

TUESDAY, FEBRUARY 9, 2021

12:58 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

(Whereupon, a moment of silence was observed.)

Visitors are invited to join the members in the Pledge of Allegiance.

(Whereupon, Acting Speaker Aubry led visitors and members in the Pledge of Allegiance.)

A quorum being present the Clerk will read the Journal of Monday, February 8th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move that we dispense with the reading of the Journal for Monday, February the 8th, and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so stands.

MRS. PEOPLES-STOKES: Thank you. Mr. Speaker, I want to certainly welcome our colleagues that are in Chambers as well those that are participating remotely to the -- the second day of our Session this week. I do want to share a quote. This -- this one is from a young lady who we've heard from quite often so far in 2021. Once at the inauguration of the President and second at the Superbowl. Her name is Amanda Gorman. Amanda is sharing with us today, *There is always light, if only we're brave enough to see it. If only we're brave enough to be it.*

Again, Mr. Speaker, that's the youngest inaugural poet in the history of the country, Amanda Gorman.

Mr. Speaker, our colleagues, we do have on your desk a main Calendar and a four-bill A-Calendar. Mr. Speaker, I now would like to move that A-Calendar.

ACTING SPEAKER AUBRY: On Mrs. Peoples-Stokes' motion, the A-Calendar is advanced.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Our principal work today will actually be from that A-Calendar and it will be on debate. It is Bill No. 4357, Rules Report No. 18 by Ms. Sillitti, Bill No. 436 4, Rules Report No. 19 by Ms. Lupardo, Bill No. 4447, Rules Report No. 20, that one is by Ms. Gallagher. And 4686, Rules Report No. 21 is by Mr. Burgos. We'll

go in that order, Mr. Speaker.

Immediately following Session members should be aware, Majority members, that there is a need for a conference and we should go immediately there so that we may get started. Mr. Speaker, as always, I will consult with our colleagues on the other side to determine what their needs are. And that's the general outline of what we have. If there are any housekeeping, now would be a great time to do that.

ACTING SPEAKER AUBRY: No housekeeping. We can go directly to the Calendar. Bill No. 4357, Rules Report No. 18, the Clerk will read.

THE CLERK: Assembly Bill No. A04357, Rules Report No. 18, Sillitti, Jacobson. An act relating to the election of County Committee members.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Can we have an explanation, please.

ACTING SPEAKER AUBRY: An explanation has been requested.

MS. SILLITTI: Thank you, Mr. Speaker. This bill would allow a majority of the Executive Committee of the County Committee to adopt a temporary amendment to its rules, file said amendment with the state and local Boards of Elections prior to March 2nd, 2021 that members of such County Committee elected in an odd year whose terms are expiring 2021 may remain in office for

an additional one-year term. Such County Committee members shall be required to run in 2022 for a one-year term in 2023 and thereafter such County Committee members shall run for two-year terms.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Would the sponsor yield?

ACTING SPEAKER AUBRY: Ms. Sillitti, will you yield?

MS. SILLITTI: Yes, sir.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you very much. Just a couple of questions to clarify --

MS. SILLITTI: Sure.

MR. GOODELL: First, as I understand this legislation, it's optional --

MS. SILLITTI: Correct.

MR. GOODELL: So it's up to the local Committees to decide whether they want to do that or not; is that correct?

MS. SILLITTI: That is correct, yes, it's an opt-in.

MR. GOODELL: Second, I understand this only applies to County Committee members, it doesn't apply to State Committee members. Is there any reason why we don't include State Committee members?

MS. SILLITTI: As far as the State Committee, it is

my understanding, sir, that that is being looked into. As far as the County Committee, as you know, sir, we voted for the 70 percent reduction in signatures. This is an additional provision to, you know, protect our volunteers and County Committee in the time of COVID and it would, you know, it would reduce the times that we'd have to go door-to-door and have that in-person contact. So that is the -- the justification of this legislation.

MR. GOODELL: Thank you very much, Ms. Sillitti.

On the bill.

ACTING SPEAKER AUBRY: On the bill, Mr.
Goodell.

MR. GOODELL: Thank you, sir. I will be supporting this bill for many reasons, including the fact that it's an optional decision on the part of the County Committee and I think that's important because it's a reflection on our part with respect to the 62 County Committees and what is best for their operations. And so, if the County Committee wants to do it, that's great. If they don't want to do it, we respect their -- their goal and their independence and so I appreciate that. And for the counties that don't want to opt into this, I appreciate my colleague's acknowledgment that the signature requirements have been reduced 70 percent to reduce the COVID spread, if they do not opt in. But with those provisions, I support my colleague's bill and would recommend it to my colleagues. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Tague.

(Pause)

You -- you'll have -- there we go.

MR. TAGUE: Thank you. Thank you, Mr. Speaker.

On the bill, please, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. TAGUE: I want to thank the sponsor of this bill. I wholeheartedly support it. I will echo the same words as my colleague who just spoke. I would hope that this is opened up to our County Committees carrying petitions for our State Committee members as well. I supported this bill in Committee and I will happy -- I'm happy to vote in the affirmative today as we get ready to vote. And thank you, again, Mr. Speaker, and have a wonderful day.

ACTING SPEAKER AUBRY: Thank you, sir.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print A.4357. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Epstein to explain his vote.

MR. EPSTEIN: Thank you, Mr. Speaker. I just rise to explain my vote. I want to applaud the sponsor of this bill. I know

in Manhattan there's over 200 people on my County Committee. They're people who have to go in EDs which is basically inside buildings. To avoid this for a year just makes total sense. It makes sense for the county to be able to make that decision for the Borough of Manhattan. I look forward to the passage of this legislation. I encourage all my colleagues to support this bill and to ensure that we keep as many people safe from COVID. Petitioning can happen outside for a lot of elections. For this election it really can't. So, thank you very much and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

MR. ABINANTI: Thank you, Mr. Speaker. I, too, am pleased that we're passing this legislation today. I commend the sponsor. The sponsor's justification in the memo is very clear. In order to help stop the spread of this potentially deadly virus that's afflicting New York and keep New Yorkers safe, it is appropriate to temporarily curtail the required act of going door-to-door in an effort to gather signatures needed to run for public office. I think this is a -- a justification that should spur us to go even further. I would like to see us find alternatives to door-to-door petitioning to put candidates on the ballot. I have been asked over and over again by the County Committee members in my district to please find a way so that we can get candidates on the ballot, particularly where we have in Westchester County almost no primaries at all. I think we should be looking at witnessing virtually. I think we should be giving County

Committees the option of putting candidates directly onto the ballot. So I commend the sponsor. I wholeheartedly support this legislation and I look forward to changing our Election Law for this year so that our County Committee members don't have to go out and get signatures, even a very diminished number of signatures to get our candidates on the ballot this year. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Walker to explain her vote.

