



# Board of Elections

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## Election Law Proposals for 2015

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The following is a brief description of the State Board of Elections legislative proposals to address the administration of elections for 2015.

- SBOE 15-01 **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, to include Fed Ex and UPS delivery services 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 15-02 **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- SBOE 15-03 **Publication of Election Results:** This bill would eliminate the outdated and costly requirement that certified election results be printed in certain legal ads.
- SBOE 15-04 **Addition of 13<sup>th</sup> Judicial District :** Addresses the creation of a 13<sup>th</sup> Judicial District representing Richmond County.
- SBOE 15-05 **Elimination of Party Emblem :** 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 15-06 **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 15-07 **Eliminates Conflicting Provisions Related to Absentee Ballot Counting:** Clarifies that absentee ballots should NOT be counted at the poll sites.
- SBOE 15-08 **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 15-09 **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 15-10 **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 15-11 **Modifies Language for VA facilities:** Would delete the reference for those patients in VA facilities from “inmates” to “admitted patient.”
- SBOE 15-12 **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.
- SBOE 15-13 **Authorize Use of tools to complete post-election results :** Amend Section 9-211 to include use of any automated tools authorized by the NYSBOE.

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.



**NEW YORK**  
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**2015**

**LEGISLATIVE PROPOSAL**

**15-01**

**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 pursuant to 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 a voter registration 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, 2013 and 2014.

**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  
2 adding 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 also including Federal Express Priority  
5 Overnight, Federal Express Standard Overnight, Federal Express  
6 Second Day, Federal Express International Priority, Federal  
7 Express International First, United Parcel Service Next Day Air,  
8 United Parcel Service Next Day Air Saver, United Parcel Service  
9 Second Day Air, United Parcel Service Second Day Air A.M.,  
10 United Parcel Service Worldwide Plus and United Parcel Service  
11 Worldwide Express and any other delivery service designated by  
12 the secretary of the treasury of the United States pursuant to  
13 section seventy-five hundred two of the internal revenue code,  
14 and any reference in this title to a postmark or a postmark by  
15 the United States mail shall be treated as including a reference  
16 to any date recorded or marked in the manner described in  
17 section seventy-five hundred two of the internal revenue code by

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

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

19 (B) Any equivalent of registered or certified mail designated by  
20 the United States secretary of the treasury, or as may be

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1 designated by the State Board of Elections pursuant to the same  
2 criteria used by such secretary for such designations pursuant  
3 to section seventy-five hundred two of the internal revenue  
4 code, shall be included within the meaning of registered or  
5 certified mail as used in this title. If the State Board of  
6 Elections finds that any equivalent of registered or certified  
7 mail designated by such secretary or the State Board of  
8 Elections is inadequate for the needs of the state, the State  
9 Board of Elections may withdraw such designation for purposes of  
10 this article.

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

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

14 § 3. This act shall take effect immediately.

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**2015**

**LEGISLATIVE PROPOSAL**

**15-02**

**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 recognizes the civic service they have provided in that capacity.

**LEGISLATIVE HISTORY:**

This proposal has been submitted by the State Board in 2014 and 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  
2 is 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  
14 years.

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

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**2015**

**LEGISLATIVE PROPOSAL**

**15-03**

**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. In addition, many county boards of elections and the New York State Board of elections post unofficial election results on their websites. As a result, the current requirement to subsequently publish the certified results is antiquated, redundant and costly.

**LEGISLATIVE HISTORY:**

The State Board proposed this as legislation in 2010, 2012, 2013 and 2014.

**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 to read  
2 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,  
7 town or village office of a city, town or village of which it is  
8 the board of canvassers. The canvassing board shall also  
9 determine whether any ballot proposal submitted only to the  
10 voters of the county, or only to the voters of a city, town or  
11 village which it is the board of canvassers, as the case may be,  
12 has by the 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

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

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

17 § 2. This act shall take effect immediately.

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**2015**

**LEGISLATIVE PROPOSAL**

**15-04**

**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 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:**

The State Board proposed this legislation in 2014.

**FISCAL IMPLICATIONS:**

None.

**EFFECTIVE DATE:**

Immediately.

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

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

1 Section 1. Subdivision 2 of section 9-200 of the election law  
2 is amended to read as follows:  
3 2. The board forthwith upon the completion of the canvass for  
4 members of a state committee and delegates and alternates to a  
5 national, state or judicial district convention, shall transmit  
6 to the state board of elections a certificate stating the name  
7 and residence of each member of a state committee and delegate  
8 and alternate elected from a district wholly within the  
9 jurisdiction of such board, except that, in respect to a  
10 judicial district convention in the first, second, eleventh,  
11 [and]twelfth, and thirteenth judicial districts, the board of  
12 elections, instead of transmitting such certificate, shall  
13 compile the roll of the convention and transmit it to the  
14 chairman or secretary of the committee which, by party rules, is  
15 empowered to fix the time and place of the convention. The board  
16 of elections shall send by mail to each delegate and alternate  
17 elected a notice of his election. The certificate or roll of the

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

10 Section 2. Section 9-202 of the election law is amended to read  
11 as follows:

12 § 9-202. Canvass of primary returns by state board of elections;  
13 convention rolls

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

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

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

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- 1 board of elections shall transmit copies of the certified
- 2 statements of the votes for delegates and alternates to a
- 3 national convention of a party to the chairman and secretary of
- 4 the state committee of such party.
- 5 Section 1. This act shall take effect immediately.

