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Election Law Proposals for 2013

The following is a brief description of the State Board of Elections legislative proposals to address the administration of elections for 2013.

- SBE 13-01 **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 13-02 **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 13-03 **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- SBE 13-04 **Publication of Election Results:** This bill would eliminate the outdated and costly requirement that certified election results be printed in certain legal ads.
- SBE 13-05 **Addition of 13th Judicial District**— Addresses the creation of a 13th Judicial District representing Richmond County.
- SBE13-06 **Ballot usability**— Article 7 changes enable a more legible ballot, and contributes greatly to ballot clarity, for voters as well as election administrators. Eliminates party emblems, pointer fists, standardizes font requirements and the appearance of candidate names and offices titles, eliminates the requirement to print candidate names using all capital letters, among other similar beneficial changes.
- SBE 13-07 **Retention of Computerized Lists of Registration Records utilized as Poll Books** - Synchronizes the retention period of computerized poll books with the 2-year retention period of other election-related documents.

SBE 13-08 *Prohibits Posters, Labels and Stickers* – Addresses concern for the use of stickers and labels on optical scan ballots for any purpose, including write-in voting.

SBE 13-09 *Eliminates Party Emblems* – These changes enable the ballot usability goals of SBE 12-06, above.

This list is exclusive of any of the legislative proposals that may be needed as a result of the moving of the primary date. In addition, we anticipate other usability type documents that help with ballot layout and various proposals dealing with the canvass of votes at the Boards of Election.

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, 2005 ,2010 and 2011.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

Immediately.

New York State Board of Elections Legislative Proposal SBOE 13-01

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
4 in which he is to serve and no person shall be appointed or act
5 as a watcher who is a candidate for any public office to be voted
6 for by 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:

The State Board proposed this as legislation in 2010 ,2011 and 2012.

FISCAL IMPACT:

None.

EFFECTIVE DATE:

New York State Board of Elections

Legislative Proposal SBE 11-02

This act shall take effect immediately.

AN ACT to 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
4 shall 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
9 a reference to any date recorded or marked in the manner
10 described in section seventy-five hundred two of the internal
11 revenue code by a designated delivery service. If the State
12 Board of Elections finds that any delivery service designated by
13 such secretary is inadequate for the needs of the state, the
14 State Board of Elections may withdraw such designation for
15 purposes of this article. The State Board of Elections may also
16 designate additional delivery services meeting the criteria of
17 section seventy-five hundred two of the internal revenue code for
18 purposes of this article, or may withdraw any such designation if
19 the State Board of Elections finds that a delivery service so
20 designated is inadequate for the needs of the state. Any

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

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

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

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

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

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

1 § 3. This act shall take effect immediately.

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

The State Board proposed this as legislation in 2010 and 2012.

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 SBOE 13-04

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

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

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

14 § 2. This act shall take effect immediately.

EXPLANATION: Matter underscoring 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 notice to delegates.

SUMMARY OF PROVISIONS:

The bill amends §9-200 and 9-202 to include the recently created thirteenth judicial districts in the notice to judicial delegate provisions of the election law.

JUSTIFICATION:

It is important that the delegates in the thirteenth judicial district are treated identically to those in the other twelve judicial districts. When the thirteenth district was created, these election law provisions were not updated. The proposed changes will help ensure that any actions relative to all five judicial districts in and for the City of New York, including the newly-created thirteenth district, occur in the proper manner and are handled by the appropriate board of elections.

LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

Immediately.

1 AN ACT to amend the election law in relation to addition of
2 thirteenth judicial district

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

3 § 9-200. Canvass of primary returns by board of elections;
4 notices to delegates; certificates

5

6 2. The board forthwith upon the completion of the canvass for
7 members of a state committee and delegates and alternates to a
8 national, state or judicial district convention, shall transmit
9 to the state board of elections a certificate stating the name
10 and residence of each member of a state
11 committee and delegate and alternate elected from a district
12 wholly within the jurisdiction of such board, except that, in
13 respect to a judicial district convention in the first, second,
14 eleventh, [and]twelfth, and thirteenth judicial districts, the
15 board of elections, instead of transmitting such certificate,
16 shall compile the roll of the convention and transmit it to the
17 chairman or secretary of the committee which, by party rules, is
18 empowered to fix the time and place of the convention. The board

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

1 of elections shall send by mail to each delegate and alternate
2 elected a notice of his election. The certificate or roll of the
3 convention shall list the delegates and alternates elected at a
4 primary in the order of the votes received by each delegate or
5 alternate, with the delegate or alternate receiving the highest
6 number of votes listed first. Tie votes shall be indicated in a
7 manner prescribed by the state board of elections. If there
8 shall have been no contested election for alternates, the names
9 of the alternates shall appear on the certificate or roll in the
10 order in which their names appeared on the petition which
11 designated them.

12

13 § 9-202. Canvass of primary returns by state board of elections;
14 convention rolls

15

16 The state board of elections upon receipt by it from boards of
17 elections of the tabulated statements of votes at a primary
18 election required to be filed with it shall proceed forthwith to
19 canvass such statements. Upon the completion of the canvass it
20 shall make, certify and file in its office tabulated statements
21 of the number of votes cast for all the candidates for

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1 nomination to each public office or for election to each party
2 position, and the number of votes cast for each such candidate.
3 The candidate receiving the highest number of votes shall be the
4 nominee of his party for such office or shall be elected to such
5 party position, as the case may be, and the board, if requested,
6 shall furnish to the elected candidates a certificate
7 of election. From such certified statements of the votes for
8 delegates and alternates elected to a state or judicial district
9 convention of any party, other than a judicial district
10 convention in the first, second, eleventh, [and] twelfth, and
11 thirteenth judicial districts, the state board shall forthwith
12 compile the roll of each such convention in duplicate and
13 transmit it, if for a state convention, to the chairman and
14 secretary of the state committee of the party, and if for a
15 judicial district convention, to the chairman and secretary of
16 the committee which, by party rules, is empowered to fix the
17 time and place of the convention. The roll of the convention
18 shall list the candidates elected at a primary in the order of
19 the votes received by each candidate together with the number of
20 votes received by each such candidate. If there shall have been
21 no contested election for alternates, the names of the

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1 alternates shall appear on the roll in the order in which their
2 names appear on the petition which designated them. The state
3 board of elections shall transmit copies of the certified
4 statements of the votes for delegates and alternates to a
5 national convention of a party to the chairman and secretary of
6 the state committee of such party.

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

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER:

SPONSOR:

TITLE OF BILL: An act to amend Article 7 of the election law in relation to the form of ballots.

PURPOSE: This bill attempts to modernize and streamline the provisions relating to the form of the ballots as required by the recent transition to the use of optical scan voting systems throughout New York State.

SUMMARY OF PROVISIONS:

- Makes certain changes intended to increase the readability and usability of ballots. Specifically the bill removes the requirement to include images of a fist and the party emblem within the party name box when creating ballot layouts. In addition, it modifies the script font provisions to require a clearer, more readable font.
- Reworks the ballot instructions required to be placed on election day and absentee ballots. These modifications are an attempt to make the instructions more visible, readable and understandable. The bill also makes various modifications to the layout requirements to allow more use of the entire ballot space when designing the ballot layout.
- Clarifies that only those ballots provided by the Board of Elections shall be used as emergency ballots.
- Clarifies the provisions relating to the number of envelopes to be used in conjunction with all absentee ballots and specifies what information is to be contained thereon.
- Repeals those provisions of the law that authorize the use of ballot pasters.
- Updates the ballot inspection provisions.

JUSTIFICATION:

These changes will address a number of voter and election administrator concerns tracked in the State Board of Elections pilot project, and noted thereafter in the

monitoring of actual use of the optical scan voting systems which have replaced lever voting machines.

LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This bill shall take effect immediately.

1 **§ 7-100. Ballots; provision for**

2

3 Ballots shall be provided for every election at which public or party officers are to be
4 nominated or elected.

5

6

7 **§ 7-102. Ballot; placing names and ballot proposals thereon**

8

9 1. The names of all candidates and the form of submission of all duly certified ballot
10 proposals shall be printed upon the official ballot except that at a primary election, no
11 ballot proposals or names of candidates for uncontested offices or party positions shall
12 be printed upon the official ballot.

13

14 2. In the event that two or more persons with identical names are designated as
15 candidates for the same office or position at any primary election, a different number
16 shall be included with the name of every candidate for such office or position on such
17 ballot. Such number shall be in Arabic numerals and shall be placed at the beginning of
18 each such candidate's name. The board of elections with which the certificates or
19 petitions of designation for such candidates are filed shall determine such numbers by
20 lot not later than ten days after the last day to file such certificates or petitions upon at
21 least five days written notice by first class mail to each such candidate. Such notice shall
22 also contain information concerning the provisions of subdivision four of this section and
23 the deadlines for filing the information provided for in such subdivision four.

24

25 3. a. In the event that a candidate in a primary election believes that the name of another
26 candidate for the same office or position at such election is sufficiently similar to his or
27 hers so as to cause confusion among the voters, such candidate may, not later than five
28 days after the last day to file the certificates or petitions of designation, file with the board
29 of elections with which such certificates or petitions of designation are filed, a request
30 that such board determine that such a sufficient similarity exists.

31

32 b. The board of elections shall meet to hear arguments on, and make a determination
33 with respect to such a request, not later than seven days after the last day to make such
34 request, upon five days written notice by first class mail to every candidate for such

1 office or position. Such notice shall also contain information concerning the provisions of
2 subdivision four of this section and the deadlines for filing the information provided for in
3 such subdivision four.

4

5 c. If such board makes a determination that such a similarity exists, it shall forthwith
6 assign a different number, which it shall determine by lot, to be included with the name
7 of every candidate for such office or position on such ballot. Such number shall be in
8 arabic numerals and shall be placed at the beginning of each such candidate's name.