MS. WALKER: Good afternoon, Mr. Speaker. I rise to explain my vote. I also want to congratulate the sponsor for this amazing piece of legislation. It really shows that when you're able to tap into your life experiences and professional experiences as a member of this Legislature it's -- it's an amazing thing when all those worlds will unite at this time. And so, she brought issues -- Member Sillitti brought issues that she was aware of working as an employee with the Board of Elections and said that something had to be done about it and she introduced the bill and she did it. And so, again, congratulations to you on this bill, on this very important measure. I look forward to working with you further on issues with respect to elections and making sure that they are safe, healthy, efficient, accessible and that we can do this thing as often as we can. So, again, congratulations. And I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Walker in the affirmative.

Ms. Seawright.

MS. SEAWRIGHT: Thank you, Mr. Speaker, for allowing me to explain my vote. I'm pleased to be a cosponsor of this legislation. The last year during this pandemic we saw 118,000 people sent to Wagner Middle School and stand in line up to six hours, sometimes in the pouring rain just to be able to cast their vote. This legislation is needed. I commend the sponsor. We need to continue to make changes in our Election Law. And again, I appreciate the sponsor of this bill and my colleagues for supporting it to do the right thing here during this national pandemic. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Seawright in the affirmative.

Ms. Glick.

MS. GLICK: Thank you for giving me the opportunity to explain my vote. I just -- very briefly. I want to commend the sponsor. County Committee is different than some other positions where you can petition over a wide area. County Committee is having to collect signatures in a very discreet and defined neighborhood, and so you are much more likely to have to go building to building, many buildings are not letting anyone in. It would be an incredibly difficult process for people to endure. And so with that, I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Mr. Barron to explain his vote.

MR. BARRON: Thank you very much, Mr. Speaker.

I just want to support what my colleague Abinanti was saying, that this is a very dangerous moment and it's a shame that we have to go out and gather signatures during this pandemic time even in the upcoming elections. I think there were so many other options that could have been taken so that people can prioritize safety over politics. And while I did have real concerns about reducing the number, nothing else was out there, went with that, but I'm even opposed to that. And I went on record just saying that even though I supported it, I have a letter on record saying that I oppose the fact that we have to go out, period. Reducing the number is a step, but not the right thing to do. This is a very dangerous moment and any one person loses their life or becomes extremely ill because they're trying to get signatures when there were other alternatives would be horrific and would be a gross case of irresponsibility upon this Legislative Body. Not to say that we should not have people going out there doing petitions in person at this time during this pandemic. Of course we're forced to do it, we have to do it. I just want to encourage all, please make sure that your people have masks and guards for their eyes and sanitizers and gloves and do more pens that you -- a thousand pens if you have and let them keep the pen, wipe off the pen. Do everything. Try to go to places where there's not mass gatherings. But do what you can to be safe. Because more important than our election is the lives and the safety of the people that are supporting us. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Barron in the affirmative.

Mr. Burdick.

MR. BURDICK: Thank you, Mr. Speaker. And I would like to echo the words of the previous speaker. And while I recognize that there's a sentiment that it is so far preferable to have person-to-person contact, not so during a pandemic. I fully agree that we have to prioritize safety over politics. And while it may not be practical for this coming petitioning series -- time, we should definitely look into a way in which it can be avoided during a pandemic. Because I think that we're fooling ourselves if we think that this is the last time that we're going to be confronted with a major pandemic of this nature. It's clear that this is going on a good deal longer than any of us had hoped it would and we thought that it could disappear by now, that we'd have vaccines by now. But this is a prolonged pandemic and we have a responsibility to make provision that this can recur. So I would be asking that Latrice and her Committee kindly consider this for future elections. And I thank the previous speaker for the support in trying to avoid any kind of person-to-person contact. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Bichotte Hermelyn.

MS. BICHOTTE HERMELYN: Thank you, Mr. Speaker, for allowing me to explain my support for this bill. As the Brooklyn County Chair and as a district leader and a County

Committee member I completely understand the difficulties that one must have to undertake when having to collect signatures to be qualified. And as mentioned, for County Committee you are restricted to a specific area in getting signatures. It's not like you can go into a supermarket and get signatures or you can go by the train and get signatures, especially at the height of this pandemic that we're constantly fighting. The -- the health and safety of the people is -- is priority. I know we made some -- some -- some steps in terms of putting in a bill that would reduce the number of signatures. And, you know, again, that's the -- that's just the first step in terms of addressing the health and safety of the people. So, I just want to say that I support this wholeheartedly. County Committee is the grass root, the foundation of what makes each party across the State of New York. This is the aspect of which anybody -- anybody can get involved and be elected and be civically engaged. So, we want to make sure that we secure the electoral process and we secure the health and safety of the people. So, with that said, Mr. Speaker, again, I want to commend the sponsor of the bill and I will vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Bichotte

Hermelyn in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I just want to add my voice to colleagues who have -- how important it is to put safety before politics. So, I certainly want to commend the sponsor of this legislation. But there is, without a

question, we do know how to, unlike last year this time, protect ourselves when we're in the presence of other people. We have figured out how to do that. This legislation allows us to do that in front of less people while we move forward with the electoral process. So, again, I want to congratulate our colleague and hope that all of our members will be voting in support of this very important legislation.

ACTING SPEAKER AUBRY: Are there any other votes?

Mr. Goodell.

MR. GOODELL: Thank you very much, Mr. Speaker. Please record the following Republicans in the negative on this legislation: Mr. DiPietro, Mr. Friend, Mr. Reilly, and Mr. Tannousis. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Announce the results.

(The Clerk announced the results.)

The bill is passed.

Ms. Sillitti, I believe that is your first bill. We congratulate you.

(Applause)

In the annals of this House, we generally tell the first passage of a bill is the best you'll ever get. It goes down from here. Thank you so much for your work. Congratulations.

The Clerk will read.

THE CLERK: Assembly No. A04364, Rules Report

No. 19, Lupardo, Fahy, Stirpe, Galef, Paulin, Griffin, Zinerman, Lunsford, Bronson, Steck, Ramos, Jacobson, Pichardo, Buttenschon, Jean-Pierre, Woerner, Angelino, Tague, Lawler, Hawley, DeStefano, B. Miller, Simpson. An act to amend the Election Law, in relation to authorizing party designations and nominations for elections to be made via video conference; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: An explanation, please.

ACTING SPEAKER AUBRY: Ms. Lupardo, an explanation is requested.

MS. LUPARDO: Yes, I'd be happy to. Hello, Mr. Goodell.

MR. GOODELL: Hello, Ms. Lupardo. How are you?

MS. LUPARDO: It's very nice to see you. Hope to see you in person again.

We are doing another pandemic accommodation. The bill would allow videoconferencing to be used in the process of party designations and nominations do vacancies and substitutions. It would also allow for up to ten proxies to be carried by an eligible person at such a party meeting unless a Committees' rules provides for more. Under the current Election Law, as you know, nominations and designations can't be done by video-teleconferencing, and due to the COVID pandemic, public health guidance places restrictions on

gatherings and we're hoping that by enacting this bill, we'll be allowed -- allow people to safely engage in the democratic process while maintaining their -- their Committee business, so thank you.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Ms. Lupardo. Would the sponsor yield?

