

# STATE OF NEW YORK

657--A

2023-2024 Regular Sessions

## IN SENATE

January 5, 2023

Introduced by Sens. MYRIE, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- recommitted to the Committee on Elections in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, the education law, the civil practice law and rules and the state finance law, in relation to regulating public data maintained by county and city boards of elections and establishing the New York voting and elections academic center to maintain a statewide database of voting and election data

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "Doctor  
2 John L. Flateau Voting and Elections Database and Academic Center of New  
3 York Act".

4 § 2. The election law is amended by adding a new section 3-112 to read  
5 as follows:

6 § 3-112. State board of elections; uniform standards for processing  
7 data requests and duty to send data and information to statewide data-  
8 base. 1. For the purposes of this section:

9 (a) the term "election authority" shall mean any local government  
10 entity primarily responsible for maintaining the records listed in this  
11 section, including, but not limited to, any county or city board of  
12 election, or any county, city, town, village, school district, or other  
13 district organized pursuant to state or local law that administer their  
14 own elections or maintain their own voting and election records.

15 (b) the term "New York voting and elections academic center" shall  
16 mean the New York voting and elections academic center established under  
17 article one hundred seventeen of the education law.

18 1-a. There is hereby established within the state board of elections  
19 the New York voting and elections database. Such database shall be a  
20 central repository of certain elections and voting data available to the  
21 public from an election authority in the state. The state board of  
22 elections shall collect, host, and maintain in an electronic format

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 records provided to the state board of elections pursuant to this  
2 section. Such records shall be maintained for at least twelve years.

3 1-b. The state board of elections, in consultation with the co-direc-  
4 tors of the New York voting and elections academic center shall promul-  
5 gate regulations within one hundred eighty days of the effective date of  
6 this section on data standards for the method of processing and trans-  
7 mitting records required to be provided pursuant to this section. Such  
8 data standards promulgated by the state board of elections pursuant to  
9 this subdivision shall:

10 (a) be consistent with any relevant standards, guidelines, or guidance  
11 developed by the national institute of standards and technology, the  
12 election assistance commission, or the cybersecurity and infrastructure  
13 security agency; and

14 (b) apply to every election authority in the state.

15 2. Upon the certification of election results and the completion of  
16 the voter history file after every election, each election authority  
17 shall, by January first after such election, or within ten business  
18 days, whichever is later, transmit to the state board of elections, if  
19 such election authority is able to maintain the record, copies of: (a)  
20 election results at the election district level for every statewide  
21 election and every election in every political subdivision; (b) contem-  
22 poraneous voter registration lists; (c) voter history files; (d) maps or  
23 other documentation of the configuration of districts in any format or  
24 formats as specified by the state board of elections; (e) tabulations of  
25 the number of valid and invalid affidavit ballots, the reasons for which  
26 affidavit ballots were invalid, and the quantity and disposition of  
27 affidavit ballots subject to the cure procedure prescribed by subdivi-  
28 sion three of section 9-209 of this chapter; (f) tabulations of the  
29 number of valid and invalid absentee ballots, the reasons for which  
30 absentee ballots were invalid and the quantity of absentee ballots  
31 invalid for each such reason, and the quantity and disposition of absen-  
32 tee ballots subject to the cure procedure prescribed by subdivision  
33 three of section 9-209 of this chapter; (g) lists of election day poll  
34 sites and early voting sites and maps or other documentation of the  
35 configuration of districts in any format or formats as specified by the  
36 state board of elections of the election districts assigned to each  
37 election day poll site or early voting site; (h) adopted districting or  
38 redistricting plans for every election in every political subdivision;  
39 and (i) any other publicly available data as requested by the state  
40 board of elections. Nothing in this section shall be construed to  
41 require an election authority to create or otherwise provide a record it  
42 is not capable of collecting. Within sixty days of receipt of records  
43 pursuant to this section, the New York voting and elections database  
44 shall post such records to its public facing website, provided that  
45 individual voter registration records shall not be published, but only  
46 made available to the public upon request. No cost shall be charged to  
47 access such records. The state board of elections shall provide the New  
48 York voting and elections academic center with full access to such data-  
49 base.

50 3. The state board of elections shall provide the New York voting and  
51 elections academic center with read-only access to the non-confidential  
52 fields of the statewide voter database or any similar successor state-  
53 wide voter registration database.

54 4. Every six months, the state board of elections shall determine  
55 which election authorities have failed to transmit records to the state  
56 board of elections pursuant to this section and shall publish a list of

1 such election authorities. The attorney general, the co-directors of the  
 2 New York voting and elections academic center, the state board of  
 3 elections, or any person or organization who will make use of the  
 4 records collected by the New York voting elections and database may file  
 5 an action against any election authority to enforce compliance with the  
 6 requirements of this section. An election authority that is included in  
 7 a list of noncomplying election authorities published by the state board  
 8 of elections under this subdivision three times within the immediately  
 9 preceding five-year period shall be considered covered entities within  
 10 the meaning of subdivision three of section 17-210 of this chapter.

