



State of New York

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Election Law Proposals for 2014

The following is a brief description of the State Board of Elections legislative proposals to address the administration of elections for 2014.

- SBOE 14-01 **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.
- SBOE 14-02 **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.
- SBOE 14-03 **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.
- SBOE 14-04 **Publication of Election Results:** This bill would eliminate the outdated and costly requirement that certified election results be printed in certain legal ads.
- SBOE 14-05 **Addition of 13th Judicial District** — Addresses the creation of a Thirteenth Judicial District representing Richmond County.
- SBOE 14-06 **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.

- SBOE 14-07 **Removal of Party Emblem From Candidate Square**-Removes the requirement to put the party emblem in the candidate square on a ballot allowing the county boards more flexibility in ballot design.
- SBOE 14-08 **Prohibits Pastors, Labels and Stickers** – Addresses concern for the use of stickers and labels on optical scan ballots for any purpose, including write-in voting.
- SBOE 14-09 **Eliminates Conflicting Provisions Related to Absentee Ballot Counting**- Clarifies that absentee ballots should NOT be counted at the poll sites.
- SBOE 14-10 **Repeals Language Relating to Poll Sites:** This would repeal the provisions of the Election Law which allow increased costs that are charged for accessible poll sites. All sites must now be accessible.
- SBOE 14-11 **Eliminates Need to Publish Candidate Residences:** This would eliminate the need to publish candidate residences in an effort not to create a security risk.
- SBOE 14-12 **Election Day Start Time for Poll Workers:** Would require that poll workers be to the poll site 1 (as opposed to ½) hour prior to the opening of the polls on Election Day.
- SBOE 14-13 **Modifies Language for VA facilities:** Would delete the reference for those patients in VA facilities from “inmates” to “admitted patient.”
- SBOE 14-14 **Removes Petitioning for LIPA Trustee:** LIPA trustees are now appointed and not elected. This would modify the EL to eliminate the ability to file petitions for such position.

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 staff is continuing to work on ballot usability ideas to provide counties greater flexibility in making ballots more voter friendly.

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, 2011 and 2013.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

Immediately.

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, 2012 and 2013.

FISCAL IMPACT:

None.

EFFECTIVE DATE:

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, 2012 and 2013.

FISCAL IMPLICATIONS:

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

EFFECTIVE DATE:

This act shall take effect immediately.

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.

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 underscored 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 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
16 canvassers or a county or city board of canvassers and any original record specifying
17 the name of a person declared to have been elected to a public office shall not be
18 destroyed or sold but shall be preserved, as part of the records of such board or officer,
19 until otherwise provided by law.
20

MEMORANDUM IN SUPPORT

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]] The name of the committee making the nomination.

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

[[g]] 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.

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]] The name of the committee making the nomination.

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

[[g]] 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.

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.

1 **§ 8–308. Voting; voting machine write-in**

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

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

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

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

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

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

MEMORANDUM IN SUPPORT

14-09

ASSEMBLY BILL # A.

SENATE BILL # S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to the canvassing of absentee ballots in poll sites on Election Day and the appointment of persons to conduct said canvassing.

PURPOSE OR GENERAL IDEA OF BILL: To eliminate conflicting provisions in Election Law relating to the canvassing of absentee ballots. .

SUMMARY OF PROVISIONS: The bill repeals Section 3-408 of the Election Law.

JUSTIFICATION: The Election Law was previously amended to require that absentee ballots be canvassed centrally, at Board of Elections offices or their facilities and not in poll sites, however the provision which provided for poll workers to be appointed to count said ballots in poll sites inadvertently remained. By repealing said section, there can be no confusion on the part of election administrators, poll workers or candidates, that absentee ballots must be counted centrally at Board offices or facilities, which ensures consistency, accuracy and transparency in the election process.

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LEGISLATIVE HISTORY: New

FISCAL IMPLICATIONS: None to the state and none to the counties.

EFFECTIVE DATE: Immediately

Section 3-408 of the New York State Election Law has been Repealed.

[§ 3-408. Election inspectors and clerks; additional clerks to count absentee ballots. Two additional clerks, to be appointed in the same manner as the inspectors of election, may be appointed in any election district where absentee and military ballots have been mailed to twenty-five or more of its registrants. Such clerks shall be present at least one hour before the polls close and at the close of the polls shall canvass the absentee and military ballots. The clerks shall be divided between the major political parties. Such clerks shall be paid, by the town or city containing the election district for which they are appointed to serve, in an amount fixed by the town or city legislative body.]