ACTING SPEAKER AUBRY: Ms. Lupardo, will you yield?

MS. LUPARDO: Yes, of course.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you very much, Ms. Lupardo. Is there anything under current laws, rules or regulations that prevent a County Committee pursuant to their own rules and regulations from being able to authorize Zoom meetings?

MS. LUPARDO: Not that I'm aware of, Mr. Goodell.

MR. GOODELL: The bill that we just passed gave County Committees the option to change their procedure. Is there a reason why this legislation doesn't provide that it's optional on the part of the local counties to accept or change their proxy rules?

MS. LUPARDO: I think the assumption here, Mr. Goodell, is that under current -- the current COVID pandemic, most people would be far more comfortable doing it this way, which why so many committees requested that we put in place this procedure.

MR. GOODELL: One of the interesting aspects of this bill is it would authorize these proxy votes and also authorize

Zoom meetings. How would a County Committee be able to verify the validity of a proxy if the individual wasn't there and the proxy was not subject to review or inspection? How does this bill address the verification of proxies?

MS. LUPARDO: Mr. Goodell, I'm under the assumption that all current proxy rules are main -- are in place that were in place beforehand.

MR. GOODELL: But this bill doesn't require, for example, that the proxies be mailed in to the Committee or otherwise have to record it or subject to review? Am I correct this bill is silent on -- on any verification for proxies?

MS. LUPARDO: Yes.

MR. GOODELL: Now, as you know, many of our County Committee members have weighted votes. And in my county it ranges anywhere from one to five. This legislation provides that there can be a -- one person can hold up ten proxies. Is there any consideration to whether those ten proxies reflect ten votes or it might reflect 50 or more votes?

MS. LUPARDO: Mr. Goodell, I have a feeling that the majority of these questions are going to be responded to with the same answer, which is that we're going to rely on whatever current Committee rules are in place for -- for that particular Committee.

MR. GOODELL: Thank you very much, Ms. Lupardo. I appreciate your answers.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: I absolutely agree with the sponsor that we should rely on Committees to develop their own rules. And -- and our committees have done that. We have 62 counties and as many committees. And some of our County Committees authorize proxies allow more than ten and that's reflected in this legislation. Some of our Committees, however, restrict the number of proxies. And often, there's good reasons why they restrict the number of proxies. Sometimes those restrictions are based on geographical considerations. Sometimes they're based on total votes. And in my district in particular, my Republican Committee went through a -- a very difficult and challenging process to change the proxy mechanism. And at the same time, I've been advised that the Democrat Party in -- in my district is currently wrestling with the very same issue of proxies and weighted votings. And it's been such a problem for my Democrat friends, but they have been unsuccessful so far in even getting approval for a new election commissioner. So, I'm very, very hesitant for us in Albany to pass legislation that tells all 62 counties, all the parties in those 62 counties, which is, their counting would be about what, 240 -- about 450 committees, right? We're here, you know, how many time -- over 450 County Committees how they should run their internal operations. I appreciate the desire to make things smoother. But I also, out of humility, recognize that my knowledge is limited to the unique circumstances that might apply to everyone else's district and I dare say that most of my colleagues have

very little knowledge of all the machinations that have occurred in the past in my district. And so I supported the prior bill because it was optional. And we authorized County Committees to change the way they're operating. In this bill it's not optional, it's mandatory. It says we don't care what political debates you had before, we don't care about the restrictions you may have built into your County Committees, we don't care about how you've been operating for years or decades, you must accept proxies. That's what this bill says.

Now, as my colleague pointed out, this bill actually has two sections. The first one authorizes Zoom meetings and I think that's great. But as my colleague pointed out, we don't need that legislation. That part we don't need because there's nothing in the current law that prevents them from having Zoom. And then we have the second part that mandates that regardless of what their rules are, regardless of their background, regardless of their history, they must allow at least up to ten proxies or more for some of this legislation. So, again, many thanks to my colleague. I look forward to the day when all of us are back here and I appreciate your comments. And thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Byrnes.

MS. BYRNES: Thank you. Mr. Speaker, if I could just ask a quick question of the sponsor?

MS. LUPARDO: Yes.

ACTING SPEAKER AUBRY: Will you yield?

MS. LUPARDO: Yes, of course.

ACTING SPEAKER AUBRY: Ms. Lupardo yields.

MS. BYRNES: My only question was, in my county the caucuses are already done. And also in Steuben County. So our caucuses are over. We already know who's going to be on the ballot for -- for elections. Why wasn't this bill put through earlier so that this could have been an option for some of our counties and now they're blocked out of it?

MS. LUPARDO: Yes, my understanding is that the Governor had addressed village issues in his prior Executive Order so that was already taken care of. So, now we needed to take care of this for the -- for the Committees of the purposes of vacancies and substitutions.

MS. BYRNES: Now, not looking at the March elections, just vacancies and substitutions?

MS. LUPARDO: Yes.

MS. BYRNES: That's all? All right. I read it differently, but thank you.

MS. LUPARDO: Thank you.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print A.4364. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously

provided.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly Bill No. A04447, Rules Report No. 20, Gallagher. An act in relation to removing the option to file an opportunity to ballot petition in the June of 2021 primary election; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Mr. Norris.

MR. NORRIS: Thank you, Mr. Speaker. Would the sponsor yield for a couple of questions?

ACTING SPEAKER AUBRY: Ms. Gallagher, will you yield?

MS. GALLAGHER: Yes, I will.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. NORRIS: Thank you, Ms. Gallagher. My question here is, we are still proceeding with designating petitions at a lower threshold, a 30 percent of the 100 percent that's normally needed. We are proceeding with independent petitions going forward. I know the next bill is going to be addressing lowering that threshold, it will likely pass. So, what is the difference, why can't we get opportunity to ballot write-in petitions but we can get designating or independent petitions? I just feel like there's a double standard here.

MS. GALLAGHER: Sure. I'm happy to explain.

This bill removes the option to file an opportunity to ballot petition because the opportunity to ballot petition not only has folks going out to collect signatures, not for a candidate, but for the ability to write in a candidate, which triggers a primary. And the primary will then require an entire another set of election practices, including a nine-day period of early voting and the primary itself. And it's really just for one candidate and a write-in box. And I believe that this puts a lot of BOE workers as well as election workers and candidates and their supporters at additional risk and you still have the opportunity to petition and to run in a regular primary. So, the opportunity to ballot petition adds an additional election that only has one true candidate and a write-in box and I think it is in everyone's best interest during COVID to make sure that we are lessening these kind of -- these kind of protocols that force people into interaction with each other in public.

MR. NORRIS: Okay. So, if there's a write-in, though, petition that's filed, that would trigger a primary and that would be held on the traditional primary day; is that correct?

MS. GALLAGHER: No, this would be an additional primary day.

