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Testimony Provided to the Senate
Standing Committee on Elections

Review of Elections Administration and Voting Rights in New York State

New York State Board of Elections
September 21, 2021

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Co-Chairs and Commissioners

Anthony Casale and Andrew Spano
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Co-Executive Directors

Good morning Chairman Myrie and esteemed members of the NYS Senate Standing Committee on Election. Thank you for inviting the State Board of Elections to this hearing. Representing the Board are Co-Chairs and Commissioners Douglas Kellner and Peter Kosinski, Commissioners Anthony Casale and Andrew Spano, and Co-Executive Directors Kristen Zebrowski Stavisky and Todd Valentine.

We appreciate the opportunity to speak before this panel today to discuss and examine election administration and voting rights in New York State. We are pleased to provide testimony, feedback, and recommendations on the 2020 and 2021 elections.

We are proud to be here, representing the staff of the State Board and in commending our fifty-eight County Boards of Elections throughout the State for their tireless effort of administering the 2020 elections through the pandemic. We note they continue those efforts during 2021, as the pandemic continues to create challenges to voting. Our offices did not close during the pandemic and continue to remain fully staffed. County board staff worked through weekends and overtime in an environment not generally conducive to social distancing and reduced office capacity.

New York State has seen a whirlwind of legislative changes in the elections area since 2019. So much so, that election lawyers, candidates, the major parties, the election administrators, and the voters can hardly keep up. In the past two and a half years there have been more than 100 legislated changes to the Election Law, more than 40 Executive Orders affecting the conduct of elections, the elimination of 5 official parties, the implementation of early voting, a tumultuous presidential election, and the creation of a statewide public campaign financing system to name just a few milestones. The elections community has not seen that much activity since New York passed its version of the Help America Vote Act in 2005 – and that was only five chapters.

The 2020 elections saw a dramatic increase across the board in terms of enrollment

and turnout. Compared to the February 21, 2020 voter registration report, voter registration increased by over 661,936 to a new record high of 12,363,072 Active Voters, and the total (Active & Inactive) rose to 13,555,547. In all, in 2020 boards processed 2,299,890 voter registration forms – effectuating not only new registrations but also address changes, name changes, enrollment changes, etc. In the 2020 General Presidential Election turnout was a record 8,690,614 voters. Turnout was up by nearly 889,000 voters over 2016 (7,801,985) and up more than 1.5 million more than the Presidential election in 2012 (7,135,322).

Election administration also saw record increases in the use of absentee ballots, early voting, and an increase in poll worker deployment. In 2020, the entire absentee ballot application process was changed so that the number of absentee ballots in that year rose by more than 400% over the previous presidential election year. Any other State that transitions from machines to that much paper in an election historically takes years to accomplish it. These boards had only a few months to find a way to do it with limited staff and almost no added resources. Plus, there was no historical data at all to tell them what the numbers of absentee voters might look like in terms of numbers or supplies that they would need. The local boards were overwhelmed as millions of absentee applications needed to be processed and ballots sent out and returned and canvassed.

The principles of election administration: transparency, uniformity, accuracy, and verifiability remain of highest importance. We are here with a shared goal to ensure transparent, uniform, verifiable, and accurate standards continue to be in place, reviewed and enhanced after the challenges of administering a federal presidential election during a pandemic where the laws of election administration changed weekly, if not daily. **Appendix A** provides a timeline of events impacting election administration, including executive orders and legislation.

We are here to review the lessons learned from the 2020 elections and to review the strengths and weaknesses of New York election administration. We begin with an overview of elections in New York State, including the importance and history of bipartisan boards. This history and learnings from 2020 elections are informed by a description of the vast changes to elections from 2019 to present. We appreciate the opportunity to provide you with information and remain available to you for future discussion.

Bipartisan Election Administration: The Foundation of Democracy and Integrity in New York State Elections

The State Board of Elections was established in the Executive Department on June 1, 1974, as a bi-partisan agency vested with the responsibility for administration and enforcement of all laws relating to elections in New York State, including campaign finance matters. During the time leading up to the Board's creation, the political environment was defined by the throws of the unfolding Watergate scandal¹ which brought light to the use of governmental power to gain a corrupt advantage in the electoral sphere. To prevent such abuses, structures like bipartisan boards with authority over election-related matters and enhanced transparency and accountability mechanisms were established at the federal level with the creation of the Federal Election Commission.

At the state level, the post-Watergate environment invited a similar concerted effort to make sure New York's enforcement of campaign and election laws was fairly applied in a balanced and bi-partisan manner. New York did not have far to look for a model because our local boards of elections were bipartisan by Constitutional mandate, providing a ready blueprint. The State Legislature was painstaking in its review of state election laws and related statutes in 1973 and 1974. The final report to the Legislature recommended the creation of a bi-partisan election commission and it "should have

¹ *The Watergate scandal related to a cover-up of a break-in at the opposing party's political headquarters designed to steal documents and place wiretaps.*

under its jurisdiction campaign finance, mechanics of the election, supervision of questions and the regulation of campaign practices and procedures.”² The final legislation creating the bi-partisan State Board was hailed by future Speaker of the Assembly, Stanley Steingut, as “a landmark piece of legislation for our State and a forerunner for the country at large.” On May 30, 1974, Governor Malcolm Wilson signed Chapter 604 of the Laws of 1974.

The legislation created the Board as a bipartisan entity governed by four commissioners, two from each major party. In so doing, the oversight and administration of elections was moved out of, primarily, the office of a political appointee, the Secretary of State, and an elected official, the Attorney General,³ and transferred to the new bipartisan-controlled State Board of Elections. At the time, Assemblyman John LaFalce, noting the political compromise embodied by the legislation, offered: “I would like to commend you for getting the Governor to buy certain key points, and particularly I would like to commend you for enabling this House, again, to vote upon a bipartisan Election Commission, rather than have the enforcement of the laws of this State in the hands of a political appointee of the Governor.”⁴

Through it all – the foundation, the bedrock, the guiding principle that undoubtedly helps us get it done is bi-partisan cooperation and administration. There are many models within which to administer elections, but the State Constitution wisely requires a bi-partisan approach that fosters the checks and balances that are part of our American governmental system. But even absent the mandate of the State Constitution, the State Board supports the bi-partisan structure because it provides for transparency, efficiency, and accountability. Bi-partisan election administration shows where the two major parties work together in consensus. Winston Churchill once said that democracy was the worst form of government...except for all the others. The natural tension and

² *Final Report, Advisory Committee to the Select Committee to Make a Study of the Election Law and Related Statutes (1974).*

³ *The Attorney General in 1974 endorsed the creation of the Board.*

⁴ *Debate on Assembly Bill Number 12485 at 9027 (1974).*

opposite polarity in a bipartisan agency creates an environment of counter-critical assessment that compels the agency to keep fixed to a course of fairness. To the extent that this structure could sometimes lead to gridlock in enforcement matters, a tie breaking mechanism or ready resort to judicial process addresses this concern. As a matter of experience, in election administration in New York the election process and related rules are well defined, and this generally prevents gridlock in election administration. Overwhelmingly fair consensus is reached.

People point to other models in other states and suggest there are better structures for administering elections. Any system that puts the state's election apparatus in the hands of one partisan elected official for two or four years or similarly, any structure that allows a partisan elected official to appoint a sole chief election official has the inherent conflicts. There is a real and an apparent conflict of interest for a public official to be running the election when their name is on the ballot. We all know that elections are cyclical and that over time, numbers and power can shift. Placing power in the hands of one entity undermines the confidence of the voters and the candidates in the system. New York rejected the appointed Secretary of State model as flawed nearly 50 years ago; we should not contemplate returning to it now. A multi-member board composed of the major political parties provides the checks and balances that has served our governmental system for more than 200 years. At both the state and county level, bipartisan boards of commissioners work together, but also effectively police each other in the best interests of the candidates and the voters.

We know that the committee has previously heard from several election commissioners, both Republican and Democratic, and will hear from more on this subject, so we do not need to belabor it. But there are several common misperceptions that we must address. Reform proposals often talk about inefficiencies at the county boards because of excessive staffing due to bi-partisan requirements. This is not true, 27 of the 58 boards in the state have 6 or fewer employees – 6 employees in total, including the commissioners, to perform all the election tasks in that county – registering voters,

processing absentee ballots, testing and deploying a fleet of machines for multiple elections each year, designing and proof-reading thousands of ballots, training poll workers, processing hundreds of petitions, finding qualified poll sites and then running each election, accurately canvassing all the ballots and declaring the winners. They are subject to very close scrutiny by their local legislative bodies and elected officials and justify every penny they spend. Typically, they are models of efficiency. If county boards of elections are guilty of duplicative actions, it is more likely that they have done everything to prepare for an election and an Executive Order has changed the rules at the last minute and they must do everything all over again.

New York election officials are professionals. There is no way to gain experience in New York elections without doing it hands on. The State Board has always supported finding the most qualified candidates. The State Board has also consistently supported legislation to mandate uniform training for county election staff to enhance professional standards. But making “experience” a prerequisite will restrict the potential pool of applicants unreasonably. Civil Servants can and do become entrenched. They can only be asked to work within their title. Imagine the ever-changing rules of last year’s elections...not one element of the pandemic and ever shifting responsibility and actions would fit into a “title.” It was all hands-on deck, all hours of every day, to do whatever was needed to make the election run. Just because someone is a civil servant does not in any way mean that they are free from partisanship nor from making mistakes. Our system has accountability built into it. After the issues were uncovered in NY-22, the State Board commissioners took action regarding the Oneida commissioners as warranted. They resigned because of the pressure brought by our disciplinary oversight.

Let us not use the extremes of the 2020 election to change what has fundamentally worked for more than 100 years and has seen us through two World Wars and much more. It is often said that a crisis provides an opportunity, but we believe it is not always the best benchmark for meaningful analysis. 2020 was a year like no other. The pressure on the state and county election boards was more intense than other year in our history.

Elections were moved, then cancelled, then reinstated after drawn out court cases. The petition process was drastically changed with little to no notice. There were poll worker shortages and poll sites turned us away in the droves. For those that opened, they had to be fundamentally reimagined for social distancing. The use of absentee ballots rose by more than 400% as millions of absentee ballots were processed for multiple elections. County budgets were stretched to the breaking point. Nearly every board in the state was touched by the Coronavirus and some saw tragically fatal consequences to being at their desks as essential workers.

We persevered in the face of a global pandemic. Despite offices being shut down by the local departments of health, sickness waving through the counties and even election workers succumbing to the virus, we all rose to the challenge and overcame all these obstacles to provide voters with safe, clean, and reasonable voting options through absentee voting, Election Day voting and Early Voting with significantly more sites offered above the minimum established by the statute.

The State Board recognizes there were problems that came out of the canvass process in NY Congressional District 22, and we are addressing those problems and working with the counties to ensure it does not reoccur. We are working on a list of issues that have come from our monitoring of the court case. The CD 22 recount involved an extremely close congressional contest. In the end, 326,566 people voted and the margin of victory was 109 votes --- 156,098 for Claudia Tenney and 155,989 for Anthony Brindisi.

CD-22 - Statistics

- 8 Counties
- Over 326,500 people voted
- Just over 60,000 pieces of paper to be canvassed (absentee, military, affidavit)
- 46 board employees total across all 8 counties, the smallest board having 2, the largest having 10 employees.
- Over a dozen attorneys—not including volunteers at the canvas
- COVID shutdowns during the process when a bd employee tested positive and protocols having to be in place for the canvass
- 109 votes ultimately decided the race.

- If it was this year, a full manual recount would have to be done.

Among the problems encountered were an estimated 1,500 affidavit ballots that had been initially administratively invalidated without going through the normal canvassing procedure, improperly administering the objection process at certain boards of elections, not timely sending some cure notices and breakdowns in chain of custody records for a small number of ballots requiring the chain of custody to be recreated through testimony in court. At the Oneida County Board, it was found that there were approximately 2,400 timely DMV voter registration applications that had not been processed because the board simply did not process any DMV applications after September 24, 2020. The Oneida Board did not disclose this decision to the State Board or any other agency that it had simply given up on processing these forms. This occurred even with the required resource survey that the County returned to the State Board by September 21, 2020. The County advised the State Board that it did not need more resources. New York State Supreme Court ordered the Oneida County Board of Elections to process the forms in the context of reexamining all affidavit ballots that had been invalidated, and many additional affidavit ballots were accordingly counted. The State Board has sought to address these issues.

