



State of New York
STATE BOARD OF ELECTIONS

James A. Walsh
Chair
Douglas A. Kellner
Chair
Gregory P. Peterson
Commissioner
Evelyn J. Aquila
Commissioner

40 STEUBEN STREET
ALBANY, N.Y. 12207-2109
Phone: 518/474-6367
Fax: 518/486-4546

Stanley L. Zalen
Co-Executive Director
Todd D. Valentine
Co-Executive Director
Kimberly A. Galvin
Special Counsel
Paul M. Collins
Deputy Counsel

Election Law Proposals for 2009

The following is a brief description of the State Board of Elections legislative proposals to address the administration of elections for 2009.

- SBE 09-01 **Poll Watcher Qualifications:** This bill amends subdivision 4 of §8-500 of the Election Law to prohibit candidates from being poll watchers in those districts where they are running for office.
- SBE 09-02 **Filing of Papers by Express Courier:** This bill adds a new subdivision (3) to §1-106 of the Election Law to recognize delivery services other than the United States Postal Service for the delivery of papers under the Election Law. The bill also amends §5-210(3) to include the State Board of Elections as an entity to receive timely voter registration forms.
- SBE 09-03 **Ballots Counted by Machine:** Section 7-121 of the Election Law is amended to provide that all ballots printed for use on a voting system approved by the State Board of Elections may be printed and arranged in a manner which would permit them to be counted by such machine. Allows flexibility and consistency in printing and ballot layouts to be utilized with the new voting systems.
- SBE 09-04 **Exempt Election Workers from Jury Duty:** This bill amends Judiciary Law §524 to provide an exemption from jury duty for election inspectors, poll clerks and election coordinators.
- SBE 09-05 **Polling Site Designation:** This bill will allow County Boards the flexibility to take into consideration the technology provided for with the new voting systems when determining and designating their polling sites.

- SBE 09-06 **Polling Site Access:** This bill would require that each polling place be in compliance with guidelines set forth in the federal Americans with Disabilities Act. It would also require the State Board to provide guidance to the County Boards on how to meet those standards.
- SBE 09-07 **Absentee Ballot Requirements:** This legislation provides for a streamlined absentee ballot application process by allowing qualified voters to apply for absentee ballots if they meet one of the criteria in the Constitution without invading the privacy of the voter.
- SBE 09-08 **Campaign Financial Disclosure Filings:** This bill would increase the possible fine for a campaign filing violation from \$500 to \$1,000 dollars.
- SBE 09-09 **Campaign Financial Filing Information:** This bill would allow the State Board flexibility in the administration of updating certain required information for certain statements and would also require certain candidates to provide certain financial information.
- SBE 09-10 **Publication of Election Results:** This bill would eliminate the outdated and costly requirement that certified election results be printed in certain legal ads.
- SBE 09-11 **Military Ballot Receipt Times:** This bill would make permanent the current provisions that set forth the time frames for the timely receipt of military ballots. Allowing those ballots (otherwise valid) received within 7 days of a primary election or 10 days of a general election to be cast and counted.
- SBE 09-12 **Form of Paper Ballots - Undervote Error Message:** This bill would require that ballots have a box, oval or other marking area that the voter may intentionally fill in to alert the voting system that any and all undervotes on the ballot had been done so intentionally. This, in turn, would allow the system to cast the ballot without returning an “undervote error message” to the voter.
- SBE 09-13 **Delivery of Paper Ballots to the Voter:** This legislation will allow the State Board to promulgate and modify regulations regarding the casting and delivering of paper ballots to the voter.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL # A.

SENATE BILL # S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to qualifications of poll watchers.

SUMMARY OF PROVISIONS:

This bill amends subdivision 4 of §8-500 of the election law to prohibit candidates from being poll watchers in those districts where they are running for office.

JUSTIFICATION:

The possibility of active or passive electioneering, or the appearance thereof, is eliminated by prohibiting candidates from being poll watchers in the districts where they are candidates on the ballot.

LEGISLATIVE HISTORY:

The State Board proposed this as legislation in 1998, 1999, and 2005.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

Immediately.

New York State Board of Elections Legislative Proposal SBE 09-01

AN ACT to amend the election law in relation to qualifications of poll watchers.

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

1 Section 1. Subdivision 4 of section 8-500 of the election law is
2 amended to read as follows:

3 4. Each watcher must be a qualified voter of the city or county in
4 which he is to serve and no person shall be appointed or act as a
5 watcher who is a candidate for any public office to be voted for by
6 the voters of the district in which he is to serve.

7 §2. This act shall take effect immediately.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL# A.

SENATE BILL# S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act amend the election law in relation to filing of papers.

SUMMARY OF PROVISIONS:

This bill adds a new subdivision (3) to §1-106 of the Election Law to recognize delivery services other than the United States Postal Service for the delivery of papers under the Election Law.

The bill also amends §5.210(3) to include the State Board of Elections as an entity to receive timely voter registration forms.

JUSTIFICATION:

The Election Law was developed when the only trusted delivery service was the United States Postal Service. Since that time many reliable private courier services have come into existence, such as Federal Express, United Parcel Service, and other "overnight" courier services. This bill adopts the system used by both the New York State Division of Tax and Finance and the Federal Internal Revenue Service in only allowing recognized delivery services.

Currently if a person sends their voter registration information in a timely manner to an erroneous County Board of Elections, the correct Board of Elections will deem that registration information as timely and process the information. This amendment would clarify that if that information is erroneously sent to the New York State Board of Elections, but is otherwise timely, that this information will be deemed timely and processed by the correct County Board of Elections upon their receipt.

LEGISLATIVE HISTORY:

None, new bill for 2009.

FISCAL IMPACT:

None.

EFFECTIVE DATE:

This act shall take effect immediately.

New York State Board of Elections Legislative Proposal SBE 09-02

AN ACT amend the election law in relation to filing of papers.