9

10 4. a. If such board assigns numbers to candidates' names pursuant to the provisions of
11 subdivision two or three of this section it shall also prepare for distribution at such
12 election, a leaflet which contains biographical information on each such candidate, on
13 one side of a single sheet of paper in the order of the numbers it has assigned to such
14 candidates. If such leaflet is published in a second language in addition to English, the
15 two language versions shall appear on opposite sides of the same sheet of paper. Such
16 biographical information may not exceed one hundred words and may only include such
17 candidate's name, address, present and past public offices held, present and past
18 occupations and employers, other public service experience, educational background
19 and organizational affiliations.

20

21 b. Each candidate for an office or position for which such numbers are assigned may file
22 with such board, not later than fourteen days after such determination, any or all of the
23 information permitted by paragraph a of this subdivision in the form in which such
24 candidate wishes such information to appear in such leaflet. If such board determines
25 that such filing does not comply with the requirements of this subdivision, it shall notify
26 such candidate forthwith by first class mail. Such candidate may file revised information
27 with such board not later than ten days after such notice was mailed. If a candidate does
28 not make a filing within the times prescribed by this paragraph, the words "no
29 information supplied" shall appear next to his or her name on such leaflet.

30

31 **§ 7-104. Ballots; form of, voting machine**

32

33 1. All ballots shall be printed and/or displayed in a format and arrangement, of such
34 uniform size and style as will fit the ballot frame, and shall be in as plain and clear a type

1 | or display as the space will reasonably permit, using only sans serif print fonts. Such
2 | type or display on the ballot shall satisfy all requirements and standards set forth
3 | pursuant to the federal Help America Vote Act.
4 |

5 | 2. The names of parties or independent bodies which contain more than fifteen letters
6 | may, whenever limitations of space so require, be printed on the ballot in an abbreviated
7 | form. In printing the names of candidates whose full names contain more than fifteen
8 | letters, only the surname must be printed in full. The officer or board charged with the
9 | duty of preparing the ballots shall request each such candidate to indicate, in writing, the
10 | shortened form in which, subject to this restriction, his or her name shall be printed. If no
11 | such indication is received from such candidate within the time specified in the request,
12 | such officer or board shall make the necessary determination.
13 |

14 | 3. (a) The party name or other designation, and a designating letter and number shall be
15 | affixed to the name of each candidate, or, in the case of presidential electors, to the
16 | names of the candidates for president and vice-president of such party.
17 |

18 | (b) The titles of offices may be arranged horizontally, with the names of candidates for
19 | an office and the slot or device for write-in ballots for such office arranged vertically
20 | under the title of the office, or the titles of offices may be arranged vertically, with the
21 | names of candidates for an office and the slot or device for write-in ballots for such office
22 | arranged horizontally opposite the title of the office.
23 |

24 | (c) Each office shall occupy as many columns or rows on the official ballot machine as
25 | the number of candidates to be elected to that office.
26 |

27 | 4. (a) The names of all candidates nominated by any party or independent body for an
28 | office shall always appear in the row or column containing generally the names of
29 | candidates nominated by such party or independent body for other offices except as
30 | hereinafter provided.
31 |

32 | (b) When the same person has been nominated for an office to be filled at the election
33 | by more than one party, the voting machine shall be so adjusted that his *or her* name

1 shall appear in each row or column containing generally the names of candidates for
2 other offices nominated by any such party.

3

4 (c) If such candidate has also been nominated by one or more independent bodies, his
5 *or her* name shall appear only in each row or column containing generally the names of
6 candidates for other offices nominated by any such party and the name of each such
7 independent body shall appear in one such row or column to be designated by the
8 candidate in a writing filed with the officer or board charged with the duty of providing
9 ballots, or if such person shall fail to so designate, the names of such independent
10 bodies shall appear in such row or column as such officer or board shall determine.

11

12 (d) If any person shall be nominated for any office by one party and two or more
13 independent bodies his or her name shall appear on the voting machine twice; once in
14 the row or column containing generally the names of candidates for other offices
15 nominated by such party, and once in the row or column containing generally the names
16 of candidates nominated by the independent body designated by such person in a
17 writing filed with the officer or board charged with the duty of providing ballots and in
18 connection with the name of such person in such row or column shall appear the name
19 of each independent body nominating him *or her* or, if such person shall fail to so
20 designate, the name of such candidate and the names of such independent bodies shall
21 appear in such row or column as such officer or board shall determine.

22

23 (e) If any person is nominated for any office only by more than one independent bodies,
24 his *or her* name shall appear but once upon the machine in one such row or column to
25 be designated by the candidate in a writing filed with the officer or board charged with
26 the duty of providing ballots, or if the candidate shall fail to so designate, in the place
27 designated by the officer or board charged with the duty of providing ballots, and in
28 connection with his or her name there shall appear the name of each independent body
29 nominating him or her, but, where the capacity of the machine will permit, the name of
30 such person shall not appear or be placed in a column or on a horizontal line with the
31 names of persons nominated by a party for other offices.

32

33 5. Notwithstanding the provisions of subdivision four of this section, the name of a
34 person who is nominated for the office of governor, or state senator, or member of

1 assembly, shall appear on the ballot as many times as there are parties or independent
2 bodies nominating him or her, and there shall be a separate voting and registering
3 device at each place in which such name shall appear.

4

5 6. If any type of machine used in any county or city contains any feature, the use of
6 which is neither required nor prohibited by the provisions of this chapter, the board of
7 elections may, by resolution, require that one or more of such features shall be used in
8 such county. Thereafter all machines of such type used in such county or city shall be
9 operated in conformity with any such resolution. Any such resolution may thereafter be
10 rescinded by such board and after being so rescinded may be re-adopted. Once re-
11 adopted by any board of elections, such a resolution may not be rescinded again by
12 such board.

13

14 7. The ballot shall have printed upon it in black ink for each party or independent row, at
15 the head of the column or the beginning of the row, containing the names of candidates,
16 ~~the image of an arrow, or a closed fist with index finger extended pointing to the party or~~
17 ~~independent row. In the same space,~~ in black letters as large as the space will permit,
18 ~~shall be printed~~ the name of the party or independent body, ~~and at the right of the fist~~
19 ~~and below the index finger shall be printed in black ink the emblem~~ and the designating
20 letters of the row or column.

21

22 8. With respect to candidates for the offices of governor and lieutenant governor of a
23 party or independent body, ballots shall be printed so that the names of such candidates
24 for both offices shall appear in the same row or column, with the name of the candidate
25 for governor appearing first and the *ballot* shall be so adjusted that both offices are voted
26 for jointly and have but one designating letter or number.

27

28 **§ 7-106. Election day paper ballots; form of**

29

30 1. Paper ballots which are to be counted by a ballot scanner may consist of two or more
31 sheets which are divided into perforated sections which can be separated at the time the
32 ballot is scanned. Such ballots shall be printed on paper of a quality, size, color, and
33 weight approved by the state board of elections.

34

1 2. All paper ballots of the same kind for the same polling place shall be identical. A
2 different, but in each case uniform style and size of sans serif type, shall be used for
3 printing the names of candidates, the titles of offices, political designations, and the
4 reading form of all questions submitted. The names of candidates shall be printed using
5 standard capitalization in capital letters in black-faced type.
6

7 3. Each ballot shall be printed on the sheet with a stub which shall be separated
8 therefrom by a line of perforations extending across the entire ballot. On the face of the
9 stub shall be printed "No." the blank to be filled with consecutive number of ballots
10 beginning with "No. 1", and increasing in regular numerical order.
11

12 4. On such ballot, shall be printed the following endorsement, the blanks properly filled
13 in:

14 Official Ballot for (General, Primary or Special, as applicable) Election County of
15 (Assembly or Legislative, as applicable) District
16 (Ward and City or Town, as applicable) Election District
17 (Insert date of election.) (Insert names of election commissioners providing
18 the ballot.)
19

20 5. A. The following ballot instructions shall be printed in as large a sans serif font size
21 as possible heavy black type:
22

23 INSTRUCTIONS

24 (1) To vote for a candidate or proposal, use the marker provided and fill in the Mark only
25 with a writing instrument provided by the board of elections.

26 ~~(2) To vote for a candidate whose name is printed on this ballot fill in the (insert oval or~~
27 ~~square, as applicable) like this: above or next to the name of the candidate. (insert~~
28 ~~example of properly marked voting position)~~

29 (2.) Vote only for the maximum number of candidates for each office, as appears at the
30 (insert 'top of column' or 'beginning of row') for that office.

31 (3) ~~To vote for a person whose name is not printed on the is ballot write or stamp his or~~
32 ~~their name in the space labeled-"write-in" space at the (insert 'bottom of the column' or~~
33 ~~'end of the row' as applicable) for that office. If the voting system so requires, add 'and~~
34 ~~fill in the corresponding (insert oval or square, as applicable). that appears (insert at the~~

~~bottom of the column, the end of the row or at the bottom of the candidate names, as applicable) for such office (and, if required by the voting system in use at such election, the instructions shall also include "and fill in the (insert oval or square, as applicable) corresponding with the write-in space in which you have written in a name")-office.~~

(4) If you make a mistake, an erasure, tear the ballot or want to change your vote, return your ballot to an inspector, and receive a new one. To vote yes or no on a proposal if any, that appears on the (indicate where on the ballot the proposal may appear) fill in the (insert oval or square, as applicable) that corresponds to your vote.

(5) Any other mark or writing, or any erasure made on this ballot outside the voting squares or blank spaces provided for voting will void this entire ballot.

(6) Do not overvote. If you select a greater number of candidates than there are vacancies to be filled, your ballot will be void for that public office, party position or proposal.

~~(7) If you tear, or deface, or wrongly mark this ballot, return it and obtain another. Do not attempt to correct mistakes on the ballot by making erasures or cross-outs. Erasures or cross-outs may invalidate all or part of your ballot. Prior to submitting your ballot, if you make a mistake in completing the ballot or wish to change your ballot choices, you may obtain and complete a new ballot. You have a right to a replacement ballot upon return of the original ballot.~~

~~(8)~~ (5) After completing your ballot, insert it into the ballot scanner and wait for the notice that your ballot has been successfully scanned. If no such notice appears, ask seek the assistance of an election inspector for help.

