, promoting or selling any particular food from a restaurant, including provisions that relate to indemnification. And as an attorney, I always like to have written contracts. But I am a little concerned that we may be micromanaging this industry and that it should be up to the parties to decide how to make arrangements. Keep in mind that a restaurant that doesn't have any contract for a food delivery service has no obligation to pay it. The entire cost will be borne by the consumer. This changes that arrangement and requires a written contract. A lot of us will be supporting this because we like contracts, especially us lawyers who write them, but some will be concerned that we're micromanaging businesses.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, Mr.

Goodell.

Mr. McDonald.

MR. MCDONALD: Thank you, Mr. Speaker. I want to thank the sponsor for this legislation. And I understand the point about potentially micromanaging businesses. But on the same token, I just want to share what happened in my district, which is one of the reasons why I support this legislation. We have businesses where their menus off their website were literally being electronically scraped, prices were being edited on top of it. And customers were coming in, questioning why the prices were changing so much. It got into a business reputation issue. And, you know, from my perspective, this is why I support this legislation. We like contracts. It's basically the terms of engagement. It's how things are to be done. And I think it's a proper way to move forward in this situation as this industry continues to grow and evolve. And I want to thank the sponsor and the Chair for their efforts in this endeavor. And I will be supporting it --

ACTING SPEAKER AUBRY: Thank you, sir.

MR. MCDONALD: -- as you can tell.

ACTING SPEAKER AUBRY: Are there any other votes?

Oh, excuse me. 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 Senate print 1630-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.)

Mr. Abbate to explain his vote.

MR. ABBATE: Thank you -- thank you very much to my colleagues. This is an important bill, especially to our local restaurants who are really feeling the pinch and they're -- and I know we're not allowed to use our colleagues' names on the floor, but to my colleague in Suffolk County, I just wanted to let him know it wasn't a government employee bill, this one. Thank you.

ACTING SPEAKER AUBRY: Thank you for following the rules so closely, Mr. Abbate.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. In addition to myself, please record Mr. Angelino in the negative. Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you. Mr.

Speaker, if we can now call our attention to page 18, we're going to take up two bills on that page, Calendar No. 206 and 207. Both of them are sponsored by Ms. Bichotte Hermelyn.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A06046, Calendar No. 206, Bichotte Hermelyn, Thiele, Carroll, Quart, Dickens, Galef. An act to amend the Election Law, in relation to electronic applications for absentee ballots; and providing for the repeal of such provisions upon the expiration thereof.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Bichotte Hermelyn.

MS. BICHOTTE HERMELYN: Thank you, Mr. Speaker. Explanation on this bill. This bill would provide an additional method of qualified voters requesting absentee ballots through electronic means. This will increase voter participation, promoting a level of safety during the coronavirus pandemic. Section 1, paragraph (d) of subdivision 2 of Section 8-400 of the Election Law as separately amended by Chapters 97 and 104 of the Laws of 2010 is amended to allow voters to request an absentee ballot from the Board of Elections which eliminate the requirement to sign the absentee application to get a voter. In 2020 in light of the COVID-19 pandemic emergency, we passed several election reform bills, including legislation allowing voters to request an absentee ballot through a electronic portal. That bill has since expired as of December 31st, 2020. But the extenuating nature of the COVID-19 emergency has

necessitated an extension of the laws. By extending these laws we will allow more qualified voters to participate in the upcoming 2021 New York City elections and New York State elections. This legislation also allows a temporary extension of the provisions to allow a ballot to be submitted electronically through the end of the year. The bills are a temporary holdover to get us through New York City 2021 election cycle after which my colleague's bill, Walker's bill, A.6970 which establishes a permanent electronic absentee ballot application transmittal system would take effect, if it becomes law.

Thank you.

ACTING SPEAKER AUBRY: Mr. Norris.

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

ACTING SPEAKER AUBRY: Ms. Bichotte --

MS. BICHOTTE HERMELYN: Sure.

ACTING SPEAKER AUBRY: -- Hermelyn, will you yield?

MS. BICHOTTE HERMELYN: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. NORRIS: Thank you very much. I just want to clarify that for this bill that will be an extension through the end of the year, if someone makes an application for an absentee ballot through the portal or by a letter or by an application process, they do not have to sign with their signature verifying the information. Would that be correct?

MS. BICHOTTE HERMELYN: Yes, that would be correct.