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

1 Section 1. Section 1-106 of the election law is amended by adding
2 a new subdivision (3) to read as follows:

3 3.(A) Any reference in this title to the United States mail shall
4 be treated as including a reference to any delivery service
5 designated by the secretary of the treasury of the United States
6 pursuant to section seventy-five hundred two of the internal
7 revenue code and any reference in this title to a postmark or a
8 postmark by the United States mail shall be treated as including a
9 reference to any date recorded or marked in the manner described in
10 section seventy-five hundred two of the internal revenue code by a
11 designated delivery service. If the State Board of Elections finds
12 that any delivery service designated by such secretary is
13 inadequate for the needs of the state, the State Board of Elections
14 may withdraw such designation for purposes of this article. The
15 State Board of Elections may also designate additional delivery
16 services meeting the criteria of section seventy-five hundred two
17 of the internal revenue code for purposes of this article, or may
18 withdraw any such designation if the State Board of Elections finds
19 that a delivery service so designated is inadequate for the needs
20 of the state. Any reference in this title to the United States
21 mail shall be treated as including a reference to any delivery
22 service designated by the State Board of Elections and any

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 reference in this title to a postmark by the United States mail
2 shall be treated as including a reference to any date recorded or
3 marked in the manner described in section seventy-five hundred two
4 of the internal revenue code by a delivery service designated by
5 the State Board of Elections.

6 (B) Any equivalent of registered or certified mail designated by
7 the United States secretary of the treasury, or as may be
8 designated by the State Board of Elections pursuant to the same
9 criteria used by such secretary for such designations pursuant to
10 section seventy-five hundred two of the internal revenue code,
11 shall be included within the meaning of registered or certified
12 mail as used in this title. If the State Board of Elections finds
13 that any equivalent of registered or certified mail designated by
14 such secretary or the State Board of Elections is inadequate for
15 the needs of the state, the State Board of Elections may withdraw
16 such designation for purposes of this article.

17 § 2. Section 5-210(3) is amended to read as follows:

18 3. Completed application forms, when received by any [county] board
19 of elections.

20 § 3. This act shall take effect immediately.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL # A.

SENATE BILL # S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to ballots which are counted by machine

SUMMARY OF PROVISIONS:

Section 7-121 of the election law is amended to provide that all ballots printed for use on a voting system approved by the State Board of Elections may be printed and arranged in a manner which would permit them to be counted by such machine.

JUSTIFICATION:

While New York's full-face ballot requirements remain intact, with the implementation op-scan technology in poll sites, information on ballots must be able to be configured in a manner that will allow scanners to sufficiently and adequately discern votes cast by voters. Ballot information includes instructions to voters, a variety of shapes for voting positions, candidate names, party endorsements, office titles, ballot proposals, party emblems, 'vote for' information, terms of office and other similar information.

The modification in this section ensures consistency in the creation of optical scan ballots, ensures ballots can be configured in a manner that will allow scanners to sufficiently and adequately discern votes cast by voters and eliminates outdated ballot layout provisions.

LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

None to the State.

EFFECTIVE DATE:

Immediately.

New York State Board of Elections Legislative Proposal SBE 09-03

AN ACT to amend the election law in relation to ballots which are counted by machine

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

1 Section 1. Subdivision 7-121 of the election law is amended to
2 read as follows:

3 § 7-121. Ballots which are counted by machine.

4 [A board of elections may provide, by resolution adopted at least
5 two months before an election at which voting machines are used,
6 that all ballots cast for such election, other than on the voting
7 machines,] All ballots printed for use on a voting system [shall
8 be counted by a machine of a type] approved by the state board of
9 elections [and that all ballots printed for use at such election]
10 may be printed and arranged in a manner which would permit them
11 to be counted by such machine.

12 §2. This act shall take effect immediately,

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL # A.

SENATE BILL # S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the judiciary law in relation to providing an exemption from jury duty for service as an election inspector, poll clerk or election coordinator

SUMMARY OF PROVISIONS:

This bill amends Judiciary Law section 524. This act provides for an exemption from jury duty for service as an election inspector, poll clerk or election coordinator

JUSTIFICATION:

Providing an exemption from jury duty for election day workers is a reward for this public service

LEGISLATIVE HISTORY:

This proposal has been submitted by the Board in past years.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This law shall take effect on the first day of January next succeeding the date on which it shall have become law.

AN ACT amend the judiciary law in relation to providing an exemption from jury duty for service as an election inspector, poll clerk or election coordinator.

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

1 Section 1. Subdivision (a) of section 524 of the judiciary law is
2 amended to read as follows:

3 (a) A person who has served on a grand or petit jury in any court
4 of the unified court system or in a federal court or acted as an
5 election inspector, poll clerk or election coordinator pursuant to
6 title IV of article 3 of the election law shall not be competent to
7 serve again as a trial or grand juror in any court of the unified
8 court system for four years subsequent to the last day of such
9 service, provided, however, that any person who serves on a grand
10 or petit jury for more than ten days shall not be competent to
11 serve again as a trial or grand juror for a period equal to the
12 period authorized by this subdivision or subdivision (c) of this
13 section, as appropriate, plus four years.

14 § 7. This act shall take effect on the first day of January next
15 succeeding the date on which it shall have become a law.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL# A.

SENATE BILL# S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE:

An act to amend the election law, in relation to the designation of polling places.

SUMMARY OF PROVISIONS:

Section 4-104 of the Election Law is amended to allow County Boards the flexibility to assess the need for, and designate polling places based upon the technology being provided for with the new voting systems. The legislation also makes statewide the requirement in cities with a population of over one hundred thousand that various premises be available as polling places.

JUSTIFICATION:

The Election Reform and Modernization Act of 2005 (Chapter 181 / Laws of 2005) requires that new voting systems be implemented throughout New York State. With the implementation of new voting systems, new logistics have to be considered when assigning voting machines for use by one or more election districts. In addition, when designating polling places, county boards must consider how each site is able to accommodate the number of workers and election resources (voting machines, privacy booths, etc.) in sufficient numbers to adequately serve the numbers of voters eligible to vote in such polling place

LEGISLATIVE HISTORY:

New Bill.

FISCAL IMPLICATIONS:

None to the State.

EFFECTIVE DATE:

Immediately.

AN ACT amend the election law in relation to designating poll sites.