B. If ballot propositions or questions may appear on the reverse side of the ballot, indicate where on the ballot they appear. however if the ballot is so configured, instructions shall include the phrase 'Ballot propositions or questions are on the (insert front or back) on the back of this ballot'.

B.6. The instructions in subdivision five of this section may be printed on the front or back of the ballot or on a separate sheet or card. If such instructions are not printed on the front of the ballot, there shall be printed on the ballot, in the largest size type for which there is room, the following legend: "See instructions on the other side" or "See enclosed instructions", whichever is appropriate.

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C7. Each such ballot shall be printed in sections in which the candidates' names, and political designations, the ballot proposals and other requisite matter shall each be boxed in by heavy black *perpendicular* lines of equal width. In each such section shall be voting ovals or squares which voters may fill in. If applicable, ovals or squares shall be provided next to the blank spaces provided for a voter to write in a name.

D.8. The space for the title of an office ~~shall be three-eighths of an inch,~~ and the name of a candidate or for writing in a name, shall be uniform in size and shall be as large as the ballot frame shall permit, one-fourth of an inch, in depth. ~~At the left of the name of each designated candidate shall be an enclosed voting space shall appear immediately next to, above or below the name of the candidate, three-eighths of an inch in width and approximately one-fourth of an inch in depth, bounded above, below and to the right by black lines, heavier than those which separate the spaces containing the names of candidates. Contests shall be separated one from another by a distinct black line. To the left of voting spaces which do not adjoin a vertical line dividing two parts, there shall be a heavy black vertical line approximately one-eighth of an inch in width.~~ No voting space shall be provided in the space for writing in names unless required by the voting system itself. ~~In such case, the space corresponding to a voting space shall be all black.~~

E.
9. ~~Below or after the names of the candidates for each office or position~~ There shall be printed as many blank spaces, for writing in names of persons for whom the voter desires to vote, as there are persons to be nominated or elected.

F10. In case the sections shall be so numerous as to make the ballot unwieldy if they are printed in one column, they may be printed in as many columns as shall be necessary, and in that case, in order to produce a rectangular ballot, blank sections may be used.

G14. The names of parties or independent bodies which contain more than fifteen letters may, whenever limitations of space so require, be printed on the ballot in an abbreviated form. In printing the names of candidates whose full names contain more than fifteen letters, only the surname must be printed in full. The officer or board charged with the

1 duty of preparing the ballots shall request each such candidate to indicate, in writing, the
2 shortened form in which, subject to this restriction, his or her name shall be printed. If no
3 such indication is received from such candidate within the time specified in the request,
4 such officer or board shall make the necessary determination. ~~No emblem shall occupy~~
5 ~~a space longer in any direction than the voting square to which it relates.~~
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8 **§ 7-108. Ballots; form for elections**
9

- 10 1. Upon ballots for a general election, the offices shall be listed in the customary order.
11
12 2. If two or more candidates are nominated for the same office for different terms, the
13 term for which each is nominated shall be printed as a part of the title of the office.
14
15 3. ~~For in every contest including those instance~~ where multiple casting of votes is
16 permitted for two or more candidates for the same office or position, the instruction on
17 the ballot or machine shall read "Vote for any one" or "Vote for any", (the blank
18 space to be filled with the number of persons to be nominated for the office or elected to
19 the position).
20

21 **§ 7-110. Ballots; form for ballot proposals**
22

23 Ballot proposals shall appear on the official voting machine or ballot in a separate
24 section. At the left of, or below or above, each proposal shall appear ~~two voting levers or~~
25 two voting position squares, each at least one-half inch square. Next to the first ~~lever or~~
26 voting position square shall be printed the word "Yes," and next to the second ~~lever or~~
27 voting position square shall be printed the word "No." The proposals shall be numbered
28 consecutively on the official voting machine or ballot. The number of each proposal shall
29 appear in front of its designation as an amendment, proposition or question in the
30 following form: "Proposal one, an amendment; proposal two, a proposition; proposal
31 three, a question".
32

33 **§ 7-114. Ballots; form for primary election**
34

1 1. (a) ~~On the face of the official ballot for a primary election, contests and shall be~~
2 ~~divided into parts. Descriptive words to indicate the purpose of each part shall be printed~~
3 ~~at its head. Beginning at the left or top, the first part shall be entitled, and shall be for "~~
4 ~~c~~Candidates for nomination for public office ~~shall appear first, followed by contests and~~
5 ~~". The second part shall be entitled, and shall be for "C~~candidates for party positions."
6 ~~When necessary, a part may be divided into two or more columns or rows, but _T~~the
7 names of all persons designated for the same office or party position shall be in the
8 same column or row.

9
10 ~~(b) In each part shall be printed the titles of the offices or party positions, as the case~~
11 ~~may be, for which the part is to be used, and under each such title shall be printed the~~
12 ~~names of the designated candidates for the office or position.~~

13
14 (c) Where a candidate for nomination for the same public office or for election to the
15 same party position is designated by two or more petitions, his or her name shall be
16 placed upon the ballot for the primary election but once as such a candidate.

17
18 (d) The ballot shall not contain a space for voting for candidates for uncontested offices
19 and positions, and no ballot shall be printed for a party whose primary is uncontested
20 unless a petition for opportunity to ballot has been filed.

21
22 2. (a) The paper ballot for a primary election shall conform to the form for paper ballots
23 set forth in this article with respect to quality and weight of paper, perforated line, and
24 number on the stub on the ~~back of the~~ ballot.

25
26 ~~(b) On the back of the paper ballot, on the stub, immediately below the number, shall be~~
27 ~~the name of the party. On the back of the ballot and below the stub, and immediately~~
28 ~~to the left of the center of the ballot, and on the front of the ballot, below the perforated~~
29 ~~line, shall be printed, in addition to the other information required for paper ballots, the~~
30 ~~name and emblem of the party and the words "Official primary ballot."~~

31
32 ~~(c) On the front of the stub, above the perforated line at the top of the paper ballot shall~~
33 ~~be printed the same instructions as on the general election ballot.~~

34

1 ~~(d) The parts of the paper ballot below such heavy black horizontal line shall be~~
2 ~~separated by a heavy black vertical line or lines, one-fourth of an inch in width.~~
3 ~~Descriptive words to indicate the purpose of each part shall be printed at its head, below~~
4 ~~the heavy black horizontal line. Immediately below such captions shall be printed two~~
5 ~~light parallel horizontal lines approximately one-sixteenth of an inch apart, extending~~
6 ~~across each part.~~

7
8 (e) The names of candidates on paper ballots shall be numbered with arabic numerals
9 printed in heavy faced type beginning with "one" for the first candidate named in the
10 first part and continuing in numerical order to and including the last candidate named in
11 the last part, except that where two or more candidates are to be elected to a party
12 position, the names of candidates designated by each petition shall be grouped, and
13 each group shall have but one number, which shall be printed opposite the approximate
14 center of the group.

15
16 (f) The number of a candidate shall be printed on the paper ballot between the voting
17 space and the name of the candidate. Each group shall have a bracket embracing the
18 names in the group.

19
20 (g) Spaces containing names of candidates and for writing in names, and intervening
21 spaces on the paper ballot, shall be separated by light horizontal lines. Names of
22 candidates shall be uniformly printed using standard capitalization and sans serif fonts in
23 a font size as large as the ballot frame will permit, ~~in capital letters not less than one-~~
24 ~~eighth nor more than three-sixteenths of an inch in height.~~

25
26 (h) The paper ballots of no two parties shall be identified by the same color or color
27 markings, and the state board of elections shall select the color for each new party. The
28 state board of elections, ~~and shall include with the board's ballot certification not later~~
29 ~~than twelve weeks before a primary election, shall transmit to each board of elections a~~
30 certificate stating the colors so selected.

31
32 3. Notwithstanding any other provision of this chapter, in any county where the board of
33 elections deems it necessary, due to reasons of ballot configuration and in order to
34 efficiently administer the election, the ballot in a primary election:

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(a) shall provide a slot or device to permit voters to write-in the name of an undesignated person with respect to each contested nomination for public office or party position; and

(b) shall provide a slot or device to permit voters to write-in the name of an undesignated person with respect to only such election for party position for which a valid petition for an opportunity to ballot has been filed.

§ 7-116. Ballots; order of names on

1. In printing the names of candidates on the ballot, the candidate or candidates of the party which polled for its candidate for the office of governor at the last preceding election for such office the highest number of votes, shall be row or column A or one and the candidates of the other parties shall be placed on such ballot in descending order of such votes.

2. The officer or board who or which prepares the ballot shall determine the order in which shall appear, below the names of party candidates the nominations made only by independent bodies. Such officer or board also shall determine the order in which shall be printed, in a section of such ballot the names of two or more candidates nominated by one party or independent body, for an office to which two or more persons are to be elected; provided, however, that any such candidate may, by a writing filed with such board or officer not later than one week after the adjournment of the convention or one week after the primary election nominating him or her, or otherwise not later than two days after the filing of the petition or certificate nominating him or her, demand that such order be determined by lot, and in that case such order shall be so determined, upon two days notice by mail given by such board or officer to each candidate for such office. The state board of elections shall perform the duties required by this subdivision in all cases affecting nominations filed in its office.