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



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**2015**

**LEGISLATIVE PROPOSAL**

**15-05**

**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 removal of party emblems from ballots.

**SUMMARY OF PROVISIONS:**

The bill amends various sections of the election law to remove the requirement that a party's emblem be included in the ballot design.

**JUSTIFICATION:**

With the statewide transition to electronic voting systems, many county boards of elections found that the requirement to include party emblems on the ballot makes the ballot significantly less readable by the voter. Moreover, when included in the ballot design, space constraints minimized the emblem size to make them virtually unrecognizable. Removing the emblem requirement allows county boards greater flexibility to design the ballots in a much more usable and readable format.

**LEGISLATIVE HISTORY:**

The State Board proposed this legislation in 2014.

**FISCAL IMPLICATIONS:**

None.

**EFFECTIVE DATE:**

Immediately.

AN ACT to amend the election law in relation to removal of party emblems from ballots.

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

1 Section 1. Subdivision 18 of section 1-104 of the election law  
2 is amended to read as follows:

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

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

1 Section 2. Subdivisions 1 and 2 of section 2-124 of the  
2 election law are amended to read as follows:

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

9 2. The name of a party shall be in the English language and  
10 shall not include the words "American", "United States",  
11 "National", "New York State", "Empire State", or any  
12 abbreviation thereof, nor the name or part of the name, or an  
13 abbreviation of the name, of an existing party. [The emblem  
14 chosen may be a star, an animal, an anchor, or any other  
15 proper symbol, but may not be the same as or similar to any  
16 emblem, insignia, symbol or flag used by any political or  
17 governmental body, agency or entity nor any religious emblem,  
18 insignia, symbol or flag, nor the portrait of any person, nor  
19 the representation of a coin or of the currency of the United  
20 States.] The name [and emblem] chosen shall not be similar to or

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1 likely to create confusion with the name [or emblem] of any  
2 other existing party or independent body.

3 Section 3. Subdivision 1 of section 4-112 of the election law is  
4 amended to read as follows:

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

18 Section 4. Subdivision 1 of section 6-128 of the election law is  
19 amended to read as follows:

20

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

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

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

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

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

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

14 (e)] The name of the committee making the nomination.

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

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

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

1 Section 5. Subdivision 3 of section 6-138 of the election law is  
2 amended to read as follows:

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

12 b. Notwithstanding the requirements of paragraph a  
13 of this subdivision, if the [emblem or ]name selected for an  
14 independent body on any independent nominating petition is  
15 the same as that selected by any previously filed independent  
16 nominating petition for the same office, the board of  
17 elections with which such later petition was filed shall, not  
18 later than two days after the filing of such later filed  
19 petition, send notice of such duplicate selection of [emblem  
20 or] name by first-class mail, to the candidate for such

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

1 office who was nominated by such later filed petition, and that  
2 the candidate to whom such notice is required to be sent  
3 may file with such board of elections, not later than seven  
4 days after such notice was mailed, a certificate selecting a  
5 different [emblem or] name.

6 c. A person who has been nominated or who expects to be  
7 nominated as the candidate of an independent body for the office  
8 of President of the United States at any election for such  
9 office may, not later than three days after the last day to  
10 file nominating petitions, file with the state board of  
11 elections, a special certificate which shall be  
12 irrevocable, stating that such person does not wish to permit  
13 candidates for any other office, except the office of Vice-  
14 President of the United States, to appear on the ballot  
15 with the same name [and emblem] as the independent body which  
16 has nominated or will nominate such candidate for the office of  
17 President.

18 d. Not later than seven days after the last day to file  
19 nominating petitions, the state board of elections shall notify  
20 each local board of elections of the name of each

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1 candidate for President of the United States who has filed such  
2 a special certificate, together with the name [and emblem] of  
3 the independent body selected on the petition which  
4 nominated such candidate.

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

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

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

19 Section 6. Subdivision 1 paragraph a of section 6-140 of the  
20 election law is amended to read as follows:

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

1 § 6-140. Independent nominations; form of petition.

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

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

18 Section 7. Subdivision 1 and 3 of section 6-206 of the election  
19 law are amended to read as follows:

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

1 § 6-206. Independent nominations; petition, form.

2 1. Independent nominations for elective village offices shall be  
3 made by a petition containing the signatures in ink of  
4 residents of the village who are registered with the appropriate  
5 county board of elections at the time of signing. The sheets of  
6 such a petition shall be numbered. A signer need not himself  
7 or herself fill in the date or residence. Each sheet of such  
8 petition must be in substantially the following form and shall  
9 contain all the information required therein:

10 VILLAGE INDEPENDENT NOMINATING PETITION

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

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

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

12 Section 8. Subdivision 1 of section 16-104 of the election law  
13 is amended to read as follows:

14 § 16-104. Proceedings as to form of ballot, party name, etc.