MR. NORRIS: Why don't we require a signature on this application to verify the identity of the voter?

MS. BICHOTTE HERMELYN: Because once the voter receives the actual ballot, there is an envelope that can verify the person's identity. Many times, like my late mother was not able to request her own absentee ballot, and I would have to do it on her behalf. And there -- and because of the pandemic, signatures were almost impossible. There are people in households who don't have the electronic means to scan a signature and so forth. So this, again, is a portal that would just allow anyone to request for an absentee ballot, but the actual ballot when you're sending it, we verify the person's identity. They have a signature on it. And if you know, last year a lot of the mail-in ballots were not valid because a lot of people didn't even sign the ballot, they didn't know. Of which we then amended -- not amended, but we redesigned the envelope to put a big red X so that people know to sign their envelopes, their ballot envelopes.

MR. NORRIS: Now, individual signatures do change over time. I mean, mine has changed since I first registered to vote when I was 18. So that's one of the reasons why it's important, I believe, to have the signature when someone applies for the absentee ballot in current time and then be able to check and verify that signature on the back and when they sign in front of that big X which we -- I believe we voted for and supported in last year's -- following

last year's elections. So would you agree that it's important to have a reliable signature in at least current time for -- for candidates and others to verify that it is the actual voter who's filling out that absentee ballot application and then subsequently filling out the absentee ballot itself?

MS. BICHOTTE HERMELYN: Well, again, it doesn't matter if you're requesting an absentee ballot. It's the actual ballot itself that we need to verify. And even if your signature has changed, typically if there's any type of dispute, you can certainly match it against the voter card or you update the voter card with your most -- your most recent signature. But even if your signature changes, you know, if we were to hire a forensic expert, your strokes, the strokes of your signatures remain the same. You may have a different swerve or curve, but it doesn't change much. And again, that should not -- that should not be a reason for not having your signature. I mean, we are -- we are requiring your signatures to be on the envelope.

MR. NORRIS: On the envelope. But not on the application to make sure it's one in the same, very similar in current time.

MS. BICHOTTE HERMELYN: No. I mean, like, if you had to request ballots for your -- your parents, and let's say your parent wasn't able to sign or didn't have any means to sign, you know, that would be putting a burden. That would be putting a burden. As you know, you know, voting is a fundamental right and we have a

number of cases that would restrict any type of election qualification law that would put a burden on someone -- access to a ballot, someone an opportunity to vote.

MR. NORRIS: So someone can go in on the portal, put in the information, the Board of Elections will then just automatically send to that household a ballot, is that correct? Without -- without any signature verification on an absentee ballot for this year under this proposed legislation that you put forth?

MS. BICHOTTE HERMELYN: Right. And it worked actually pretty well last year. So we're not changing anything. We -- I mean, we do have a study that shows that, you know, we didn't find any fraud, there were no case of frauds. It -- it -- again, it allowed a lot of people to be able to vote and receive their ballots. Last year the Governor issued an Executive Order where everybody just got a ballot. So, I mean, what's the difference with what he did and someone requesting a ballot via the web portal? I mean, everybody got a ballot. And you can make that same argument where, okay well, we don't know if the, you know, that person in that household received the right ballot or is committing some type of fraudulent act and making believe that they're someone that they're not. At the end of the day, again, the signature of the envelope and the ballot is what's used to verify the identity of the person.

MR. NORRIS: Yeah, I believe last year in the Governor's Executive Order for school board elections they all received their ballots. I think for the primaries they received

applications to fill out which would require their signature when they went back to the Board of Elections. So there were applications by the Executive Order sent out by the Board of Elections would still require that signature. I --

MS. BICHOTTE HERMELYN: No, actually -- actually -- I'm sorry, Assemblymember Norris, when -- when the Governor actually sent out the application, it wasn't -- it wasn't actually ballots, it was actually applications. And again, the same process as the web portal, all of the recipients of the State of New York did not need to sign for an application. Do you understand? So...

MR. NORRIS: Okay.

MS. BICHOTTE HERMELYN: I'm happy you brought that up.

MR. NORRIS: I had to clarify that. I just know that in my area they sent out the applications because we didn't have a portal, at least in Niagara County, from my understanding.