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

1 Section 1. Section 4-104 of the election law is amended to read as
2 follows:

3 Paragraph 3(a) is amended to read as follows:

4 3-a. [In cities with populations of more than one hundred thousand,
5 a]Any person or entity which controls a building for which a tax
6 exemption, tax abatement, subsidy, grant or loan for construction,
7 renovation, rehabilitation or operation has been provided by any
8 agency of the state or any political subdivision thereof on or
9 after the effective date of this subdivision shall agree to make
10 available for registration and voting purposes the room or rooms in
11 such building which the board or body empowered to designate
12 polling places determines are suitable for registration and voting,
13 are accessible to physically disabled voters and are as close as
14 possible to a convenient entrance to such building. Notwithstanding
15 any other provision of law, any agency of the state or any
16 political subdivision thereof may deny a tax exemption, tax
17 abatement, subsidy, grant or loan for construction, renovation,
18 rehabilitation or operation to a building in any such city which is
19 otherwise eligible for such exemption, abatement, subsidy, grant or

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 loan if the person or entity which controls such building refuses
2 to agree to make available for registration and voting purposes the
3 room or rooms in such building which the board or body empowered to
4 designate polling places determines are suitable for registration
5 and voting, are accessible to physically disabled voters and are as
6 close as possible to a convenient entrance to such building. The
7 provisions of this subdivision shall not apply to buildings used
8 solely for residential purposes which contain less than twenty-five
9 dwelling units.

10 Paragraph 4 is amended to read as follows:

11 4. Where an election district is so situated or the only
12 facilities available therein are such that public convenience would
13 be served by establishing a polling place outside such district,
14 the board or body empowered by this chapter to [establish election
15 districts]designate a polling place may so designate a polling
16 place in [a contiguous]another election district within the same
17 town or city.

18 A new paragraph 5(d) is added to read as follows:

19 5. (d) Notwithstanding any other provision of this section,
20 polling places designated for any one such election district that
21 will be utilizing any voting machine or system certified after
22 April 1, 2009 for use in New York State pursuant to Chapter 181 of

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1 the Laws of 2005, may be the polling place of any other district or
2 districts, provided the voting system used in such polling place
3 produces separate and distinct vote totals for each election
4 district voting in such polling place on such voting machine or
5 system.

6 Paragraph 6 is amended as follows:

7 6. Each polling place designated, whenever practicable, shall be
8 situated on the main or ground floor of the premises selected. It
9 shall be of sufficient area to admit and comfortably accommodate
10 [at least ten]voters in numbers consistent with the deployment of
11 voting systems and privacy booths, pursuant to NYCRR Title 9,
12 Subtitle V, Part 6210.19. Such deployment of voting systems,
13 election workers and election resources shall be in a sufficient
14 number to accommodate the numbers of voters eligible to vote in
15 such polling place.[at one time and to allow for the placement in
16 such meeting place, of booths, furniture and equipment, as provided
17 by law.]

18 Paragraph 9 is amended to read as follows:

19 9. Whenever the board of elections shall determine that there is
20 no building within an election district available and suitable for
21 the meetings for the registration of voters[or for any election],
22 or that for reasons of efficiency or economy it is desirable to

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1 consolidate such meetings of one or more districts in one place,
2 such board may designate a building for such voter registration
3 purpose in another [adjoining]election district in the same
4 village, city or town and there may be as many distinctly separate
5 meeting[s or polling places]lawfully located in the same building
6 as public convenience may require. Wherever possible, public
7 schools, fire houses, municipal buildings or other buildings exempt
8 from taxation shall be designated for such meetings[and polling
9 places]. Such a determination shall be made only after notice to
10 the chairpersons of the county committees of all political parties
11 and reasonable opportunity for them to be heard.

12 § 2. This act shall take effect immediately.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL# A.

SENATE BILL# S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE:

An act to amend the election law, in relation to requiring polling places to be accessible to voters with disabilities.

SUMMARY OF PROVISIONS:

Section 4-104 of the Election Law is amended to require that each polling place shall provided access to people with disabilities which is consistent with the accessibility guidelines set forth in the federal Americans with Disabilities Act.

In addition, the bill requires the State Board to publish and distribute to the County Boards, a guide describing the required standards and what constitutes compliance therewith. Each County Board shall then be required to conduct a poll site accessibility survey which shall be forwarded to the State Board.

JUSTIFICATION:

By mandating that all polling places comply with these accessibility guidelines, the law will provide the same opportunity for access to and participation by persons with disabilities. One of the fundamental barriers that preclude persons with disabilities from fully participating in the voting process is the accessibility of polling sites. Voting access for people with disabilities may be impeded by a variant of physical features at polling places. The primary responsibility for assuring accessibility of polling places, through the selecting, inspecting, and/or modifying polling places rests with the county boards of elections and in the City of New York, with the New York City Board of Elections.

Too often waivers allow a jurisdiction to avoid ADA compliance. This amendment will continue to allow the County Boards flexibility to make all polling sites accessible and compliant in a timely fashion.

LEGISLATIVE HISTORY:

New Bill.

FISCAL IMPLICATIONS:

None to the State.

EFFECTIVE DATE: Immediately.

New York State Board of Elections Legislative Proposal SBE 09-06

AN ACT amend the election law in relation to polling site access for physically disabled voters.

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

1 Section 1. Section 4-104 of the election law is amended to read
2 as follows:

3 § 4-104. Poll Place Access.