MEMORANDUM IN SUPPORT

14-10

ASSEMBLY BILL # A.

SENATE BILL # S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to the time Election Day workers must be at poll sites to prepare for the opening of polls, including receiving voting system keys and other ancillary election day supplies.

PURPOSE OR GENERAL IDEA OF BILL: To eliminate confusion in the provisions which govern amounts which may be paid for the use of poll sites.

SUMMARY OF PROVISIONS: The bill amends Section 4-104.8 of the Election Law.

JUSTIFICATION: The provision to be eliminated allowed for the amounts which may be paid for the use of poll sites to be different, distinguishing higher costs for those sites which are accessible and lesser amounts for those sites not deemed accessible. In that federal and state statutes require that all poll sites be accessible, there is no longer a need for such a distinction. Additionally, by not repealing said provision, there may remain confusion among election administrators concerning the designation of accessible poll sites, without exception.

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LEGISLATIVE HISTORY: New

FISCAL IMPLICATIONS: None to the state and none to the counties.

EFFECTIVE DATE: January 1st next succeeding passage.

Paragraph 8 of Section 4-104 of the New York State Election Law has been changed to read as follows:

§ 4-104. Registration and polling places; designation of. 1. Every board of elections shall, in consultation with each city, town and village, designate the polling places in each election district in which the meetings for the registration of voters, and for any election may be held. The board of trustees of each village in which general and special village elections conducted by the board of elections are held at a time other than the time of a general election shall submit such a list of polling places for such village elections to the board of elections. A polling place may be located in a building owned by a religious organization or used by it as a place of worship. If such a building is designated as a polling place, it shall not be required to be open for voter registration on any Saturday if this is contrary to the religious beliefs of the religious organization. In such a situation, the board of elections shall designate an alternate location to be used for voter registration. Such polling places must be designated by May first, of each year, and shall be effective for one year thereafter. Such a list required to be submitted by a village board of trustees must be submitted at least four months before each general village election and shall be effective until four months before the subsequent general village election. No place in which a business licensed to sell alcoholic beverages for on premises consumption is conducted on any day of local registration or of voting shall be so designated. If, within the discretion of the board of elections a particular polling place so designated is subsequently found to be unsuitable or unsafe or should circumstances arise that make a designated polling place unsuitable or unsafe, then the board of elections is empowered to select an alternative meeting place. In the city of New York, the board of elections shall designate such polling places and alternate registration places if the polling place cannot be used for voter registration on Saturdays.

1-a. Each polling place shall be accessible to citizens with disabilities and comply with the accessibility guidelines of the Americans with Disabilities Act of 1990. The state board of elections shall publish and distribute to each board of elections with the power to designate poll sites, a concise, non-technical guide describing standards for poll site accessibility, including a polling site access survey instrument, in accordance with the Americans with Disabilities Act accessibility guidelines (ADAAG) and methods to comply with such standards. Such guide and procedures shall be developed in consultation with persons, groups or entities with knowledge about public access as the state board of elections shall determine appropriate.

1-b. The county board of elections shall cause an access survey to be conducted for every polling site to verify substantial compliance with the accessibility standards cited in this section. Completed surveys shall be submitted to the state board of elections and kept on file as a public record by each county. Each polling site shall be evaluated prior to its designation or upon changes to the facility. A site designated as a polling place prior to the effective date of this subdivision shall be evaluated within two years of the effective date of this subdivision by an individual qualified to determine whether or not such site meets the

existing state and federal accessibility standards. Any polling place deemed not to meet the existing accessibility standards must make necessary changes and/or modifications, or be moved to a verified accessible polling place within six months.

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

2. If the board of elections, after designating a polling place, and after sending written notice of such polling place to each registered voter, designates an alternative polling place, it must, at least five days before the next election or day for registration, send by mail a written notice to each registered voter notifying him of the changed location of such polling place. If such notice is not possible the board of elections must provide for an alternative form of notice to be given to voters at the location of the previous polling place.

