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Election Law Proposals for 2010

The following is a brief description of the State Board of Elections legislative proposals to address the administration of elections for 2010.

- SBE 10-01 ***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 10-02 ***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 10-03 ***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 10-04 ***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 10-05 ***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 10-06 ***Campaign Financial Disclosure Filings:*** This bill would increase the possible fine for a campaign filing violation from \$500 to \$1,000 dollars.

- SBE 10-07 **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- SBE 10-08 **Publication of Election Results:** This bill would eliminate the outdated and costly requirement that certified election results be printed in certain legal ads.
- SBE 10-09 **Party Emblems:** Would remove the requirement that party emblems be attached to every candidate name in every voting square. This would significantly aid the local boards of elections in conducting their random 3% post election audits.
- SBE 10-10 **Write in Votes:** This bill would clarify the instructions on how to accurately cast a write in vote.
- SBE 10-11 **Publishing Requirements:** This bill would repeal the requirement that ballot propositions or proposed constitutional amendments be published in newspapers in every county.
- SBE 10-12 **Poll site marking utensils:** This bill would allow the county boards to provide “sharpie” type instruments to the voters at the polling sites for use in marking their ballots.
- SBE 10-13 **Hole Punched Ballots:** This bill would remove a section of law relating to the instructions for casting such hole punched ballots which are not utilized in New York State.

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 10-01

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.

FISCAL IMPACT:

None.

EFFECTIVE DATE:

This act shall take effect immediately.

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

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

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

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

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

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

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

19 § 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 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.

New York State Board of Elections Legislative Proposal SBE 10-03

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.

New York State Board of Elections Legislative Proposal SBE 10-04

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

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New York State Board of Elections Legislative Proposal SBE 10-04

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

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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

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

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 s 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.
- * 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 [CH. 426 of the laws of 2009 authorized absentee ballots for caregivers.]

FISCAL IMPLICATIONS: Costs associated with printing new forms.

EFFECTIVE DATE: Immediately.

New York State Board of Elections Legislative Proposal SBE 10-05

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 duties related to the primary care of one or more

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

1 individuals who are ill or physically disabled because he or she
2 will be or is a patient in a hospital; 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)[ill or physically disabled; that he has been advised by
21 his medical practitioner or christian science practitioner,
22 giving said practitioner's name and address, that he will not be
23 able to go to his polling place for such election, and whether

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

1 said illness is permanent or temporary; if he expects to be a
2 patient in a hospital he shall state the name and address of said
3 hospital]; or

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

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

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

20 (d) Such application shall permit the applicant to apply for an
21 absentee ballot for either a primary election or the general
22 election in any year and for those persons who will be
23 continuously absent from their county of residence during the

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

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

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

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

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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.

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.