We are reviewing all our training guidelines and memos and reexamining our processes. We will draw upon the years of collective experience we have at the State Board and from the county boards to enact a plan that will ensure the county boards are in the best position to perform their jobs. The answers though do not point to a redesign of the very election system that met the challenges of 2020. Working to strengthen boards of election while identifying areas that need to be improved is the best way forward for New York.

One thing we believe we can all agree on is that New York needs to increase the resources devoted to elections in this state. Critics often cite California and Texas as places with well-run elections, but these are also states that spend hundreds of millions

of dollars on elections in comparison to New York State. You supported us in 2020 with capital and operating funds. We need your continued support.

2019-2021 Elections in New York State Enters a New Era

Over the past two and a half years, elections in New York State underwent a dramatic transformation. A presidential election year is always challenging, but no one could have foreseen a worldwide pandemic and over eighty new chapters forever altering the election law and election administration. This type of sweeping, lasting change has not been seen since the shift from lever machines to scanners and ballot marking devices. Last year was truly unprecedented and overwhelmingly, our county boards rose to the occasion. They did so during one of the most difficult and divisive periods in our nation's history, when election officials across the country found themselves under attack. While we are lucky New York has been mostly spared from serious threats, we were not immune to the rampant disinformation and mistrust of elections spread through social media. Local commissioners found themselves fighting on multiple fronts. Certainly, there were some missteps and mistakes; at the end of the day elections are run by human beings. We are committed to working with counties, to alleviate issues and make improvements. However, we would be remiss if we failed to point out the successes and perseverance displayed by our county boards. They worked tirelessly to ensure all eligible voters had unfettered access during a difficult and uncertain time. They deserve our respect and our admiration.

Reviewing 2020, Looking Forward

The 2020 Presidential Election

The 2020 Election cycle was a challenging one for both the State Board and County Boards, consisting of the Presidential Election, contests to fill all positions in the US House of Representatives, State Senate and State Assembly as well as a host of judicial, and local contests. State and County Boards began preparing for the Presidential Election in 2019 as Presidential Election years are marked with unparalleled voter communications, unprecedented and increased voter turnout, and increased number

of petitions, challenges, ballot lawsuits and all-around increased volume on all election processes, including daily functions at each Board.

In addition to the challenges usually associated with Presidential years, this cycle also marked the second year of early voting across the state. The State Board worked with counties to determine and make whatever adjustments may have been necessary to improve the efficiency of the early voting experience to increase voter turnout during the nine-day period. To that end, the State Board held a series of post early voting roundtables with county boards, vendors, and stakeholder groups to discuss what went well and items to improve upon from 2019.

The State Board also began 2020 with a focus on the implementation of approximately 52 chapters of Election Law passed in 2019 with few resources provided to implement such changes, either on the state or county level. An additional 18 chapters related to election administration passed in 2020 and thus far in 2021, 22 chapters have been signed into law and 7 passed both houses and are awaiting action by the Governor. See **Appendix B**, which provides an overview of election law changes from 2019-2021.

Adding new and even more complex problems to solve, the COVID-19 pandemic dramatically impacted the administration of 2020 elections and continues to impact our operations in 2021. While New York State ensured that voters have had an increased ability to exercise their right to vote by allowing all eligible voters to vote by absentee, the logistics and increased volume resulting from this change brought its own challenges for boards of elections to bear. Chapter 139 of the laws of 2020 extended the increased absentee voter access through 2021.

Boards of Elections have successfully administered elections in times of turmoil, through natural disasters such as flooding in the North Country in 2019 or through hurricanes and storms Irene, Lee, and Sandy, through public safety issues, and through terrorist acts such as the September 11, 2001 primary election. The COVID-19

pandemic has turned out to be a longer, more sustained, and more complicated world crisis which continues to dramatically impact the administration of elections. As we prepare for the 2021 General Election, county boards are again grappling with COVID-19 threats, including an uptick in infections and new variants of the virus.

A mission of the State Board is to work to ensure voter safety, the safety of our staff and poll workers while preserving the four pillars of election administration: accountability, uniformity, transparency, and verifiability of our elections.

When we testified to you in August 2020 regarding the 2020 General Election planning, we identified three lessons from the June 23, 2020 primary and advocated for their implementation going forward. Those lessons and a status update are outlined below.

- 1) Increase Preparations for the General Election. Boards need resources—more people to work at the poll sites, more poll sites to be open to accommodate an increased volume that accompanies a presidential election; more commodities (machines, poll pads, personal protective equipment (PPE) and resources to assist in filling the gaps).

Status:

- a. Grant Funding. The Capital and Aid to Localities grants created in the 2019 budget were extended, enabling county boards to continue to process funds and purchase the resources necessary to successfully administer early voting. Funding passed in the 2021 budget provided a new capital grant, Technology Innovation and Election Resource (TIER), along with an additional Aid to Localities Grant for early voting. Grant funding is helpful, but does not address long term, sustained needs for staffing. Pending legislation related to absentee canvassing would increase responsibilities for county boards, requiring additional staff and resources. A more in-depth section on funding may be found further in this testimony.
- b. Outreach. The State Board coordinated with national resources and state

and local partners to hire a new pool of poll workers. County Boards were able to compensate for the loss of veteran poll workers due to fear of Coronavirus.

- 2) Resolve the inconsistency of the Election Law deadline for requesting an absentee ballot and the USPS mail delivery time frames to ensure that all voters can request, receive, process, and return their ballot and that the ballot is received timely to be counted.

Status: Chapter 273 of the Laws of 2021 addressed this issue and requires absentee applications requested by mail, portal, or fax to be received no later than 15 days before an election or requested in person at the board of elections the day before an election. This creates a more realistic timeline and prevents the voter from submitting a postmarked application too late in the process, leading to dissatisfaction and the loss of franchise. See absentee voting section below.

- 3) To increase messaging around the election processes to ensure that registered voters are aware of their options and can plan how and when they would like to vote.

Status: A \$5 million private grant enabled the State Board of Elections to conduct a statewide, multilingual, multi-platform media campaign to increase voter awareness on how to register to vote, the three methods to vote in the 2020 General Election, how to vote by absentee, where and how to vote during early voting and on election day.

Increased Access: Three Ways to Vote in New York State

Absentee Voting

Prior to 2020, under New York law, absentee voting was an exception to in-person voting, available upon application to voters who by reason of disability, illness, acting as a caretaker, absence or being detained in jail could not cast a ballot in

person.

As part of the response to the on-going COVID-19 pandemic, legislation and Executive Orders expanded access to absentee balloting for the 2020 primary and general elections and made the application process and return of ballots easier. Under this expansion, every eligible voter, active or inactive, was able to vote by absentee citing temporary illness, which included fear of contracting the coronavirus. Legislation extended this expanded access through 2021. As in 2020, eligible voters have three options to vote: absentee, early voting, or in person on election day. In certain situations, voters may seek to vote by affidavit or a court order. No-excuse absentee voting is on the November 2, 2021 ballot, when voters will decide whether to amend the State Constitution to codify this expanded access.

Executive Orders and legislation both expanded access to voting and changed the method in which voters have traditionally voted. Typically, approximately 4% to 10% of New York's voters cast an absentee ballot at an election. For the June 23, 2020 Presidential Primary, approximately 38% or 731,131 of the votes cast were by absentee. The 2020 General Election similarly showed a dramatic increase in the number of voters choosing this method for casting their votes. Whereas in the 2016 General Election, just over 5% (400,660 voters) cast their ballot by absentee, 2020 saw a roughly 400% increase, with just over 21% (1,833,340 voters) returning absentee ballots.

Returned absentee ballots require manual handling, time to process cures if applicable, and time for review by numerous individuals from both County Boards and candidates, campaigns and/or their attorneys. The normal process for review also must be altered to ensure safety protocols due to COVID-19. The time and resources needed to handle the drastically increased volume in 2020 taxed County Board even further than usual in an already difficult election administration environment.

During the most recent legislative session, A4186-B/S6395A passed both houses and is awaiting action by the Governor. This legislation creates a statewide online absentee ballot tracking system which will allow voters to track the processing of an absentee ballot application as well as the delivery and validity of an absentee ballot. Set to become effective January 1st of 2022 this will, if signed into law, require the State Board to work with counties and their voter registration system vendors to expand the type of information that can currently be captured. Once expanded, boards will need to put processes and procedures in place to ensure they are entering the required information into their systems as applications and ballots are received and processed. The State Board will then need to construct a system that will collect that information from counties and provide an online portal to voters to give them access to the information needed by them to determine the disposition of their absentee application and/or ballot. To date, no additional funding resources have been provided.

As noted above, one of the five statewide ballot proposals to be voted on by New York's electorate will allow "no-excuse absentee voting" which, if passed, will undoubtedly make this manner of voting far more prevalent than it has been in years past. Adapting to this change will require boards to add resources to not only handle the increase in outgoing ballots, but also processing all ballots returned by an increasing percentage of voters.

As noted earlier in this testimony, Chapter 273 of the Laws of 2021 modified the application by mail deadline and requires absentee applications requested by mail, portal, or fax to be received no later than 15 days before an election or requested in person at the board of elections the day before an election. This creates a more realistic timeline and prevents the voter from submitting a postmarked application too late in the process, leading to dissatisfaction and the loss of franchise.

Chapter 273 addressed an inherent conflict in section 8-400(2)(c) of the Election Law, which provided a cut-off date to request a ballot within seven days of an election as compared to USPS guidelines on election mail, which called for a fifteen-day turnaround. The USPS 2020 postal tool kit and a July 30, 2020 USPS letter advised all States to provide a fifteen-day turnaround for election mail, and specifically recommended a seven-day return period for a ballot. County boards continually faced impossible scenarios. A voter in California could conceivably postmark the application seven days prior to the election. That application would need to get across the country, be processed by the board, and a ballot would need to be sent out to the voter, only to require a return ballot postmark of the day before the election (Executive Orders and legislation changed this to the day of the election through 2021), six days after the initial request was mailed. The time conflict set the voter and County Board up for failure and lead to voter dissatisfaction. The law also changed the deadline to a receipt deadline rather than a postmark deadline, thus helping to provide a realistic opportunity within the USPS delivery time frame, enable the County Boards to have four business days to process the application and mail the ballot. It also ensures time for the voter to timely receive the ballot, complete their selections, secure, and return by mail the absentee ballot.

Boards of Elections, campaigns and advocacy groups should all have clear and consistent communications to voters on the voting process and best practices to allow the voter sufficient time to request an absentee ballot, enable the Boards to process the request, and allow the voter time to receive, consider, complete, and mail the absentee ballot back to ensure their vote is received timely. Chapter 273, coupled with clear communications, should improve the absentee process and decrease the number of untenable requests. We have a role to communicate best practices and time frames to our voters to ensure that they can plan on the method they wish to vote and have sufficient time to proceed in that direction.

Increased access was also extended to absentee application process. Pursuant to Chapter 91 of the Laws of 2020, the State Board created an absentee application request portal for voters to request a ballot. The portal provided a voter with the ability to complete and submit an absentee application to their respective County Board of Elections. If a Board already has a portal in place, such as Erie and NYC, our portal simply links the voter to that portal. The online portal reduced the mail delivery of absentee ballot applications to the Board of Elections and provided a more efficient processing effort. Chapter 249 of the Laws of 2021 reopened the web portal, which shut down once then Governor Cuomo discontinued the COVID-19 State of Emergency. As was done under the Executive Order, this bill removed the requirement that the absentee ballot application be signed by the voter. This sunsets on December 31, 2021, though A6970A/S6482B passed both houses and has not yet been sent to Governor Hochul. This bill establishes an electronic absentee application and transmittal system through which voters may apply for and submit an absentee ballot application online. Unlike the temporary measures, this portal will include a signature requirement. To date, no additional funding resources have been provided.

Early Voting

The nine-day early voting period for the November 3, 2020 General Election was Saturday, October 24, 2020 to Sunday, November 1, 2020. Statewide, 281 early voting centers were open for voters in each County or City Borough to be able to in person vote. The unofficial report on early voting numbers shows that 2,507,341 voters cast for the November 2, 2020 election were in person during the early voting period. On average, more than a quarter million New York Voters cast a ballot on each of the nine days of early voting. In 2019, 248 early voting sites were open with 256,251 voters opting to vote early.