3. A building exempt from taxation shall be used whenever possible as a polling place if it is situated in the same or a contiguous election district, and may contain as many distinctly separate polling places as public convenience may require. The expense, if any, incidental to its use, shall be paid like the expense of other places of registration and voting. If a board or body empowered to designate polling places chooses a public school building for such purpose, the board or agency which controls such building must make available a room or rooms in such building which are suitable for registration and voting and which are as close as possible to a convenient entrance to such building and must make available any such room or rooms which the board or body designating such building determines are accessible to physically disabled voters as provided in subdivision one-a. Notwithstanding the provisions of any general, special or local law, if a board or body empowered to designate polling places chooses a publicly owned or leased building, other than a public school building, for such purposes the board or body which controls such building must make available a room or rooms in such building which are suitable for registration and voting and which are as close as possible to a convenient entrance to such building, and must make available any such room or rooms which the board or body designating such building determines are accessible to physically disabled voters unless, not later than thirty days after notice of its designation as a polling place, the board or body controlling such building, files a written request for a cancellation of such designation with the board or body empowered to designate polling places on such form as shall be provided by the board or body making such designation. The board or body empowered to so designate shall, within twenty days after such request is filed, determine whether the use of such building as a polling place would unreasonably interfere with the usual activities conducted in such building and upon such determination, may cancel such designation.

3-a. Any person or entity which controls a building for which a tax exemption, tax abatement, subsidy, grant or loan for construction, renovation, rehabilitation or operation has been provided by any agency of the state or any political subdivision thereof on or after the effective date of this subdivision shall agree to make available for registration and voting purposes the room or rooms in such building which the board or body empowered to designate polling places determines are suitable for registration and voting, are accessible to physically disabled voters and are as close as possible to a convenient entrance to such building. Notwithstanding any other provision of law, any agency of the state or any political subdivision thereof may deny a tax exemption, tax abatement, subsidy, grant or loan for construction, renovation,

rehabilitation or operation to a building which is otherwise eligible for such exemption, abatement, subsidy, grant or loan if the person or entity which controls such building refuses to agree to make available for registration and voting purposes the room or rooms in such building which the board or body empowered to designate polling places determines are suitable for registration and voting, are accessible to physically disabled voters and are as close as possible to a convenient entrance to such building. The provisions of this subdivision shall not apply to buildings used solely for residential purposes which contain twenty-five dwelling units or less.

3-b. Any person or entity conducting any program, activity or service for which a loan, grant, contract, subsidy or reimbursement has been provided by any agency of the state or a political subdivision thereof on or after the effective date of this subdivision shall make available for registration and voting purposes the room or rooms under the control of such person or entity in a building in which such program, activity or service is conducted which the board or body empowered to designate polling places determines are suitable for registration and voting, are accessible to physically disabled voters and are as close as possible to a convenient entrance to such building. Any such person, organization or entity shall agree to facilitate the use of such room or rooms, to the maximum extent possible, by making efforts to obtain the permission and cooperation of any person or entity which controls the building in which such room or rooms are located. Notwithstanding any other provision of law, any agency of the state or any political subdivision thereof may deny a loan, grant, contract, subsidy or reimbursement to any such person or entity otherwise eligible for such loan, grant, contract, subsidy or reimbursement unless such person or entity agrees to make available for registration and voting purposes the room or rooms in such building which the board or body empowered to designate polling places determines are suitable for registration and voting, are accessible to physically disabled voters as provided in subdivision one-a of this section and are as close as possible to a convenient entrance to such building and agrees to facilitate the use of such room or rooms, to the maximum extent possible, by making efforts to obtain the permission and cooperation of any person or entity which controls the building in which such room or rooms are located.

3-c. Notwithstanding the provisions of subdivisions three-a and three-b of this section, no person, board, agency, body or entity shall be required to make available for registration or voting by persons other than the residents of such building, any room or rooms in a building, other than a publicly owned building, which contains correctional, health, mental hygiene, day care, drug or addiction treatment, or emergency services or other services for the public safety, or in a building used for religious services.

3-d. Notwithstanding any inconsistent provision of section 3-506 or section 4-134 of this chapter, and in the absence of a specific written agreement to the contrary, if the board or body empowered to designate polling places has authorized the use of a portable ramp, or ramp and platform, at a polling site for purposes of compliance with subdivision one-a of this section, the person or entity in control of a building or portion thereof in which such polling site is designated shall install, remove, store, and safeguard each such ramp, or ramp and platform, at such times and dates as may be required by the board or body empowered to designate polling places.

4. Where an election district is so situated or the only facilities available therein are such that public convenience would be served by

establishing a polling place outside such district, the board or body empowered by this chapter to establish election districts may designate a polling place in a contiguous district.