11 § 3. The education law is amended by adding a new article 117 to read  
 12 as follows:

13 ARTICLE 117

14 NEW YORK VOTING AND ELECTIONS ACADEMIC CENTER

15 Section 5801. Statement of objectives and legislative findings.

16 5802. Establishment of the New York voting and elections academ-  
 17 ic center.

18 5803. Function of the New York voting and elections academic  
 19 center.

20 5804. Co-directors on voting and elections.

21 5805. Annual report.

22 § 5801. Statement of objectives and legislative findings. New York's  
 23 existing system of voting and election administration has developed over  
 24 the course of two centuries and has evolved in response to changing  
 25 understandings of civil rights and the importance of equitable partic-  
 26 ipation in government. The legislature hereby finds that equitable,  
 27 efficient, and accountable elections require transparency and reliable  
 28 data to better inform the public and the legislative process in decision  
 29 making regarding election administration and voting rights in the state.  
 30 Therefore, the legislature finds that it is in the public interest to  
 31 establish a central institution to reduce the burden on boards of  
 32 elections, local governments and school districts with regard to storing  
 33 and sharing election data, provide a nonpartisan and accurate set of  
 34 data that the public can rely upon, encourage the enactment of  
 35 evidence-based election policies and legislation, and improve transpar-  
 36 ency and allow voters to detect inequitable election policies and racial  
 37 discrimination.

38 § 5802. Establishment of the New York voting and elections academic  
 39 center. There is hereby established jointly within the state university  
 40 of New York and city university of New York the New York voting and  
 41 elections academic center, referred to in this article as the center, to  
 42 foster, pursue, and sponsor research on existing laws and best practices  
 43 in voting and elections. For the purposes of this section, "political  
 44 subdivision" shall mean a geographic area of representation created for  
 45 the provision of government services, including, but not limited to, a  
 46 county, city, town, village, school district, or any other district  
 47 organized pursuant to state or local law. The state board of elections  
 48 and its members may advise and consult but shall not interfere with the  
 49 academic activities of such center. Such center shall not: (a) engage in  
 50 qualifying voters; (b) distribute ballots to voters; (c) receive,  
 51 record, or count votes at election; or (d) perform any other activities  
 52 subject to section eight of article two of the New York state constitu-  
 53 tion.

54 § 5803. Function of the New York voting and elections academic center.

55 1. The New York voting and elections academic center shall provide a

1 center for research, and research methodologies for election and demo-  
2 graphic data. The center is hereby empowered to:

3 (a) conduct classes both for credit and non-credit;

4 (b) organize interdisciplinary groups of scholars to research voting  
5 and elections in the state;

6 (c) conduct seminars involving voting and elections;

7 (d) assist in the dissemination of data from the New York voting and  
8 elections database established pursuant to section 3-112 of the election  
9 law to the public;

10 (e) publish such books and periodicals as it shall deem appropriate on  
11 voting and elections in the state; and

12 (f) provide nonpartisan technical assistance to political subdivi-  
13 sions, scholars, and the general public seeking to use the resources of  
14 the New York voting and elections database established pursuant to  
15 section 3-112 of the election law.

16 2. (a) Data to maintain. The center shall maintain in electronic  
17 format and make available to the public online at no cost at minimum  
18 the following data and records for at least the previous twelve-year  
19 period:

20 (i) Estimates of the total population, voting age population, and  
21 citizen voting age population by race, color, and language-minority  
22 group, broken down to the election district level on a year-by-year  
23 basis for every political subdivision in the state, based on data from  
24 the United States census bureau, American community survey, or data of  
25 comparable quality collected by a public office.

26 (ii) Estimates of voter turnout by race or Hispanic origin, or any  
27 other minimum reporting category as that term is defined by the United  
28 States census bureau, or age for every election conducted by an election  
29 authority in the state, including without limitation boards of  
30 elections, political subdivisions that conduct elections under the  
31 election law, political subdivisions that conduct their elections under  
32 this chapter, or any assessing units as defined by section one hundred  
33 two of the real property tax law. The center shall prioritize producing  
34 turnout estimates in elections for state or county office.

35 (iii) For purposes of enabling compliance with the requirements for  
36 providing assistance to language-minority groups in section 17-208 of  
37 the election law, estimates of citizens of voting age who speak a  
38 language other than English and are limited English proficient, based on  
39 data from the United States census bureau, American community survey, or  
40 data of comparable quality collected by a public office, at the poli-  
41 tical subdivision level for every political subdivision that conduct  
42 elections under the election law or political subdivisions that conduct  
43 their elections under this chapter. To the extent possible, the center  
44 shall also generate such estimates for any assessing units as defined by  
45 section one hundred two of the real property tax law.