MR. NORRIS: No, I -- I respectfully disagree. Typically, from my understanding the primary -- the opportunity to ballot write-in is held on the same day as a traditional primary, which is now held at the end of June. And maybe counsel can tell us

otherwise. But that's my understanding of being involved with the elections for a long time and as a former Elections Commissioner. And there will be primaries happening throughout the State, I mean, it appears from all published reports, I mean it looks like there will be a -- definitely a New York City primary for mayor, it appears, and for other races, so there will be already in most of the State primaries occurring; isn't that not true?

MS. GALLAGHER: This -- the opportunity to ballot petition is generally used for an additional party lines such as the Working Families Party line or the Conservative Party line. So those -- and it's only typically used when there's only one person on the ballot. So, it's having a primary with a -- with a vote, excuse me, rather than having a primary with a real person. There's still -- there's still a -- there's still the opportunity to be in a write-in in the general election, but you would just wait for that election. So, it would be the same day but a different primary, which is additional staff and additional support.

MR. NORRIS: Okay. So, it would be held -- it would be held on the same day as a primary but it's an additional primary where there might be additional ballots that have to be prepared by the Board of Elections; would that be fair to say?

MS. GALLAGHER: Yes. And there would be additional staff potentially if there's not a primary that's already occurring, which happens often.

MR. NORRIS: Depending --

MS. GALLAGHER: When these things occur, which is very rare.

MR. NORRIS: Okay. And then the opportunity to ballot, I mean, that petition is for enrolled members of that party to bring forward the opportunity if they do not like whatever the party has authorized, for example, or there's only one candidate that's maybe filing on that line, to be heard, to have the opportunity to at least have their voices heard and say well, we want to bring this petition forward, we want to have the voices of the -- that party heard in the primary and that is our opportunity to a write-in process. So, are we denying these party members the opportunity to have their say by bringing forth a write-in petition?

MS. GALLAGHER: I think there is plenty of other ways during a pandemic to have the opportunity to be in an election, and I think that this is for public safety and the frontline workers at the BOE, and I don't think it's in conflict with the voice of the democracy.

MR. NORRIS: Okay. I have one more -- one more question. In terms of -- we've reduced the number for the designated petitions, which is by 70 percent, now we need 30 percent, what's needed. We're going to be reducing very likely in the next bill independent nominating petitions. So, why don't we just reduce the number of opportunity to ballot signatures needed like we have on the other two so we keep the same standard.

MS. GALLAGHER: The concern is in triggering additional primaries with additional workers and additional petitions.

So it is actually a bit different than the other circumstance where there's already primaries on the calendar.

MR. NORRIS: But if you -- okay. But if two Republicans or two Democrats file for town board or City Council or whatever, there will be a primary in that jurisdiction. I mean, you can -- you can do that by the designating petitions. So, there will be likely a primary anyways that's occurring in those jurisdictions and I -- and I understand your point about safety and that's why I supported the reduction in the signatures on the designating petitions and will likely on the next bill depending on the debate. But, the election -- these primaries are already occurring. People already have an opportunity to be in primaries and that's why I just -- I don't understand what the double standard is here on this issue.

MS. GALLAGHER: This is really about the additional primaries that might occur on other ballot lines where there was no other primary already occurring.

MR. NORRIS: Okay. Thank you very much, Ms. Gallagher, for answering my questions. I appreciate you doing so. And just on the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. NORRIS: Just very briefly just to summarize what I just said. We are already doing designating petitions, we're already doing Independent Party petitions. And the opportunity to ballot write-in petition is really during the same period of time as the end of designating petitions and one week thereafter. So, I don't

understand why we are denying party members the opportunity to be heard by having a petition set forth that will allow for a primary to occur when very likely there are already primaries occurring throughout New York State. For example, there very likely will be a primary for the New York City mayor's race, it's very well-reported and there are other races throughout the State. So, I just believe that the more logical solution would have been to reduce the number of signatures required. I'm all certainly for safety, but I believe this is depriving those voters in those districts who wish to have the option to write in someone else's name than the party leadership has granted an authorization to should be permitted to do so. So, for that reason I'll be voting in the negative. Mr. Speaker, I appreciate the opportunity to be heard and I thank the sponsor for taking my questions. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Schmitt.

MR. SCHMITT: Thank you, Mr. Speaker. Will the sponsor yield for some questions?

MS. GALLAGHER: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.
Ms. Gallagher yields.

MR. SCHMITT: Thank you, Ms. Gallagher. Earlier in the questioning with a previous colleague you had mentioned the nine days of early voting and safety concerns that get triggered with the early voting time period. Regardless, as I think we've already

established, there will be primaries and early voting periods. So, what -- what other safety hazards are there with a OTB primary, which is the same nine days of early voting as a Democratic primary or a Republican primary?

MS. GALLAGHER: It's -- it's adding more workers and more folks into the midst of the -- the election work.

MR. SCHMITT: Workers where? Where are these actual workers going to be?

MS. GALLAGHER: At the Board of Elections at the -- the site distributing materials, encouraging people to come out to vote. It -- it encourages a whole another round of -- of involvement face-to-face.

MR. SCHMITT: So nine days of early voting is a health hazard.

MS. GALLAGHER: Absolutely.

MR. SCHMITT: So -- okay. So, that's good to know. So, we should be limiting early voting is what you're saying. If nine days of early voting's a health hazard, then we have a serious concern here.

MS. GALLAGHER: I think -- I think early voting is very important in terms of spreading out individuals who otherwise may come into contact for a regular primary. But because this is a primary of one person versus a write-in box, I don't think it's necessary.

MR. SCHMITT: So -- so, we should deny people the

right -- this denies people the right to freely exercise their ability to run for office on a party they'd like to run for based on how New York is currently set up and enhances, in my opinion -- does this not enhance the -- particularly, you -- you mentioned the minor party lines, Working Families Party, Conservative Party, what else? Does that not enhance party leadership and party bosses and takes the voice away from, you know, maybe insurgent candidates, those who are, you know, trying to stand up and freely exercise an opposite opinion than those who are in control of the party apparatus?

MS. GALLAGHER: I -- I believe that we've seen many successful races of insurgent candidates in regular primaries, and often these OTB primaries are the only primaries on the ballot, so it's creating involvement where otherwise there would be none. And it also -- it does not limit people's right to run, they still have a right to run, there -- it's just in this year we are not doing opportunity to ballot petitions, and in this year, you would need to work within -- if you wanted to run on one of those other party lines, you would have to work with that system to -- to get that designation.

MR. SCHMITT: Thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, Mr. Schmitt.