4-a. Notwithstanding any conflicting provisions of this section, the common council of the city of Little Falls may adopt a resolution determining that there is no building within an election district within such city available and suitable for the meetings for the registration of voters or for any election, or that for reasons of efficiency or economy it is desirable to consolidate the polling places for two or more, or all districts, in such city, in one place, regardless of whether or not such district adjoins the district to which such meeting or polling place is moved, and there may be as many distinctly separate election districts lawfully located in the same building as public convenience may require. Such a resolution shall be subject to the approval of the county board of elections. Every such building chosen shall meet all other requirements of this section and all federal requirements for accessibility for the elderly and the disabled.

5. (a) Whenever the number of voters eligible to vote in an election in any election district is less than one hundred, the polling place designated for such district may be the polling place of any other district which could properly be designated as the polling place of the first mentioned district pursuant to the provisions of this chapter, except that the polling place designated for any such district may be the polling place of any other district in such city or town provided that the distance from such first mentioned district to the polling place for such other district is not unreasonable pursuant to rules or regulations prescribed by the state board of elections and provided that the total number of persons eligible to vote in such other district in such election, including the persons eligible to vote in such first mentioned districts, is not more than five hundred. The inspectors of election and poll clerks, if any, of such other election district shall also act in all respects as the election officers for such first mentioned districts and no other inspectors shall be appointed to serve in or for such first mentioned districts. A separate poll ledger or computer generated registration list, separate voting machine or ballots and separate canvass of results shall be provided for such first mentioned districts, except that if the candidates and ballot proposals to be voted on by the voters of such districts are the same, the election districts shall be combined and shall constitute a single election district for that election. If the polling place for any election district is moved for any election, pursuant to the provisions of this subdivision, the board of elections shall, not later than ten nor more than fifteen days before such election, mail, by first class mail, to each voter eligible to vote in such election district at such election, a notice setting forth the location of the polling place for such election and specifying that such location is for such election only.

(b) Whenever the total number of voters eligible to vote in any primary or special election, in any two election districts whose polling places are regularly located in the same building, is less than four hundred, the board of elections may assign the inspectors of election of the election district which contains the greater number of such voters, to act also, in all respects, as the election officers of the other such election district and no other election officers shall be appointed to serve in or for such other election district at such primary or special election. A separate poll ledger or computer generated registration list, separate voting machine or ballots and separate canvass of results

shall be provided for each such election district.

(c) Whenever all the candidates to be voted upon at a primary election, except a primary election in the city of New York, or all the candidates and ballot proposals to be voted upon at a special election, or at a school board election conducted by the board of elections, or at a general election in the city of New York in a year in which there is no election for electors of president and vice-president of the United States or governor of the state or mayor of such city, by the voters of any two or more election districts whose polling places are regularly located in the same building are identical, the board of elections may combine such election districts for that election, provided that the total number of voters eligible to vote in any such combined election district does not exceed one thousand two hundred in a primary election or does not exceed two thousand in a special election or a general election in the city of New York.

(d) Notwithstanding any other provision of this section, polling places designated for any one such election district that will be utilizing any voting machine or system certified for use in New York state pursuant to chapter one hundred eighty-one of the laws of two thousand five, may be the polling place of any other contiguous district or districts, provided the voting system used in such polling place produces separate and distinct vote totals for each election district voting in such polling place on such voting machine or system.

6. Each polling place designated, whenever practicable, shall be situated on the main or ground floor of the premises selected. It shall be of sufficient area to admit and comfortably accommodate voters in numbers consistent with the deployment of voting systems and privacy booths, pursuant to 9 NYCRR 6210.19. Such deployment of voting systems, election workers and election resources shall be in a sufficient number to accommodate the numbers of voters eligible to vote in such polling place.

6-a. Each polling place designated, whenever practicable, shall be situated directly on a public transportation route.

7. No polling place shall be located on premises owned or leased by a person holding public office or who is a candidate for public office at a primary or general election.

8. [The amount paid to lease a polling place which meets the requirements of subdivision one-a of this section may be greater than the amount paid to lease a polling place which does not meet such requirements

9.] Whenever the board of elections shall determine that there is no building within an election district available and suitable for the meetings for the registration of voters or for any election, or that for reasons of efficiency or economy it is desirable to consolidate such meetings of one or more districts in one place, such board may designate a building for such purpose in an adjoining district in the same village, city or town and there may be as many distinctly separate meetings or polling places lawfully located in the same building as public convenience may require. Wherever possible, public schools, fire houses, municipal buildings or other buildings exempt from taxation shall be designated for such meetings and polling places. Such a determination shall be made only after notice to the chairpersons of the county committees of all political parties and reasonable opportunity for them to be heard.