4 1-a. Each polling place shall[have at least one entrance
5 that provides access, by ramp or otherwise, to physically
6 disabled voters, provided, however, that this requirement may be
7 waived in writing by the county board of elections upon a
8 petition to the board by the legislative body of the city or town
9 designating such polling places showing good and sufficient
10 cause. In the city of New York and in counties in which polling
11 places are designated by the board of elections, the board shall
12 specify in writing why it has determined that it is unable to
13 comply with the provisions of this subdivision. Such petition,
14 waiver, and written determination, as provided for in this
15 subdivision, shall be filed in the office of the board and be
16 available for public inspection. Such a waiver may be granted and
17 filed or such a written determination may be filed only where the
18 board of elections determines, with regard to each specific

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1 polling place for which a waiver is sought or a written
2 determination is to be filed, (1) that an alternative accessible
3 polling place is not reasonably available in the election
4 district or a contiguous election district and that specific
5 efforts were undertaken in cooperation with persons with
6 disabilities who have contacted the legislative body of the city
7 or town which requested such waiver or the board of elections
8 which filed such written determination to locate such an
9 alternative accessible polling place and such efforts are listed
10 in the petition or written determination, (2) that compliance
11 with the polling place accessibility requirements of this
12 subdivision would require that unreasonable expenses be incurred
13 and paid, pursuant to section 4-136 of this article and that
14 specific information regarding expenses for compliance is listed
15 in the petition or written determination, and (3) that
16 substantial efforts will be undertaken in cooperation with
17 persons with disabilities who have contacted the legislative body
18 of the city or town which requested such waiver or the board of
19 elections which filed such written determination during the
20 period for which the waiver is effective to achieve compliance
21 with the polling place accessibility requirements of this

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1 subdivision and that the specific substantial efforts to be
2 undertaken to achieve compliance are listed in the petition or
3 written determination.] be accessible to citizens with
4 disabilities and comply with the accessibility guidelines of the
5 Americans with Disabilities Act of 1990. [For purposes of this
6 subdivision, the term "persons with disabilities" shall mean
7 persons with disabilities who shall be entitled to vote in the
8 election district for which a waiver is sought and service
9 centers for independent living established pursuant to article
10 twenty-three-A of the education law and other entities which
11 represent the interests of persons with disabilities. A request
12 for a waiver shall be filed at the same time that the list of
13 polling places is submitted to or established by the board of
14 elections. The board of elections shall forthwith prepare a list
15 of all election districts for which a waiver is sought or a
16 written determination filed. Such list together with all such
17 petitions for waiver and written determinations shall be public
18 records at the office of the board of elections. Not later than
19 May seventh of each year, the board of elections shall mail a
20 copy of said list by first class mail to every person who has
21 made a written request for such list within the two preceding

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1 calendar years. The board of elections shall either grant or deny
2 the waiver no later than June first of the year in which the
3 request is made. The state board of elections shall promulgate
4 regulations necessary to ensure proper execution of the
5 provisions of this subdivision.] The state board of elections
6 shall publish and distribute to each board of elections with the
7 power to designate poll sites, a concise, non-technical guide
8 describing standards for voting access for individuals with
9 disabilities poll site accessibility, including a polling site
10 access survey instrument, in accordance with the Americans with
11 Disabilities Act accessibility guidelines (ADAAG) and methods to
12 comply with such standards. Such guide and procedures shall be
13 developed in consultation with persons, groups, entities with
14 knowledge about public access as the state board of elections
15 shall determine appropriate.

16 1-b. The county board of elections shall cause an access survey
17 to be conducted for every polling site to verify substantial
18 compliance with the accessibility standards cited in this
19 subdivision. Completed surveys shall be submitted to the state
20 board of elections and kept on file as a public record by each
21 county. Each polling site shall be evaluated prior to its

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 designation. A site designated as a polling place prior to the
2 effective date of this paragraph shall be evaluated within two
3 years of the effective date thereof by an individual qualified to
4 determine whether or not such site meets the existing state and
5 federal accessibility standards. Any polling place deemed not to
6 meet the existing accessibility standards must make necessary
7 changes and/or modifications, or be moved to a verified
8 accessible polling place within six months.

9 1-c. The state board of elections shall promulgate any rules and
10 regulations necessary to implement the provisions of this
11 subdivision.

12 § 2. This act shall take effect immediately.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

MEMORANDUM IN SUPPORT

SENATE BILL #: S.

ASSEMBLY BILL #: A.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law, in relation to absentee ballots

SUMMARY OF PROVISIONS: The bill amends Section 8-400 subdivisions I, 3 and 4 of the election law that sets forth the information that qualified voters must provide in an absentee ballot application. Pursuant to the bill, &qualified voter would be permitted to vote by absentee ballot if he or she is:

- * Absent from the county (or city) of his or her residence;
- * Unable to appear personally at the polling place of the election district in which he or she is a qualified voter because of illness or disability or duties related to the care of one of more individuals who are ill or physically disabled;
- * An inmate or patient of a veteran`s administration hospital;
- * Detained in jail awaiting action by a grand jury or awaiting trial, or confined in jail or prison after a conviction for an offense other than a felony, provided that he or she is qualified to vote in the election district of his or her residence;

The applicant would have to provide, in the application for an absentee ballot, his or her full name, date of birth, residence address, and a statement that the applicant is a registered voter. The applicant would also be required to provide a statement, as appropriate, that on the day of such election he or she expects in good faith to be absent for any of the reasons stated in the above paragraph. The applicant would be able to apply for an absentee ballot covering more than one election, even if they occur in different calendar years, by providing the beginning and end dates of the absence.

JUSTIFICATION: During January and February of 1993, the New York State Board of Elections gathered testimony which addressed the complexity of the voter registration form, the campaign finance disclosure form and the absentee ballot application form. One major complaint was that voters were asked a series of lengthy questions that provided information of little value to the Board of Elections. Article II, section 2 of the New York State Constitution permits absentee voting if the voter is absent from his or her county, ill or unable to appear at the poll site because of illness or physically disabled. However, the absentee ballot application contains a long list of required information that goes far beyond questions regarding absence, illness or physical disability. The addition of the date of birth requirement is to assist Board of Election personnel in differentiating between people with the same name.

Besides burdening the voter with a needlessly complex task, requiring such detail could jeopardize his or her safety and privacy. For example, the Election Law requires a person

seeking an absentee ballot based on illness or physical disability to identify his or her medical practitioner and/or the hospital in which he or she are or expects to be a patient.

When a voter will be out of the county of his or her residence, the Election Law also specifies that applicants must report the details regarding employment or studies necessitating such absence, or the beginning and end dates they will be on vacation and the name of his or her employer, or the details necessitating such absence because the voter is accompanying a spouse, child or parent.

Voters who have second residences or go on extended trips are also forced to apply for absentee ballots for each election, often preventing their participation in elections that occur within weeks or months of each other. This legislation would provide them with the opportunity to apply for an absentee ballot for more than one election.