3. The officer or board with whom or which are filed the designations for a public office or party position shall determine by lot, upon two days notice by mail given by such board or officer to each candidate for such office or position and to the committee, if any, named in the designating petition, the order in which shall be printed on the official

1 primary ballot, under the title of the office or position, the names of candidates for public
2 office, the names of candidates for a party position to which not more than one person is
3 to be elected, and the groups of names of candidates for party position where two or
4 more persons are to be elected thereto and any petition designates two or more persons
5 ~~therefor~~therefore, provided, however, that whenever groups of names for more than one
6 party position are designated by the same petition, the order in which they shall be
7 printed on the official primary ballot shall be determined by a single lot. Candidates for
8 ~~delegate(s) or delegates~~ and alternate delegate(s) ~~or delegates to~~ conventions
9 designated by the same petition shall, for the purpose of this subdivision, be treated as
10 one group. The names of candidates, if any, for a party position to which two or more
11 persons are to be elected, who are designated by individual petitions and not in a group
12 shall be printed below such group or groups, in such order between themselves, as such
13 officer or board shall determine by lot upon the notice specified in this subdivision. The
14 names within a group of candidates designated for party position by one petition shall be
15 printed in the same order in which they appear in the petition, unless they appear in a
16 different order on different pages of the petition, in which case their order within the
17 group shall be determined by such officer or board by lot upon the notice specified in this
18 subdivision. Candidates for members of a state committee designated by a single
19 petition shall, for the purposes of this subdivision, be treated as one group. However, the
20 notice to a committee of the drawing need not be mailed to more than five members, if
21 there be
22 that many, and as to offices or party positions for which designating petitions are filed
23 with the board of elections of the city of New York the notice shall be given to the
24 committees only.

25
26 3-a. The state board of elections shall prescribe the method, or two or more alternative
27 methods, for making the determinations by lot required by subdivisions two and three of
28 this section. Each county board of elections shall adopt one of such methods at least
29 ninety days before any election to which such method shall apply.

30
31 4. If a vacancy in a designation or nomination be filled after the making, in the manner
32 provided in this section, of a determination of the order in which the names of candidates
33 for the office or position are to be printed, the name of the candidate designated or
34 nominated to fill such vacancy shall be printed in the place so determined for the original

1 | candidate provided such placement is consistent with the previous requirements for
2 | ballot construction in this article.
3 |

4 | 5. The titles of public offices shall appear on ballots for primary elections in the same
5 | consecutive order that they will appear on the general election ballot. The titles of the
6 | party positions shall appear in the following order: member of state committee, assembly
7 | district leader, associate assembly district leader, members of county committee in the
8 | city of New York, delegate or delegates to conventions, alternate delegate or delegates
9 | to conventions, and members of county committee in counties outside of the city of New
10 | York. Where, pursuant to the rules of the county committee, the party position involved
11 | is that of assembly district leader or associate assembly district leader for a part of an
12 | assembly district, such part shall be so indicated in the office title on the ballot.
13 |

14 | 6. In the city of New York, the ballot on the voting machine for primary elections shall
15 | conform to the following additional provisions: The names of the candidates designated
16 | for such public office or party position in the primary of a party shall be placed under the
17 | title of the office or position in the alphabetical order of their surnames, in the first or
18 | lowest numbered assembly district and election district of any political unit or subdivision
19 | within a county. If candidates' surnames are identical, their given or first name shall
20 | determine their order. Thereafter the names shall be rotated by election districts by
21 | transposing the first named candidate to the bottom of the order at each succeeding
22 | election district, so that each name shall appear first and in each other position in an
23 | equal number, as nearly as possible, of the election districts and except, further, that
24 | where two or more candidates are to be elected to the same party position, the names of
25 | candidates for such a position which appear on the same designating petition shall be
26 | grouped together on the ballot in the order in which their names appear on the
27 | designating petition and the group rotated alphabetically in relation to other groups or
28 | individual candidates according to the surname of the first person on the designating
29 | petition of such group. Groups of candidates for delegate and alternate delegate, and
30 | groups of candidates for male and female delegate and male and female alternate
31 | delegate to the same convention designated on the same petition shall be rotated
32 | together alphabetically in relation to other groups or individual candidates according to
33 | the surname of the first person listed on such designating petition in the group of
34 | candidates for whichever of such delegate or alternate delegate positions will appear

1 first on the voting machine. If the rules of a party committee provide for equal
2 representation of the sexes among the members of a state committee elected from each
3 unit of representation, elections for male and female members of such a committee from
4 a single unit of representation shall be conducted as elections for two different party
5 positions. Notwithstanding the provisions of this paragraph, if the board of elections has
6 assigned numbers to the candidates for an office or position because of identical or
7 similar names among such candidates, the names of such candidates shall be placed
8 under the title of such office or position in the order of such numbers in such first or
9 lowest numbered district, and the names shall not be rotated by election district. Such
10 names shall appear in the identical order on each ballot in each election district. County
11 committee candidates or groups of candidates shall be printed within the first election
12 district of each assembly district or part thereof, according to the priority of filing of
13 designating petitions and they shall then be rotated by election district by placing the
14 candidate or group of candidates designated in the same petition as the candidate or
15 group of candidates which was printed first in an election district at the bottom of the
16 order in the next succeeding election district in which a candidate or group of candidates
17 designated in such petition appears on the ballot. In cases where a name is added to or
18 removed from the ballot by court order too late to make a complete adjustment to these
19 requirements feasible, the name may be added at the bottom of the list of candidates in
20 all election districts, or removed from the ballot in all election districts without changing
21 the previously arranged order of other names and without invalidating the election. Any
22 inadvertent error in the order of names discovered too late to correct the order of the
23 names on the ballots concerned shall not invalidate an election. Except where a contest
24 or candidate is removed from the ballot by court order too late to make complete
25 compliance with this paragraph feasible, the title of each public office or party position
26 and the names of the candidates for such office or position appearing on any voting
27 machine used for primary elections in the city of New York shall appear on such
28 machine immediately adjacent to one another, either horizontally or vertically; and no
29 blank spaces shall separate the names of candidates actually running for an office or
30 party position on such voting machine, and no blank spaces shall separate any two such
31 offices or positions which appear on such voting machine in the same column or row.

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§ 7-118. Ballots; facsimile and sample

1 The board of elections shall provide facsimile and sample ballots which shall be
2 arranged in the form of a diagram showing such part of the face of the voting machine as
3 shall be in use at that election. Such facsimile and sample ballots shall be either in full or
4 reduced size and shall contain suitable illustrated directions for voting on the voting
5 machine. Such facsimile ballots shall be mounted and displayed for public inspection at
6 each polling place during election day. Sample ballots may be mailed by the board of
7 elections to each eligible voter at least three days before the election, or in lieu thereof, a
8 copy of such sample ballot may be published at least once within one week preceding
9 the election in newspapers representing the major political parties. One copy of such
10 facsimile shall be sent to each school in the county, providing the ninth through the
11 twelfth years of compulsory education, and in the city of New York to each such school
12 in the city of New York, at least one week before each general election for posting at a
13 convenient place in such school. The board of elections shall also send a facsimile ballot
14 to any other school requesting such a ballot.

15

16 **§ 7-120. Ballots; emergency use, to be furnished**

17

18 1. If any voting machine for use in any election shall become out of order during an
19 election it shall, if possible, be repaired or another machine substituted as promptly as
20 possible. In case such repair or substitution cannot be made, emergency ballots, printed
21 or written, and of any suitable form, shall be provided by the board of elections and may
22 be used for the taking of votes.

23

24 2. If the official ballots for an election district shall not be delivered within the time
25 necessary to open the polls, or shall be lost, destroyed or stolen, or if the supply of
26 official ballots shall be exhausted before the polls are closed, the board of elections, or
27 at its direction, the town or city clerk, or the election inspectors of such district, shall
28 cause emergency ballots to be prepared, printed or written, as nearly in the form of the
29 official ballots as practicable. The inspectors shall use the ballots so substituted in the
30 same manner, as near as may be, as the official ballots.

31

32 3. It shall be the duty of each board of elections to cause a sufficient number of
33 emergency ballots to be placed at each polling place in which voting machines are used
34 to be employed in the event the voting machines break down. At any time during the

1 hour succeeding a breakdown, the inspectors of election may use such emergency
2 ballots, and if such breakdown lasts more than one hour, such emergency ballots must
3 be used. The sample ballots may be used for this purpose in full or reduced size.

4

5 **§ 7-121. Ballots which are counted by machine**

6

7 All ballots printed for use on a voting system approved by the state board of elections
8 may be printed and arranged in a manner which would permit them to be counted by
9 such machine.

10

11 **§ 7-122. Ballots; absentee voters**

12

13 1. (a) Ballots for absentee voters shall be, as nearly as practicable, in the same form as
14 those to be voted in the district on election day, if any, except that ballots for primary
15 elections shall omit the party position of ward, town, city or county committee and except
16 further that such ballots need not have a stub, and shall have the words "Absentee
17 Ballot" endorsed thereon.

18 (b) The names of candidates upon the ballot shall be printed in appropriate sections,
19 with titles of offices, section numbers, ~~emblems~~, voting position squares, names of
20 parties and political organizations and blank spaces for writing in names of persons not
21 printed on the ballot. Except as to the spacing, such ballot shall be printed wherever
22 applicable substantially as follows:

23 (c) The endorsement shall be printed *and properly filled in*:

24 *Official Ballot for (General, Primary or Special, as applicable) Election*

25 *County of (Assembly or Legislative, as applicable)*

26 *District (Ward and City or Town, as applicable)*

27 *Election District*

28 *(Insert date of election.) Insert names of election commissioners providing the ballot.)*

29 (d) On the front of the ballot *prepared for counting by hand*, shall be printed in heavy
30 black type the following instructions:

31 INSTRUCTIONS

32 1. ~~Mark in pen or pencil.~~

1 12. To vote for a candidate or proposal ~~whose name is printed on this ballot,~~ use a pen or
2 pencil and make a single cross X mark or a single check _ mark in the voting square
3 corresponding to ~~above~~ the name of the candidate.

4 2. Vote only for the maximum number of candidates for each office, as appears at the
5 (insert 'top of column' or 'beginning of row') for that office.

6 3. To vote for a person whose name is not ~~printed~~ on this ballot write or stamp *his or her*
7 name in the space *that* appears at the (insert 'bottom of the column' or the 'end of the
8 row' as applicable

9 ~~(indicate where on the ballot the write-in space appears)~~ *containing the title of office.*

10 ~~4. To vote on a proposal make a cross X mark or a check _ mark in one of the squares~~
11 ~~contained in the box setting forth such proposal.~~

13 45. Any other mark or writing, or any erasure made on this ballot outside the voting
14 squares or blank spaces provided for voting will void this entire ballot.