MEMORANDUM IN SUPPORT

14-11

ASSEMBLY BILL # A.

SENATE BILL # S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to the publication of candidate information in prior to each election.

PURPOSE OR GENERAL IDEA OF BILL: To eliminate the appearance of candidate home addresses in the legal notices required to be published by county boards of elections.

SUMMARY OF PROVISIONS: The bill amends Section 4-122 of the Election Law by deleting the words 'and residence from subdivision 1 of Section 4-122 of the Election Law.

JUSTIFICATION: The inclusion of residence address information in the publication of lists of candidates and the offices those candidates seek is of little or no public value. Said inclusion may also create issues relating to the security of those seeking office. The costs of including addresses add considerably to the cost of said publication. The required publication will serve its intended goal of general public information and value without the inclusion of residence information.

LEGISLATIVE HISTORY: New

FISCAL IMPLICATIONS: None to the state and cost savings to the counties.

EFFECTIVE DATE: Immediate

Paragraph one of Section 4-122 of the New York State Election Law has been changed to read as follows:

§ 4-122. Lists of nomination; publication of by board of elections. 1. The county board of elections shall publish, at least six days before an election, a list containing the name [and residence] of every candidate for public office to be voted for within its jurisdiction at such election.

2. The candidates for the office of presidential electors shall, in the list in subdivision one of this section, only be described as a specific number of such electors, nominated to support the party candidates, naming them, for the office of president and vice-president.

3. The list described in subdivision one of this section shall be published at least once in not less than two nor more than four newspapers in the county. In a county containing a city, at least one such publication shall be in a daily newspaper published in a city therein, if there be such a newspaper. In the case of a village election held at a time other than the time of a general election, such publication shall be in a newspaper having general circulation in such village. So far as is consistent with this section, one such newspaper shall represent each of the major political parties. Should the board of elections find it impossible to make such publication six days before election it shall make it at the earliest possible day thereafter before the election.

MEMORANDUM IN SUPPORT

14-12

ASSEMBLY BILL # A.

SENATE BILL # S.

ASSEMBLY SPONSOR(S):

SENATE SPONSOR(S):

TITLE: An act to amend the election law in relation to the time Election Day workers must be at poll sites to prepare for the opening of polls, including receiving voting system keys and other ancillary election day supplies.

PURPOSE OR GENERAL IDEA OF BILL: To ensure that poll workers and their site's supplies are in place at least one hour prior to the opening of polls.

SUMMARY OF PROVISIONS: The bill amends 8-102 of the Election Law by deleting the word "half" from subdivisions 1 and 2 of Section 8-102 of the Election Law.

JUSTIFICATION: exception.

LEGISLATIVE HISTORY: The one-half hour currently provided for in Election Law does not allow enough time for poll workers to complete all preparatory Election Day tasks and set-up and secure their voting systems for the timely opening of polls. Additionally, in instances where poll workers do appear at their assigned sites to be better able to complete said tasks, they risk not being paid for the time they actually serve. Making the change to one hour will help to ensure that sites are ready to open on time and that voters will not have to be inconvenienced by wait time lost to a lack of readiness in any given poll site.

FISCAL IMPLICATIONS: None to the state and none to the counties.

EFFECTIVE DATE: January 1st next succeeding passage.

Paragraph One and Two of Article 8-102 of the New York State Election Law has been changed to read as follows:

§ 8-102. Polls; opening of. 1. The inspectors of election, and clerks, if any, shall meet at the polling place at least one[-half] hour before the time set for opening the polls of election. The inspectors of election shall:

(a) See that the American flag is displayed.

(b) Cause the facsimile ballots and voter information posting to be posted conspicuously within the polling place.

(c) Cause the distance markers to be placed at a distance of one hundred feet from the polling place.

(d) Establish a guard-rail by delineating and marking out the voting area by a suitable means. The ballot scanner, ballot marking device, ballot boxes and secure storage containers, privacy booths, all ballots and all equipment shall be kept within such guard-rail.

(e) Place the books, ballots and sample ballots, blanks, stationery and supplies so that they will be ready and convenient for use.

(f) Affix or attach to their clothing and cause the clerks, if any, to affix or attach to their clothing the proper identification buttons, badges or emblems issued by the board of elections pursuant to the provisions of this chapter. The inspectors and clerks shall wear no other buttons, badges or emblems which are similar in design.