The New York state Constitution does not require the disclosure of personal details and because the application is a public document that anyone has access to under the Freedom of Information Act, this information could put a voter, or his or her property, at risk. Moreover, the absentee ballot application is the equivalent of a sworn statement and a voter's signature or mark should be sufficient to satisfy the constitutional mandate.

This legislation provides for a streamlined absentee ballot application process by allowing qualified voters to apply for absentee ballots if they meet one of the criteria in the constitution without invading the privacy of the voter.

LEGISLATIVE HISTORY: A.5453-A and S.5172 of 2007/2008 A.5748 of 2005/2006 A.6370 and S.4553 of 2003-2004 A.5768 and S.977 of 2001-2002 A.1966-B and S.1267-B of 1999-2000 A.6364 and S.3471 of 1997-1998 S.3052 of 1995-96 S.8125 of 1993-1994

FISCAL IMPLICATIONS: Costs associated with printing new forms.

EFFECTIVE DATE: Immediately.

New York State Board of Elections Legislative Proposal SBE 09-07

AN ACT to amend the election law in relation to Absentee Voting

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

1 Section 1. Subdivisions 1, 3 and 4 of section 8-400 of the election
2 law is amended to read as follows:

3 1. A qualified voter may vote as an absentee voter under this
4 chapter if, on the occurrence of any village election conducted
5 by the board of elections, primary election, special election,
6 general election or New York city community school board district
7 or city of Buffalo school district election, he [will] or she
8 expects to be:

9 (a) [unavoidably]absent from the county of his or her residence,
10 or, if a resident of the city of New York absent from said city[,
11 because his duties, occupation, business, or studies require him
12 to be elsewhere on the day of election]; or

13 (b) [absent from such county or city because he is on vacation
14 elsewhere on the day of election; or

15 (c)]unable to appear personally at the polling place of the
16 election district in which he or she is a qualified voter because
17 of illness or physical disability, whether permanent or
18 temporary, or because he will be or is a patient in a hospital or

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 is engaged in duties related to the care of one or more
2 individuals who are ill or physically disabled; or

3 [(d) he is a person entitled to a ballot because he is a
4 qualified voter registered as]

5 (c)an inmate or patient of a veteran's administration hospital;
6 or

7 [(e) absent from the county of his residence, or if a resident
8 of the city of New York, absent from said city, because of his
9 accompanying a spouse, parent or child who would be entitled to
10 apply for the right to vote by absentee ballot if a qualified
11 voter; or]

12 (d[f]) absent from his or her voting residence because he or she
13 is detained in jail awaiting action by a grand jury or awaiting
14 trial, or confined in jail or prison after a conviction for an
15 offense other than a felony, provided that he or she is qualified
16 to vote in the election district of his or her residence.

17 2. A qualified voter desiring to vote at such election as an
18 absentee voter for any reason specified in subdivision one hereof
19 must make application for an absentee ballot on a form to be
20 obtained and filed as provided herein or by letter as provided in
21 paragraph (d) of this subdivision.

22 (a) Application forms shall be furnished by and may be obtained
23 from any board of elections at any time until the day before such

EXPLANATION: Matter underscored is new; matter bracketed [] is
old law to be omitted.

1 election. Application forms shall also be supplied by the board
2 of inspectors of the election district in which applicant is a
3 qualified voter on all of the days provided for local
4 registration. In addition, application forms shall be supplied
5 upon the request of the person authorized to vote pursuant to
6 this section, any such person's spouse, parent or child, a person
7 residing with the applicant as a member of his household, or the
8 applicant's duly authorized agent. Application forms sent outside
9 of the United States to a country other than Canada or Mexico,
10 shall be sent airmail. Any reference to "board of elections" in
11 the remaining provisions of this section, except with respect to
12 the furnishing and obtaining of applications for absentee
13 ballots, means only the board of elections of the county or city
14 in which the applicant is a qualified voter.

15 (b) Applications may be filed either with the board of elections
16 or in person with the board of inspectors of the election
17 district in which the applicant is a qualified voter, on one of
18 the days provided for local registration.

19 (c) All applications must be mailed to the board of elections not
20 later than the seventh day before the election for which a ballot
21 is first requested or delivered to such board not later than the
22 day before such election.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 (d) The board of elections shall mail an absentee ballot to every
2 qualified voter otherwise eligible for such a ballot, who
3 requests such an absentee ballot from such board of elections in
4 a letter, which is signed by the voter and received by the board
5 of elections not earlier than the thirtieth day nor later than
6 the seventh day before the election for which the ballot is first
7 requested and which states the address where the voter is
8 registered and the address to which the ballot is to be mailed.
9 The board of elections shall enclose with such ballot a form of
10 application for absentee ballot.

11 3. The application for an absentee ballot when filed must contain
12 in each instance the following information:

13 (a) Applicant's date of birth, full name and residence address,
14 including the street and number, if any, rural delivery route, if
15 any, mailing address if different from the residence address and
16 his or her town or city and an address to which the ballot shall
17 be mailed. If such ballot is to be mailed to an address other
18 than the residence address, the voter shall clearly specify the
19 date after which such ballot shall be mailed to an alternate
20 address, and shall provide such alternate address.

21 (b) A statement that the applicant is a qualified and registered
22 voter[, and that he does not know of any reason why he is no
23 longer qualified to vote].

EXPLANATION: Matter underscored is new; matter bracketed [] is
old law to be omitted.