MR. SCHMITT: Mr. Speaker, I'm very concerned with this legislation from -- from the line of questioning we've had thus far, nine days of early voting, as the sponsor stated, is a public

safety hazard. I -- I certainly agree with that. But now we are limiting which parties and which folks and which registered parties have a voice in the primary. To me, that is, quite honestly, unacceptable. We are elevating party bosses in certain circumstances to be able to freely choose a candidate and not give members of the party. So, this isn't even about candidates for office. This isn't about the town councilman, the -- their challengers. This isn't about the county executives and this -- and their challengers. This is actually about the members of particularly a minor party's ability to say we don't like the direction of the endorsement that -- that the party has taken, and we are choosing to say we believe there should be another opportunity. So, this legislation doesn't limit the voice of candidates. What this legislation does is limit the voice of New Yorkers who have chosen to register as members of the Conservative Party, who have chosen to register as members of the Working Families Party who have decided that their opinions lead them to that particular ideology and they want to have the option to be represented by the best possible candidate that they can have. So, Mr. Speaker, I strongly urge my colleagues to oppose this bill and I will be voting in the negative at the appropriate time. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Kelles.

MS. KELLES: Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. KELLES: Thank you so much. I wanted to commend the -- the sponsor of this bill. I think this is -- she has

handled these questions very eloquently and intelligently. I -- I did want to add my -- my support specifically. The OTB process, petitioning process is after the regular petitioning process for the major parties. If we are looking specifically for public health for -- for a means to reduce our risk for COVID right now, this is an extremely logical step forward. It is for this year. I think that's very important. We did it last year, so this is relying on precedent. And I -- I truly believe that it would be nonsensical to go backwards. We are in a second peak, we are not out of COVID yet. We are not out of risk. We are in another peak that is really important and we do not want to put more people at risk. This essentially would extend the petitioning period, OTB would. So I think it's really important that public health trumps everything right now. And I -- I wanted to just speak in support and -- and again, thank the sponsor for bringing this forward.

ACTING SPEAKER AUBRY: Thank you.

Mr. Lawler.

MR. LAWLER: Thank you, Mr. Speaker. Just a -- a point of clarity. The OTB process is scheduled to start March 9th, which is a week after the designating petitions start, so it's actually during the designating petition period, not after. With respect to -- would the sponsor yield?

MS. GALLAGHER: Yes.

MR. LAWLER: Thank you. Judges currently -- most times an OTB occurs because a candidate cannot receive authorization from the party by which they are seeking to run on;

would you agree with that?

MS. GALLAGHER: Could you repeat the question, please?

MR. LAWLER: Yes. Most times when an OTB occurs it's because the candidate cannot get the authorization from the party. Generally speaking, OTBs are on mine -- minor parties because the person is not a member of that party, so they need the authorization. And if they don't get the authorization, then they need to OTB; would you agree with that construct?

MS. GALLAGHER: Yes.

MR. LAWLER: Okay. Judges are not required to get authorization; do you agree with that? Under -- under current law.

MS. GALLAGHER: Yes.

MR. LAWLER: Okay. So, if a judge chose to run a primary for let's say the Conservative or Working Families Party, that would automatically force a primary without the OTB; would you agree with that?

MS. GALLAGHER: I believe so.

MR. LAWLER: Okay. So, my -- the reason I'm -- I'm pointing that out is because even if we eliminate the OTB, there is the potential for numerous primaries just by virtue of the fact that judges do not require authorization to run in a minor party line, and therefore we -- we're -- have the potential all across the State, especially in local -- in a local election year with multiple town and village races to have a, you know, a primary, even despite the attempt here to eliminate

additional primaries. So, I would just -- I would point that out to you. Secondly, just following up on -- on Mr. -- on my colleague's line of questioning with respect to early voting. You know, we have nine days of early voting in the primary, nine days of early voting in the general election. Obviously, we -- we all hope that this pandemic comes to a -- a swift end as quickly as possible. But the Board of Election employees are going to have to be there for the nine days. And there are -- there are minimum staffing requirements for those -- for those elections. So, I'm -- when you say there's going to be more staff, I'm not really sure what more staff there is. Like they have to be there. We have electronic poll books, so people are going to sign in on the electronic poll book, the ballot machine on early voting prints out the ballot so it's not like you need multiple staff to find the right book, it automatically prints it out now during early voting. So what additional staff during early voting are you aware of that maybe I'm not?

MS. GALLAGHER: What I was referring to with the "additional staff" is when there is a primary that is forced by an OTB whereas there wouldn't have been otherwise. So, for example, there's only someone running on the Working Families Party line and someone calls an OTB for that, that can create a primary where there was -- would not have been an actual in-person primary otherwise for that write-in box. It actually has incredible cost to -- to small local State governments to offer this write-in box for -- for these kind of opportunities at a time where we really are, you know,

penny-pinching.

MR. LAWLER: I -- I would agree early voting has a big cost to local municipalities that have --

MS. GALLAGHER: I was speaking of the -- the OTB. Thank you.

MR. LAWLER: I -- I don't -- I don't -- I would disagree slightly with that. But the -- with respect to New York City, New York City has its primary for the mayor's race this year. New York City is roughly eight million people, it's about 40 percent of the State in terms of population. So, at -- at minimum, 40 percent of the State is going to have a primary this year, as -- as has been talked about, there's going to be a big primary for mayor of New York City. So, all of those polling locations for nine days are going to be open in New York City. All of those polling places are going to be open on primary day in New York City. So, at a minimum, let's -- let's say there's no primaries anywhere else in the State, 40 percent of the State is going to be engaged in a primary this-- this year; would you agree roughly with my assessment?

MS. GALLAGHER: Correct.

MR. LAWLER: Okay. So -- if -- if -- if we're concerned about added cost and added staff, maybe we can exempt New York City from the bill. Since they're already going to have a primary, maybe people who want to do an OTB in New York City should be allowed to since it's not going to add additional staff or add additional cost since they're already going to have a primary.

MS. GALLAGHER: This -- this bill does not address every issue and -- and certainly if -- if you would -- if that's something that you're passionate about, you know, I'm -- I'm sure you can address it.

MR. LAWLER: Well, my -- well, I'm trying to address it by -- by talking through the issue with you. But my passion is really in letting the voters choose who their elected officials are. And sometimes the OTB process is the only way by which the voters get to have an actual say and not the party bosses. So, in this particular instance, if a, let's say the Working Families Party decides to endorse a candidate for mayor of New York City, that many of the Working Families registered -- party registered voters do not agree with, under your bill they will not have the opportunity to -- to choose a different candidate, to put forth a different candidate for mayor of New York City. That's what your bill does. It eliminates the ability to -- to put forward a different candidate for -- for mayor of New York City on the Working Families line.

MS. GALLAGHER: I respectfully disagree. And I think that there are opportunities to offer other candidates by running a designating petition in the main election on the main Democratic primary, as there are already folks doing. And I believe also that the OTB is actually rarely used in New York City, it's usually used in other parts of the State, and it is a Statewide bill and it addresses Statewide concerns, not just the concerns of New York City.

MR. LAWLER: But I believe most of the candidates

running in the Democratic primary for mayor are Dem -- are in fact enrolled Democrats. They are not enrolled in the Working Families Party. So, if you're not an enrolled member of the Working Families Party, how do you circulate designating petitions if you have not been authorized by the Working Families Party?

MS. GALLAGHER: You -- if -- I don't understand why someone would want to run in the Working Families Party without their designation.