15 56. Do not overvote. If you select a greater number of candidates than there are
16 vacancies to be filled, your ballot will be void for that public office, party position or
17 *proposal.*

18 7. If you make a mistake, an erasure, tear the ballot or want to change your vote ~~tear, or~~
19 ~~deface, or wrongly mark this ballot,~~ prior to submitting your ballot, call the board of
20 elections at (Insert phone number here) for instructions on how to obtain a new ballot.

21 ~~Do not attempt to correct mistakes on the ballot by making erasures or cross-outs.~~
22 ~~Erasures or cross-outs may invalidate all or part of your ballot. Prior to submitting your~~
23 ~~ballot, if you make a mistake in completing the ballot or wish to change your ballot~~
24 ~~choices, you may obtain and complete a new ballot.~~ You have a right to a replacement
25 ballot upon return of the original ballot.

26

27 2. The following provisions shall apply to all absentee ballots prepared for counting by a
28 ballot *scanner* and all other provisions of this chapter not inconsistent with this
29 subdivision shall be applicable to such ballots:

30

31 ~~(a) The party emblem need not be printed next to the name of each candidate.~~

32 ~~(ab)~~ The ballot proposals may be on the back of the ballot, or on a separate ballot.

33 ~~(bc)~~ The printed instructions to the voter shall read as follows:

34 INSTRUCTIONS

- 1 | ~~1. Mark only with a pen or pencil.~~
- 2 | ~~2. To vote for a candidate whose name is or proposal printed on this ballot, use a pen or~~
- 3 | ~~pencil and fill in the~~
- 4 | ~~(insert oval or square, as applicable) like this: (insert example of properly marked voting~~
- 5 | ~~position).~~
- 6 | ~~above or next to the name of the candidate.~~
- 7 | ~~2. Vote only for the maximum number of candidates for each office as appears at the~~
- 8 | ~~(insert 'top of column' or 'beginning of row') for that office.~~
- 9 | ~~3. To vote for a person whose name is not printed on this ballot, write or stamp his or her~~
- 10 | ~~name in the space labeled "write-in" that appears (insert at the (insert 'bottom of the~~
- 11 | ~~column' or 'the end of the row', as applicable) containing the title of the office and, if~~
- 12 | ~~required by the voting system so requires, add in use at such election, the instructions~~
- 13 | ~~shall also include "and fill in the (insert oval or square, as applicable) corresponding with~~
- 14 | ~~the write-in space in which the voter has written a name."~~
- 15 | ~~4. To vote yes or no on a proposal, if any, that appears on the (indicate where on the~~
- 16 | ~~ballot the proposal may appear) fill in the (insert oval or square, as applicable) that~~
- 17 | ~~corresponds to your vote.~~
- 18 | ~~45. Any other mark or writing, or any erasure made on this ballot outside the voting~~
- 19 | ~~squares or blank spaces provided for voting will void this entire ballot.~~
- 20 | ~~56. Do not overvote. If you select a greater number of candidates than there are~~
- 21 | ~~vacancies to be filled, your ballot will be void for that public office, party position or~~
- 22 | ~~proposal.~~
- 23 | ~~7. If you make a mistake, an erasure, tear the ballot or want to change your vote, prior to~~
- 24 | ~~submitting your ballot, or deface, or wrongly mark this ballot, call the board of elections~~
- 25 | ~~at (Insert phone number here) for instructions on how to obtain a new ballot. Do not~~
- 26 | ~~attempt to correct mistakes on the ballot by making erasures or cross-outs. Erasures or~~
- 27 | ~~cross-outs may invalidate all or part of your ballot. Prior to submitting your ballot, if you~~
- 28 | ~~make a mistake in completing the ballot or wish to change your ballot choices, you may~~
- 29 | ~~obtain and complete a new ballot. You have a right to a replacement ballot upon return~~
- 30 | ~~of the original ballot.~~
- 31 |
- 32 | ~~(c) If ballot propositions or questions appear on the ballot, indicate where on the ballot~~
- 33 | ~~they appear. Instructions shall include the phrase 'Ballot propositions or questions are~~
- 34 | ~~on the (insert front or back) of this ballot'.~~

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(d) Such instructions may be printed on the front or back of the ballot or on a separate sheet or card. If such instructions are not printed on the front of the ballot, there shall be printed on the ballot, in the largest size type for which there is room, the following legend: " See instructions on other side" or "See enclosed instructions", whichever is appropriate.

(e) Such ballots which are to be counted by a ballot scanner may consist of two or more sheets, which are divided into perforated sections which can be separated at the time of canvassing.

The determination of the appropriate county board of elections as to the candidates duly designated or nominated for public office or party position whose name shall appear on the absentee ballot and as to ballot proposals to be voted on shall be made no later than the day after the state board of elections issues its certification of those candidates to be voted for at the general, special or primary election. The determinations of the state board of elections and the respective county boards of elections shall be final and conclusive with respect to such offices for which petitions or certificates are required to be filed with such boards, as the case may be but nothing herein contained shall prevent a board of elections, or a court of competent jurisdiction from determining at a later date that any such certification, designation or nomination is invalid and, in the event of such later determination, no vote cast for any such nominee by any voter shall be counted at the election.

5. There shall be three envelopes for each absentee ballot issued by mail; the inner affirmation envelope into which a voter places his or her voted ballot, - In addition to the outer envelope which shall be addressed to the absentee voter, and the mailing envelope which is addressed to the county board of elections. The board of elections

shall furnish with each absentee ballot an *inner affirmation* envelope. On one side of the envelope shall be printed:

OFFICIAL ABSENTEE BALLOT for GENERAL (OR PRIMARY OR SPECIAL) ELECTION.....,
20...
Name of voter
Residence (street and number if any)

- 1 City/or town of (village, if any)
- 2 County of
- 3 Assembly district.....
- 4 Legislative district (as applicable)
- 5 Ward (as applicable)
- 6 Election District
- 7 Party Enrollment (in case of primary election)

8

9 6. The date of the election, name of the county, and name of a city, if there be a
 10 separate ballot for city voters, shall be printed, and the name of the voter, residence,
 11 number of the assembly district, if any, name of town, number of ward, if any, election
 12 district and party enrollment, if required, shall be either printed or written or stamped in
 13 by the board.

14

15 | 7. There shall also be a place for two board of elections staff members ~~inspectors~~ of
 16 opposite political parties to indicate, by placing their initials thereon, that they have
 17 checked and marked the voter's poll record.

18

19 8. On the reverse side of such *inner affirmation* envelope shall be printed the following
 20 statement:

21 **STATEMENT OF ABSENTEE VOTER**

22 I do declare that I am a citizen of the United States, that I am duly registered in the
 23 election district shown on the reverse side of this envelope and I am qualified to vote in
 24 such district; that I will be unable to appear personally on the day of the election for
 25 which this ballot is voted at the polling place of the election district in which I am a
 26 qualified voter because of the reason given on my application heretofore submitted; that
 27 I have not qualified nor do I intend to vote elsewhere, that I have not committed any act
 28 nor am I under any impediment which denies me the right to vote. I hereby declare that
 29 the foregoing is a true statement to the best of my knowledge and belief, and I
 30 understand that if I make any material false statement in the foregoing statement of
 31 absentee voter, I shall be guilty of a misdemeanor.

32 Date20.....

33 Signature or mark of voter
 34

35 | Signature of Witness (required only if voter does not sign his or her own name)

1
2

3 Address of Witness

4

5 9. The *inner affirmation* envelope shall be gummed, ready for sealing, and shall have
6 printed thereon, on the side opposite the statement, instructions as to the duties of the
7 voter after the marking of the ballot, which instructions shall include a specific direction
8 stating when such *ballot* must be postmarked and when such *ballot* must reach the office
9 of the board of elections in order to be canvassed.

10

11 10. Each inner affirmation ballot envelope shall be enclosed in an *outer* envelope
12 addressed to the *appropriate* board of elections and bearing *on it* a specific direction that
13 if an *original* application for an absentee ballot is received with the ballot, such
14 application must be completed by the voter and returned in *the outer* envelope together
15 with the *sealed inner affirmation* envelope containing the absentee ballot *within the time*
16 *limits for receipt of the absentee ballot itself*. Such *inner affirmation envelope and outer*
17 *envelope* shall be enclosed in thea third envelope addressed to the absentee voter. The
18 *outer* and third envelopes shall have printed on the face thereof the words "Election
19 Material— Please Expedite".

20

21 **§ 7–123. Ballots; military voters**

22

23 1. The state board of elections, after conferring with federal authorities, if any, authorized
24 to act, shall prescribe the form and cause to be printed by the appropriate boards of
25 elections or otherwise sufficient ballots for military voters to be used at the election,
26 subject to the following limitations:

27

28 2. The ballots for military voters shall be the same form as those to be voted by
29 absentee voters in the election district of the military voter on election day. Any
30 instructions that the state board of elections deems pertinent shall accompany such
31 ballots but shall not be affixed thereto in any manner so as to leave any marks on such
32 ballots not found on absentee ballots.