(g) See that the privacy booths contain conspicuous instructions on how to properly mark ballots and that voters are provided with appropriate writing instruments for marking ballots.

(h) Unlock all ballot boxes and secure storage containers to be used to hold election day paper ballots, see that they are empty, allow them to be examined by the watchers present, and lock them up again in such a manner that the watchers and the persons just outside the guard-rail may see that the boxes are empty when re-locked; provided, however, the ballot boxes or secure storage containers holding unused ballots shall be inspected to confirm that only the number of unused election day paper ballots provided by the board of elections are contained therein.

(i) Inspect the ballot scanner and ballot marking device to see that it is in good working order. Inspect the placement of privacy booths to preserve the secrecy of voting; inspect the screen of the ballot scanner and ballot marking device; inspect the polling place to make certain there is no way that anyone can view any voting action by a voter at the ballot scanner, ballot marking device, or in a privacy booth; and affix a conspicuous notice, in the form prescribed by the state board of elections, in a prominent place near the ballot scanner and in the privacy booth, instructing the voter on how to properly mark a ballot in order to have his or her vote counted. Such notice shall be printed in English and such other languages as the board of elections may determine to be appropriate.

(j) Announce that the polls are open for voting and the time when the polls will close.

2. The keys to the ballot scanner and ballot marking device shall be delivered to the inspectors at least one[-half] hour before the time set for the opening of the polls, in a sealed envelope, on which shall be written or printed the ballot scanner or ballot marking device serial number and location of the polling place, as reported by the voting machine custodian. The envelope containing the keys shall not be opened until at least one inspector from each of the two parties shall be

present in the polling place and shall have examined the envelope to see that it has not been opened. Before opening the envelope, such election inspectors present shall examine the serial number on the machine, and shall see if they are the same as the numbers written on the envelope containing the keys. If found not to agree, the envelope must not be opened until the voting machine custodian, or other authorized person, shall have been notified and shall have arrived at the polling place for the purpose of re-examining such machine and shall certify that it is properly arranged. If the serial number on the machine is found to agree with the number on the envelope, the inspectors, except as hereinafter provided, shall turn on the machine. The inspectors shall carefully examine the printed record produced by the machine to see that each counter registers zero, and shall allow watchers to examine the printed record. The inspectors shall then sign a certificate showing the delivery of the keys in a sealed envelope, the serial number on the machine, the number registered on the protective counter, that all the counters are set at zero and that the public counter is set at zero. The machine shall remain secured against voting until the polls are formally opened and shall not be operated except by voters when voting or by election officials upon the instructions of the board of elections. If any counter is found not to register zero, the inspectors of election shall immediately notify the board of elections.

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 term used to describe patients at veteran's administration hospitals.

PURPOSE OR GENERAL IDEA OF BILL: To ensure that offensive and/or insulting language in current statute is removed, so that appropriate consideration and respect is afforded to those persons who serve or have served the country in the various branches of the armed services and must then spend any time in veteran's administration facilities.

SUMMARY OF PROVISIONS: The bill amends Section 8-400 of the Election Law by deleting the words 'an inmate or' from subdivision 1(c) of Section 8-400 of the Election Law.

JUSTIFICATION: Removing offensive and/or insulting language in current statute will demonstrate concern and respect for those persons who serve or have served the country in the various branches of the armed services and may have need to avail themselves of health care services provided by veteran's administration facilities. In certain circumstances, the elimination of said language may even contribute to restoring self-confidence in persons who have earned the respect of their communities.

LEGISLATIVE HISTORY: New

FISCAL IMPLICATIONS: None to the state and none to the counties.

EFFECTIVE DATE: Immediate

Section C of Paragraph one of Article 8-400 of the New York State Election Law has been changed to read as follows:

§ 8-400. Absentee voting; application for ballot. 1. A qualified voter may vote as an absentee voter under this chapter if, on the occurrence of any village election conducted by the board of elections, primary election, special election, general election or New York city community school board district or city of Buffalo school district election, he or she expects to be:

(a) absent from the county of his or her residence, or, if a resident of the city of New York absent from said city; or

(b) unable to appear personally at the polling place of the election district in which he or she is a qualified voter because of illness or physical disability or duties related to the primary care of one or more individuals who are ill or physically disabled, or because he or she will be or is a patient in a hospital; or

(c) [an inmate or] An admitted patient of a veteran's administration hospital; or