MR. LAWLER: Because we have fusion balloting so you want to run on multiple lines. Most of our can -- most of our colleagues have been elected on multiple lines because you want to get as many lines as possible. So, if you're in a Democratic primary, it would seem to reason that you would also, if you did not get the authorization from the minor party, you would also seek that line and let the voters choose whether or not you -- you should be running on their line.

MS. GALLAGHER: That, I don't -- I don't understand what your question is for me in this.

MR. LAWLER: Okay. I -- I appreciate your time.
On the bill.

MS. GALLAGHER: Thank you.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. LAWLER: This bill is very clearly designed to eliminate the rights of voters and party members in a particular party, whether it's the Republican, Conservative, Democratic or Working

Families parties, to choose their elected representation. We have a race for the mayor of New York City. There will already be a primary. There will already be early voting. There will already be staff. There will already be ballots printed. There is no reason to eliminate the opportunity to ballot. As I highlighted, this OTB period is during the designating petition period, it is not afterwards. So, if we want to eliminate the OTB period, then we might as well eliminate designating petitions, as some of my colleagues have talked about. You can't pick and choose who you want to give access to the ballot. And you can't pick and choose which voters should have the right to determine their elected representation. That's why I'll be voting in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. WALCZYK: So the opportunity to ballot in New York State, for those that don't know, this is how you create a primary when you are not endorsed by the party. What I -- what I learned before we got to this bill today, and I haven't learned a lot through this debate, but some of my colleagues really offered a lot of the reasons to vote no so I hope everyone's listening. What I -- what I learned ahead of the debate today is that the Republican Party supports this. We know that because of who has brought it forward

today that the Democratic Party supports it as well and I'm sure they've counted the votes before we got to it today. Both parties like it because this puts party leaders in the driver's seat of who runs for office. It's about as anti-Democratic as you can get. This only supports incumbents and ensures that people who are outside of the, you know, the connected people that sit in this Chamber and that do this business and are party-connected, are the ones that get to run. It makes it hard for somebody to -- to primary those who are already in power. And as long as those who are in power are getting along with the party bosses in the major parties, pretty much ensures their -- their seat on the ballot. Doing this under the -- under the guise of the pandemic -- and there's some things, look, I mean, we're considering public health in everything that we do, but doing this under the guise of the pandemic is really beyond the pale as far as I'm concerned. Democracy has carried on, Democracy needs to carry on. We need to continue to make sure that people have the opportunity to run on multiple lines on the ballot. And I think there's enough smart enough people in -- in this room and around New York State to figure out how to get that done. So, what we have here is in a local election year, and one of my colleagues pointed out that New York City has a mayoral race that's going to be huge for us up here in northern New York, it's your town supervisors and your village council and boards that are up this year. And I've been encouraging constituents to think about getting involved in public life and about adding to the honor of running as a public servant and getting involved in politics. Politics --

politicians have made a bad name for themselves and I think if this country is going to heal and if our State is going to move forward, I think we need more people. We need less party bosses deciding who's going to run and we need more people to get involved and to run for office. So, I encourage my colleagues to listen to this debate, really think about the long-term impact this is going to have on our representative Democracy. And Mr. Speaker, I will be casting my vote against parties bosses and against this bill. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print A.4447. This is a Party vote. Any member who wishes to be recorded as an exception to the conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Conference will generally be voting against this legislation, but if there's a member that would like to support it, please call the Minority Leader's office right away. Thank you, sir.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I would like to remind my colleagues that this is a Party vote. Majority members will be recorded in the affirmative. Those

choosing to be an exception, please feel to contact our offices and we're happy to accommodate.

ACTING SPEAKER AUBRY: Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker. I -- I rise to explain my vote and say that I appreciate the efforts of the -- the sponsor of the bill. Despite the attempt to cast this as a -- a bill in support of party bosses, it -- you know, New York City is going to have a primary with, I don't know, I think we're up to 15, we're using a new process of rank/choice voting. This is just an attempt to try to minimize for one year only many things, to change rules, whether it's voting, or whether or not schools are open. We've made a lot of changes just to keep people safe. And the point of having early voting again is to spread out the number of people who are lining up to vote. So, bringing extraneous matters into this bill I think it does a disservice to the debate. So, I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Ms. González-Rojas.

MS. GONZÁLEZ-ROJAS: Hi, everyone. Thank you.

On the bill.

ACTING SPEAKER AUBRY: You're explaining your vote.

MS. GONZÁLEZ-ROJAS: To explain my vote. I just rise in favor of this bill. I thank the sponsor for this courageous bill. It is a moment by which we need to fight to ensure the safety of all our residents, of all our voters. And it's been clear that this is a one-time bill that would prevent the trigger of an additional primary that would put so many people at risk. So, I rise in support of this bill. I will be voting in the affirmative and I thank the sponsor for her work.

ACTING SPEAKER AUBRY: Ms. González-Rojas in the affirmative.

Mr. Anderson.

MR. ANDERSON: Thank you, Mr. Speaker. I rise to explain my vote. Thank you. I'd like to commend the sponsor for her tremendous work on making sure that this bill saw some opportunity to -- to be discussed and voted on. Right now, we're facing a global pandemic and while we understand the need to ensure that there's a process for folks to be able to show up on the ballot, we also need to protect our populations from this deadly virus. So, I wanted to just register my support in the affirmative for this bill and again congratulate the -- the sponsor for her hard work on this very important issue.

ACTING SPEAKER AUBRY: Mr. Jensen to explain his vote.

MR. JENSEN: Thank you, Mr. Speaker. I rise in opposition and will be voting so on this bill. I believe like some of my

colleagues on the Minority side of the aisle that this is a blatantly undemocratic piece of legislation. Certainly we're talking about we want to eliminate the ability to write-in for an opportunity to a valid candidate. But we're not eliminating the write-in option on regular ballots. We want to eliminate people going to the polls when they don't have to. But we're not talking about delaying Election Day or make extending terms for general offices. I believe that this does not serve our Democratic process. And to quote a spokesperson from the Governor from last year, that allowing people to run for office is a basic Democratic function. And today we'll be -- we are voting in opposition of that ideal. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Jensen in the negative.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. To explain my vote. It's hard to add to the points made by my colleagues. I think that the debate has been very informative to me. I think that out of this package of four Election Law bills this is the one I will not be supporting because I think that while we all need to try to ensure that people remain safe, we need to be very careful that we don't -- we don't make a mistake in the -- under the guise of trying to keep people safe. And I think that this bill is -- is a mistake. Because I think what it does is it -- it takes away the rank and file member's choice and it vests power, more power in the hands of the minor party leaders. I think that as one of my colleagues pointed out, a simple solution

would have been just to reduce the number of signatures needed like we are going to be taking up in our next bill regarding independent nominating petitions. I think that I'm all for safety and for keeping people safe but I think that this bill goes -- goes too far and does not -- does not achieve its -- its right and purpose. So, for those reasons, I'll be voting in the negative and I would encourage my colleagues to do the same.

