



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senator Gallivan's Votes for Week of January 11, 2021

JIM RANNEY January 13, 2021

| ISSUE: **NYS SENATE**



The following bills were approved by the NYS Senate. Senator Gallivan's vote is noted below.

S253 This bill would amend section 8-410 of the election law to provide that in cases where the express intent of the voter is unambiguous, any stray marks or writing shall not be a basis for voiding a ballot. NAY (Undermines ballot integrity in two ways: 1. Encourages the removal of the secrecy of a ballot and 2. Continues unsupportable practice of overruling a postmark date)

S264 This bill would amend Section 8-400 of the Election Law, to provide that all applications requesting an absentee ballot by mail must be received by the board of elections not later than the fifteenth day before the election for which a ballot is first requested. This bill would further require that all applications for an absentee ballot that will be delivered in person at the board of elections to the voter or to an agent of the voter must be received by such board not later than the day before such election. AYE (Helps local boards of elections with administration)

S360 CONSTITUTIONAL AMENDMENT - Authorizes ballot by mail by removing cause for absentee ballot voting. AYE (If abstentees allowed, should be up to individual how to exercise right to vote. So important - send to citizens for referendum)

S492 This bill would add a new section 8-414 to the election law to establish a program of absentee ballot drop-off locations. NAY (Undermines ballot integrity. Concerns re. dropbox security)

S516 This bill would mandate time frames for the processing of absentee ballot applications, and issuance and mailing of ballots by local boards of elections. Such time frames would mandate that local boards of elections must process and examine absentee ballot applications, and issue and mail absentee ballots, on an accelerated schedule, from between 46 days from receipt of the application, to the same day such is received. NAY (Arbitrary. One size fits all difficult to apply to all counties. Unfunded mandate.)

S631 This bill would amend section 8-400 of the election law, to remove the present requirement that an application for an absentee ballot that is requested by letter or telefax must be received by a local board of elections not earlier than the 30th day before the election for which the ballot is first requested. NAY (Costs and administrative burdens to local BOEs)

S632 This bill would amend section 8-400 of the election law to:\* Allow requests to be made by a voter for an absentee ballot by electronic mail or by Board of Elections Web Portal; and \* Eliminate the requirement that an application for an absentee ballot must be signed by the voter. This bill would further amend section 8-412, section 9-209 and section 10-114 of the election law to allow for postmarks of an absentee ballot to issued up to the day of the election, instead of the day before the election. NAY (By removing the requirement that a voter must actually sign their application for an absentee ballot, this bill would lead to the possibility of massive voter fraud)

S1027 This bill would amend sections 9-209, 5-506, 4-128, 8-302, 16-106, 16-102 and 17-130 of the election law, to mandate that local boards of elections commence the reviewing of absentee ballots 40 days prior to the election, and start canvassing of absentee ballots on the second Sunday of early voting (generally the last day pursuant to section 8-600). It would also allows a voter to receive notice to cure an absentee ballot submitted to the board of elections with an unsealed envelope. It would additionally now require that any proceeding challenging the canvassing of an absentee ballot due to an alleged defect on the affirmation envelope must name the voter as a necessary party. NAY (Eliminates checks and balances. Could result in double counting of votes)

S1028 Requires the boards of elections to provide a secure website or web portal through which voters can track their absentee application or absentee ballot. NAY (Significant cost w/o benefit. Unfunded mandate. Does nothing - does not have anything to do with voter access or outcome of elections)

S514 CONSTITUTIONAL AMENDMENT - Increases the amount from \$25,000 to \$50,000 for actions and proceedings in the New York city civil court. AYE

S515 CONSTITUTIONAL AMENDMENT - Relates to the number of state senators and inclusion of incarcerated persons in the federal census for population determination for redistricting purposes and to the functioning of the independent redistricting commission in the determination of district lines for congressional and state legislative offices. NAY

S517 CONSTITUTIONAL AMENDMENT - Amends the constitution to delete the requirement that registration for purposes of voting be completed at least ten days before election day and provides that laws be made to adequately safeguard against deception in the exercise of the right of suffrage. NAY (Opposed to same day registration)

S528 CONSTITUTIONAL AMENDMENT - Amends the State Constitution's bill of rights to include a right to clean air and water and a healthful environment. NAY (Opens door to unlimited litigation and too broad.)

S874 CHAPTER AMENDMENT - Establishes the state university of New York educational opportunity centers which provide an integrated system of education, vocational training and student support services targeted to higher education access and the development of a quality workforce which supports the economic development of New York's distressed communities. The chapter amendment ensures that educational opportunity centers continue to be operated as part of the of state university system and provides flexibility for the system to continue to operate this important program. AYE

S882 The Chapter Amendment modifies certain reporting requirements for the report on child welfare preventative services and provides a sunset date of September 1, 2024. AYE

S895 CHAPTER AMENDMENT - Relates to group policies for certain motor vehicles engaged in the business of carrying or transporting passengers for hire. This chapter provided that every authorized insurer that issues or issues for delivery in this state a policy of commercial

risk insurance insuring against losses or liabilities arising out of the ownership, operation, or use of a motor vehicle, must establish and offer a group fleet policy insuring against the losses or liabilities arising out of the ownership of motor vehicles engaged in the business of carrying or transporting passengers for-hire, having a seating capacity of not less than eight passengers. AYE

S899 CHAPTER AMENDMENT - Authorizes the department of environmental conservation to allow the use of glyphosate on state property: to maintain critical infrastructure; to manage roadside vegetation to ensure public safety; habitat management for the control of invasive species, noxious weeds, and pests of significant public health importance, and the protection of critical native plant species; and for research purposes to develop sustainable alternatives for agricultural and environmental usages, as well as research regarding the environmental motility of glyphosate. This chapter amendment contains technical changes to allow glyphosate to be applied directly onstate property, in limited circumstances, that would not present harm to public health. NAY (There is a vast array of scientific research from the EPA and the 2018Agricultural Health Study, which both support that the application of glyphosate-based herbicidesdo not pose adverse human or environmental effects.)

S904 CHAPTER AMENDMENT - Relates to cemetery disclosure forms. This is a technical amendment to Chapter 336 of the Laws of 2020 driven by the Executive's concerns expressed in Approval memorandum 42 for 2020 related to increased consumer disclosure. AYE

S905 CHAPTER AMENDMENT - Relates to the establishment of the real property tax exemption task force; relates to the membership of the task force and data provided to the task force. This chapter amendment would:1. Remove this task force from the department of taxation and finance; 2. Increase the size of the task force from seven to nine members; 3. Remove the commissioner of tax and finance from membership on the task force, and

replace the commissioner with the president of the New York State Assessors Association or his or her designee; 4. Increase the number of appointments of the temporary president of the senate and the speaker from one each to two each; and 5. Remove the obligation that the department of taxation and finance must provide the task force with such facilities, assistance, and data as will enable such task force to carry out its powers and duties, and replace such requirement with a mandate that such department must provide the real property tax exemption task force with such data obtained by the department from assessment rolls and assessors' reports as the task force may require to carry out its powers and duties, and to the extent practicable, such data shall be provided in a format in accordance with the standards outlined in the New York State Open Data Handbook. NAY