So anyway, the point of the matter is -- and if I could just go on the bill, Mr. Speaker, because I know my time is -- is running short. The point of the matter is it's very, very important that we have verification of the identity of the voter when they make an application for an absentee ballot. I also believe, I know it's not exactly on point for this, but when you go into a voting booth, it's my belief we should have verification at the voting booth. For example, I go out to a liquor store or a convenience store and I have to show my

ID to get, you know, an alcoholic beverage, if I were to purchase it. If I go to a school, for example, I have to show my identification to get into the school. When I got my COVID vaccination, I had to show my ID there. So generally, I just think it's very, very important to make sure that we do have verification that the actual person that's going into the voting booth, that it's verifiable, that it's there -- that it's them. Or if they're voting by absentee ballot, obviously, it's very difficult to show a proof of ID for that. But the one way we can ensure the sanctity and the integrity of the process is to make sure that we have a verifiable signature. Because over time, like I mentioned earlier on, signatures do change. So it's good to have a -- a signature that is the most current so that when the ballot comes back we can also have a signature that matches. Because I think all of us want to make sure that we have fair elections. You know, I just supported the no-excuse absentee ballot proposal to go forward because I've had experiences when I was the Elections Commissioner where I know people were not able to get ballots. When the institution was right in at Niagara University on the other side of the county, they couldn't get a ballot when there were students there. So I believe that we should have the access to voting. It's very, very important. Like the sponsor said, it's our sacred right. It's something that we all share equally and we get one vote to do it. We just want to make sure that it's fair, that it's equal and that the people who are actually voting is that it's verifiable whether my opinion through ID if it's at the polls, or in this case with the absentee ballot application that there's a signature for that

verification. And as we move forward -- and I'm very pleased to see going forward that the vaccinations are working, that people are being more -- are getting vaccinated, we're starting to move around a little bit better in our communities, I certainly think definitely past the primary we'll be able -- a little bit more open process at the voting site.

So, with that, Mr. Speaker, I do have concerns about the verification of the lack of signatures for the absentee ballot applications in this upcoming election under this proposal and I urge my colleagues to please oppose this bill. Thank you, Mr. Speaker. And thank you, Ms. Sponsor.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Giglio.

MS. GIGLIO: Mr. Speaker, will the sponsor yield for a question?

ACTING SPEAKER AUBRY: Ms. Bichotte Hermelyn, will you yield?

MS. BICHOTTE HERMELYN: Yes.

MS. GIGLIO: I'm curious as to whether or not you were on the remote notarization hearing that took place this last Friday with the Attorney General.

MS. BICHOTTE HERMELYN: No.

MS. GIGLIO: Okay. Because there were several concerns from the Attorney General about fraud by putting legal documents and deed transfers and things like that online where the process had to be really fine-tuned before it could be effective to

protect people. And I -- so, I just think that this is a way of people going online, applying for absentee ballots, the absentee ballots get to the house and then there's -- there's nobody there to sign it. So -- and send in the actual ballot. And the signatures can't be compared. So I just think that there's too much room for fraud with this, and I think that the absentee ballot the way it works now, it's -- it's working. And in speaking to the Commissioner of the Board of Elections in my county, this is -- this is frightening to them because they don't have the staffing and they don't have the resources to handle all of these absentee ballots. And I just think that -- is -- is there any funding for this for local Board of Elections?

MS. BICHOTTE HERMELYN: So currently, just so you know, only three counties did this web portal. And so with the Walker bill, which will be a more comprehensive bill, hopefully instituted by next year, will come along with, you know, funding and so forth. Funding -- there's funding allocated for this, yes.

MS. GIGLIO: Yeah, because with the early voting, you know, that put a real strain on the Board of Elections and on the counties as far as having the people there and actually verifying signatures. I think for years Republicans and Democrats have both agreed that showing up and voting is a -- is an important part of being an American citizen. So I just feel that we're changing too many of the laws when it comes to voting and there's too much for fraud -- too much room for fraud.

So, Mr. Speaker, with that I will be voting on -- in the

negative on this bill and I ask my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Bichotte on the bill.

MS. BICHOTTE HERMELYN: Yes. Thank you, Mr. Speaker. On the bill. So, the right to vote is a fundamental right. The 15th Amendment say that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by the state on account of race, color or previous conditions of servitude. The 19th Amendment adopted in 1920 extended the right to vote to women. The 24th Amendment ratified in 1964 prohibits poll taxes in elections for Federal offices. The right of citizens of the United States to vote shall not be denied or abridged by the United States or any state reason of failure to pay any poll tax or other tax. The 26th Amendment adopted in 1971 extends the right to vote to all citizens who are 18 years of age or older.