Election Day

5,008 sites statewide were open from 6 am to 9 pm on November 3, 2020. NYSVOTER voter history shows 4,349,933 voters cast a ballot on election day.

In our August testimony, the State Board looked back to 2019, where County Board of Elections opened 5,397 general election day poll sites. We made recommendations to accommodate the increased number of voters, there was a need for more poll sites and expanded space within already identified sites, increased voter check in tables, voter privacy booths and ballot scanners and ballot marking devices, as well as election day workers to support the expected voting population, along with signage and personal protective equipment (PPE) for voters and workers. All of this was to ensure the full potential of early voting sites, election day poll sites, machines, staff, and poll workers were deployed. Sites needed to be designed in a manner to spread people around the poll site to ensure volume and social distancing were accommodated. We provided updated information to county boards to ensure polling sites provided safe areas for voter lines where, based on COVID safety instructions, physical distance and room occupancy limits need to be provided.

Poll site preparedness is an essential key to running a smooth election day. Boards must have finalized plans in place, maximizing the number of election day poll sites in spaces that can accommodate voters. In our experience, if a poll site opens unprepared and long lines develop, much more resources are needed and it takes a significant amount of time to work to recover to an acceptable wait time, if it can ever catch up to the volume that the day brings.

In working with the County Boards on their early voting and election day site preparedness during 2020, we requested a survey to identify the number of sites and workers required for the General Election. Of those responses, seventeen (17) Counties reported plans to open less election day polling places when compared to the 2019

general election poll sites data. As presidential election years are marked with heavy turnout, we urged all municipalities to review locations and sites to ensure proper coverage.

Safety of Poll Workers and Voters

A contributing factor to the underutilization of early voting during the 2020 primary, along with difficulties securing and staffing poll sites for the 2020 General Election, was the fear of contracting COVID-19. On March 9, 2020 and May 15, 2020, the State Board publicly released guidance to County Boards of Elections regarding COVID-19 including how to set up and maintain a safe poll site. The State Board also frequently reached out to local Election Officials.

The fear of contracting COVID-19 resulted in many poll workers not feeling comfortable to work the poll sites during early voting or on election day. Poll worker recruitment is always a struggle. The hours are long, and the pay is nominal. The Board engaged with the federal Election Assistance Commission (EAC) on a last effort push to recruit poll workers by marking September 1, 2020 as being national poll worker recruitment day.

At the 2020 General Election, boards deployed 73,198 poll workers – up nearly 20% from the 61,790 inspectors who served in 2016 – to staff 5,008 poll sites. In addition, boards deployed approximately 15,065 poll workers to staff early voting sites.

The State Board and local county boards need to continue to reach out to stakeholders to advocate for registered voters to sign up to become a poll worker. We need to engage at all levels of government to search within their workforce for poll workers and to engage with county boards to offer sites, volunteers, and additional resources.

Threats to Election Officials

During the 2020 elections, there were increased threats towards election

administrators. The National Association of State Election Directors had continual outreach to election administrators and coordinated with the FBI and other law enforcement agencies for assistance. On June 25, 2021, the US Department of Justice issued a memorandum to all federal prosecutors and the FBI providing guidance regarding threats towards election workers. The DOJ announced the establishment of a task force to address the rise in threats against election officials, including a toll-free hotline.

Social Misinformation

The 2020 election cycle saw a dramatic increase in election-related misinformation. Although most of the content was observed or propagated through social media sites like Facebook and Twitter, the content is not restricted to one platform. Social misinformation was utilized to spread confusion about voting processes or technical processes. The results of misinformation created a mistrust of election results and created a large volume of calls to the State Board expressing fear over misinformation that was understood to be fact.

An example of misinformation triggering a public panic regarding election results was a false social media meme originating in Arizona advising that a ballot would be invalidated if a sharpie was used to mark the ballot. The State Board of Elections issued a press advisory on November 6, 2020, advising that a “voting machine/scanner will accept and count a ballot marked by any pen, marker or pencil, blue or black ink, ball point, felt-tip or sharpie.” The press advisory was shared by media statewide.

Canvassing Ballots and Providing Election Results

Campaigns and the public often expect the immediate result of the contest. However, this simply is not statistically feasible if a significant percentage of the vote is cast by absentee.

During the last legislative session, A7931/S1027-A was passed by both houses and is awaiting action by the Governor. If signed, this bill would require review of returned ballots with four days of receipt by the county board to determine if the ballot is valid, defective, but curable, or invalid. Valid ballots would be counted beginning on the first day of early voting, though results would not be tabulated until 8PM on election night. The cure process was implemented during the 2020 General Election and is outlined later in this section. Although this will allow boards to mitigate any delays the expected increase in paper ballots to be processed could pose to certifying election results, boards will require additional resources and modified procedures as they are simultaneously undertaking preparations for early voting and Election Day. We need to ensure that our County and City Boards have more resources to commit toward the canvassing the vote and to ensure a safe and accurate count. We worked with county boards prior to the 2020 General Election to make sure they:

- Put a plan in place now to identify how they can begin the process as close to election day as possible.
- Had adequate space and equipment to ensure multiple teams of staff and stakeholders could review and process absentee ballots as early as possible after election day.
- Had more staff assigned to the absentee canvass process. Staff and stakeholders had to be notified and assembled to review envelopes, make objections, and have the Board Commissioners able to make rulings early on after election day.

Absentee/Affidavit Cure Process

As a result of Chapter 141 of the Laws of 2020, signed in August of last year, County Boards became required to inform absentee voters of certain deficiencies in their absentee ballots discovered before or at the time of the canvass proceeding and, if deemed curable, provide them with an opportunity to take action to remediate such a deficiency. The State Board quickly drafted and distributed guidance and forms

necessary for County Boards for the implementation of this new requirement, covered the topic at one of the NYS Election Commissioners Association's biannual conference and held a conference call to review said guidance and answer any questions boards had in advance of the 2020 General Election.

After the election, the State Board surveyed counties to determine the impact the new law had. More than 20,000 notices were sent to absentee voters who had returned a ballot deemed to have a curable defect. Of that number, just under half (9,199 voters) returned the requisite affirmation. Of those affirmations returned, 8,725 resulted in the voter's ballot being counted, with only 522 found to be insufficient. While the implementation of this policy does require more resources of the County Boards for them to make timely determinations as to returned ballots validity, mail out of notices and process returned affirmations, the numbers above show the impact on voters whose ballots would not have previously been counted.

During this most recent legislative session, A7931 / S1027-A passed both houses and is awaiting action by the Governor. This legislation, if signed into law, would expand the cure process to also cover affidavit ballots with missing or non-matching voter signatures. This legislation will also require County Boards to record information in their voter registration systems as to whether an affidavit ballot was counted in a manner which would allow that information to be displayed to a voter utilizing the tracking system created by A4186-B / S6395A, which is also awaiting action by the Governor. To implement this will require both State and County Boards to make the necessary technical changes to the systems involved in a compressed timeframe (both are effective January 1, 2022) without any additional resources provided.

Funding to Administer an Election During a Pandemic

The COVID-19 pandemic has had a substantial impact on administering elections in 2020 and 2021. The most significant source of funding to administer elections during the

pandemic was through the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act). The CARES Act was enacted March 27, 2020 and included \$400 million in new Help America Vote Act (HAVA) funds, made available to states to prevent, prepare for, and respond to the coronavirus for the 2020 Federal election cycle. New York State was subject to providing an additional 20% match.

New York State had been allocated \$20,567,088 from the federal government and New York State provided the 20% match of \$4,113,417. New York State had \$24,680,505 for use by county boards of elections to implement measures necessary for responsible, safe, and fair elections during the COVID-19 pandemic. The State Board of Elections established a grant program to reimburse county boards of elections for eligible expenses relative to implementing measures necessary for responsible, safe, and fair elections during the COVID-19 pandemic.

Expenditures related to the protection of the health and safety of poll workers, staff, and voters during the federal elections as well as those resulting from unanticipated increased demand for vote costs (e.g., printing ballots, envelopes, postage, processing, receiving, storage, etc.), equipment, temporary staff, and similar costs due to COVID-19 would satisfy these elements. The HAVA CARES grant program is now closed.

Grant Funding to Support County Board of Elections

County Board of Elections are funded through each County budget. Supplemental funding to support the administration of elections is achieved through a series of federal and State grants administered by the New York State Board of Elections.

Currently, the NYSBOE administers eight (8) grant programs to support the County Board of Elections. The eight grant programs are:

- The TIER Grant. The NYS SFY 2021/22 Capital Projects Budget provided \$25 million dollars to support the State and County Board of Elections for expenses

related to the upgrade of software, technology, equipment, and broadband services. \$5 million dollars was earmarked for the State Board capital and implementation costs. \$20 million dollars established the Technology Innovation and Election Resource (TIER) reimbursement grant program.

- The EVE Grant. The NYS SFY 2021/22 Aid to Localities Budget authorized \$2 million dollars for use by County Board of Elections for early voting expansion.
- The Early Voting Aid to Localities Grant program. The NYS SFY 2019/20 budget authorized a \$10 million grant program to reimburse County Board of Elections for expenses to implement early voting. There are approximately ten County Boards that have some funding remaining.
- The Electronic Poll Book Capital Grant program. The NYS SFY 2019/20 budget authorized \$14 million grant program for the State Board to reimburse County Board of Elections for expenses related to electronic poll books and associated software, on-demand ballot printers and related cybersecurity. \$700,000 was provided to the State Board of Elections for the review and implementation of electronic poll book systems. Most of the County Boards exhausted their allocation. There are approximately twelve County Boards that have some funding remaining.
- The Elections Cybersecurity Remediation Grant program. In December 2019, the NYSBOE authorized a total of \$9 million dollars, combined from the 2018 and federal HAVA funds, to create a grant program for use by county board of elections to implement cybersecurity remediation and mitigation services.
- The HAVA Temporary Poll Site Improvement grant funds. Implemented in 2006, a few counties have remaining HAVA funds to enhance poll sites. While most of the County Boards utilized their allocated amount of funding, there is a balance of \$988,947 dollars remaining.
- The HAVA Voter Education and Training grant program. Voter education funds can be used to for public relations activities to train and education voters,

mailings, and similar expenses. While most of the County Boards utilized their allocated amount of funding, there is a balance of \$1.2 million dollars remaining.

- The State HAVA Operating Expenses by Board of Elections (SHOEBOX) grant program was implemented in 2006. SHOEBOX expenses support federal election administration activities.

The State Board created a grant team within the Public Information Unit to assist the County Boards on grant contract and claim for payment requirements. Grant program trainings are conducted at least two times a year, and generally more frequently.

While the grant programs assist County Boards of Election in meeting administration needs, the short duration of each program requires CBOEs to budget for the present and not the future. Grant programs are good supplementation for a County Budget. A dedicated, reliable, steady stream of funding would be the more effective and efficient for CBOEs to plan for out years.

Voter Outreach in 2020

The State Board has never been appropriated funding to conduct voter outreach. The NYSBOE achieves voter outreach through interviews with media outlets, issuing press releases and the use of its twitter and Facebook account. The New York State Board of Elections issued a series of press release ahead of the June 23, 2020 primary elections, aimed at:

- providing voters with Guidance on how to request and vote by Absentee Ballot, issued May 22, 2020.
- Unveiling the Accessible Absentee Voter Application, issued June 3, 2020.
- Informing Voters of Voting Options and Deadlines for the New York State June 23, 2020 Primary Election.
- Recruiting Poll Workers During National Poll Worker Recruitment Day; and
- Advertising the One-Stop Absentee Ballot Web Portal.

The State Board of Elections did not have available funding or resources to conduct public service announcements ahead of the November 3, 2020 election. At the August 2020 hearing, the Board requested additional resources for outreach and in the administration of elections.

At that time, the Board's press voter outreach plan was to issue a series of press releases on:

- Voter registration deadlines.
- Poll worker recruitment.
- How to complete an absentee ballot application and deadlines.
- How to complete and return an absentee ballot application and deadlines.
- the early voting period; and
- Election Day voting.

Other efforts included working with the Election Assistance Commission on outreach ahead of the September 1, 2020, National Poll Worker Recruitment Day.

Knowing our limited resources for voter outreach, in September 2020, the State Board obtained a \$5 million-dollar private Voter Education/Communication Grant Award from the Center for Election Innovation and Research.