1 (c) A statement, as appropriate, that on the day of such election
2 the applicant expects in good faith to be in one of the following
3 categories:

4 (i) [unavoidably] absent from the county of his or her residence,
5 or if a resident of the city of New York absent from said city,
6 [because his duties, occupation, business or studies require him
7 to be elsewhere on such day, and where such duties, occupation,
8 business or studies are not of such a nature as ordinarily to
9 require such absence, a statement briefly describing the special
10 circumstances requiring such absence and] the dates when he or
11 she expects to begin and end such absence; or

12 (ii) [absent from the county of his residence, or if a resident
13 of the city of New York absent from said city, because he will be
14 on vacation elsewhere on such day, the dates upon which he
15 expects to begin and end such vacation, the place or places where
16 he expects to be on such vacation, the name and address of his
17 employer, if any, or if self-employed or retired a statement to
18 such effect] unable to appear at the polling place because of
19 illness or physical disability; or

20 (iii) has duties related to the care of one or more individualas
21 who are ill or physically disabled [ill or physically disabled;
22 that he has been advised by his medical practitioner or christian
23 science practitioner, giving said practitioner's name and

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 address, that he will not be able to go to his polling place for
2 such election, and whether said illness is permanent or
3 temporary; if he expects to be a patient in a hospital he shall
4 state the name and address of said hospital]; or

5 (iv) [entitled to a ballot because he is a qualified voter
6 registered as]an inmate or patient of a veteran's administration
7 hospital; or

8 (v) detained in jail awaiting action by a grand jury or awaiting
9 trial or confined in jail or prison after a conviction for an
10 offense other than a felony and stating the place where he or she
11 is so detained or confined; or

12 [(vi) absent from the county of his residence, or if a resident
13 of the city of New York absent from said city, because of his
14 accompanying his spouse, parent or child who falls within one of
15 the foregoing categories; a statement that the applicant resides
16 in the same election district as such spouse, parent or child,
17 the name and address of such spouse, parent or child, and, unless
18 the application accompanies the application of such spouse,
19 parent or child, the information as to the status of such spouse,
20 parent or child required by the applicable category.]

21 (d) Such application shall permit the applicant to apply for an
22 absentee ballot for either a primary election or the general
23 election in any year and for those persons who will be

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old law to be omitted.

1 continuously absent from their county of residence during the
2 period between the fall primary election and the general election
3 in any year to apply for ballots for both such elections in such
4 year. A voter who applies for an absentee ballot shall be sent
5 an absentee ballot for any special election or winter primary
6 that occurs during the period of absence specified in the
7 application.

8 4. A voter who claims permanent illness or physical disability
9 may make application for an absentee ballot and the right to
10 receive an absentee ballot for each election thereafter as
11 provided herein without further application, by filing with the
12 board of elections an application which shall contain a statement
13 to be executed by the voter[showing the particulars of his
14 illness or disability]. Upon filing of such application the board
15 of elections shall [investigate the facts stated therein and if
16 satisfied as to the truth thereof, shall]cause the registration
17 records of the voter to be marked "Permanently Disabled" and
18 thereafter shall send an absentee ballot for each succeeding
19 primary, special or general election to such voter at his or her
20 last known address by first class mail with a request to the
21 postal authorities not to forward such ballot but to return it in
22 five days in the event that it cannot be delivered to the

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1 §2. This act shall take effect immediately.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL# A.

SENATE BILL# S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE:

An act to amend the election law in relation to civil penalties for non compliance with financial disclosure mandates.

SUMMARY OF PROVISIONS:

Election Law §14-126 is amended to increase the civil penalty for failure to file mandated campaign financial disclosure reports from \$500 to \$1000.

JUSTIFICATION:

The civil penalty was last increased in 1996. A lawsuit resulting in a civil penalty is brought by the State Board as a last step in a process that involves repeated attempts to work with mandated filer to obtain requisite campaign financial disclosure. Every effort is made to assist those who have not made the required filing.

FISCAL IMPLICATION:

No cost to the State. The revenue to the State is undetermined.

LEGISLATIVE HISTORY:

This is a new bill.

EFFECTIVE DATE:

This act shall take effect 120 days after it shall have become a law.

New York State Board of Elections Legislative Proposal SBE 09-08

AN ACT to amend the election law, in relation to increasing penalties.

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

1 Section 1:

2 §14-126. Violations; penalties. 1. Any person who fails to file
3 a statement required to be filed by this article shall be subject
4 to a civil penalty, not in excess of [five hundred]one thousand
5 dollars, to be recoverable in a special proceeding or civil action
6 to be brought by the state board of elections or other board of
7 elections.

8 2. Any person who knowingly and willfully fails to file a
9 statement required to be filed by this article within ten days
10 after the date provided for filing such statement or any person who
11 knowingly and willfully violates any other provision of this
12 article shall be guilty of a misdemeanor.

13 3. Any person who knowingly and willfully contributes, accepts
14 or aids or participates in the acceptance of a contribution in an
15 amount exceeding an applicable maximum specified in this article
16 shall be guilty of a misdemeanor.

17 4. Any person who shall, acting on behalf of a candidate or
18 political committee, knowingly and willfully solicit, organize or
19 coordinate the formation of activities of one or more unauthorized
20 committees, make expenditures in connection with the nomination

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

1 for election or election of any candidate, or solicit any person to
2 make any such expenditures, for the purpose of evading the
3 contribution limitations of this article, shall be guilty of a
4 class E felony.

5 §2: This act shall take effect 120 days after enactment.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

MEMORANDUM IN SUPPORT**ASSEMBLY BILL # A.****SENATE BILL # S.****ASSEMBLY SPONSOR(S):****SENATE SPONSOR(S):****TITLE:**

An act to amend the Election Law in relation to the ability of the State Board of Elections to administratively set standards for accepting changes to the mailing address on certain statements it maintains; in relation to candidates required to file financial statements providing depository information.

SUMMARY OF PROVISIONS:

Section One: Election Law §14-118 (1) is amended to allow the Board to determine how changes to mailing addresses may be made in order to promote administrative efficiency and reduce costs.

Section Two: Election Law §14-118 (3) is renumbered 3(a) and is amended to eliminate a text error. A new 3 (b) is created which requires candidates who are required to file disclosure reports of campaign financial activity to provide the name and address of the depository at which they maintain the account(s) from which they conduct their own campaign financial activity.

JUSTIFICATION:

The law mandates that changes to information in registration documents be made in the same manner the initial document is filed, i.e. with a subsequent original document. Changes to the mailing address are common, and the Board believes that allowing changes to be made by other methods (e.g. telephone, email or fax) would be reliable, and make it easier for committee treasurers and the Board. Additionally, this would enable the Board to maintain more up to date contact information. This would greatly reduce the quantity of returned mail, and significantly reduce the administrative time and expense necessary to process and correct returned mail.