Mr. Speaker, voting is essential to our democratic society. These are all listed in the Constitution deeming voting as a fundamental right protected under the Equal Protection Clause and that established -- and these were established laws infringing on, deny or limit the right to vote must meet strict scrutiny and can be deemed unconstitutional. Here, this law is not infringing on anyone to vote, nor is it creating opportunities for fraudulent [sic]. We are simply making it easier for citizens to exercise their fundamental right to vote by making it easier to just get access to the ballot, okay? Voter

qualification laws have been set in our State to make sure that they're an undue burden, okay? So I know my colleagues on the other side are concerned with fraudulent activities, but there have been no evidence of fraud. We did this last year, and again, there were no evidence. False claims alleging that absentee voting is prone to widespread voter fraud are untrue, unfounded and not based on fact. Americans are more likely to be struck by lightning than commit mail voting fraud. In New York State there were fewer than 30 cases of voter fraud between the 1980s and 2018.

Mr. Speaker, it is necessary that we make these election reform laws. Statewide about 2.5 million New York voters requested a mail-in ballot in the 2020 presidential election. That is five times as many as in 2016. And in New York City more than 1.1 million voters requested a mail-in ballot, or about 19.8 percent of the 5.6 million registered voters there. With elections throughout the State less than two months away, we must do all we can to make voting convenient and safe for our eligible voters. The implementation of this bill would provide an additional method for voters to request absentee ballots. It should be our goal to make voting as easy and safe as possible for every New Yorker. These changes are necessary to safely and effectively administer this election. By passing this legislation we will ensure a more inclusive and accurate election. Although the voting rights in this legislation affect all New Yorkers, we cannot divorce the issue of racial disparity from the equation. Passing this bill is especially critical because Black

and Hispanic and poor communities disproportionately were contracted and lost their lives to COVID-19. Voting should not cost anyone their life. By making it easier and safer for all eligible voters to request an absentee ballot will also be providing people who we know to be most risk of getting sick and suffering facilities with multiple options of casting ballot, which this legislation accomplishes. Absentee ballot is secure and reliable, necessary and widespread supported. While voting by mail has not changed election results, it has increased our voter turnout. We must help New Yorkers participate in our democracy to the fullest extent possible.

Mr. Speaker, I will be voting in the affirmative and I urge all of my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 6046. 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, sir. The Republican Conference will generally be opposed to this legislation, but those who support it should contact the Minority Leader's Office so that we can record your vote.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. The Majority Conference will be voting in the affirmative on this one. Should colleagues desire to be an exception, they should feel free to contact the Majority Leader's Office at the previously-given number and their vote will be properly recorded.

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

(The Clerk recorded the vote.)

Mr. Lawler to explain his vote.

MR. LAWLER: Thank you, Mr. Speaker. I thought this was about the COVID-19 pandemic and the need to make it easier for people to vote as a result of COVID-19. But after listening to the sponsor, it's clear that this is not about COVID-19. This is about using COVID-19 as a vehicle by which to ultimately change the process. The sponsor talked about signing an application for a parent in order to apply for an absentee ballot. That application has a witness signature spot. That witness spot is not available in the online portal. And certainly through an e-mail you have no way of knowing who's -- who is sending that e-mail. You have no way of verifying that. We see fake e-mails all the time. We see fake profiles all the time. You have no way of verifying it. Having an absentee ballot application to ensure that the actual voter who is requesting the absentee ballot is the

one who signed it is logical. It's commonsense. And the idea that we're using the COVID-19 pandemic to do away with that, and even though this says December 31st, 2021, we all know we'll be back here next year passing a piece of legislation that makes it permanent. That is what this is designed to do. The sponsor of this bill pretty much made that clear in her answer.

So for that reason, I absolutely will be voting against this.

ACTING SPEAKER AUBRY: Mr. Lawler in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 18, Calendar No. 207, the Clerk will read.

THE CLERK: Assembly No. A06047-A, Calendar No. 207, Bichotte Hermelyn, Thiele, Carroll, Quart, Dickens, Galef. An act to amend the Election Law, in relation to the mailing and receipt of absentee ballots; and to provide for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Mr. Norris.