ACTING SPEAKER AUBRY: Ms. Walsh in the negative.

Mr. Tague.

MR. TAGUE: To explain my vote, Mr. Speaker.

ACTING SPEAKER AUBRY: Proceed.

MR. TAGUE: To explain my vote, Mr. Speaker.

ACTING SPEAKER AUBRY: Please proceed.

MR. TAGUE: Thank you, sir. I guess I'm one of those party bosses that my colleague here a few minutes ago alluded to, my distinguished colleague. I want to let him know that I'm not even boss at home so, but anyways, the word in this bill "opportunity," the opportunity to ballot. That's what America is all about. That's what Democracy is all about. And taking that opportunity away to me, I think we're doing a big disservice to our Constitution and to the people of this State. And for those reasons, I cannot support this bill. One other speaker earlier mentioned the independent petitions. And we're going to be taking that bill up shortly. Independent petitions are also filled out after the designating petition time frame. So, for many

of the arguments that were made about why we should support this bill, I think we have many arguments quite to the contrary. For those reasons, I want to give opportunity to all New Yorkers to be part of the political process. For those reasons, I will be voting in the negative, Mr. Speaker. And I encourage all, all of my colleagues to do the same in the words of Democracy.

ACTING SPEAKER AUBRY: Mr. Tague in the negative.

Ms. Bichotte Hermelyn.

MS. BICHOTTE HERMELYN: Thank you, Mr. Speaker, for allowing me to explain my vote. I first want to congratulate and commend the sponsor on this bill as we're looking to minimize the health risk involved in this petitioning process. This bill removes the option to file an opportunity to ballot petition for the June 2021 primary election. This is just for one year. We have put in place a number of election reform bills that can fill -- that can afford the opportunity to people to run and have access to ballot. I just want to mention that I am a party leader, the party leader of the largest and (unintelligible) county in the State of New York. And the notion that a party boss -- this bill is to incentivize a party boss to single-handedly pick someone is false. This bill is introduced for the health and safety of the people of New York. And so, again, I want to commend the sponsor for introducing this bill and I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Bichotte

Hermelyn in the affirmative.

Ms. Walker to explain her vote.

MS. WALKER: Thank you, Mr. Speaker, for the opportunity to explain my vote. I want to commend the speaker -- the sponsor of this important piece of legislation. Quite frankly, we have heard from a number of individuals who have been talking about cancelling the petition and processing. By gosh, she got it done. But this time, while particularly for the opportunity to ballot petitions. We recognize that the health and safety of so many New Yorkers is of supreme importance to each and every one of us, particularly because if we do nothing else, we participate in Democracy by participating in the petitioning process. So, I want to congratulate her for really having the courage to be able to debate her first bill. And let me tell you, it wasn't an easy debate, so you should definitely be commended for it. Welcome to, I guess the debate club here in the New York State Assembly. It is a pleasure working with you and I look forward to working with you on other pieces of legislation as we move forward towards a more progressive State where elections again are fair, they're accessible, they're available, but more importantly than anything else it's a safe and healthy environment. So thank you again and congratulations. I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Ms. Walker in the affirmative.

Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker. I am

pleased to support this legislation. I have spoken many times on the floor of the Legislature in the last few weeks about the need to reduce the number of people out on the street carrying petitions and this does that. There is nothing that prevents a party from endorsing more than one candidate. If we're talking about giving what's called a Wilson Pakula document which allows somebody from another party to run in the primary of a particular party, there's nothing that prevents party leaders or the party Executive Committee or the full party committee from giving that authorization to more than one candidate. In Westchester County we've had several times where the -- one of the -- one of the minor parties has allowed the major party candidates to run under their line. So, there is -- this legislation accomplishes what I've been arguing for for the last several weeks, which is to reduce the number of people out on the street collecting signatures. So, I -- I commend the sponsor, I thank the sponsor for putting this forward and I urge all of my colleagues to vote for it.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

Mr. Burdick.

MR. BURDICK: Thank you, Mr. Speaker. I, too, wish to commend the sponsor of this legislation and her courage in taking this up at a difficult time and in handling quite well the debate on this topic. And there are many sacrifices that we all are making during this deadly pandemic. There are things that we don't want to have to do in our daily activities. There's some who don't even want

to wear face masks. There's a reduction in the number of signatures. Maybe some feel that that is counter to the responsibility of candidates to go out there and meet the voters, make their case. And yet, why do we do it. We do it because our primary responsibility is for the health, welfare and safety of the people of this State. And I am voting for this in the affirmative because I feel that is our primary responsibility. And I have as well stated that we need to do everything that we can to avoid interaction. We're now learning about a virus that is a mutation of the current virus that may be more deadly and more contagious. Why would we want to take further chances with the safety of our residents? The safety of those who go out there to gather petitions. So, I am voting in the -- in the affirmative. And again, my thanks and congratulations to the sponsor of this legislation. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir. Mr. Burdick in the affirmative.

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, sir. My concern is that Democracy may be just the latest victim of the COVID crisis. We started out today by saying in order to protect people, County Committees can decide to cancel the election for party members and just continue on. That's pretty undemocratic. And now we're saying that the opportunity for party members to participate in a primary to select their own candidate if they disagree with the party bosses, we're going to cancel that opportunity, too. And we're saying we're

canceling that opportunity for you to participate in a primary because we want to protect you from danger by canceling your right to go to the polls to select your own candidate. It's as undemocratic as we can get and I'll be opposing it. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I listened intently to the debate, both in the Chambers and in the office down the hall. And I have to say that it's very, very interesting how people look at or view different challenges to Democracy. Here's an opportunity to allow a Democratic process to work and protect people. This legislation doesn't say you can't get on the ballot, it just says you have to get on the other way. Juxtapose that to the real challenge to Democracy on January 6th. That's the challenge to Democracy. This is an opportunity to move Democracy forward and keeping people intact and healthy. So let me commend the sponsor on both introducing the legislation and having a hearty debate. Debate is a good thing. Conversation is a good thing. But let's just keep it real. This is not a threat to Democracy. This is progress forward while we're in the middle of a pandemic that could get worse.

With that, Mr. Speaker, we do have some exceptions on the Majority side: Mr. Santabarbara, Ms. Woerner, Mr. Barnwell, Mr. Cusick, Mr. Braunstein, Mr. Sayegh, Mr. O'Donnell and Mr.

Zebrowski.

ACTING SPEAKER AUBRY: So noted. And Mrs. Peoples-Stokes in the affirmative.

Mr. Goodell for exceptions.

MR. GOODELL: Thank you, sir. Please record the following Republicans in support of this legislation: Mr. Ashby and Mr. Brabenec. Thank you, sir.

ACTING SPEAKER AUBRY: So noted. Thank you.

Mrs. Peoples-Stokes, additional?

MRS. PEOPLES-STOKES: Yes. Mr. Speaker, could you please add Ms. Buttenschon to our exceptions?