Committees that file disclosure reports of financial activity must maintain a bank account, and disclose to the Board the name and address of the bank. This is not required of the candidates who are required to file disclosure reports of all or part of their own campaign financial activity. The amended language would provide a measure of consistency.

FISCAL IMPLICATION:

None to the State

LEGISLATIVE HISTORY:

This is a new bill.

EFFECTIVE DATE:

This act shall take effect 90 days after it shall have become a law. Further, that effective immediately, the addition, amendment and/or repeal of any rule(s) or regulation(s) by the state board of elections necessary for its implementation on its effective date are authorized to be made on or before such effective date.

AN ACT amend the election law in relation to the ability of the Board to administratively set standards for the change of mailing address and in relation to requiring a candidate to provide the State Board with depository information.

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

1 Section 1.

2 § 14-118. Treasurer and depository of political committee; filing
3 of name and address. 1. Every political committee shall have a
4 treasurer and a depository, and shall cause the treasurer to keep
5 detailed, bound accounts of all receipts, transfers, loans,
6 liabilities, contributions and expenditures, made by the committee
7 or any of its officers, members or agents acting under its
8 authority or in its behalf. All such accounts shall be retained by
9 a treasurer for a period of five years from the date of the filing
10 of the final statement with respect to the election, primary
11 election or convention to which they pertain. No officer, member
12 or agent of any political committee shall receive any receipt,
13 transfer or contribution, or make any expenditure or incur any
14 liability until the committee shall have chosen a treasurer and
15 depository and filed their names in accordance with this
16 subdivision. its statements a treasurer and depository, a statement
17 giving the name and address of the treasurer chosen, the name and
18 address of any person authorized to sign checks by such treasurer,
19 the name and address of the depository chosen and the candidate or

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1 candidates or ballot proposal or proposals the success or defeat of
2 which the committee is to aid or take part; provided, however, that
3 such statement shall not be required of a constituted committee and
4 provided further that a political committee which makes no
5 expenditures, to aid or take part in the election or defeat of a
6 candidate, other than in the form of contributions, shall not be
7 required to list the candidates being supported or opposed by such
8 committee. Such statement shall be signed by the treasurer and all
9 other persons authorized to sign checks. Any change in the
10 information required in any statement shall be reported, in an
11 amended statement filed in the same manner and in the same office
12 as an original statement filed under this section, within two days
13 after it occurs except that any change to the mailing address on
14 any such statement filed at the State Board may also be made in any
15 manner deemed acceptable by the State Board . Only a banking
16 organization authorized to do business in this state may be
17 designated a depository hereunder.

18 2. No candidate, political committee, or agent thereof may
19 receive from any one person an aggregate amount greater than one
20 hundred dollars except in the form of a check, draft or other
21 instrument payable to the candidate, political committee or
22 treasurer and signed or endorsed by the donor; except that such a
23 candidate, political committee or agent may receive contributions

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1 in amounts greater than one hundred dollars which are made by
2 credit card, provided that such candidate, political committee or
3 agent preserves, together with the other accounts which such
4 candidate, committee or agent is required to preserve pursuant to
5 the provisions of this article, a copy of the document which was
6 submitted to secure payment of the funds so contributed. All such
7 checks, drafts or other instruments shall be deposited in the
8 account of the candidate or committee in the designated depository.
9 No candidate or political committee shall expend an amount in
10 excess of one hundred dollars except by check drawn on the
11 depository and signed by the candidate or person authorized to sign
12 checks by him or in the case of a political committee, the
13 treasurer or a person authorized to sign checks by him.

14 3. Every candidate who receives or expends any money or other
15 valuable thing or incurs any liability to pay money or its
16 equivalent shall keep and retain detailed, bound accounts as
17 provided in subdivision a of this section.

18 § 2: Amends §14-118 of the Election Law. Subdivision 3 becomes
19 3(a) and is amended to replace the "a" before "of this section."
20 With "1" A new paragraph 3 b to read:

21 b. Every candidate required to file sworn statements pursuant to
22 section 14-104(1) of this article, other than a candidate who has
23 filed a statement in lieu thereof at or before the first filing

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1 period as set forth in that section, shall file, in the office(s)
2 in which he or she is required to file his or her statement under
3 section 14-110 of this article, on a form prescribed by the State
4 Board for such purposes, a statement providing the name and address
5 of the depository at which they maintain the account(s) from which
6 they conduct their own campaign financial activity.

7 §3: This act shall take effect 90 days after it shall have become
8 law. Further, that effective immediately, the addition, amendment
9 and/or repeal of any rule(s) or regulation(s) by the state board of
10 elections necessary for its implementation on its effective date
11 are authorized to be made on or before such effective date.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL # A.

SENATE BILL # S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to publication of certified copies of election results

SUMMARY OF PROVISIONS:

This bill amends section 9-212(2) of the election law to eliminate the requirement that certified copies of election results be published in certain legal ads.

JUSTIFICATION:

With the on-site and immediate coverage of elections by the news media the results of an election are immediately known by the public. The current requirement to subsequently publish the certified results are antiquated, redundant and costly.

LEGISLATIVE HISTORY:

None, new bill for 2009

FISCAL IMPLICATIONS:

None to the State. Could result in a significant cost savings to the counties.

EFFECTIVE DATE:

This act shall take effect immediately.

New York State Board of Elections Legislative Proposal SBE 09-10

AN ACT amend the election law in relation to publication of certified copies of election results.

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

1 Section 1. Section 9-212 of the election law is amended by adding
2 to read as follows:

3 § 9-212. Determinations by county canvassing boards.

4 1. The canvassing board shall determine each person elected by the
5 greatest number of votes to each county office, and each person
6 elected by the greatest number of votes to each city, town or
7 village office of a city, town or village of which it is the board
8 of canvassers. The canvassing board shall also determine whether
9 any ballot proposal submitted only to the voters of the county, or
10 only to the voters of a city, town or village which it is the board
11 of canvassers, as the case may be, has by the greater number of
12 votes been adopted or rejected.