The \$5 million dollar grant award was utilized to conduct an extensive, multi-lingual statewide media campaign to increase voter education and awareness ahead of the 2020 General Election. The State Board contracted with OpAD media, a MWBE firm on the State's centralized contract, to assist in conducting the campaign.

The State Board had an aggressive timeline from late September through November 6th to:

- apply and receive the award.

- publicly bid and award a contract for media services.
- select voice over talent.
- create a media narrative.
- create, translate, and approve scripts, content, and run times; and
- ensure the 18 and over demographic was reached Statewide and via multiple languages.

NYSBOE developed a media campaign surrounding the following themes:

- The 3 ways to Vote in NYS (by Absentee, Early Voting, Election Day)
- How to vote by Absentee/ the nine days of early voting/ November 3, 2020 is Election Day)
- Make a Plan to vote (find your polling site / hours of operation)
- pertinent deadlines (how to vote by absentee, nine days of early voting and election day poll site hours) and
- safety considerations relative to the 2020 General Election. (Mask Up, social distance)
- Post-election timelines (absentees)
- And a Thank you NY ad.

The statewide media campaign content began to air on October 15, 2020 and concluded on November 13, 2020. It was staggered to provide highlight time constraints in the election process and to provide fresh content during the month-long campaign. The campaign was conducted in English, Spanish, Bengali, Chinese and Korean and utilized print ads, out of home advertising, social media, streaming audio, streaming video, streaming digital mediums such as banner ads. The campaign targeted the age demographic of 18 and older. The NYSBOE YouTube channel hosts all the streaming video content at: <https://www.youtube.com/user/NYSBOE/videos>.

During the month of October, the media market was saturated with the NYSBOE voter awareness campaign. It was difficult to pick up a paper, go on the internet, watch the

news, go on social media, TikTok, or drive on a major State highway without seeing an ad.

The media spots directed voters to our website, www.elections.ny.gov which provided a host of information from voting hours, polling locations and hours, and how to request an absentee ballot. While the State Board realized a dramatic increase of users on our website, our call center received less calls on voting location and hours this year. The media campaign connected voters directly with the information they were seeking to be able to vote.

Per our vendor, OpAD media, a conservative estimate that the overall media campaign reached approximately 95% of the New York State adult population. This means that approximately 14.7 million adult New Yorkers were reached. There were over 178 million impressions and 15 million video completions during this campaign.

Lessons Learned and New Directions

Training and Support of County Boards

One of the State Boards missions is to provide assistance to County Boards to ensure their compliance will all state and federal laws relating to elections in New York State. However, recent years has seen a significant increase in laws which impact election administration. With 52 Chapters in 2019 impacting election laws, 18 in 2020 and 22 thus far in 2021, the State and County Boards have had to react to a dramatically changing environment. Two of the statewide proposals on the ballot this year (No-Excuse Absentee and Same Day Registration) will also add to the challenging conditions under which boards find themselves when administering elections in New York State.

The State Board holds monthly conference calls with the County Boards to keep them abreast of any deadlines or developments they should be made aware of, and to allow them to raise any questions or requests for support. State Board staff also presents

informational sessions at the NYS Election Commissioners Association's biannual conferences to provide additional support and guidance. Although the pandemic has stunted the ability for State Board staff to conduct in-person reviews or trainings, we have attempted to adapt to the current conditions by providing virtual trainings and developing updated informational content to provide County Boards with additional support.

Resources permitting, we are looking to further expand our training and support activity and County Board monitoring to ensure ongoing compliance with all applicable laws and to help to identify and address any potential issues before they can have an impact on an election.

Additionally, as multiple units within the State Board have reason to visit County Board offices, we are looking to streamline the process with cross training of our staff to allow for one visit to cover multiple content areas, from review of list maintenance procedures to proper storage of voting system technology to the cybersecurity of county networks. This will allow the State Board to be more efficient and timelier in its direct oversight of County Board activities.

The State Board already requires that County Board employees take annual cybersecurity training, but recent legislative activity indicates a desire to have the State Board expand its direct training of County Board personnel. Senate Bill S5800, which was introduced this year and was passed in the Senate, would require election commissioners and board of elections employees to complete mandatory training within six months of appointment, and continuing education annually, with the curriculum to be established by the state board of elections, with training available via a web-based format among other methods. It would also require the state board of elections to establish a training institute to develop curriculum for certified poll worker training and train-the-trainer programs.

Another bill, S263/A904, would require Election Commissioners, and other staff as determined by the State Board, to complete a course of instruction within six months of their appointment. It also requires Election Commissioners, and other designated staff, to complete continuing education on an annual basis.

The State Board supports the movement towards regular training of county commissioners and their staff. If such legislative activity translates into law, the State Board would request that the proper level of resources be committed to ensuring that such efforts are comprehensive and well-implemented.

The State Board's Election Operations Unit, currently composed of a staff of nine, has designated two staff to focus full-time on the training and support of county boards. As new commissioners are appointed, staff will conduct outreach to determine what assistance or information is needed. Such assistance would include, but not be limited to, providing documented guidance on various election administration tasks, scheduling conference calls to review questions new commissioners or staff have, or conducting in-person board visits to provide a more one-on-one level of support.

As the issues brought to light by the election last year in the 22nd Congressional District showed, the need for training and support is not limited to new commissioners. The State Board expansion of board visits, training materials and outreach hopes to obviate such issues before they have a chance to develop into larger problems. However, issues impacting elections don't always occur at County Board offices. Last year, the NYC Board experienced an issue where thousands of voters received the wrong ballots. This error was traced back to the printing/ mailing vendor used by not just the City Board, but also many of the other boards throughout the State. The State Board immediately engaged this vendor as well as the other main printing/ mailing vendor used by numerous county boards to determine what led to the error and what additional processes were being put

in place to prevent a reoccurrence of the error.

The Security of our Election

Since the 2005 adoption of the Election Reform and Modernization Act⁵ and other legislation to implement HAVA in New York State, New York has been a leader to ensure the security of its elections systems.

- New York requires that every voting system produce a voter verifiable paper audit trail (NY Election Law § 7-202(1)(j))
- New York requires that there be an audit of the paper trail of at least 3% of the voting machines in each county and authorizes the escalation of the audit to a greater number of machines where errors warrant. (NY Election Law § 9-211); the Legislature recently expanded the recanvass process to provide for manual recounts in very close contests (NY Election Law § 9-208(4))
- New York prohibits any device or functionality potentially capable of externally transmitting or receiving data via the Internet or radio waves or other wireless means. (NY Election Law § 7-202(1)(t));
- New York requires that the manufacturer and/or vendor of each voting machine, system or equipment place into escrow a complete copy of all programming, source coding and software. (NY Election Law § 7-208).

The regulations adopted by the New York State Board of Elections to implement the New York Election Modernization and Reform Act also contain a number of positive features that have formed a model for other states:⁶

- New York was the first state to require compliance with the 2005 Voluntary Voting System Guidelines adopted by the US Election Assistance Commission;
- New York provides for public access to observe usability testing of the voting systems in the certification process and provides public access to all test plans and test results, except where disclosure would compromise the security features of

⁵ 2005 Laws of New York, c. 181.

⁶ The New York Voting Systems Standards are found at 7 NYCRR 6209, http://www.elections.state.ny.us/NYSBOE/hava/voting_systems_standards-4-20.pdf

the voting system;

- New York requires that vendors disclose all litigation and any problems experienced by the voting system in other jurisdictions, so we can learn from those problems and not repeat them here; New York requires that vendors disclose any pecuniary interest in the laboratories that test their products.

Most of the staff in the Election Operations Unit have been devoted to the extensive testing and review of voting systems and appurtenant equipment. This testing included the successful rollout of electronic poll books in 2019.

In SFY 2018/19, New York State firmly committed resources to create a Secure Elections Center to protect NY's election infrastructure from cybersecurity threats with a \$5 million state appropriation for "services and expenses related to securing election infrastructure from cyber-related threats including, but not limited to the creation of an election support center, development of an elections cybersecurity support toolkit, and providing cyber risk vulnerability assessments and support for local board of elections."

In SFY 2018/19, \$5 million dollars was appropriated to protect NY's election infrastructure. In the SFY 2019/20 budget, the re-appropriation of the fund had a broadened purpose to also cover daily operating expenses of the Board. The language now reads: "For services and expenses related to campaign finance compliance training and compliance reviews, national voter registration act training and compliance reviews, election technology systems operations and securing election systems infrastructure and operations from cyber-related threats..."

Federal funding is available through the 2018 HAVA (Help America Vote Act) Election Security Grant which allocated \$19,483,647 to the State of New York "to improve the administration of elections for Federal office, including to enhance election technology

and make security improvements.

Additional federal resources are available in the federal 2020 HAVA grant which allocated \$21,838,990 to New York State provided, however, that the State enacts a 4% match or \$4,367,798. This would provide the Board with \$26,206,788 in resources to improve the administration of elections for federal office for qualifying purposes.

The State Board has been diligently working to assess the risks posed against the state and county boards of election, monitor the ongoing operations of the boards and to respond to incidents when they occur. The State Board has been actively partnering with federal, state and county stakeholders to, share information, leverage shared resources, and identify cybersecurity priorities to maintain a secure elections infrastructure.

The Secure Elections Center (SEC) is responsible for securing the statewide elections infrastructure, end-to-end, from cyber- related threats by developing an elections cyber security tool kit, providing risk vulnerability assessments and support for County Boards of Election (County Boards). The SEC has:

- conducted extensive outreach to inform and involve federal, state, and local stakeholders to increase the communication, expertise, and cybersecurity resources available for the State and County Boards;
- implemented a uniform cybersecurity hygiene web-based training for all State Board, County Board and IT staff supporting elections infrastructure;
- tested incident response capabilities and plans of State Board/ County Boards/ County and State IT by conducting six (6) regional elections tabletop exercises;
- implemented a uniform statewide cyber incident reporting procedure;
- initiate and complete uniform, comprehensive risk assessments of all County Boards. To dates, the State Board has provided all County Boards and County IT with three years of Security Awareness cybersecurity training (provided by the

SANS Institute);

- participating in federal working groups on social mis/disinformation;
- contract and implement uniform Intrusion Detection Systems (IDS) at all County Boards; and
- contracted for Managed Security Services (MSS) for use by all County Boards.

The State Board completed its comprehensive risk assessment in the first quarter of 2020. Risk assessment findings will highlight the priorities and areas of greatest impact for SEC remediation efforts during SFY 2020-21 and beyond. The implementation of IDS is complete and the implementation of MSS began in November 2018 and continue through SFY 20-2021.

The State Board has allocated \$9 million dollars of the federal HAVA cybersecurity funding toward a newly created NYS Elections Cybersecurity Risk Remediation grant program to directly provide County Boards of Elections with funds to implement remediation efforts tied back to their risk assessment plan. This effort is not just benefiting County Boards; it also helps countywide IT services in New York State counties.

The State Board has successfully implemented a monitoring and rapid response team to prepare for and respond to cyber incidents, as well as emergency events. Prior to every election, the State Board sets up a monitoring system composed of our partners - State Police, Department of Homeland Security and Emergency Services, Office of Information Technology, Public Service Commission, Department of Transportation, and the Executive Chamber. We also consult with our federal partners - Department of Homeland Security and the FBI to discuss the status of the election environment. This collaboration has enabled the Board to plan around emergency events, such as the severe storms in the North Country during the 2019 early voting period.

The State Board has initiated a project with the State University of New York, Center for Technology in Government (CTG), to detect potential abnormalities in voter registration data. Through this project we will perform a full analysis of historical voter registration transactions to establish baselines and create a system to review current and future streams of data from the County Board systems for variances.

Going forward, we are engaged in future initiatives such as researching the utility of data analysis to monitor transaction history and in examining how best to design election infrastructure. As a result of these efforts, New York State is positioned as a national leader in election cybersecurity efforts.

Thank you for the opportunity to discuss lessons learned and our plans for strengthening election administration across the state.