33

34 3. There shall be three envelopes for each military absentee ballot issued, when the
military voter's preferred method of transmission is 'by mail';- the inner affirmation

1 envelope into which a voter places his or her voted ballot, the outer envelope which
2 shall be addressed to the absentee voter, and the mailing envelope which is addressed
3 to the county board of elections. The board of elections shall furnish an inner
4 affirmation envelope with each military ballot upon which *envelope* shall be printed:
5

6 **BALLOT FOR MILITARY VOTER**

7 **AFFIRMATION**

8 *I swear or affirm that:*

9 *(a) I am a member of the uniformed services or merchant marine on active duty or an*
10 *eligible spouse, parent, child or dependent of such a member, and*
11

12 *(b) I am a United States citizen, at least eighteen years of age (or will be by the day of*
13 *the election), eligible to vote in the requested jurisdiction, and*
14

15 *(c) I have neither been convicted of a felony or other disqualifying offense nor been*
16 *adjudicated mentally incompetent, or if so, my voting rights have been reinstated,*
17 *and*
18

19 *(d) I am not registering, requesting a ballot, or voting in any other jurisdiction in the*
20 *United States, and*
21

22 *(e) My signature and date below indicate when I completed this document, and*
23

24 *(f) The information on this form is true and complete to the best of my knowledge.*
25 *I understand that a material misstatement of fact in the completion of this document may*
26 *constitute grounds for conviction of a crime.*

27 *Date ----- 20-----*

28 *Signature or mark of voter*

29 *-----*

30 *Signature of Witness (required only if voter does not sign his or her own name)*

31 *-----*

32 *Address of Witness*

33

34 **4. On the reverse side of the *inner affirmation* envelope shall be printed:**

1 TO BE FILLED IN BY THE BOARD OF ELECTIONS:

2 FOR..... ELECTION..... 20.....

3 County of

4 Name of Voter

5 Voting Residence (street and number, if any)

6 City (or town) ofWard.....

7 Assembly District Election District.....

8 Party Enrollment (in case of primary election)

9 IMPORTANT TO MILITARY VOTER: YOU MUST SIGN THE AFFIRMATION ON THIS
10 ENVELOPE.

11

12 5. The information in subdivision four of this section shall be filled in by the board of
13 elections prior to the mailing of any military ballot and envelopes if the military voter's
14 preferred method of transmission with the board of elections is by mail, or it may be filled
15 in by the board of elections upon the receipt of the returned military ballot and envelope
16 where the ballot and envelope have been transmitted to the military voter other than by
17 mail or in person.

18

19 6. The inner affirmation envelope, if delivered in mail or by person, shall be gummed and
20 ready for sealing. Such envelope, or any created by the military voter who has received
21 his or her ballot by facsimile transmission or electronic mail in accordance with the
22 provisions of subdivision seven of this section shall have printed thereon, on the side
23 opposite the affirmation, instructions as to the duties of the military voter after the
24 marking of the ballot. *Such* instructions shall include specific *directions* stating that the
25 *ballot* must be *returned in person* or mailed to the appropriate board of elections, when
26 *the outer* envelope must be postmarked, *if mailed*, and when such envelope, whether
27 returned in person or mailed, must reach such board of elections in order to be
28 canvassed. Such *inner affirmation* envelope shall also include a direction that an
29 application for a military ballot should not be enclosed in *the inner envelope containing*
30 *such ballot*.

31

32 7. If a military voter has designated a preference to receive his or her ballot by facsimile
33 transmission or electronic mail pursuant to section 10-107 of this chapter, the

1 transmission of the military voter's ballot shall include, together with all information and
2 instructional materials that accompany ballot materials sent by the board of elections to
3 other absentee voters, appropriate instructions as to the folding of same so as to create
4 an inner affirmation envelope containing all of the information set forth in subdivisions
5 three, four and six of this section.
6

7 8. Such *inner affirmation envelope containing the military ballot* shall be enclosed in an
8 *outer envelope*, addressed to the appropriate board of elections, and bearing on it the
9 words "Official Election Ballot--Via Air Mail". *The outer envelope shall include specific*
10 *directions that if an original completed application for a military ballot has not already*
11 *been returned in person or mailed to the military voter's board of elections, such*
12 *application must be completed by the military voter and returned in the outer envelope*
13 *with the sealed inner affirmation envelope containing the military ballot within the time*
14 *limits for the receipt of the military ballot itself.* Such envelope shall provide lines in the
15 upper left corner for the military voter to write his or her name and complete military
16 address.
17

18 9. The *outer envelope* addressed to the appropriate board of elections and the *inner*
19 *affirmation envelope* which contains the ballot shall be mailed to the military voter in a
20 third envelope on which is printed the words "Official Election Ballot--Via Air Mail".
21

22 10. At the side opposite the address on the *outer envelope*, below the gummed seal, for
23 a ballot delivered by mail or in person, or below the flap for a ballot transmitted to the
24 military voter by facsimile transmission or electronic mail, shall be printed:

25 This ballot was mailed on _____ (date) which is not later than the
26 day before the election.
27

28 _____
29 Signed (Witness)

30 _____
31 Date

32 11. If the military voter's preferred method of transmission is facsimile transmission or
33 electronic mail, the electronic transmittal of the military voter's ballot materials shall
34 include appropriate instructions as to the folding of same so as to create an outer

1 envelope containing all of the information set forth in subdivisions eight and ten of this
2 section.

3

4 **§ 7-124. Ballots; special federal voters**

5

6 1. The ballots for special federal voters shall provide for voting for presidential and vice-
7 presidential electors, United States senator, representative in congress, and delegates
8 and alternate delegates to a national convention only and shall be in the form prescribed
9 by this chapter for absentee ballots, except that on either the front or the back of the
10 ballot shall be printed or stamped the words "Official Ballot—Special Federal Voter",
11 provided, however, that at any election at which special federal voters may vote for all
12 the offices and positions on the ballot, no such separate ballot shall be printed and the
13 ballot for special federal voters shall be the same as the ballot provided to absentee
14 voters in such election.

15

16 2. There shall be three envelopes for each special federal absentee ballot issued by
17 mail; the inner affirmation envelope into which a voter places his or her voted ballot, the
18 outer envelope which shall be addressed to the absentee voter, and the mailing
19 envelope which is addressed to the county board of elections. The board of elections
20 shall furnish *an inner affirmation envelope* with each special federal ballot upon which
21 shall be printed:

22 *I swear or affirm that:*

23 (a) *I am a United States citizen residing outside the United States, and*

24 (b) *I am at least eighteen years of age (or will be by the day of the election), eligible to*
25 *vote in the requested jurisdiction, and*

26 (c) *I have neither been convicted of a felony or other disqualifying offense nor been*
27 *adjudicated mentally incompetent, or if so, my voting rights have been reinstated,*
28 *and*

29 (d) *I am not qualified to register, request a ballot, or vote in any other jurisdiction in the*
30 *United States, and*

31 (e) *My signature and date below indicate when I completed this document, and*

32 (f) *The information on this form is true and complete to the best of my knowledge.*

33 *I understand that a material misstatement of fact in the completion of this document may*
34 *constitute grounds for conviction of a crime.*

1 Date ----- 20-----

2 Signature or mark of voter

3 -----

4 Signature of Witness

5 (required only if voter does not sign his or her own name)

6 -----

7 Address of Witness

8

9 3. On the reverse side of the inner affirmation envelope shall be printed:

10 **TO BE FILLED IN BY THE BOARD OF ELECTIONS**

11 **FOR -----ELECTION ----- 20---**

12 **Name of voter -----**

13 **Residence from which vote is being cast:**

14 **Street and number -----**

15 **City or town -----**

16 **County -----**

17 **Assembly District or Ward -----**

18 **Election District -----**

19 **Party Enrollment (in case of primary election) -----**

20 **IMPORTANT TO SPECIAL FEDERAL VOTER: YOU MUST SIGN THE AFFIRMATION**

21 **ON THIS ENVELOPE.**

22

23 4. The information in subdivision three of this section shall be filled in by the board of
24 elections prior to the mailing of any special federal ballot and envelopes if the special
25 federal voter's preferred method of transmission with the board of elections is by mail, or
26 it may be filled in by the board of elections upon receipt of the returned special federal
27 ballot and envelope when the ballot and envelope have been transmitted to the special
28 federal voter other than by mail or in person.

29

30 5. The inner affirmation envelope, if delivered by mail or in person, shall be gummed and
31 ready for sealing. Such envelope, or any created by the special federal voter whose
32 ballot was delivered by facsimile transmission or electronic mail in accordance with
33 subdivision six of this section, shall have printed thereon, on the side opposite the
34 affirmation, instructions as to the duties of the voter after the marking of the ballot. Such

1 instructions shall include specific directions stating that the ballot must be returned in
2 person or mailed to the appropriate board of elections, when the outer envelope must be
3 postmarked, if mailed, and when such envelope, whether returned in person or mailed,
4 must reach such board of elections in order to be canvassed. Such inner affirmation
5 envelope shall also include a direction that an application for a special federal ballot
6 should not be enclosed in the inner affirmation envelope containing such ballot.

7

8 6. If a special federal voter has designated a preference to receive his or her ballot by
9 facsimile transmission or electronic mail pursuant to section 11-203 of this chapter, the
10 transmission of the special federal voter's ballot shall include, together with all
11 information and instructional materials that accompany ballot materials sent by the board
12 of elections to other absentee voters, appropriate instructions as to the folding of same
13 so as to create an envelope containing all of the information set forth in subdivisions two,
14 three and five of this section

15

16 7. Such inner affirmation envelope containing the special federal ballot shall be enclosed
17 in an outer envelope addressed to the appropriate board of elections, and bearing on it
18 the words "Official Election Ballot--Via Air Mail". The outer envelope shall include
19 specific directions that if an original completed application for a special federal ballot has
20 not already been delivered or mailed to the special federal voter's board of elections,
21 such application must be completed by the special federal voter and returned in the
22 outer envelope with the sealed inner affirmation envelope containing the special federal
23 ballot within the time limits for the receipt of the special federal ballot itself. Such
24 envelope shall provide lines in the upper left corner for the special federal voter to write
25 his or her name and complete special federal address.

26

27 8. The outer envelope addressed to the appropriate board of elections and the inner
28 affirmation envelope which contains the ballot shall be mailed to the special federal voter
29 in a third envelope on which is printed the words "Official Election Ballot--Via Air Mail".

30

31 9. If the special federal voter's preferred method of transmission is facsimile transmission
32 or electronic mail, the electronic transmittal of the special federal voter's ballot materials
33 shall include appropriate instructions as to the folding of same so as to create an outer
34 envelope containing all of the information set forth in subdivision eight of this section.

