



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

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**Election Law Proposals for 2009**

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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.