Appendix A: The Timeline of Election Events Impacting 2020 Elections 2020 Elections and Listing of Executive Orders

Jan. 21:	SAM v. Cuomo: On January 21, the Sam Party filed an action claiming that the new ballot thresholds contained in the public financing program, enacted in part zzz of the 2020-2021 budget, are unconstitutional. The Working Families Party Later joined the suit. A motion for preliminary injunction has been filed, and was fully briefed as of July 24. Oral argument has yet to be set.
Feb. 25:	First day for signing designating petitions §6-134(4)
Mar. 7:	Executive Order 202, Declared a Disaster Emergency in NYS due to COVID-19
Mar. 13	Last Day for CBOES to transmit Military/Special federal ballots for the Presidential Primary
Mar. 17:	Executive Order 202.4, Directed non-essential staff to work from home.
Mar. 17 - Mar.20:	Dates for filing designating petitions. §6-158(1) (was originally Mar.30-April1)
Mar. 18:	Chapter 24 signed into law changing the dates for the petition filing period to be March 17-20.
Mar. 24:	Last day to authorize designations. §6-120(3)
Mar 24:	Last day to accept or decline designations. §6-158(2)
Mar. 29 : Executive Order 202.13 (signed)	Postponed the Queens Borough President election from March 24,2020 and special election scheduled for April 28, 2020 to be held on June 23, 2020. Rescheduled the Presidential Primary from April 28, 2020 to June 23,2020 Postponed circulation, filing and collection of designating petitions or independent nomination petitions for any office commencing March 31, 2020 to be postponed.
Mar 30:	Last day to fill a vacancy after a declination. §6-158(3)
April 3:	Last day to file authorization of substitution after declination of a designation. §6-120(3)
April 9: Executive Order 202.15 (signed)	Enabled absentee ballots to be granted based on temporary illness which included the potential for contraction of the COVID-19 virus for any election held on or before June 23, 2020; and Modified 8-400 of the Election Law to allow for electronic application, with no requirement for in-person signature or appearance to be able to access an absentee ballot.

April 12: Executive Order 202.16 (signed)	Postponed party caucuses that were scheduled to take place in April or May until June 1, 2020.
April 18 - April 26:	Presidential Primary Early Voting Period (original dates)
April 24: Executive Order 202.23 (signed)	Provided that every voter, active or inactive, eligible to vote in a primary or special election to be held on June 23, 2020 shall be sent an absentee ballot application form with a postage paid return envelope.
April 27:	Presidential Primary cancelled pursuant to publicly suspended campaign determination.
April 28:	Original Date of Presidential Primary, postponed to June 23, 2020 EO 202.12/13.
April 28:	Yang v. SBOE this action challenged the SBOE's determination to remove presidential candidates from the primary ballot who were no longer seeking or publicly suspended their campaign for office of president of the United States pursuant to the Election Law. As only one candidate was still running, there would have been no presidential primary. Andrew Yang sued and moved for a preliminary injunction, requiring all candidates who were previously eligible be listed on the presidential primary ballot. The trial court granted Yang's motion (5.5.20), and the Second Circuit Court of Appeals affirmed
May 1: Executive Order 202.26 (signed)	Any absentee ballot sent to a voter for a primary or special election to be held on June 23, 2020 shall be provided with a postage paid return envelope.; For any election held before July 1, 2020, upon transmitting or mailing absentee ballots to voters, the boards of elections shall provide and maintain, in its office, a voting system that is accessible for voters wishing to mark their ballot privately and independently, and provided that availability of this services hall be posted on the website of each board of elections.
May 5:	NYS Presidential Primary reinstated for June 23, 2020
May 7: Executive Order 202.28 (signed)	Limited the option to select temporary illness due to fear of contracting COVID-19 to only apply to the June 23, 2020 special and primary elections.
May 8:	Deadline to transmit ballots to eligible military special voters for Special Elections and Primaries.
May 15:	Central New York, Finger Lakes, Mohawk Valley, North Country and the Southern Tier regions enter phase 1 of reopening
May 19:	Western New York region enters phase 1 of reopening
May 20:	Capital District region enters phase 1 of reopening
May 22:	Hernandez v. SBOE: On May 22, 2020, the National Federation of the Blind filed an action alleging that New York's absentee ballot process is inaccessible to persons with print disabilities. An accessible process was negotiated for the June 23rd primary, but one could not be reached for the November 3rd process. Plaintiff filed for a motion for preliminary injunction. A hearing will be had on August 23,2020.

May 26:	Mid-Hudson region enters phase 1 of reopening
May 27:	Long Island region enters phase 1 of reopening
May 29:	Central New York, Finger Lakes, Mohawk Valley, North Country and the Southern Tier regions enter phase 2 of reopening
June 2:	Western New York region enters phase 2 of reopening
June 3:	Capital District region enters phase 2 of reopening
June 7: Executive Order 202.39 (signed)	Provided guidance on school absentee voting.
June 8:	NYC enters phase 1 of reopening and Mid-Hudson region enters phase 2 of reopening
June 9: Executive Order 202.40 (signed)	Provided guidance to school boards on budgets that did not pass.
June 10:	Long island region enters phase 2 of reopening
June 12:	Central New York, Finger Lakes, Mohawk Valley, North Country and the Southern Tier regions enter phase 3 of reopening
June 13 – June 21:	Early Voting dates for Presidential Primary and Primary Election
June 16:	Western New York region enters phase 3 of reopening
June 16:	Deadline for Postmarking an Absentee ballot application
June 17:	Capital District region enters phase 3 of reopening
June 21: Executive Order 202.44 (signed)	Required boards of elections for any election held before July 1, 2020 to maintain a voting system that is accessible for voters who want to mark their ballots privately and independently; this must be on their website, so people know of the service.
June 22:	NYC enters phase 2 of reopening
June 23:	Presidential Primary and Primary Election Mid-Hudson region enters phase 3 of reopening
June 23:	Post mark Deadline for Absentee Ballot, must be received by June 30 th .
June 24:	Long Island region enters phase 3 of reopening
June 26:	Central New York, Finger Lakes, Mohawk Valley, North Country and the Southern Tier regions enter phase 4 of reopening
June 30: Executive Order 202.46 (signed)	Provided for the period of time for independent nomination petitions to be signed, filed and provide for the amount of required signatures.
June 30:	Last day a ballot can be received by a BOE if postmarked by 6.23.2020
June 30:	Western New York region enters phase 4 of reopening
July 1:	Capital District region enters phase 4 of reopening
July 3: Executive Order 202.47 (signed)	Provided for Party Caucus to be video-conferenced.

July 3:	Eisen v. Cuomo: filed July 3, 2020 was a matter that challenged New York's revised independent nominating petition process that was revised pursuant to an Executive Order. The matter was dismissed on July 27th.
July 6: Executive Order 202.48 (signed)	Extended EO 202.28 through August 5, 2020.
July 6:	Canvass of Absentee can begin
July 6:	NYC enters phase 3 of reopening
July 7:	Mid-Hudson region enters phase 4 of reopening
July 8:	Long Island region enters phase 4 of reopening
July 8:	League of Women Voters v. Kosinski: a motion was filed challenging NY's absentee ballot process in so much as it doesn't have a cure provision. NYSBOE was granted an extension to file an answer until August 13, 2020. It should be noted that there is a bill that passed both houses of the legislature that would go a long way in resolving this matter as it provides a cure mechanism for absentee ballots.
July 8:	Upstate Jobs Party v. Kosinski is a matter where plaintiffs are seeking housekeeping accounts for independent bodies, and for independent bodies to have the same "hard money" contribution limits as parties. Upstate Jobs filed for summary judgment on July 8th. The NYSBOE response is due August 25.
July 12: Executive Order 202.51 (signed)	Provided guidance for school boards and library boards on petitions.
July 17:	Gallagher v. SBOE. Plaintiffs seeks to "count[] all absentee ballots received on or before June 30, 2020" with respect to the June 23, 2020 primary election. The claims revolve around postmark issues; particularly postmarks on envelopes that are prepaid. On August 3rd, the court ruled on Plaintiffs motion for preliminary injunction, ordering the SBOE to direct all local boards of elections to count all otherwise valid absentee ballots cast in the June 23 Primary which were (1) received by June 24, 2020, without regard to whether such ballots are postmarked by June 23, 2020 and (2) received by June 25, 2020, so long as such ballots are not postmarked later than June 23, 2020.
July 20:	NYC enters phase 4 of reopening
July 20:	The State Legislature passes ten election law related bills. Six which would change election administration for the November 3, 2020 general election
July 28:	On July 28th, the Green Party and Libertarian Party filed a lawsuit challenging the party threshold law in the SDNY.
July 29:	League of Women Voters v. SBOE: On July 29th filed a motion for Preliminary injunction; challenges the 25 day cutoff period for new voter registrations. The NYSOBE response is due on August 14th.

July 30:	NYSBOE was notified that the Budget Director will not certify the “Environmental Bond Act of 2020; Restore Mother Nature, Part QQ of Chapter 58 of the Laws of 2020
August 3, 2020	Gallagher v. NYSBOE: Court rules NSYBOE must direct all Boards to count those ballots received by June 24 th without a postmark.
August 6, 2020	NYSBOE directs local boards to “count all otherwise valid absentee ballots cast in the June 23 Primary which were received by June 24, 2020, without regard to whether such ballots are postmarked by June 23, 2020 and (2) received by June 25, 2020, so long as such ballots are not postmarked later than June 23, 2020.”
August 24, 2020	<p>EO 202.58 issued on 8.24.20 required:</p> <ul style="list-style-type: none"> • Sections 15-120 and 15-122 of the Election Law, Sections 2018-a and 2018-b of the Education Law and section 84-a of the Town Kaw, as well as any provision of law related to a special district election taking place prior to November 3, 2020, and not administered by the County Board of elections to the extent necessary to include the potential for contract of the COVID-19 virus as an illness for purposes of request of receipt of an absentee ballot; • Section 8-400 was amended in order to provide that every voter that is in active and inactive statue and eligible to vote in any election on or before 11/3/2020, may be able to request an absentee ballot via phone, internet or electronically. Requires documentation for phone receipt. • Section 9-209(3) of the Election law related to curing deficiencies in absentee ballots is modified to require that a BOE provide a five-day cure period for any eligible deficiency instead of seven if the absentee ballot is received after November 3,2020. Requires that a BOE first notify any voter of any eligible deficiency within 24 hours of identifying the deficiency by phone or email., if available and shall only mail such notification to the voter if notice to the voter by phone or email was not possible; and • Article 16 of the Election Law was modified to provide that no cause of action shall be maintained against a BOE if, notice is not able to be made within the time period in 9-209-3 after a good faith effort and through no fault of the BOE. • Requires all BOES to send an information mailing to every registered voter by 9/8/2020 including the dates, hours and location for early voting and location; information on how to apply for an absentee ballot the dates and hours of the 11.3.2020 general election and the voters polling place location, information regarding how the voter can look up

	<p>their registration status; a reminder of the opportunities to vote before election day; expected mail times if a voter chooses to request an absentee ballot.</p> <ul style="list-style-type: none"> • Requires All BOES to submit a staffing plan and needs for early voting and election day poll site operations by 9.20.2020. • All CBOES must take all steps possible to count ballots as soon as possible, including reviewing absentee or military ballot envelopes prior to Election day to ensure efficient and timely canvassing of ballots., including to establish objections by the Board to ballot envelopes prior to election day, and reporting of affidavit ballots by counties to the SBOE to compare against absentee ballots must be completed within 48 hours of the election. • The SBOE must develop a uniform envelop for absentee ballots for use by BOES by 9.8.2020. Auch envelope shall establish where a voter must sign to be valid. All COBEs must use such uniform envelope for absentee ballots developed by the SBOE.
August 29, 2020	EO 202.59 ceased the director to permit telephone or virtual party nominating conventions which has been superseded by Chapter 142 of the laws of 2020.
September 9,2020	EO 202.61required all BOES to develop a plan to allow a registered voter to drop off a completed absentee ballot at a BOE, early voting location, or election day voting location, without requiring they wait in line with in-person voters, to help minimize delays during in-person voting and promote contactless voting. Plans must be submitted to be SBOE by September 21, 2020 and made publicly available in the CBOE office and on their website when submitted; and For any absentee ballot issued pursuant to Chapter 91 and 138 of the Laws of 2020 and/or the provisions of Executive Order 202.58 for which a prepared application need not be returned by the voter because the voter applied for an absentee ballot by letter, email, fax, phone internet or electronically, the BOE shall not send such voter a paper absentee ballot application with their ballot, and such voter shall not be required to complete a paper application either prior to or simultaneously to receive the ballot.
September 19, 2020	Section 522 of the Labor Law is modified to exclude from the definition of “total employment” per diem, part-time work performed between September 18, 2020 and November 3, 2020 for the NYSBOE or a local board of elections where the total earnings for the week form all work performed for any employer do not exceed \$504.00...”