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

ACTING SPEAKER AUBRY: Ms. Bichotte Hermelyn, will you yield?

MS. BICHOTTE HERMELYN: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. NORRIS: Thank you, Mr. Speaker. Thank you to the sponsor. I just want to ask a question regarding this. So, if someone sends a letter in asking for an absentee ballot, they don't have to have that letter signed or now complete an absentee ballot application in order for their absentee ballot to be counted, is that correct?

MS. BICHOTTE HERMELYN: If they go through the web portal it doesn't give you that option. But if you receive an application, there are instructions of -- of, you know, getting the absentee ballot.

MR. NORRIS: So if they just send a letter to -- from my reading of the actual text, if they send a letter in and they say, *I would like to have an absentee ballot sent to me* and even unsigned, they just ask for it, they don't have to complete now the actual absentee ballot application affirming the reason, which would also include temporary illness, I know, because that was extended through 2000 -- the end of the year. But they still have to fill out the application normally to do that. So I just wanted to verify. They don't have to fill out the application in order for their ballot to be counted now?

MS. BICHOTTE HERMELYN: I'm not aware of what letter you're talking about. There's -- there's a specific application that everybody has to fill out. Our colleague Vanel had mentioned a bill that we just passed which was a no-excuse absentee

ballot, which is very different from this, so that will be a future thing. But as of now, as of today, you have to fill out something, whether it's the web portal or the application that you get in the mail to request. I don't know about the letter.

MR. NORRIS: Okay. I just wanted to read for the record. So the text is actually in there. And this is in Section 1, subdivision 1 of Section 814 as amended. The following language would be struck out under the bill. *Except that the absentee ballot of a voter who requested such ballot by letter, comma, rather than application shall not be counted under -- unless a valid absentee application form, comma, signed by such voter is received by the Board of Elections for such ballot.* That language is being struck from the current law, which I would interpret meaning if they just send in a letter which is unsigned, they don't have to complete the actual application anymore in order for their ballot to be counted. So that -- that's just what I want a little bit of clarification on.

MS. BICHOTTE HERMELYN: Yeah. I think this bill was a little bit -- little bit complicated because what we were really trying to address was that the military ballot -- because this bill would also allow absentee ballots with a postmark and cancellation mark, so we wanted to make sure that all the different types of ballot would have that same opportunity to submit in the actual ballot on the day of election. And we were trying to make that portion permanent, knowing that we have the Walker's bill. We were taking that portion out because it's addressed in the -- the first bill in terms of getting a

permanent -- getting a temporary web portal for this year and it will expire by the end of this year. And then we will have the Walker bill that will make it permanent. So it looks --

ACTING SPEAKER AUBRY: Ms. -- Ms. Hermelyn -- Ms. Bichotte, please, the rules of the House -- we would ask you to refrain from using other members' names. You've done it a few times. So if you would refer back to a colleague or another bill by number, but we ask you not to use members' names. Thank you.

MS. BICHOTTE HERMELYN: I apologize about that. But Assemblymember Norris, do you understand? It's a -- it's a little bit complicated, so we're -- we're -- we're just taking that portion out because it's being addressed in the earlier bill that we just passed.

MR. NORRIS: I -- I -- I do understand, and I thank you for the explanation.

I have one more question. Now, just for certain ballots, the Federal ballots, the military ballots, there's been a -- there's been a change here under the -- this language which would say that if a ballot was not -- was -- was not postmarked -- I'm sorry, if it was actually -- it was not postmarked before Election Day, for example, it was postmarked on Election Day, that that would be counted. Would that be correct?

MS. BICHOTTE HERMELYN: Yes.

MR. NORRIS: Okay. And these ballots are coming from all around the world, they're coming from different states, maybe even on the West Coast, places like that. Would that be correct?

MS. BICHOTTE HERMELYN: Correct.

MR. NORRIS: Okay. So just so you know my concern about that and why previously it's been in the statute for the day before Election Day that theoretically election results would come in at 9:00, people could see if these elections are close or not and then they can send in their ballot at that point in time through a different facility. So that's just been my concern by why we accept postmarks on the day of election, because in certain places, post offices may be still open after we close our polls at 9:00, particularly with time changes around the world, particularly on the West Coast.