13 2. All such determinations shall be in writing and signed by the
14 members of the canvassing board or a majority of them and filed and
15 recorded in the office of the board of elections. [Except in the
16 city of New York and in the counties of Nassau, Orange and
17 Westchester, the board of elections shall cause a copy of such
18 determinations, and of the statements filed in its office upon
19 which such determinations were based, to be published once in each
20 of the newspapers designated to publish election notices and the
21 official canvass. The statement of canvass to be published,

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1 however, shall not give the vote by election districts but shall
2 contain only the total vote for a person, or the total vote for and
3 the total vote against a ballot proposal, cast within the county,
4 or within the portion thereof, if any, in which an office is filled
5 or ballot proposal is decided by the voters if the canvass of the
6 vote thereon devolves upon the county board of canvassers. Such
7 totals shall be expressed in arabic numerals.]

8 3. The board of elections shall prepare and forthwith transmit to
9 each person determined by the canvassing board to have been elected
10 a certified statement, naming the office to which such canvassing
11 board has declared him elected.

12 § 2. This act shall take effect immediately.

EXPLANATION: Matter underscored is new; matter bracketed [] is
old law to be omitted.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL # A.

SENATE BILL # S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to military voting.

SUMMARY OF PROVISIONS:

This bill would made permanent the current provisions of law that set forth the deadlines for receipt and delivery of military ballots.

JUSTIFICATION:

Our military personnel deserve the longest amount of time practicable to have their ballots returned and counted in all elections. Issues raised in last year's presidential election showed us the geographical obstacles many face in getting their ballots returned to their county boards of elections in the United States. In addition, these time frames for return and receipt of those ballots needs to remain constant so that our military personnel and the county boards of elections have consistency in procedures and processing of same.

LEGISLATIVE HISTORY:

New Bill.

FISCAL IMPLICATIONS:

None to the state.

EFFECTIVE DATE:

This act shall take effect immediately.

New York State Board of Elections Legislative Proposal SBE 09-11

AN ACT amend the election law in relation to military voting.

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

1 Section 1. Subdivision 1 of section 10-114 of the election law is
2 amended by adding to read as follows:

3 § 1. The sunset provisions contained in the first paragraph 1 of
4 section 10-114 of the laws of 2005, ch. 237 §4, shall be repealed
5 and the provisions contained in that section shall be made
6 permanent.

7 § 2. The provisions contained in the second paragraph 1 of section
8 10-114 shall be repealed.

9 § 3. This act shall take effect immediately.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL #: A.

SENATE BILL #: S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law with regard to the form of paper ballots.

SUMMARY OF PROVISIONS:

The bill would amend Section 7-106 of the Election Law to add a new subdivision 11 that relates to the form of a ballot. This would require that ballots have a box, oval or other marking area that the voter may intentionally fill in to alert the voting system that any and all undervotes on the ballot had been done so intentionally. This, in turn, would allow the system to cast the ballot without returning an "undervote error message" to the voter.

JUSTIFICATION:

This new section is proposed to further ensure the confidentiality of any ballot cast by a voter who specifically chooses not to vote for as many candidates, offices, or questions as their respective ballot may allow. When marking the ballot in a manner provided for in this new section, no error message will be provided to the voter, thus not attracting attention to the fact that the voter has not made all selections for all offices or questions.

The elimination of the error message when such ballots are cast will also aid in the elimination of unnecessary time spent at the scanner by voters who have opted to cast fewer votes than the ballot permits.

LEGISLATIVE HISTORY:

New Bill.

FISCAL IMPLICATIONS:

None to the State.

EFFECTIVE DATE:

Immediately.

New York State Board of Elections Legislative Proposal SBE 09-12

AN ACT amend the election law in the form of paper ballots.

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

1 Section 1. Section 7-106 of the election law shall be amended to
2 read as follows. A new subdivision (11) shall be added to state
3 that: Ballots shall provide for a box, oval or other marking area,
4 which when filled in by a voter, will be recognized by the voting
5 system as a directive from the voter indicating that any races on
6 the ballot that have been undervoted have been so undervoted
7 deliberately, and as such, the voting system shall not produce an
8 undervote error notice to the voter.

9 § 2. This act shall take effect immediately.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.

MEMORANDUM IN SUPPORT

ASSEMBLY BILL #: A.

SENATE BILL #: S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act relating to the delivery of paper ballots to the voter.

SUMMARY OF PROVISIONS:

This amendment would repeal Election Law section 8-310 and would amend section 8-312 to allow the State Board to promulgate and modify regulations regarding the casting and delivering of paper ballots to the voter.

JUSTIFICATION:

It is necessary to repeal 8-310, as the processes found therein are outdated, and do not serve the needs of elections administrators and Election Day workers. The election process has moved to an all-paper system and needs to better address security, ballot accountability and chain-of-custody concerns.

Amending Section 8-312 with a new subsection 6 enables the State Board to promulgate and modify regulations as necessary, as a new voting technology is deployed throughout the State. The regulations will ensure common practices across the state, will speak to new needs for ballot accountability, security and chain-of-custody, and permit consistent training and voter outreach messages

LEGISLATIVE HISTORY:

New Bill.

FISCAL IMPLICATIONS:

None to the State.

EFFECTIVE DATE: This act shall take effect 90 days after it shall become law. Further, effective immediately, the addition, amendment and/or repeal of any rule(s) or regulation(s) by the State Board of Elections necessary for its implementation on its effective date are authorized to be made on or before such effective date.

New York State Board of Elections Legislative Proposal SBE 09-13

AN ACT amend the election law in relation to paper ballots.

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

1 Section 1. The provisions contained in section 8-310 of the
2 election law shall be repealed.

3 § 2. Section 8-312 of the election law shall be amended to be
4 titled Voting; paper ballots, marking and casting, delivery to
5 voter. A new subdivision (6) shall be added to state that: Paper
6 ballots being used shall be delivered to the voter in a manner
7 consistent with Rules and Regulations promulgated by the State
8 Board of Elections.

9 § 3. This act shall take effect immediately.

EXPLANATION: Matter underscored is new; matter bracketed [] is old law to be omitted.