December 14, 2020	EO 202.87 continued the ability of an individual to request an absentee ballot. Was to have sunset 12.31.2020.
January 8, 2021	EO 202.89 – <ul style="list-style-type: none"> • article 6 and 15 of the Election Law in relation to conducting any village election all party nomination made by party caucus may be conducted remotely in whole or in part as set for by the chair of such party; • continued the potential for contracting of COVID-19 as an illness for purposes of request or receipt of an absentee ballot for special district elections; • Provided for supplemental notice of electronic participation in a caucus to be not less than 5 days before the caucus. • Amended 8-407 to allow that election inspectors shall not attend or visit facilities to provide absentee ballots physically and will send them by mail or personal delivery.
February 11, 2021	EO 202.93 provided that caucus meetings may be held by telephone or video conferencing. Must be public notice to access video conference.
February 14, 2021	EO 202.94 required change of enrollments that are due by 2.14.2021 to be accepted by the BOE through the next business day following the 2.4.21 and any such change of enrollment shall be processed until 2.16.2021.

Executive Orders

Nine executive orders impacting New York's Elections and changing the process elections were signed between March 29, 2020 and June 21, 2020 impacting the June 23, 2020 Special and Primary Elections.

202.13, signed March 29, 2020

- Postponed the Queens Borough President election from March 24, 2020 and special election scheduled for April 28, 2020, to be held on June 23, 2020.
- Postponed circulation, filing and collection of designating petitions or independent nomination petitions for any office commencing March 31, 2020 to be postponed.

202.15 signed April 9, 2020

- Enabled absentee ballots to be granted based on temporary illness which included the potential for contraction of the COVID-19 virus for any election held on or before June 23, 2020; and
- Modified 8-400 of the Election Law to allow for electronic application, with no requirement for in-person signature or appearance to be able to access an absentee ballot.

202.16 , signed April 12, 2020

- Postponed party caucuses that were scheduled to take place in April or May until June 1, 2020.

202.23, signed April 24, 2020

- Provided that every voter, active or inactive, eligible to vote in a primary or special election to be held on June 23, 2020 shall be sent an absentee ballot application form with a postage paid return envelope.

202.26, signed May 1, 2020

- Any absentee ballot sent to a voter for a primary or special election to be held on June 23, 2020 shall be provided with a postage paid return envelope.;
- For any election held before July 1, 2020, upon transmitting or mailing absentee ballots to voters, the boards of elections shall provide and maintain, in its office, a voting system that is accessible for voters wishing to mark their ballot privately and independently, and provided that availability of this services shall be posted on the website of each board of elections

202.28, signed May 7, 2020

- Limited the option to select temporary illness due to fear of contracting COVID-19 to only apply to the June 23, 2020 special and primary elections.

202.39 , signed June 7, 2020:

- Provided guidance on school absentee voting.

202.40 , signed June 9, 2020:

- Provided guidance to school boards on budgets that did not pass.

202.44, signed June 21, 2020:

- Required boards of elections for any election held before July 1, 2020 to maintain a voting system that is accessible for voters who want to mark their ballots privately and independently; this must be on their website so people know of the service.

202.46 , signed June 30, 2020;

- Provided for the period of time for independent nomination petitions to be signed, filed and provide for the amount of required signatures.

202.47 , signed July 3, 2020:

- Provided for Party Caucus to be video-conferenced.

202.48 , signed July 6, 2020

- Extended EO 202.28 through August 5, 2020.

202.51, signed July 12, 2020

- Provided guidance for school boards and library boards on petitions.

202.58, signed August 24, 2020 required:

- Sections 15-120 and 15-122 of the Election Law, Sections 2018-a and 2018-b of the Education Law and section 84-a of the Town Law, as well as any provision of law related to a special district election taking place prior to November 3, 2020, and not administered by the County Board of elections to the extent necessary to include the potential for contract of the COVID-19 virus as an illness for purposes of request of receipt of an absentee ballot;
- Section 8-400 was amended in order to provide that every voter that is in active and inactive status and eligible to vote in any election on or before 11/3/2020, may be able to request an absentee ballot via phone, internet or electronically. Requires documentation for phone receipt.
- Section 9-209(3) of the Election law related to curing deficiencies in absentee ballots

is modified to require that a BOE provide a five-day cure period for any eligible deficiency instead of seven if the absentee ballot is received after November 3, 2020. Requires that a BOE first notify any voter of any eligible deficiency within 24 hours of identifying the deficiency by phone or email, if available and shall only mail such notification to the voter if notice to the voter by phone or email was not possible; and

- Article 16 of the Election Law was modified to provide that no cause of action shall be maintained against a BOE if, notice is not able to be made within the time period in 9-209-3 after a good faith effort and through no fault of the BOE.
- Requires all BOES to send an information mailing to every registered voter by 9/8/2020 including the dates, hours and location for early voting and location; information on how to apply for an absentee ballot the dates and hours of the 11.3.2020 general election and the voters polling place location, information regarding how the voter can look up their registration status; a reminder of the opportunities to vote before election day; expected mail times if a voter chooses to request an absentee ballot.
- Requires All BOES to submit a staffing plan and needs for early voting and election day poll site operations by 9.20.2020.
- All CBOES must take all steps possible to count ballots as soon as possible, including reviewing absentee or military ballot envelopes prior to Election day to ensure efficient and timely canvassing of ballots, including to establish objections by the Board to ballot envelopes prior to election day, and reporting of affidavit ballots by counties to the SBOE to compare against absentee ballots must be completed within 48 hours of the election.
- The SBOE must develop a uniform envelope for absentee ballots for use by BOES by 9.8.2020. Each envelope shall establish where a voter must sign to be valid. All COBES must use such uniform envelope for absentee ballots developed by the SBOE.

202.59, signed August 29, 2020

- ceased the directive to permit telephone or virtual party nominating conventions which has been superseded by Chapter 142 of the laws of 2020.

202.61, signed September 9, 2020

- required all BOES to develop a plan to allow a registered voter to drop off a completed absentee ballot at a BOE, early voting location, or election day voting location, without requiring they wait in line with in-person voters, to help minimize delays during in-person voting and promote contactless voting. Plans must be submitted to the SBOE by September 21, 2020 and made publicly available in the CBOE office and on their website when submitted; and
- For any absentee ballot issued pursuant to Chapter 91 and 138 of the Laws of 2020 and/or the provisions of Executive Order 202.58 for which a prepared application need not be returned by the voter because the voter applied for an absentee ballot by letter, email, fax, phone internet or electronically, the BOE shall not send such voter a paper

absentee ballot application with their ballot, and such voter shall not be required to complete a paper application either prior to or simultaneously to receive the ballot.

202.64, signed September 18, 2020

- Section 522 of the Labor Law is modified to exclude from the definition of “total employment” per diem, part-time work performed between September 18, 2020 and November 3, 2020 for the NYSBOE or a local board of elections where the total earnings for the week from all work performed for any employer do not exceed \$504.00...”

202.87 signed December 14, 2020

- continued the ability of an individual to request an absentee ballot. Was to have sunset 12.31.2020.

202.89 signed January 8, 2021

- article 6 and 15 of the Election Law in relation to conducting any village election all party nomination made by party caucus may be conducted remotely in whole or in part as set for by the chair of such party;
- continued the potential for contracting of COVID-19 as an illness for purposes of request or receipt of an absentee ballot for special district elections;
- Provided for supplemental notice of electronic participation in a caucus to be not less than 5 days before the caucus.
- Amended 8-407 to allow that election inspectors shall not attend or visit facilities to provide absentee ballots physically and will send them by mail or personal delivery.

202.93, signed February 11, 2021,

- provided that caucus meetings may be held by telephone or video conferencing. Must be public notice to access video conference.

202.94, signed February 14, 2021,

- required change of enrollments that are due by 2.14.2021 to be accepted by the BOE through the next business day following the 2.4.21 and any such change of enrollment shall be processed until 2.16.2021.

APPENDIX B: ELECTION BILLS AND PENDING LEGISLATION 2019-2021				
	Title/Bill #	Bill Description	Signed/Chapter	Effective Date
1.	Early Voting A780 / S1102	Provides nine days of early voting prior to any special, primary, or general elections.	1/24/2019 Chapter 6	October 2019
2.	Statewide address changes Transfers A775 / S1099	Provides that the board of elections shall transfer a registration and enrollment of a voter to wherever they move in the state.	1/24/2019 Chapter 3	3/25/2019
3.	16-Year-old Pre-registration A774 / S1100	Change NYSVoter formula for 17-year-olds to extend to 16-year-olds for effective date when applicant turns 18.	1/24/2019 Chapter 2	1/1/2020
4.	Closing LLC loophole A776 / S1101	Relates to political contributions by limited liability companies; requires limited liability companies that make expenditures for a political purpose to file with the state board of elections, the identity of all direct and indirect owners of the membership interests in the limited liability company and the proportion of each direct or indirect member's ownership interest in the limited liability company.	1/24/2019 Chapter 4	1/31/2019
5.	June Primary A779 / S1103	Changes the State/Local Primary date to match the Federal Primary date. Shift of Primary from September to June.	1/24/2019 Chapter 5	June 2019
6.	Signatures for Designating Petitions A2570 / S2862	Relates to the number of signatures for designating petitions in the year 2019.	2/20/2019 Chapter 17	Effective Immediately Sunsets 12/31/2019
7.	Signatures for Party Position A2693 / S2699	Reduces the petition signature requirement for member of county committee to 3 percent.	2/20/2019 Chapter 18	Effective Immediately Sunsets 12/31/2020
8.	Signatures for Designating Petitions A5979-A / S4350	Relates to signature s for designating petitions for political subdivisions outside the city of New York and the counties of Erie and Nassau; must be signed by not less than three and three-quarters per centum.	3/25/2019 Chapter 22	Effective Immediately Sunset 12/31/2019
9.	Time allowed for employees to vote A2005-C / S1505-C Budget Article VII	Relates to time allowed for employees to vote.	4/12/2019 Chapter 55, Part YY	Effective Immediately

10.	Use of force policy for any agency that employs peace officers A2005-C / S1505-C Budget Article VII	Requires Use of Force Policy; applicable to State Board Enforcement	4/12/2019 Chapter 55, Part ZZ	60 th day after it became law, 6/12/2019
11.	Candidate or Political Committee – prohibition on certain loans A2005-C / S1505-C Budget Article VII	Prohibits certain loans to be made to candidates or political committee	4/12/2019 Chapter 55, Part AAA	60th day after it became law, 6/12/2019
12.	Uniform polling hours during primary elections A2005-C / S1505-C Budget Article VII	Uniform hours across the state; 6AM-9PM	4/12/2019 Chapter 55, Part BBB	1/1/20 and applies to any election held 120 days thereafter, April 29, 2020.
13.	Online Voter Registration A2005-C / S1505-C Budget Article VII	Establishes the voter enfranchisement modernization act	4/12/2019 Chapter 55, Part CCC	2021
14.	Renamed Veterans' Affairs to Veterans' Services A2006-C Budget Article VII	Impacted NVRA materials.	4/12/2019 Chapter 56, Part AA, Section 1	Effective Immediately
15.	Public Campaign Finance A2009-C / S1509-C	Establishment of commission. The state shall establish a system of voluntary public campaign financing for statewide and state legislative public offices. The commission's report is due by December 1, 2019 and shall have the full effect of law unless modified or abrogated by statute prior to December 22, 2019. 42 (b) Members of commission.	4/12/2019 Chapter 59, Part XXX	Effective Immediately
16.	Early Voting Grant Program Budget	Aid to Localities Budget providing grant money for early voting.	4/12/2019 Chapter 53	Effective Immediately
17.	E-Poll Book and Ballot Printing Grant Program Budget	Capital Projects Budget providing grant money for purchase of electronic poll books and on demand printers.	4/12/2019 Chapter 54	Effective Immediately
18.	Electronic Poll Books S1505-C Budget Article VII	Authorizes computer generated registration lists; relates to the list of supplies to be delivered to poll sites.	4/12/2019 Chapter 55, Part XX	Effective Immediately