46 (iv) Any other estimates or analytical data products that a director  
47 deems advisable in furtherance of the purposes of such center.

48 (v) The state board of elections or office of the attorney general may  
49 request additional estimates or analytical data products.

50 (b) Public availability of data. Except for any data, information, or  
51 estimates that identifies individual voters, the data, information, and  
52 estimates maintained by the statewide database shall be posted online  
53 and made available to the public at no cost.

54 (c) Data on race, color, and language-minority groups. The statewide  
55 database and center shall prepare any estimates made pursuant to this

1 section by applying advanced, peer-reviewed, and validated methodol-  
2 ogies.

3 (d) To the extent practical, the center shall provide regular updates  
4 to their estimates and analytical data products, provided that such  
5 updates shall occur no less frequently than once each year, with the  
6 exception of the estimates produced for the purpose of enabling compli-  
7 ance with the requirements for providing assistance to language-minority  
8 groups in section 17-208 of the election law, which shall be first  
9 published at least six months prior to the effective date of that  
10 section and published at five year intervals thereafter.

11 § 5804. Co-directors on voting and elections. 1. Two co-directors are  
12 hereby established in the New York voting and elections academic center.  
13 One co-director shall be within Binghamton University. One co-director  
14 shall be within the graduate school and university center of the city  
15 university of New York, provided that the co-director may have a primary  
16 appointment at another institution of the city university of New York.  
17 The leadership of the center shall also include two deputy directors,  
18 one from Binghamton University and one from Medgar Evers College.

19 2. The roles and responsibilities of each leadership position shall be  
20 as follows:

21 (a) The co-directors shall be responsible for overall leadership,  
22 strategic direction, and coordination of such academic center's activ-  
23 ities. The co-director shall be appointed by the provost of their  
24 respective institutions and shall serve a term of no longer than five  
25 years, with the possibility of reappointment.

26 (b) The deputy directors shall support the co-directors in managing  
27 the center's programs and projects. The deputy directors shall be  
28 appointed by the provosts of their respective institutions and shall  
29 serve a term of no longer than five years. Upon the suggestion of the  
30 appointing provost, a co-director or deputy director may be removed for  
31 cause prior to the expiration of their term by a vote of at least five  
32 members of the center's advisory panel.

33 3. (a) There shall be an advisory panel for the center consisting of  
34 seven voting members. The co-directors of the center shall serve as ex  
35 officio members of the panel. The panel shall meet at least annually to  
36 review the progress and plans of the center and provide guidance to the  
37 co-directors. The panel shall also review and approve the proposed allo-  
38 cation of funds within the center.

39 (b) Such voting members shall be appointed as follows:

40 (i) The provost at Binghamton University shall appoint two members of  
41 the panel from among the faculty of the state university of New York. At  
42 least one panelist appointed by the Binghamton University provost shall  
43 have a primary appointment that is not at Binghamton University. Both  
44 panelists appointed under this provision shall hold the rank of assist-  
45 ant professor or higher.

46 (ii) The provost at the graduate school and university center of the  
47 city university of New York shall appoint two members of the panel from  
48 among the faculty of the city university of New York. At least one  
49 panelist appointed by the provost of the graduate school and university  
50 center at the city university of New York shall have a primary appoint-  
51 ment at the Medgar Evers College. Both panelists appointed under this  
52 provision shall hold the rank of assistant professor or higher.

53 (iii) The state board of elections shall appoint two members of the  
54 panel, one each filled by the designees of the two political parties  
55 represented in the leadership of the state board of elections.

56 (iv) The attorney general shall appoint one member of the panel.



1 (c) Each panelist shall serve a term of three years with the possibil-  
2 ity of reappointment. Panelists shall be eligible for reimbursements for  
3 reasonable costs incurred in performing their duties. The appointing  
4 authority for each panelist seat shall have the authority to fill vacan-  
5 cies or to remove a panelist for cause prior to the expiration of their  
6 term. Such vacancies shall be filled for the remainder of such term.

7 § 5805. Annual report. Not later than ninety days following the end of  
8 the state fiscal year the New York voting and elections academic center  
9 shall annually submit to the governor, the temporary president of the  
10 senate and the speaker of the assembly a report on the priorities and  
11 finances of the New York voting and elections academic center. The  
12 report shall summarize the activities of the center during the preceding  
13 state fiscal year and shall address topics including, but not limited  
14 to: (a) the collection, maintenance, and dissemination of relevant  
15 records; (b) educational, scholarly, or academic activities of the  
16 center; (c) compliance by political subdivisions with the requirements  
17 of section 3-112 of the election law and any enforcement actions; and  
18 (d) any outstanding challenges to the achievement of the objectives of  
19 the center under this article.