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§ 7-125. Ballots; special presidential voters

1. The ballots for special presidential voters shall provide for voting for presidential and vice presidential electors only and shall be in the form prescribed for absentee ballots, except that either on the front or the back they shall be endorsed with the words printed or stamped, "Official Ballot- Special Presidential Voter" and "Presidential Electors".

2. There shall be three envelopes for each special presidential absentee ballot issued by mail; the inner affirmation envelope into which a voter places his or her voted ballot, the outer envelope which shall be addressed to the absentee voter, and the mailing envelope which is addressed to the county board of elections. The board of elections

shall furnish an *inner affirmation envelope* with each special presidential ballot an envelope. On one side of the envelope shall be printed:

OFFICIAL BALLOT, SPECIAL PRESIDENTIAL VOTERS, FOR
GENERAL ELECTION, NOVEMBER, 2019...

Name of voter

Residence from which vote is being cast:

Street and number

City or town

County

Assembly District or Ward

Election District

The date of the election and name of the county shall be printed, and the name of the voter, residence, name of the city or town, number of ward or assembly district, if any, and election district shall be printed, written or stamped in by the board.

3. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF SPECIAL PRESIDENTIAL VOTER

I do declare I am a qualified special presidential voter of said district; that I am not qualified and am not able to qualify to vote elsewhere than as set forth on the reverse side of this envelope; that I am a citizen of the United States; that on the date of the election for which this ballot is voted, I will be at least eighteen years of age; and that I have not committed any act, nor am I under any impediment, which denies me the right

1 to vote. I hereby declare that the foregoing is a true statement to the best of my
2 knowledge and belief, and I understand that if I make any material false statement in the
3 foregoing statement, I shall be guilty of a misdemeanor.

4 Date 20.... ..

5 Signature or mark of voter

6

7 Signature of Witness (required only if voter does not sign his or her own name)

8

9 Address of Witness

10

11 4. The envelope shall be gummed, ready for sealing, and shall have printed thereon, on
12 the side opposite the statement, instructions as to the duties of the voter after the
13 marking of the ballot, which instructions shall include a specific direction stating that the
14 envelope must be delivered or mailed to the appropriate board of elections and a
15 specific direction stating when such envelope must be delivered or postmarked and
16 when such envelope, if so mailed, must reach such board of elections in order to be
17 canvassed.

18

19 5. Each ballot envelope shall be enclosed in a second envelope addressed to the board
20 of elections and bearing a specific direction that if an application for special presidential
21 ballot is received with the ballot, such application must be completed by the voter and
22 returned in such envelope together with the envelope containing the special presidential
23 ballot. Such second envelope shall be enclosed in a third envelope addressed to the
24 special presidential voter. The second and third envelopes shall have printed on the face
25 thereof the words "Election Material—Please Expedite".

26

27 ~~§ 7-126. Ballots; pasters, use of~~

28

29 ~~1. If a certificate of designation or nomination to fill a vacancy shall lawfully be filed with~~
30 ~~the board or officer required to furnish official ballots, or the board of elections shall~~
31 ~~receive from the state board of elections a notification of a new designation or~~
32 ~~nomination to fill a vacancy, after the official ballots have been printed, and before the~~
33 ~~election, the board or officer providing the official ballots shall prepare and furnish to the~~
34 ~~inspectors of election in each election district affected, adhesive pasters containing the~~

1 ~~name of the new candidate designated or nominated, with directions for the proper use~~
2 ~~thereof.~~

3
4 ~~2. Each paster shall be of plain paper of the same color as the official ballot to which it is~~
5 ~~being affixed, printed in plain black ink and in the same kind of type used in printing~~
6 ~~the names of the candidates upon the official ballots, and shall be of a size as large as~~
7 ~~and no larger than the space occupied upon the official ballot by the name of the~~
8 ~~candidate in whose place the candidate named upon the paster has been designated or~~
9 ~~nominated.~~

10
11 ~~3. Whenever such pasters are provided, the board or officer furnishing them shall certify~~
12 ~~to the inspectors of election in the election districts affected by the vacancy the name of~~
13 ~~the person originally designated or nominated, the name of the person designated in the~~
14 ~~new certificate, the title of the office or party position for which the designation or~~
15 ~~nomination is made, the name of the political party to which the committee making the~~
16 ~~designation or nomination belongs, and shall state the number of pasters furnished,~~
17 ~~which number shall be equal to the number of official ballots furnished for each such~~
18 ~~district.~~

19
20 ~~4. The inspectors or clerks shall affix one of such pasters, in the proper place and~~
21 ~~manner, upon each official ballot before the ballot is delivered to the voter.~~

22
23 **7-128. Ballots; Inspection of**

24
25
26 1. Each officer or board charged with the duty of providing official ballots for an election
27 shall have sample ballots open to public inspection ~~fiftyfive~~ days before the election for
28 which they were prepared and the official ballots open to such inspection ~~fiftyfour~~ days
29 before such election except that the sample and official ballots for a village election held
30 at a different time from a general election shall be open to public inspection at least
31 ~~fiftytwo~~ days before such election. During the times within which the ballots are open for
32 inspection, such officer or board shall deliver to each voter applying ~~therefortherefore~~ a
33 sample of the ballot which he or she is entitled to vote.

1

2 ~~2-~~ A. Each officer or board charged with the duty of preparing ballots to be used on
3 voting machines in any election shall give written notice, by first class mail, to all
4 candidates, except candidates for member of the county committee, who are lawfully
5 entitled to have their names appear thereon, of the time when, and the place where, they
6 may inspect the ~~ballots voting machines~~ to be used for such election. The candidates or
7 their designated representatives may appear at the time and place specified in such
8 notice to inspect such ~~ballots machines~~, provided, however, that the time so specified
9 shall be no ~~later than 53~~ ~~less than two~~ days ~~before prior to the date of~~ the election at
10 which the ballots will be used.

11 A candidate, whose name appears on the ballot ~~for an election district~~ or his or her
12 designated representative, may, in the presence of the election officer attending the
13 ~~ballot voting machine~~, inspect the ballot face of the machine to see that his or her ballot
14 position label is in its proper place or places, ~~but at no time during the inspection shall~~
15 ~~the booth be closed.~~

16 B. Each officer or board charged with the duty of preparing ballots to be used with voting
17 machines in any election shall give written notice give written notice, by first class mail,
18 to all candidates, except candidates for member of the county committee, who are
19 lawfully entitled to have their names appear thereon, of the time when, and the place
20 where, they may inspect the voting machines to be used for such election. The
21 candidates or their designated representatives may appear at the time and place
22 specified in such notice to view the conduct of the logic and accuracy testing required to
23 be performed on such voting machines, provided however, that the time so specified
24 shall be not less than **twenty** days prior to the date of the election.

25

26

27 **§ 7-130. Ballots; examination by voters and instruction in use of voting machines**

28

29 One or more voting machines which shall contain the ballot labels, showing the party
30 names emblems and title of officers to be voted for, and which shall so far as practicable
31 contain the names of the candidates to be voted for, shall be placed on public exhibition
32 in some suitable place by the board of elections, ~~in charge of competent instructors,~~ for

1 at least three days during the thirty days next preceding an election. No voting machine
2 which is to be assigned for use in an election shall be used for such purpose after having
3 been prepared and sealed for the election. During such public exhibition, the counting
4 mechanism of the machine shall be concealed from view and the doors, if any, may be
5 temporarily opened only when authorized by the board or official having charge and
6 control of the election. Any voter shall be allowed to examine such machine, and upon
7 request shall be instructed in its use.
8

NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER:

SPONSOR:

TITLE OF BILL: An act to amend the election law in relation to the retention of poll books.

PURPOSE: To synchronize the retention of poll books with that of other election-related materials.

SUMMARY OF PROVISIONS:

This bill reduces the time that county board of election must retain poll books from 4 years to 2 years

JUSTIFICATION:

This change would change the law to be consistent with the State Board of Election regulation relating to the retention of certain election-related documents. This reduction in retention time would save counties thousands of dollars for the storage of these records in secure, environmentally suited storage.

LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This bill shall take effect immediately.

2
3 6. All petitions, certificates, objections or papers filed or deposited with a board or officer
4 before an election or primary and relating to designations or nominations, and all
5 registers, books, statements, returns or papers so filed or deposited after registration,
6 enrollment, election or primary at which they were used or to which they relate, not
7 including, however, the voted, unused, protested, void or wholly blank ballots, shall be
8 preserved by such board or officer for at least two years after the receipt thereof and
9 until the determination of any action or proceeding touching the same or in which they
10 are ordered to be preserved pending the action or proceeding and at the expiration of
11 such time they may be either destroyed or sold. Lists of registered voters with computer
12 generated facsimile signatures used in lieu of registration poll records at any election
13 shall be preserved until the end of the [fourth] second calendar year after the year of
14 such election. In all jurisdictions, the original statements of results made by the state
15 board of canvassers or a county or city board of canvassers and any original record
16 specifying the name of a person declared to have been elected to a public office shall
17 not be destroyed or sold but shall be preserved, as part of the records of such board or
18 officer, until otherwise provided by law.

19

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 use of pasters and stickers.

SUMMARY OF PROVISIONS:

This bill amends various sections 8-308 and 17-134 of the Election Law.

JUSTIFICATION:

The use of stickers, labels or pasters can negatively affect a voting system's ability to accurately count votes, as such systems are calibrated to accept a specific ballot thickness, which increases with the inclusion of any such applications. Further, the adhesive used on stickers, labels and pasters can negatively impact the accuracy of the scanner, and when heated through the normal running of a scanner, can cause such items to become unattached, reattached to other ballots, or create situations where subsequent ballots may not be accepted by the scanner or read by the scanner. Any of these scenarios can result in the disenfranchisement of voters and inaccuracies in vote counts, all of which can be avoided by the prohibition of stickers, labels or pasters.

LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

Immediately.

§ 8–308. Voting; voting machine write-in

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2
3
4 1. Ballots voted for any person whose name does not appear
5 on the machine as a nominated or designated candidate
6 for public office or party position are referred to in this article
7 as write-in ballots.