19.	Increases the number of supreme court judges and county court judges A8433 / S6615	Increases the number of supreme court judges (+3): · JD 11 from 40 to 41 (+1) · JD 12 from 26 to 27 (+1) · JD 13 from 4 to 5 (+1) Tompkins County judge from 2 to 3 (+1)	6/24/2019 Chapter 39, Part T	Effective Immediately
20.	Party Committee Organization Meeting A8227B / S6427B	Moves the organization meeting time period for county committees and local committees from 20 days of the June primary election to between September 17th and October 6th.	6/25/2019 Chapter 42	Effective Immediately
21.	On Demand Ballot Printing Ballot Accountability A7123/S5129	Relates to instituting additional ballot accountability practices.	7/3/2019 Chapter 63	Effective Immediately
22.	Removes color from primary ballot A7606/S5839	Removes the requirement for color stripe to appear on primary ballot, reducing expense of on demand ballot printing. Also fixes effective date for the Voter Friendly Ballot Act (see A2682A/S2300A).	7/3/2019 Chapter 66	7/1/2020
23.	New Parties – Nominations A4081/S4426	Changes deadline for new parties in the first year of their existence to file nominations no later than September 1.	7/3/2019 Chapter 46	Effective Immediately
24.	Use of campaign funds for childcare expenses A1108-B / S2680-A	Authorizes the use of campaign funds for childcare expenses where they are incurred in the campaign or in the execution of the duties of public office or party position.	7/30/2019 Chapter 136	60th day after becoming a law 9/28/19
25.	Special Ballots – Authorizes by Mail A219A/S3232A	Authorizes special ballots to domestic violence survivors via mail.	8/8/2019 Chapter 150	Effective Immediately
26.	Presidential Primary 2020 A8176 / S6374	Sets out ballot access process to elect delegates to national conventions.	9/13/2019 Chapter 290	Effective Immediately Repealed 12/31/2020
27.	Special Ballots to BOE A202 / S5199	Changes the current two weeks prior to election deadline to send special ballots to election workers to anytime up to close of polls on election day.	9/13/2019 Chapter 257	Effective Immediately

28.	Change of Enrollment A8228-A / S6532	Changes the deadline to file a change of enrollment from the October cut-off to February 14 th .	9/26/2019 Chapter 316	Effective Immediately
29.	Restricts Corporation re political campaign A623 / S4347	Restricts certain corporations from participating or intervening in any political campaign on behalf of or in opposition to any candidate for public office.	10/23/2019 Chapter 407	Effective Immediately
30.	Two-sided ballot indicator A112/S3145	Adds arrow to indicate ballot is two sided for when ballot proposal is on a two-sided ballot.	10/24/2019 Chapter 409	12/15/2019
31.	Candidate and Ballot Information on Websites A163/S1590	Requires the posting of candidate and ballot information on State Board and County Boards of Elections websites.	10/24/2019 Chapter 410	1/1/2021
32.	Voter Friendly Ballot Act A2682A/S2300A	Enacts the voter friendly ballot act; relates to the form of the ballot for elections; removes additional provisions for primary elections for New York city.	10/24/2019 Chapter 411	7/1/2020
33.	Contribution Limits A111/S3140	County boards to publish local office contribution limits on their county website.	10/25/2019 Chapter 412	12/15/2019
34.	Special Election Notice A837-A / S211-C	Boards of elections to notify all eligible voters of any special elections being held in their jurisdiction.	10/25/2019 Chapter 413	Effective Immediately
35.	Campaign Finance Filings A1641/S3903	Requires all committees and candidates, including local ones, to file campaign finance reports electronically with SBOE.	10/28/2019 Chapter 416	12/15/2019
36.	Appointment of Poll Watchers A1525A / S3141A	Clarifies language about appointing poll watchers. SBOE supported bill from SBOE legislative package 2019-13.	10/29/2019 Chapter 418	Effective Immediately
37.	Poll Site Staff Plan A1454 / S3146	Allows CBOE to design an alternative poll site staffing plan to conduct an election. NYSBOE Program Bill No. 19-12.	10/29/2019 Chapter 417	1/1/2020
38.	Consolidation of certain voting districts A3543 / S6449	Authorizes consolidation of certain voting districts with less than 10 eligible voters with another district. Removes the cap on combined district.	10/30/2019 Chapter 438	Effective Immediately

39.	OTB Committee to Receive Notices A6714 / S5475	Clarifies committee named by an Opportunity to Ballot petition has capacity to seek judicial relief in the same manner as a candidate named by a petition. NYSBOE Program Bill No. 19-20	10/30/2019 Chapter 440	12/15/2019
40.	Election Night Reporting Procedures A2264 / S2346	Makes the procedures for election night reporting uniform.	10/30/2019 Chapter 437	Effective Immediately
41.	Amends effective date for Uniform voting hours for primary elections to apply to Pres Primary on April 28, 2020. A7709/S6163	Relates to the effectiveness of providing uniform polling hours during primary elections.	10/30/2019 Chapter 441	1/1/20 and applies any election held 115 days after, April 24, 2020
42.	Time to File Petitions – Westchester County A349A / S4264	Westchester County – last day to file petitions of designation or petitions of nomination, the BOE shall remain open between the hours of 9:00 am and midnight to receive said petitions.	10/30/2019 Chapter 439	Effective Immediately
43.	Campaign Finance Filings/NYCCFB A1740/S3134	Eliminates duplicate financial disclosure reports for those who file with NYCCFB.	11/8/2019 Chapter 465 Memo 13	1/1/2020
44.	Committee to Receive Notices – Acceptance A5219 / S5180-A	Each OTB submitted to a board of elections be accompanied by a certificate of acceptance completed by those appointed as the committee to receive notices.	11/8/2019 Chapter 456 Memo 11	Effective Immediately
45.	Political Communication Disclosure A4668 / S4910	Requires that political communications disclose the identity of the political committee that made the expenditure for the communication	11/8/2019 Chapter 454 Memo 10	1/1/2020
46.	Buffalo City School Dist. Election at November General Election A4949-B / S5224-B	Provides for the election of members of the board of education of the Buffalo city school district in November rather than in May.	11/25/2019 Chapter 561	11/25/2019
47.	Testimony related to voter’s signature on petition A120 / S3133	Relates to testimony related to voter's signature on a petition.	11/25/2019 Chapter 533	12/15/2019

48.	E-Mail Address on Voter Registration; Use for Notice A1565 / S1718	E-mail address (optional by voter) to be included on the voter registration application; notices to be sent to voters by NYSBOE shall be sent via email in addition to postal mail; notices to be sent to voters by CBOEs may be sent via email address, still must send via postal mail.	11/25/2019 Chapter 536	One year after it shall become law, 11/25/2020
49.	Voter registration form distribution A2599-A / S1128-A	Requires SUNY and CUNY to provide voter registration forms and absentee ballots to students, and for these locations to assist in completion of these documents.	12/6/2019 Chapter 587 Approval Memo 30	Effective Immediately
50.	Absentee Ballots A2687 / S3125	Requires party position for ward, town, city or county to appear on absentee ballots	12/10/2019 Chapter 615	Effective Immediately
51.	Independent Body Name A2047-A / S5974-A	Prohibits the change of name of any independent body.	12/11/2019 Chapter 619	Effective Immediately
52.	Affidavit Ballot substantial compliance A1320-A / S3045-B	BOE to cast and canvass voters affidavit ballot if it substantially complies with law.	12/20/2019 Chapter 717 Memo 64	Effective Immediately
53.	Timing of the Annual Check of Registrants A9128 / S7236	Moves the dates for the annual mail check.	2/11/2020 Chapter 21	Effective Immediately Sunsets 12/31/2020
54.	Timing of Filing Designating Petitions A10151 / S8058	Provides that a designating petition for the June 2020 primary election shall be filed with the appropriate board of elections on March 17 through March 20, 2020; makes related provisions.	3/18/2020 Chapter 24	Effective Immediately
55.	Provides for a Mandatory Hand Recount S7505-B Budget Article VII	Makes a hand recount mandatory when the margin of victory is .5% or less; or twenty votes or less; or in a contest where one million or more ballots have been cast and the margin of victory is less than 5,000 votes.	4/3/2020 Chapter 55, Part JJ	Effective 2021

56.	Voter registration form distribution S7505-B Budget Article VII	Subpart M provides for chapter amendments to Chapter 587 of the Laws of 2019, which require SUNY and CUNY to provide voter registration forms and absentee ballots to students, and for these locations to assist in completion of these documents.	4/3/2020 Chapter 55, Part XX, Subpart M	
57.	Affidavit Ballot substantial compliance S7505-B Budget Article VII	Subpart N provides for chapter amendments to Chapter 717 of the Laws of 2019, relating to the requirement that a BOE shall cast and canvass a voter's affidavit ballot if it substantially complies with law. The chapter amendments define substantial compliance as when the board can determine the voter's eligibility based on the statement of the affiant or records of the board.	4/3/2020 Chapter 55, Part XX, Subpart N	
58.	Time allowed for employees to vote S7505-B Budget Article VII	Amends the time off to vote law. The amended time off to vote law provides that if a voter may receive up to two hours of paid time off to vote if the voter does not have four consecutive hours to vote, either from the opening of the polls to the beginning of your work shift, or between the end of your working shift and the closing of the polls.	4/3/2020 Chapter 55, Part AAA	
59.	Eligibility of Presidential Candidates S7506-B Budget Article VII	Part TT provides that: "if a candidate for office of the president of the United States...publicly announces that they are no longer seeking the nomination for the office of president of the United States, or if the candidate announces that they are terminating or suspending their campaign, or if the candidate sends a letter to the state board of elections indicating they no longer wish to appear on the ballot, the state board of elections may determine...that the candidate is no longer eligible and omit said candidate from the ballot; provided, however, that for any candidate of a major political	4/3/2020 Chapter 56, Part TT	

		party, such determination shall be solely made by the commissioners of the state board of elections who have been appointed on the recommendation of such political party or the legislative leaders of such political party, and no other commissioner of the state board of elections shall participate.		
60.	New York State Public Financing Program S7508-B Budget Article VII	Part ZZZ codifies the New York State public financing program; establishes the New York state campaign finance fund; establishes the NYS campaign finance fund check-off; amends the definition of a party to political organizations that, in last preceding election for governor received, at least two percent of the total votes cast for its candidate for governor, or one hundred thirty thousand votes, whichever is greater, and at least two percent of the total votes cast for its candidate for president, or one hundred thirty thousand votes, whichever is greater, in a year when a president is elected; and changed the threshold for statewide independent nominating petitions to forty-five thousand signatures from registered voters, or one percent of the total number of votes, excluding blank and void ballots, cast for the office of governor at the last gubernatorial election, whichever is less, of whom at least [one] five hundred, or one percent of enrolled voters, whichever is less, shall reside in each of one-half of the congressional districts of the State.	4/3/2020 Chapter 58, Part ZZZ	
61.	Certificates of Acceptance – Committee to Receive Notices A8999 / S7196	Chapter 456 of 2019 requires individuals nominated to serve on committee to receive notices to sign and accept the nomination of	4/17/2020 Chapter 33	Effective Immediately

		the committee, otherwise such nomination shall be null and void. The law further required all certificates of acceptance to be filed no later than the fourth day after the last day to file petitions for the opportunity ballot. This chapter amendment replaces the term "nomination" with "appointment" and "nominated" with "appointed" as the correct terms of art as it relates to committees to receive notices for opportunity to ballot petitions.		
62.	Elimination of Duplicate Filing A9001 / S7309	Chapter 416 of 2019 provided that any candidate or authorized candidate's committee required to file electronically with the State Board of Elections would satisfy their requirement upon making electronic filings with a local campaign finance board if the filing format and audit procedures meet or exceed the requirements imposed by Article 14 of the Election Law, the data is publicly available at a substantial equivalent to the State Boards publication standards, and the local board provides the State Board with notices of filing delinquencies. This chapter amendment provides clarity that if any one of the three requirements listed is no longer followed by a local campaign finance board, then the local filers will have to file with the State Board of Elections.	4/17/2020 Chapter 34	1/1/2021
63.	Relates to the disclosure of the identities of political committees making certain expenditures for political communications. A9002 / S7313	This legislation amends the underlying chapter by making technical changes for clarity and consistency of drafting. Language is added clarifying that paragraphs 3 and 5 of section 14-106 of the Election Law shall not apply to the disclosure requirements under certain	4/17/2020 Chapter 87	Effective Immediately

