



## Legislation Text

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**File #:** Res 1999-2001, **Version:** \*

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Res. No. 1999

Resolution calling upon the New York State Legislature to amend the Election Law to clarify and codify the State's long-standing practice of placing voting machines in certain nursing homes, residential health care facilities and other similar residences where disabled and elderly voters live, many of whom are unable to travel to poll sites without great difficulty and further calling upon the United States Department of Justice to deny pre-clearance and/or otherwise prohibit the removal of the voting machines from these residential health care facilities.

By the Speaker (Council Member Vallone), Council Members Pinkett, Harrison, Eisland, Malave-Dilan, Espada, Freed, Henry, Linares, Marshall, Nelson, Perkins, Watkins and Stabile; also Council Members Carrion, Fisher, Foster, Leffler, Lopez, Miller, O'Donovan, Robinson, Wooten, Spigner and Michels

Whereas, For more than three decades, the New York City Board of Elections has placed voting machines in nursing homes and other residential health care facilities where a number of elderly and disabled voters live and would be unable to travel to polling sites without great difficulty; and

Whereas, This practice has commendably enhanced voter participation among the frail elderly and disabled, a population that may have been otherwise disenfranchised from the democratic process; and

Whereas, The City's Board of Elections has determined that the State Election Law permits only one polling site per election district; and

Whereas, The City's Board of Elections has interpreted these portions of the Election Law to mean that the placement of voting machines in nursing homes and other similar facilities is prohibited; and

Whereas The City's Board of Elections has therefore decided to discontinue the practice of placing voting machines in nursing homes and similar facilities for this upcoming election; and

Whereas, Such voters may cast their votes by absentee ballot, the process of delivering and collecting absentee ballots from nursing home residents has been so historically flawed and fraught with fraud, that it has necessitated the introduction of State legislation, mandating stricter safeguards relating to this process (see A-8441, 2001-2002 Regular Session); and

Whereas, The absentee ballot nursing home legislation described above is still pending and may not take effect by this upcoming election; and should it take effect, the implementation of such legislation will place extra burdens on an already overworked Board of Elections staff for this year; and

Whereas, the people residing in these nursing homes include not only the frail and disabled, but also a substantial number of people of color, reflecting the extraordinarily diverse population of New York City; and

Whereas, Such elderly and disabled voters have relied on the placement of voting machines in their residential care facilities for the last thirty years, and to change this practice now would to a near certainty disenfranchise many of these voters; now therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend the Election Law to codify the State's long-standing practice of placing voting machines in certain nursing homes, residential health care facilities and other similar residences where disabled and elderly voters live, many of whom are unable to travel to poll sites without great difficulty; and

Be It Further Resolved, That the Council of the City of New York calls upon the United States Department of Justice to deny pre-clearance and/or otherwise prohibit the removal of the voting machines from these residential health care facilities.

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