8
9 2. No write-in ballot shall be voted for any person for any
10 office whose name appears on the machine as a nominated or
11 designated candidate for the office or position in question; any
12 write-in ballot so voted shall not be counted.

13
14 3. A write-in ballot must be cast in its appropriate place on
15 the machine, or it shall be void and not counted.

16
17 4. A write-in ballot may also be cast by the use of a name
18 stamp. The use of name stickers, labels or pasters is prohibited.

§ 17–134. Unlawful use of pasters, stickers or labels

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20
21
22 An election officer or other person who uses a paster, sticker or label upon
23 an official ballot, at any election, [~~except as authorized and in~~
24 ~~the manner provided by this chapter,~~] is guilty of a felony.
25
26
27

NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER:

SPONSOR:

TITLE OF BILL: An act to amend the election law in relation to the removal of party emblems from ballots.

PURPOSE: To repeal those sections of law that require the party emblems to be utilized in ballot design in an effort to make ballots more readable.

SUMMARY OF PROVISIONS:

This bill amends various sections of the Election Law to remove the requirement in the Election Law that the party emblem be included in the ballot design.

JUSTIFICATION:

With the transition to electronic voting systems throughout the State many of the county boards of elections found that the requirement to include the party emblem on the ballot makes the ballot significantly less readable to the voter. When included in the ballot design, the spacing requirements virtually minimized the emblem to a size that made them unrecognizable. Removing the requirement that the emblems be included allows the county boards of election the flexibility to design the ballots in a much more usable and readable format.

LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This bill shall take effect immediately.

18. The word "ballot" when referring to voting machines or systems means that portion of the cardboard or paper or other material or electronic display within the ballot frame containing the name of the candidate [and the emblem] of the party organization by which he was nominated, of the form of submission of a proposed constitutional amendment, proposition referendum or question as provided in this chapter, with the word "yes" for voting for any question or the word "no" for voting against any question except that where the question or proposition is submitted only to the voters of a territory wholly within a county or city, such form shall be determined by the county board of elections. Such statement and the title shall be printed and/or displayed in the largest type or display which it is practicable to use in the space provided.

§ 2-124. Party names and emblems; provision for.

1. The state committee of a party shall select a name [and emblem] to distinguish the candidates of the party for public office in all districts of the state, and shall file in the office of the state board of elections, a certificate executed by its chairman and secretary, setting forth the name [and showing the emblem so selected].

2. The name of a party shall be in the English language and shall not include the words "American", "United States", "National", "New York State", "Empire State", or any abbreviation thereof, nor the name or part of the name, or an abbreviation of the name, of an existing party. [The emblem chosen may be a star, an animal, an anchor, or any other proper symbol, but may not be the same as or similar to any emblem, insignia, symbol or flag used by any political or governmental body, agency or entity nor any religious emblem, insignia, symbol or flag, nor the portrait of any person, nor the representation of a coin or of the currency of the United States.] The name [and emblem] chosen shall not be similar to or likely to create confusion with the name [or emblem] of any other existing party or independent body.

§ 4-112. Certification of nominations; state board of elections.

1. The state board of elections not later than thirty-six days before a general election, or fifty-three days before a special election, shall certify to each county board of elections the name and residence of each candidate nominated in any valid certificate filed with it or by the returns canvassed by it, the title of the office for which nominated; the name of the party or body specified of which he is a candidate; [the emblem chosen to distinguish the candidates of the party or body;] and a notation as to whether or not any litigation is pending concerning the candidacy. Upon the completion of any such litigation, the state board of elections shall forthwith notify the appropriate county boards of elections of the results of such litigation.

§ 6-128. New party; first nominations by.

1. When an independent body becomes a party at a general election by qualifying under the requirements set by law, nominations shall, prior to and including the first general election thereafter, be made as provided by the rules of such party. A certificate of such nominations shall contain:

(a) The name of the party filing the nominations.

(b) The title of the office for which the nomination is made and the name and residence address of the person so nominated.

(c) The names of the members of the committee, if any, appointed to fill vacancies in nominations.

[(d)] A description and representation of the party's emblem.

[[e]d] The name of the committee making the nomination.

[[f]e] A certified copy of the party rules describing the rule-making body and nomination process.

[[g]f] An affidavit containing a statement by the presiding officer and secretary of the committee that they are such officers and the statements in the certificate are true.

§ 6-138. Independent nominations; rules.

1. Independent nominations for public office shall be made by a petition containing the signatures of registered voters of the political unit for which a nomination is made who are registered to vote. The name of a person signing such a petition for an election for which voters are required to be registered shall not be counted if the name of a person who has signed such a petition appears upon another valid and effective petition designating or nominating the same or a different person for the same office.

2. Except as otherwise provided herein, the form of, and the rules for a nominating petition shall conform to the rules and requirements for designating petitions contained in this article.

3. a. The name selected for the independent body making the nomination shall be in English characters and shall not include the name or part of the name or an abbreviation of the name or part of the name, nor shall [emblem or] name be of such a configuration as to create the possibility of confusion with [the emblem or] name of a then existing party, or [the emblem or] name of an independent body selected by a previously filed independent nominating petition for the same office.

b. Notwithstanding the requirements of paragraph a of this subdivision, if the [emblem or]name selected for an independent body on any independent nominating petition is the same as that selected by any previously filed independent nominating petition for the same office, the board of elections with which such later petition was filed shall, not later than two days after the filing of such later filed petition, send notice of such duplicate selection of [emblem or] name by first-class mail, to the candidate for such office who was nominated by such later filed petition, and that the candidate to whom such notice is required to be sent may file with such board of elections, not later than seven days after such notice was mailed, a certificate selecting a different [emblem or] name.

c. A person who has been nominated or who expects to be nominated as the candidate of an independent body for the office of President of the United States at any election for such office may, not later than three days after the last day to file nominating petitions, file with the

state board of elections, a special certificate which shall be irrevocable, stating that such person does not wish to permit candidates for any other office, except the office of Vice-President of the United States, to appear on the ballot with the same name [and emblem] as the independent body which has nominated or will nominate such candidate for the office of President.

d. Not later than seven days after the last day to file nominating petitions, the state board of elections shall notify each local board of elections of the name of each candidate for President of the United States who has filed such a special certificate, together with the name [and emblem] of the independent body selected on the petition which nominated such candidate.

e. If any candidate has been nominated for any other office by a petition which selected the same name [or emblem] for an independent body as the name [or emblem] selected on the petition which nominated a candidate for President of the United States who has filed a special certificate pursuant to paragraph c of this subdivision, the board of elections with which the petition nominating such candidate for such other office was filed shall, not later than ten days after the last day to file nominating petitions, send to each such candidate, by first class mail, notice that a special certificate pursuant to paragraph c of this subdivision has been filed and that the candidate to whom such notice is sent may file with such board of elections, not later than seven days after such notice was mailed, a certificate selecting a different name [and emblem].

f. If [such a petition shall not show an emblem, or if] the petition shall fail to select a name for such independent body, or if pursuant to the provisions of paragraph b or paragraph e of this subdivision, a candidate shall fail to select another [emblem or] name for such independent body, the officer or board in whose office the petition is filed shall select a [an emblem or] name [or both] to distinguish the candidates nominated thereby. The name [and emblem] shown upon such petition or selected by a candidate authorized to make such selection by paragraph b or paragraph e of this subdivision, or selected by an officer or board shall also conform to the requirements of this chapter with respect to names [or emblems] permitted to be selected by a party.

g. Nothing contained in this subdivision shall preclude a court of competent jurisdiction from rejecting an independent nominating petition if the court determines that fraud was involved in the selection of a name [or emblem].

§ 6-140. Independent nominations; form of petition.

1. a. Each sheet of an independent nominating petition shall be signed in ink, shall contain the following information and shall be in substantially the following form:

I, the undersigned, do hereby state that I am a registered voter of the political unit for which a nomination for public office is hereby being made, that my present place of residence is truly stated opposite my signature hereto, and that I do hereby nominate the following named person (or persons) as a candidate (or as candidates) for election to public office (or public offices) to be voted for at the election to be held on the day of, 20...., and that I select the name (fill in name) as the name of the independent body making the nomination (or nominations) [and

..... (fill in emblem) as the emblem of such body].

§ 6-206. Independent nominations; petition, form.

I, the undersigned, do hereby state that I am a registered voter of the Village of....., that my present place of residence is truly stated opposite my signature, and I do hereby nominate the following named person (or persons) as a candidate (or as candidates) for election to public office (or public offices) to be voted for at the election to be held on the.....day of....., 20....., and that I select the name..... (fill in name) as the name of the independent body making the nomination (or nominations) [and.....(fill in emblem) as the emblem of such body].

3. The name selected for the independent body making the nomination shall be in the English language and shall not include the name or part of the name, or an abbreviation of the name or of part of the name, of a then existing party. The name [and emblem] shown upon such petition shall conform to the requirements of this chapter, relating to party names and party emblems. If such a petition shall not show an emblem, or the petition shall fail to select a name for such independent body, the board of elections shall select an emblem or name, or both to distinguish the candidates nominated thereby.

§ 15-108. Designation and nomination of candidates.

VILLAGE INDEPENDENT NOMINATING PETITION

I, the undersigned, do hereby state that I am a registered voter of the Village of, that my present place of residence is truly stated opposite my signature, and I do hereby nominate the following named person (or persons) as a candidate (or as candidates) for election to public office (or public offices) to be voted for at the election to be held on the day of, 20....., and that I select the name (fill in name) as the name of the independent body making the nomination (or nominations) [and (fill in emblem) as the emblem of such body].

§ 16-104. Proceedings as to form of ballot, party name, etc

§ 16-104. Proceedings as to form of ballot, party name, etc. 1. The form and content of any ballot, or portion thereof, to be used in an election, and the right to use any [emblem design,] color, party or independent body name, may be contested in a proceeding instituted in the supreme court by any aggrieved candidate or by the chairman of any party committee or independent body.