MS. BICHOTTE HERMELYN: We could -- we could make the same -- I mean, Mr. Norris, we can make the same argument if someone could be, let's say, in an adjacent state and they just drive over to the other state and make their vote. I mean, right now we allow people to submit their ballot in on the same day. So I can drive like two or three hours, knowing what the election is and make -- still -- you know, still vote on that day because the rule allows that. So I don't know what difference would that make.

MR. NORRIS: I -- I just believe that the safeguard is -- and I said this in last year's debate -- that we should still keep it the day before Election Day because there are potential for those ballots to be cast after our polls close at 9:00, either through a post office that is open or if they're, for example, on the West Coast where there's a time difference. They can see if it's a close -- because these ballots apply for, you know -- except for the Federal ballots -- for -- well, I guess

they would, too, if it was very close as we saw with the congressional race -- for town board races and things like this as well. So, you know, there are very, very close elections out there and that's just a concern of mine that I raise here on the record again.

MS. BICHOTTE HERMELYN: It would be -- it would be not equitable, right, if I have the right to walk in my vote and someone who's not able to walk in their vote but be able to go to the mailbox, especially, you know, under these unprecedented times. I feel that there will be some type of inequity. You know, this person have a right but I can't. You know, this person has the ability to walk to -- to a poll site to give in their ballot, but I can't. What if I have difficulties and I just can't? That's not fair. So I think to be -- to be even-handed -- and when we do these laws we want to make sure that it's even-handed. And as you know from cases in the past, you know, voter qualification type of laws, just as long as it's not putting a burden on a person to vote, are constitutional. And again, we have -- give me the proof. Give me the proof on any state that this is happening. That there's this big conspiracy, *Oh, we're going to wait until the last hour and then we're going to cast our vote, you know, in a different state or we're going to mail in our ballot.* It just -- we just don't have proof of these cases.

MR. NORRIS: That would be a mail-in. You know that would be a mail-in from Arizona or from California or places like that where our polls have closed, they might have more time to get in there. It just -- my point is before the statute read the day before the

Election Day that ensured that there was no potential for fraud, and that's my point, for the record. We respectfully disagree on that, and that's -- that's certainly fine.

Now if I can just go on the bill, Mr. Speaker. And thank you to the sponsor for answering my questions.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. NORRIS: Thank you, Mr. Speaker. As I mentioned in my previous debate on the previous bill, I just do have concerns about the signature verification on these applications and the lack of now having the actual application being put forth as a requirement for that ballot to be counted. And also as I raised my concern before about changing the cancellation postmark date just in time.

So for those reasons, I believe that it does pose a potential for fraud and for the lack of verification, particularly in the signatures, by not having that absentee ballot application with those signatures or even a letter with a signature, as -- as is currently required in the statute and this would change. So for those reasons I encourage all my colleagues to please vote against this legislation, and I appreciate the opportunity to be heard today. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly, sir.

Ms. Bichotte Hermelyn.

MS. BICHOTTE HERMELYN: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill.

MS. BICHOTTE HERMELYN: Under this bill, A6047-A, the last date for ballots to be counted is permanently changed to conform to the hand-delivered ballot deadline. Again, to conform to the hand-delivered ballot deadline. This updates the law to give voters one additional day to mail their ballot. This bill also, as I mentioned, also temporarily allows voters flexibility when asking for an absentee ballot during the coronavirus pandemic by permitting a ballot to be requested without a signed absentee ballot application. In summation, this bill allows absentee ballots with a postmark, cancellation mark by the day of election to be rendered a timely -- to be rendered a timely ballot.

Mr. Speaker, we should be removing barriers to voting, again, in light of the record number of ballots being cast by mail and ongoing concerns about the COVID-19 pandemic. It's especially critical to fostering a strong democracy. By passing this bill we are ensuring accuracy and in our election. We're ensuring that we have guidelines in place to prevent ballots from being invalidated for reasons beyond voters' control. In 2020 we all held our breath hearing stories of postal service delays that threatened to disenfranchise voters across America. We must not allow that fear to be repeated in future elections. Disenfranchisement because of bad policy and third-party error is entirely preventable and avoidable. Although this is not a complete fix, it is a much needed -- it is a much-needed reform. We

must urgently pass this bill to facilitate a healthy 2021 election while we continue striving towards a more progressive voting system.