		sections of the underlying chapter, and additionally the term "political committee" to "political communication" in section 3 of the underlying chapter.		
64.	Permits electronic application for absentee ballots and removes requirement that such application be signed by the voter. A19516-A / S8130-D	The purpose of the bill is to recognize increased options for qualified voters to request an absentee ballot in light of the COVID-19 pandemic emergency by recognizing requests through electronic means, and to modify certain requirements relating to the date by which a ballot must be postmarked.	6/7/2020 Chapter 91	Section one: 6/24/2020 Sections two-six immediately. Repealed 12/31/2020
65.	Relates to requests for absentee ballots; when they may be received. A10807 / S87873-A	The bill would amend paragraph (d) of subdivision two of section 8-400 of the election law to allow receipt and require processing of absentee ballot applications received by county boards of election earlier than the 30-day period before election currently specified in paragraph (d).	8/20/2020 Chapter 138	Effective Immediately Sunset 12/31/2020
66.	Expanded Absentee Access A10833 / S8015-D	By redefining "illness," this legislation allows New Yorkers to request an absentee ballot if they are unable to appear personally at their polling place due to an epidemic or disease outbreak.	8/20/2020 Chapter 139 Approval Memo 4	Effective Immediately Repealed 1/1/2022
67.	Relates to the receipt by the board of elections of certain absentee ballots received by a board of elections that do not bear or display a dated postmark A10808-A / S8799-A	This bill will allow the board of elections to cause all absentee ballots that do not bear or display a dated postmark to be presumed to have been timely mailed or delivered if such ballot bears a time stamp of the receiving board of elections indicating receipt by such board on the day after the election.	8/20/2020 Chapter 140	Effective Immediately This act shall apply to elections occurring on or after such effective date; provided, however that the amendments to subdivision 1 of section 8-412 of the election law made by section one of this act shall be subject to the expiration and reversion of such

				subdivision pursuant to section 7 of chapter 91 of the laws of 2020 when upon such date the provisions of section two of this act shall take effect.
68.	Relates to changes to the entrance and exit of polling places A8257 / S5188	Prohibits the making of any change, alteration or modification to any entrance to or exit from a polling place unless such change, alteration or modification is necessary to maintain public safety due to the occurrence of an emergency and requires the posting of signage in relation to such change, alteration or modification.	10/7/2020 Chapter 232	Effective Immediately
69.	Relates to requiring municipalities with the highest population in each county to have at least one polling place designated for early voting A8610-B / S8782	Requires municipalities with the highest population in each county to have at least one polling place designated for early voting	12/15/2020 Chapter 344 Approval Memo 48	Effective Immediately
70.	Automatic Voter Registration A8280-C / S8806	Establishes an electronic personal voter registration process integrated within designated agency applications; requires the state board of elections to promulgate necessary rules and regulations; makes related provisions.	12/22/2020 Chapter 350 Approval Memo 54	This act shall take effect January 1, 2023; provided, however, the state board of elections and any participating agency shall be authorized to implement necessary rules and regulations and to take steps required to implement this act immediately.
71.	HAVA CARES ACT Federal Stimulus Bill	Provides emergency assistance and health care response for individuals, families and businesses affected by the 2020 coronavirus pandemic.		

72.	Reduces Signatures Required for Designating Petitions in 2021 A3356/S2733	This law reduces the required signature threshold by 70 % for 2021 designating petitions.	1/28/21 Chapter 22	Effective Immediately Expires Dec 31, 2021
73.	Automatic Voter Registration Chapter Amendment A2574/S2076	This law changes the effective date for the implementation of automatic voter registration (Chapter 350 of 2020) to January 1, 2024. The law further adds SUNY as a participating agency.	2/16/21 Chapter 37	Effective January 1, 2024
74.	The Election of County Committee Members in 2021 A4357/S4382	This law allows the option for County party committees to adopt temporary amendments to party rules forgoing elections for committee members in 2021. Such committee members would then be required to run for election in 2022.	2/16/21 Chapter 38	Effective Immediately
75.	Eliminates Opportunity to Ballot Petitions for 2021 Elections A4447/S4381	This bill eliminates the opportunity to ballot petition for 2021 elections.	3/7/21 Chapter 69	Effective Immediately
76.	Requires Washington County to have at least One Early Voting Poll Site in its County Seat A1394/S1310	Chapter 344 of 2020 required at least one poll in the largest municipality in each county. In recognizing that the County seat in Washington County (Ft. Edward) better serves the needs of voters than the nearby largest municipality (Hudson Falls) this law would allow Washington County to move the required poll site to Ft. Edward.	3/9/21 Chapter 74	January 1, 2021
77.	Reduces the Designating Petition Signature Requirements for Towns and Villages A5844-A/S5256-A	This law provides that any office to be filled by all the voters of towns containing one hundred thousand inhabitants or less, shall not exceed two times the number of election districts in such town. Additionally, the number of signatures required on a designating petition for a village election shall be one and one-half per centum of the number of enrolled voters of the party residing in the village.	3/24/21 Chapter 81	Effective Immediately Expires Dec 31, 2021

78.	Reduces the number of Signatures needed for Independent Nominating Petitions in 2021 by 50% A4686/S4380	This law reduces the number of signatures required for an independent nominating from 5% to 2.5% of active enrolled voters in a political subdivision who voted for the office of governor in the last election.	3/29/21 Chapter 90	Effective immediately Repealed Dec 31, 2021
79.	BUDGET – Aid to Localities Early Voting Grant Program A 3003C/S 2503C	\$ 2 million grant program to reimburse county boards of elections for expenses related to expanding early voting.	4/19/21 Chapter 53	Effective Immediately
80.	BUDGET – Capital Technology Innovation and Election Resource (TIER) Grant Program A 3004D/S 2504D	\$20 million grant program to reimburse county boards of elections for expenses related to election improvements.	4/19/21 Chapter 54	Effective Immediately
81.	Restoration of Voting Rights for Parolees A4448-A/S830-B	<p>This bill provides that individuals released from State or local facilities are notified that their voting rights will be restored upon release. The parolee shall be provided a voter registration form and further assistance, if necessary, in filling out voter registration and/or transmitting the form to the Board of Elections.</p> <p>This law additionally requires the development of an outreach program to educate professionals, including lawyers, judges, election officials, corrections officials and the public about the new parolee voting rights policy.</p>	5/4/21 Chapter 103	120 Days after becoming a law (Sept 4, 2021)
82.	Early Voting in Largest Municipality A6478/S6215	This bill provides that if there is no primary election in the largest municipality within a county than the board of elections may designate a poll site in the next largest municipality that has a primary election.	5/21/21 Chapter 110	Effective Immediately
83.	Number of Supreme Court Justices A8027/S7220	Increases number of Supreme court justices across all JDs except JD 1 and JD 4	6/29/21 Chapter 188	Effective Immediately

84.	Notice of Polling Place Change A2168/S6216	This bill requires that if a change in poll site location happens after the last primary or general election the old polling place must post signs noting that the poll site has been moved and include the address of the new poll location. For some unknown reason it requires the notice must be on yellow paper.	7/16/21 Chapter 241	Effective Immediately
85.	Electronic Absentee Ballot Application A6046/S6379	This bill provides for an electronic application for absentee ballots. This bill re-opens that web portal to apply for absentee ballots. As was done under the EO, this bill removes the requirement that the absentee ballot application be signed by the voter.	7/16/21 Chapter 249	Effective Immediately Sunsets 12/31/21
86.	Mailing and receipt of absentee ballots A 6047/S 6429	Temporarily eliminated the need to file a separate signed application when applying by written letter to request for an absentee ballot; and allows absentee ballots with a postmark/cancellation mark by the day of election to be rendered a timely ballot.	7/16/21 Chapter 250	Effect immediately; provided, however, that sections one and five shall sunset 12/31/21 where upon section six takes effect.
87.	Election District Size Increase A7478/S6855	This bill would increase the maximum size of an election district from 1100 to 2000 registrants. This bill also allows county committees to add additional members to adjust for the potential reduction in election districts.	7/16/21 Chapter 260	Effective Immediately
88.	Absentee Ballot Application Deadline A5783/S264	This bill requires absentee applications requested by mail to be received no later than 15 days before an election or requested in person at the board of elections the day before an election. This bill allows for the slower current delivery standards of the USPS.	7/16/21 Chapter 273	Effective Immediately (see additional provisions of effective date)

89.	Candidate Declination A 4142-A/S 613-A	Provides that a person designated as a candidate for two or more party nominations for an office to be filled at the time of a general election, who is not nominated at a primary election by one or more such parties may decline the nomination of one or more parties not later than ten days after the primary election. This will eliminate the need for nominating candidates to a second office to get them off a party line after losing a primary for another party under EL 6-146(5). This bill did not change the date to decline an independent line after losing a primary, that is still just 3 days after the primary under EL 6-158(11).	7/16/21 Chapter 276	Effective Immediately
90.	Election Inspectors Nursing Home Facilities A6220/S1644	Provides that inspectors of the board of elections shall not physically deliver absentee ballots to residents of nursing homes but must mail or deliver the absentee ballots to the facility.	7/16/21 Chapter 279	Effective Immediately. Repealed January 1, 2022
91.	Online Poll Worker Training and Examination A4257A/S1277A	This bill allows the option to offer poll worker training and examination both online and in person.	7/27/21 Chapter 310	90 Days after becoming law, 10/25/21
92.	Proclamation of Special Election A8028/S7227	Requires the Governor to proclaim a special election to fill a vacancy within 10 days of the vacancy	8/2/21 Chapter 320	Effective Immediately
93.	Replaces inmate with incarcerated individual A2395/S3322	This bill amends any reference in NYS law to the word inmate or inmates with the words incarcerated individual or incarcerated individuals.	8/2/21 Chapter 322	Effective Immediately

PASSED BOTH HOUSES				
1	Confidential Registration A 465-A/S 1555	Section 5-508 of the election law to allow victims of domestic violence to opt in to voter confidentiality by delivering to the board of elections a signed written statement that because of a threat of physical or emotional harm, their registration record is to be kept confidential; such confidential application expires after four years.	A 465-A – 6/10/21 Passed Assembly S 1555 – 6/7/21 Passed Senate	Effective Immediately
2	Candidate Name A 4136/S 1133	The use of a candidate’s alternate, familiar or anglicized name is permissible on election nominating petitions and ballots.	A4136 – 6/7/21 Passed Assembly S1133 – 5/12/21 Passed Senate	Effective Immediately
3	Online Absentee Ballot Tracking System A4186B/S6395A	This bill would create a statewide online absentee ballot tracking system to allow voters to track the process of an absentee ballot application and delivery of the absentee ballot.	A4186A – 5/26/21 Passed the Assembly S6395 – 6/9/21 Passed Senate	January 1, 2022
4	Increase the number of early voting sites and expands weekend early voting hours A5424A/S4306B	To require the board of elections to designate at least one early voting polling place for every full increment of forty thousand registered voters in each county with at least five hundred thousand registered voters, and for every full increment of thirty thousand registered voters in each county with less than five hundred thousand registered voters, and to extend voting polling site hours of operation during weekend early voting.	A5424A – 6/10/21 Passed Assembly S4306B – 6/10/21 Passed Senate	Effective 4/1/22
5	Electronic Absentee Ballot Application Transmittal System A 6970-A /S 6482-B	Establish an electronic absentee ballot application and transmittal system through which voters may apply for and submit an absentee ballot application online.	A6970-A – 5/26/21 Passed Assembly S6482-B – 6/9/21 Passed Senate	Effective 1/1/22
6	Restricts OTB’s to only enrolled candidates A7761A/S7191	This bill would provide that write-in votes in a primary resulting from the filing of an opportunity to ballot petition will only count if the write-in candidate is enrolled in the party holding such primary.	A7761A – 6/10/21 Passed Assembly S7191 – 6/9/21 Passed Senate	Effective Immediately

7	Timeline for Canvassing of Absentee, military, special and affidavit ballots A7931/S1027A	This bill would require review of returned absentee ballots within 4 days of receipt by BOE to determine valid, defective but curable, or invalid. Valid ballots will be counted starting the first day of early voting, but results will not be tabulated until 8 pm election night.	A7931 – 6/10/21 Passed Assembly S1027-A - 6/9/21 Passed Senate	Effective 1/1/22 except 9-209(7)(h) shall be effective 1/1/23
Bills that Impact Elections				
8	State Websites in 12 most common census languages A6215A/ S4716A	Requires state agencies to use language translation technology to allow users to translate the text of the website into at least the twelve most common non-English languages spoken by individuals with limited-English proficiency in the State of New York.	A6215A – 6/10/21 Passed Assembly S4716A – 5/3/21 Passed Senate	90 days