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

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

(a) Application forms shall be furnished by and may be obtained from any board of elections at any time until the day before such election. Application forms shall also be supplied by the board of inspectors of the election district in which applicant is a qualified voter on all of the days provided for local registration. In addition, application forms shall be supplied upon the request of the person authorized to vote pursuant to this section, any such person's spouse, parent or child, a person residing with the applicant as a member of his household, or the applicant's duly authorized agent. Application forms sent outside of the United States to a country other than Canada or Mexico, shall be sent airmail. Any reference to "board of elections" in the remaining provisions of this section, except with respect to the furnishing and obtaining of applications for absentee ballots, means only the board of elections of the county or city in which the applicant is a qualified voter.

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

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

(d) The board of elections shall mail an absentee ballot to every qualified voter otherwise eligible for such a ballot, who requests such an absentee ballot from such board of elections in writing in a letter, telefax indicating the address, phone number and the telefax number from which the writing is sent or other written instrument, which is signed

by the voter and received by the board of elections not earlier than the thirtieth day nor later than the seventh day before the election for which the ballot is first requested and which states the address where the voter is registered and the address to which the ballot is to be mailed; provided, however, a military voter may request a military ballot or voter registration application or an absentee ballot application in a letter as provided in subdivision three of section 10-106 of this chapter; and provided further, a special federal voter may request a special federal ballot or voter registration application or an absentee ballot application in a letter as provided in paragraph d of subdivision one of section 11-202 of this chapter. The board of elections shall enclose with such ballot a form of application for absentee ballot if the applicant is registered with such board of elections.

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

(a) Applicant's full name, date of birth, and residence address, including the street and number, if any, rural delivery route, if any, mailing address if different from the residence address and his or her town or city and an address to which the ballot shall be mailed.

(b) A statement that the applicant is a qualified and registered voter.

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

(i) absent from the county of his or her residence, or if a resident of the city of New York absent from said city; provided, however, if the applicant expects to be absent from such county or city for a duration covering more than one election and seeks an absentee ballot for each election, he or she shall state the dates when he or she expects to begin and end such absence; or

(ii) unable to appear at a polling place because of illness or physical disability or duties related to the primary care of one or more individuals who are ill or physically disabled; or

(iii) an inmate or patient of a veteran's administration hospital; or

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

(d) Such application shall permit the applicant to apply for an absentee ballot for either a primary election or the general election in any year and for those persons who will be continuously absent from their county of residence during the period between the fall primary election and the general election in any year to apply for ballots for both such elections in such year. A voter who applies for an absentee ballot shall be sent an absentee ballot for any special election or winter primary that occurs during the period of absence specified in the application.

4. A voter who claims permanent illness or physical disability may make application for an absentee ballot and the right to receive an absentee ballot for each election thereafter as provided herein without further application, by filing with the board of elections an application which shall contain a statement to be executed by the voter. Upon filing of such application the board of elections shall cause the registration records of the voter to be marked "Permanently Disabled" and thereafter shall send an absentee ballot for each succeeding primary, special or general election to such voter at his or her last

known address by first class mail with a request to the postal authorities not to forward such ballot but to return it in five days in the event that it cannot be delivered to the addressee. The mailing of such ballot for each election shall continue until such voter's registration is cancelled.

5. The application for an absentee ballot shall contain the following language printed in bold face directly above the signature line: "I CERTIFY THAT THE INFORMATION IN THIS APPLICATION IS TRUE AND CORRECT AND UNDERSTAND THAT THIS APPLICATION WILL BE ACCEPTED FOR ALL PURPOSES AS THE EQUIVALENT OF AN AFFIDAVIT AND, IF IT CONTAINS A MATERIAL FALSE STATEMENT, SHALL SUBJECT ME TO THE SAME PENALTIES AS IF I HAD BEEN DULY SWORN." Such application shall be accepted for all purposes as the equivalent of an affidavit and if it contains a material false statement shall subject the person signing it to the same penalties as if he had been duly sworn.

6. For purposes of this section, the use of titles, initials or customary abbreviations of given names by the signers of, or witnesses to, an absentee ballot request letter, an absentee ballot application form or an absentee ballot envelope, or the use of customary abbreviations of addresses of such signers or witnesses, shall not invalidate such voter's signature or witness's signature on an application for an absentee ballot or upon canvass or recanvass of the ballot pursuant to this chapter.