Mr. Speaker, I will be voting in the affirmative and I encourage all my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print 6047 [sic]. This is a fast -- 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, sir. The Republican Conference is generally opposed to this legislation. Those who support it should contact the Minority Leader's Office and we'll record your vote properly. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority colleagues will be voting in the affirmative on this one. Should there be any colleagues that desire to vote as an exception, they can feel free to contact the Majority Leader's Office at the number previously given and your vote will be recorded.

Thank you.

ACTING SPEAKER AUBRY: Thank you so much.

(The Clerk recorded the vote.)

Mr. Lawler to explain his vote.

MR. LAWLER: Thank you, Mr. Speaker. Just to clarify. Hand-delivered is considered timely because it is hand-delivered before 9:00 p.m. on Election Day. The reason that mailing a ballot on Election Day might not be considered timely is because as my colleague pointed out, it could be postmarked after 9:00 p.m., therefore after the election. The reason that absentee ballots previously postmarked prior to the day of election are considered valid even if they come in after the election is because they are postmarked before 9:00 p.m. on Election Day. So there is a big difference between hand-delivered and mailing a ballot on Election Day. Beyond that, in six days we're all going to be paying our taxes - at least I hope everyone is paying their taxes - and we're all going to be required to sign our tax returns with a signature. You apply to register to vote, you need a signature. I'm really not following why we are looking to eliminate a signature requirement on applying to vote by absentee ballot. It really makes no sense. There's no rational explanation as to why we would not want to verify who is applying for an absentee ballot. I don't care what their reason is. They can vote, as I voted for the legislation earlier to allow people to vote without an excuse. But we should know who is voting and who is requesting that ballot and ensure that the individual that will vote with that ballot is, in fact, the one who requested it.

Therefore, I vote no.

ACTING SPEAKER AUBRY: Mr. Lawler in the negative.

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, colleagues, we have about 14 or so more days to be in Session. We have a ton of legislation. Quite a bit of it needs to be debated. And we have 42 resolutions and they still keep coming in every day. So if we're going to spend an hour discussing resolutions that -- something we're asking the Governor to do is not a good use of our time. And so I want to encourage colleagues and motivate you to please, if we can keep our comments to a minimum or to zero on resolutions we would have more time to debate. And I don't want to minimize the value of resolutions because I know they're important. They mean a lot to the people who present them. And I get it. But we also only have 14 more days to work on your legislation and our debatable bills. And so I just want to encourage us not to use so much time doing that.

Secondly, Mr. Speaker, do you have any further housekeeping or resolutions?

ACTING SPEAKER AUBRY: Well, Mrs. Peoples-Stokes we certainly have resolutions. And one of them is privileged. Resolution 283, the Clerk will read.

THE CLERK: Assembly Resolution No. 283, Ms.

Buttenschon.

Legislative Resolution recognizing August 2021, as
Karen American Heritage Month.

ACTING SPEAKER AUBRY: Ms. Buttenschon on
the resolution.

(Pause)

I think you scared her off, Mrs. Peoples-Stokes.

(Pause)

So we will include that in the resolutions that I'm
holding up, which is the fastest way to do resolutions. These
resolutions are all sponsored by members.

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

(Whereupon, Assembly Resolution Nos. 284-286
were unanimously adopted.)

I'm sorry, back to the Resolution 283, the Clerk will
read.

THE CLERK: Assembly Resolution No. 283, Ms.
Buttenschon.

Legislative Resolution recognizing August 2021, as
Karen American Heritage Month.

ACTING SPEAKER AUBRY: Ms. Buttenschon on
the resolution.

MS. BUTTENSCHON: Thank you, Mr. Speaker.
On behalf of the residents of the 119th Assembly District, which has a

large population of the wonderful American Karens, I would like to celebrate August as Karen -- or excuse me, Karen American Heritage Month. And clearly what we see is so many individuals that have dedicated themselves to a part of the American culture and providing so much to our economic concerns that we have seen over the last year with the COVID crisis and the steadfast work of so many of these individuals that work so hard to support our communities.

So on behalf of -- of those within my district as well as across the State of New York, I ask my colleagues to join as we honor the Karen population as Karen American Heritage Month in August of 2021. Thank you very much.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the Assembly stand adjourned until 10:45, Wednesday, May the 12th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 6:07 p.m., the House stood adjourned until Wednesday, May 12th at 10:45 a.m., that being a Session day.)