



Legislation Text

File #: Res 1035-2003, **Version:** A

Proposed Res. No. 1035-A

Resolution supporting newly amended Chapter 263 of the Laws of New York, 2003, regarding the posting of information relevant to the electoral process, in conformance with the Help America Vote Act of 2002, and urging the adoption of an explicit Voter's Bill of Rights that fully informs the electorate of their fundamental right to cast their vote.

By Council Members Perkins, Comrie, Jackson, Liu, Quinn, Rivera, Sanders, Yassky and Gennaro

Whereas, The 2000 presidential elections and the subsequent vote recount ignited scrutiny of the adequacy of voting standards throughout the nation and precipitated voluminous discussion on a wide range of topics, including voter access to polls, registration and registration roll issues, voter discrimination and lost vote rates; and

Whereas, Two of the highest lost vote rates in the nation during the 2000 elections were 4.4% in Miami-Dade County, Florida and 4.0% in Brooklyn, NY; and

Whereas, New York City is in need of electoral reform because of its troubling voting history requiring three of its five counties to be subject to preclearance under the Voting Rights Act due to historical discrimination against black and Latino and other minority voters; and

Whereas, To respond to this antiquated, dilapidated and, within certain areas, discriminatory state of the voting process within the nation, Congress passed the Help America Vote Act of 2002 ("HAVA"), which was promoted as a bi-partisan election reform package; and

Whereas, Assembly Member Joseph Lentol introduced Assembly Bill 8840 ("A.8840") to inform voters of their rights under HAVA and other federal and state election law, pursuant to the provisions of HAVA; and

Whereas, Chapter 263 of the Laws of New York, 2003 ("Chapter 263") was signed into law by the Governor on July 29, 2003; and

Whereas, Chapter 263 requires election inspectors to conspicuously post voter information, which shall include: (a) the sample ballot and instructions for the use of voting machines; (b) information regarding the date of the election and the hours during which polling places will be open; (c) instructions on how to cast an affidavit ballot and a concise statement of a voter's right to such a ballot; (d) instructions relating to requirements for voting on voting machines by those registrants who must provide identification pursuant to the federal Help America Vote Act of 2002; (e) instructions for first-time voters; (f) a voter's bill of rights describing voter's rights under applicable federal and state law, including the right of accessibility and alternate language accessibility; (g) information pertaining to voting by paper ballot, including information about the consequence of casting an overvote, steps to prevent unintentional undervoting and spoiled ballots; (h) instructions on how to contact the appropriate officials if a voter's right to vote or right to otherwise participate in the electoral process has been violated; and (i) general information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation; now, therefore, be it

Resolved, That the Council of the City of New York supports newly amended Chapter 263 of the Laws of New York, 2003, regarding the posting of information relevant to the electoral process, in conformance with the Help America Vote Act of 2002; and be it further

Resolved, That the Council of the City of New York urges the adoption of an explicit Voter's Bill of Rights that fully informs the electorate of their fundamental right to cast their vote, including the following rights:

Voter's Bill of Rights

Every voter shall have the right to:

1. Non-discriminatory equal access to voting;
2. Inspect an accurate and informative sample ballot before voting;
3. Request and receive a demonstration of proper use of the voting machine prior to voting;
4. Request and receive assistance from a bipartisan team of poll workers who must provide aid without influencing your vote, or from anyone you choose, other than your employer or union representative;
5. Vote by affidavit ballot at the polling place in the election district where you live, and have your vote counted if the election officials can confirm that you live in that district;
6. Vote by regular ballot after signing a form correcting your name or updating your address if you have changed your name or moved within the same election district since the last general election;
7. Register one time and not be removed from the list of registered voters due to failure to vote so long as you reside at the address for which you originally registered;
8. Be informed by local election officials before your name is purged from the state's voting records, and be informed of the process for challenging such a purge at least 90 days before the election;
9. Be informed of the process for restoring your right to vote if you lose that right due to conviction of a crime;
10. Vote outside of your polling place within 50 feet of the entrance to the building if you are elderly or disabled;
11. Vote independently and in privacy at a polling place, regardless of physical disability;
12. Vote by paper emergency ballot if the voting machine is broken or otherwise not operable when you come to vote;
13. Receive and use a replacement ballot, if your ballot is defective, mutilated, or spoiled, or if you make a mistake and you have not cast your ballot;
14. Vote even if you are unable to sign your name because of a disability, though you may be required to demonstrate the existence of your disability;

15. Receive assistance if you cannot read, or operate the voting machines because of a disability, or are visually impaired;
16. Bring a minor or disabled child into the voting booth with you;
17. Demand translation in Spanish, Chinese, or Korean at designated polling places;
18. Vote or wait to vote in a manner free of intimidation and coercion, without anyone electioneering or otherwise attempting to influence your vote in the polling place or in any public street within a 100 foot radius of the polling place;
19. Vote, even if your eligibility to vote is challenged by election officials or your name is not on the registration lists;
20. Vote, even if you have been convicted of a felony but have served the full length of your sentence, including any period of parole, were not sentenced to a prison term or have had that prison term suspended, and have registered to vote since that time;
21. Vote if you are in line when the polls close at 9 pm, or at any other time between 6 am and 9 pm; and
22. File a complaint with the state board of elections to enforce these rights.

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