7. If a person entitled to an absentee ballot is unable to sign his application because of illness, physical disability or inability to read, he shall be excused from signing upon making a statement, in substantially the following form, which shall be witnessed by one person:

"I hereby state that I am unable to sign my application for an absentee ballot without assistance because I am unable to write by reason of my illness or physical disability or because I am unable to read. I have made, or have received assistance in making, my mark in lieu of my signature."

(Date).....

.....(Mark)
(Name of Voter)

"I, the undersigned, hereby certify that the above named voter affixed his mark to this application in my presence and I know him to be the person who affixed his mark to said application and understand that this statement will be accepted for all purposes as the equivalent of an affidavit and if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn."

.....
(Signature of Witness)

.....
(Address of Witness)

Such statement shall be included in the application form furnished by the board of elections.

8. Printed forms of applications for absentee ballots in accordance with the requirements of this section shall be provided by the board of

elections. An appropriate number shall be retained by the board of elections for the purpose of furnishing an application form to each qualified voter who applies therefor before the board of elections, either in person or by mail, and an appropriate number shall be delivered to each board of inspectors on registration days with the election supplies, and the board of inspectors shall retain the completed and unused applications and return them to the board of elections with their election supplies and an appropriate number shall be available for distribution to officers of political parties, county clerks, city, town and village clerks, colleges, libraries, hospitals, nursing homes, senior citizens centers and any other convenient distribution source which is approved by the local or state board of elections and which requests such forms.

9. The provisions of this section for absentee voting in primary elections shall not apply to the party positions of members of the ward, town, city or county committee.

10. The state board of elections shall prescribe a standard application form for use under this section. The use of any application form which substantially complies with the provisions of this section shall be acceptable and any application filed on such a form shall be accepted for filing.

14-14

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 manner in which trustees of the Long Island Power Authority are selected.

PURPOSE OR GENERAL IDEA OF BILL: To eliminate the inclusion of signature requirements and other references to the Long Island Power Authority from the Election Law.

SUMMARY OF PROVISIONS: The bill amends Sections 6-142 2(h) and (i), 6-158.9 and 14-100.7 of the Election Law by removing said references.

JUSTIFICATION: The Laws of the State of New York were previously amended to reflect the change – from election to appointment – of trustees to the Long Island Power Authority, however the references to said position in the Election Law were not deleted, and have resulted in the filing of ballot access documents with the State Board, as well as unnecessary litigation related to same. Removing these references will ensure that interested persons will follow the correct process if they desire to serve as trustees of the Long Island Power Authority.

LEGISLATIVE HISTORY: New

FISCAL IMPLICATIONS: None to the state and none to the counties.

EFFECTIVE DATE: Immediately

Section (h) of Article 6 Section 142 of the New York State Election Law has been repealed and Section (i) changed to (h).

§ 6-142. Independent nominations; number of signatures. 1. An independent nominating petition for candidates to be voted for by all the voters of the state must be signed by at least fifteen thousand voters, of whom at least one hundred shall reside in each of one-half of the congressional districts of the State.

2. An independent nominating petition for the nomination of candidates for an office to be filled by the voters of any other political unit must be signed by voters numbering five per centum of the total number of votes cast for governor at the last gubernatorial election in such unit, excluding blank and void votes, except that not more than three thousand five hundred signatures shall be required upon any such petition for any office to be filled in any political subdivision of the state wholly outside the city of New York, and not more than the following numbers of signatures shall be required upon any such petition for the following public offices respectively:

(a) for any office to be filled in any county or portion thereof outside the city of New York, one thousand five hundred;

(b) for any office to be filled by all the voters of the city of New York, seven thousand five hundred;

(b-1) for any office to be filled by all the voters of any two counties in such city, four thousand;

(c) for any office to be filled by all the voters of any county or borough in such city, four thousand;

(d) for any office to be filled by all the voters of any municipal court district, three thousand signatures;

(d-1) for any office to be filled in the city of New York by all the voters of any city council district, two thousand seven hundred;

(e) for any office to be filled by all the voters of any congressional district, three thousand five hundred;

(f) for any office to be filled by all the voters of any state senatorial district, three thousand;

(g) for any office to be filled by all the voters of an assembly district, one thousand five hundred;

[(h) for the office of trustee of the Long Island Power Authority, five hundred;

(i)](h) for any office to be filled by the voters of any political

subdivision contained within another political subdivision except as herein otherwise provided, not to exceed the number of signatures required for the larger subdivision.