20 § 4. The civil practice law and rules is amended by adding a new rule  
21 4551 to read as follows:

22 Rule 4551. New York voting and elections database and the New York  
23 voting and elections academic center. The data, information, and/or  
24 estimates maintained by the New York voting and elections database  
25 and/or New York voting and elections academic center shall be granted a  
26 rebuttable presumption of validity by any court concerning any claim  
27 brought.

28 § 5. The education law is amended by adding a new section 2614 to read  
29 as follows:

30 § 2614. Transmission of publicly available data to the New York voting  
31 and elections database. Upon the certification of election results and  
32 the completion of the voter history file after each election, each  
33 school district that holds elections pursuant to this article shall  
34 transmit copies of records required to be transmitted pursuant to  
35 section 3-112 of the election law in a manner and time provided for in  
36 such section.

37 § 6. Section 2038 of the education law is renumbered section 2039 and  
38 a new section 2038 is added to read as follows:

39 § 2038. Transmission of publicly available data to the New York voting  
40 and elections database. Upon the certification of election results and  
41 the completion of the voter history file after each election, each  
42 school district that holds school board elections pursuant to this arti-  
43 cle shall transmit copies of the records required to be transmitted  
44 pursuant to section 3-112 of the election law in a manner and time  
45 provided for in such section.

46 § 7. Section 2553 of the education law is amended by adding a new  
47 subdivision 2-a to read as follows:

48 2-a. Upon the certification of election results and the completion of  
49 the voter history file after each election, each school district that  
50 holds school board elections pursuant to this article shall transmit  
51 copies of the records required to be transmitted pursuant to section  
52 3-112 of the election law in a manner and time provided for in such  
53 section.

54 § 8. The election law is amended by adding a new section 15-140 to  
55 read as follows:

1 § 15-140. Transmission of publicly available data to the New York  
2 voting and elections database. Upon the certification of election  
3 results and the completion of the voter history file after each  
4 election, each village that holds an election not conducted by a board  
5 of elections pursuant to this article shall transmit to the state board  
6 of elections copies of the records required to be transmitted pursuant  
7 to section 3-112 of this chapter in a manner and time provided for in  
8 such section.

9 § 9. The state finance law is amended by adding a new section 97-ss to  
10 read as follows:

11 § 97-ss. New York voting and elections academic center fund. 1. There  
12 is hereby established in the joint custody of the state comptroller and  
13 the commissioner of taxation and finance a fund to be known as the New  
14 York voting and elections academic center fund.

15 2. The New York voting and elections academic center fund shall  
16 consist of all moneys credited or transferred thereto from any other  
17 fund or source, including any federal, state, or private funds, pursuant  
18 to law for the maintenance of the voting and elections database reposi-  
19 tory and for research conducted by such center.

20 3. Moneys in the New York voting and elections academic center fund  
21 may be invested by the comptroller pursuant to section ninety-eight-a of  
22 this article, and any income received by the comptroller shall be used  
23 for the purposes of such fund.

24 4. The moneys held in or credited to the New York voting and elections  
25 academic center fund shall be expended for the purposes set forth in  
26 this section, and may not be interchanged or commingled with any other  
27 account or fund but may be commingled with any other fund or account for  
28 investment purposes.

29 5. Moneys in the New York voting and elections academic center fund,  
30 following appropriation by the legislature, shall be available to the  
31 New York state board of election for maintenance of the New York voting  
32 and elections database as set forth in section 3-112 of the election law  
33 and the New York voting and elections academic center for research and  
34 education programs as set forth in article one hundred seventeen of the  
35 education law.

36 § 10. Section 17-208 of the election law is amended by adding three  
37 new subdivisions 6, 7, and 8 to read as follows:

38 6. Not later than six months before the effective date of this section  
39 and every five years thereafter, the co-directors of the New York voting  
40 and elections academic center established pursuant to article one  
41 hundred seventeen of the education law shall publish a list of:

42 (a) each board of elections or political subdivision that is required  
43 to provide language-related assistance in voting and elections under  
44 that section; and

45 (b) each language in which such assistance shall be provided in each  
46 such political subdivision.

47 7. The attorney general shall adopt each such list by regulation and  
48 shall provide the information contained therein to each affected board  
49 of elections or political subdivision.

50 8. The attorney general shall promulgate such rules and regulations as  
51 are necessary to effectuate the purposes of this section.

52 § 11. This act shall take effect April 1, 2026 and shall apply to any  
53 election on or after such date. Effective immediately, the addition,  
54 amendment and/or repeal of any rule or regulation necessary for the  
55 implementation of this act on its effective date are authorized to be  
56 made and completed on or before such date.