ACTING SPEAKER AUBRY: So noted. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly Bill No. A04686, Rules Report No. 21, Burgos. An act to amend the Election Law, in relation to the number of signatures for independent nominating petitions; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Explanation, please.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Burgos.

MR. BURGOS: Can you hear me? Hello?

ACTING SPEAKER AUBRY: We can hear you.

MR. BURGOS: Okay. I'm sorry. Thank you. Yes.

So, I want to thank everyone for being here today. I think this bill just is absolutely in line with what this House has done. Especially last month when we passed the bill to reduce the signatures of designating petitions. This bill essentially just mimics that bill to now allow for -- to reduce signatures for independent petitions. Obviously, we're in a time where COVID is still running through our communities and we need Democracy to continue but still have public health at the forefront of our focus. This is what this bill intends to do.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you very much to the sponsor for the explanation.

ACTING SPEAKER AUBRY: Mr. Burgos, will you yield?

No. Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Bill A.4686. This is a fast roll. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Barron to explain his vote.

MR. BARRON: Thank you, Mr. Speaker. I want to do with this bill that I should have done with the bill that reduced the -- reduced the signatures in the primary. I voted for it then not thinking there was any other movement out there that was speaking out against having us go out and do signatures, period. And I did register a letter for that prior vote to say that I'm really against us going out to do signatures. So, on this one I'll be able to say I am voting against this. I think it's lethal sending people out to get signatures during this pandemic and that's why I supported the prior bill and I think safety is number one for me. So, I am going to vote in the negative on this bill because I think that we should allow other alternatives, either electronically or say that if you get 75 people to give a measly \$10 that could be enough to get on the ballot. People say, oh, you don't want to take from money from people to get on the ballot, you do it all the time when you're doing fundraising. So, that's a way of showing support. I just think that having to go out and get signatures, even if you reduce it to, as we did in the prior bill, to 270, you've got to get three, four times that much in order to not be challenged. So, I think that this is a dangerous proposition and I really was hoping that the Legislature would do what the Governor is not willing to do and not put people at risk to just to get signatures to get on the ballot when there are alternatives. So, I'll be voting in the negative on this bill.

ACTING SPEAKER AUBRY: Mr. Barron in the negative.

Mr. Burgos to explain his vote.

MR. BURGOS: Thank you, Mr. Speaker. Thank you for giving me the opportunity to explain my vote. It's an honor to be before you all today to be a member of this Body to help lead New York in the COVID-19 recovery and to ensure Democracy continues. Today we're passing a package of bills to increase ballot access while keeping public health at the forefront of our focus as we should with any policy that passes through this House. I'm proudly a prime sponsor on this package to pass my first bill on behalf of my constituents in the 85th District and throughout New York and to increase ballot access here in our State. I want to thank my colleagues for their support, for their continued dedication of people in the State of New York and I proudly vote yes on this bill.

ACTING SPEAKER AUBRY: Mr. Burgos in the affirmative.

Ms. Walker.

MS. WALKER: So, again, I just want to explain my vote but of course to commend the sponsor of this legislation with respect to the independent nominating petitions. Again, we have taken up a very robust Election Law agenda and the focus of this agenda has been about making sure that we are creating a safe space for people to exercise their franchise. We recognize that there are people who died for the right to vote. We want to make sure that they do not die while exercising that right. And so, again, congratulations, a very proud day for you on this very first bill amongst a number of

other bills that you will be introducing. I also want to commend you on -- commend the sponsor on his very poignant explanation of his vote and I am sure that your predecessor is extremely proud as you have done well today. Congratulations.

ACTING SPEAKER AUBRY: Are there any other votes? Announce the results.

Mr. Goodell.

MR. GOODELL: Thank you, sir. Please record Assemblymember Friend in a friendly negative on this. Thank you.

ACTING SPEAKER AUBRY: So noted. Mr. Friend in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

And I'd like to take this opportunity for both Ms. Gallagher and Mr. Burgos to congratulate them on their first bill. They will be forever tied together as members of the same club.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. This has actually been a very rewarding and exciting debate today given that this is probably the first time since I've been around that there literally has been three brand-new members that passed bills on the same day. So, again, I want to congratulate them all. And certainly it's always good to support a bill that's carried by our good

friend, Ms. Lupardo.

Mr. Speaker, do you have any further housekeeping or resolutions?

ACTING SPEAKER AUBRY: We do have a number of resolutions, one of which is a privileged resolution by Mr. Santabarbara.

The Clerk will read.

THE CLERK: Assembly Resolution No. 47, Mr. Santabarbara.

Legislative Resolution mourning the death of Louis R. Lupi, Sr., World War II veteran distinguished citizen and devoted member of his community.

ACTING SPEAKER AUBRY: Mr. Santabarbara on the resolution.

MR. SANTABARBARA: Yes, thank you, Mr. Speaker, for the opportunity to speak on this resolution. It is with great sorrow but also with great honor that I bring forward this resolution to pay tribute to a World War II Army veteran and a good friend from my hometown of Rotterdam. Louis R. Lupi, Sr. who passed away on January 20th at the age of 94. He was a remarkable man appreciated for his service, dedication and for his love of our country. He bravely served in the U.S. Army during World War II. He was part of the 9th Army Air Corps. He was a sharpshooter and fought during the Normandy Invasion. He learned to speak a number of different languages during his service overseas, became fluent in

German and also spoke French very well. Following his service in the armed forces, Lou returned home where he began a long career with the General Electric Company in the City of the Schenectady. He was often recognized, commended and thanked for his active support of veterans in our community. He was a member of a number of service organizations, including AMVETS Post 35 here in Rotterdam. Lou was easily recognized at our holiday parades, ceremonies and veterans events as he often wore his original Army uniform. He loved the fact that it still fit him at the age of 94. He was an amazing person and a friend to so many. Anyone who knew him was surely touched by his kindness. He always found a way to bring joy into the lives of others. His sense of compassion truly left a mark on everyone and everything he touched during his long life. I, along with everyone who knew him, are deeply saddened by the loss of our good friend. He loved our country. He was loved our community. He was truly part of the greatest generation. His presence will surely be missed. My heart goes out to his family and his loved ones and I'm honored to be a part of preserving his legacy with this resolution here today. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Santabarbara.

On the resolution, all those in favor signify by saying aye; opposed no. The resolution is adopted.

We have numerous fine resolutions which we will take up on one vote, Mrs. Peoples-Stokes. On the resolutions, all

those in favor signify by saying aye; opposed no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 48 and 49 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please call on Ms. Hunter for purposes of an announcement?

ACTING SPEAKER AUBRY: Ms. Hunter for the purposes of an announcement.

MS. HUNTER: Yes, thank you, Mr. Speaker. Concluding our Session today there will be a need for an immediate conference of the Majority.

ACTING SPEAKER AUBRY: Majority Conference immediately following Session.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I move that the Assembly stand adjourned until 10:30 a.m. Wednesday, February the 10th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 2:47 p.m., the Assembly stood adjourned until Wednesday, February 10th at 10:30 a.m., Wednesday being a Session day.)