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

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

1 Section 9. This act shall take effect immediately.

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



**NEW YORK**  
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**2015**

**LEGISLATIVE PROPOSAL**

**15-06**

**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 items. 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:**

The State Board proposed this legislation in 2014.

**FISCAL IMPLICATIONS:**

None.

**EFFECTIVE DATE:**

Immediately.

AN ACT to amend the election law in relation to use of pasters and stickers.

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 8-308 of the election law is  
2 amended to read as follows:

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

6 § 2. Section 17-134 of the election law is amended to read as  
7 follows:

8 An election officer or other person who uses a paster, sticker  
9 or label upon an official ballot at any election, except as  
10 authorized an in the manner provided by this chapter, is guilty  
11 of a felony.

12  
13 § 3. This act shall take effect immediately.

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



**NEW YORK**  
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Elections**

**2015**

**LEGISLATIVE PROPOSAL**

**15-07**

**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 repeal of provision for canvassing of absentee ballots in poll sites on election day and the appointment of persons to conduct said canvass.

**SUMMARY OF PROVISIONS:**

This bill repeals section 3-408 of the Election law to eliminate conflicting provisions in the election law relating to the canvassing of absentee ballots.

**JUSTIFICATION:**

The Election Law was previously amended to require that absentee ballots be canvassed centrally at Board of Elections officers or other facilities and not at poll sites. However, the provision which provided for poll workers to be appointed to count such ballots in poll sites inadvertently remained. Repealing section 3-408 of the election law removes any confusion on the part of election administrators, poll workers and candidates that absentee ballots must be counted centrally at Board officers or facilities, ensuring consistency, accuracy and transparency in the election process.

**LEGISLATIVE HISTORY:**

The State Board proposed this legislation in 2014.

**FISCAL IMPLICATIONS:**

None.

**EFFECTIVE DATE:**

Immediately.

AN ACT to amend the election law in relation to repeal of provision for canvassing of absentee ballots in poll sites on election day and the appointment of persons to conduct said canvass.

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

1 Section 1. Section 3-408 of the election law is REPEALED.

2

3 § 2. This act shall take effect immediately.

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



**NEW YORK**  
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Elections**

**2015**

**LEGISLATIVE PROPOSAL**

**15-08**

**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 disparate payment for poll sites that are fully accessible.

**SUMMARY OF PROVISIONS:**

This bill repeals subdivision 8 of section 4-104 of the election law and renumbers subdivision 9 as subdivision 8.

**JUSTIFICATION:**

The provision to be repealed 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 law require that all poll sites be accessible, there is no longer any need for such distinction. Additionally, by not repealing this provision there may remain confusion among election administrators concerning the designation of accessible poll sites, without exception.

**LEGISLATIVE HISTORY:**

The State Board proposed this legislation in 2014.

**FISCAL IMPLICATIONS:**

None.

**EFFECTIVE DATE:**

Immediately.

AN ACT to amend the election law in relation to the disparate payment for poll sites that are fully accessible.

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

- 1 Section 1. Subdivision 8 of section 4-104 of the election law is  
2 REPEALED and subdivision 9 is renumbered subdivision 8.  
3  
4 § 2. This act shall take effect immediately.

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



**NEW YORK**  
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**2015**

**LEGISLATIVE PROPOSAL**

**15-09**

**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 publication of candidate information prior to each election.

**SUMMARY OF PROVISIONS:**

This bill amends 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. At the time of such publication, the opportunity to challenge a candidate’s designation or nomination has long expired. The inclusion of residence addresses may also create issues relating to the security of those seeking office. Including addresses adds considerably to the cost of publication. The required publication of candidates will serve its intended goal of general public information without the inclusion of residence information.

**LEGISLATIVE HISTORY:**

The State Board proposed this legislation in 2014.

**FISCAL IMPLICATIONS:**

None.

**EFFECTIVE DATE:**

Immediately.

AN ACT to amend the election law in relation to the publication of candidate information prior to each election.

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

1 Section 1. Subdivision 1 of section 4-122 of the election law is  
2 amended to read as follows:

3 1. The county board of elections shall publish, at least six  
4 days before an election, a list containing the name [and  
5 residence] of every candidate for public office to be voted  
6 for within its jurisdiction at such election.

7

8 § 2. This act shall take effect immediately.

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



**NEW YORK**  
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**2015**

**LEGISLATIVE PROPOSAL**

**15-10**

**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 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.

**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, providing that election workers report to the polls at least one hour before the opening of the polls.

**JUSTIFICATION:**

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 earlier than required to be more able to complete said tasks, they risk not being paid for the time they actually serve. Making the change to one hour helps ensure poll sites are ready to open on time and voters will not wait to vote due to a lack of readiness in any given poll site.

**LEGISLATIVE HISTORY:**

The State Board proposed this legislation in 2014.

**FISCAL IMPLICATIONS:**

None.

**EFFECTIVE DATE:**

January 1 next succeeding passage.

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.

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

1 Section 1. Section 8-102 of the election law is amended to read  
2 as follows:

3 § 8-102. Polls; opening of. 1. The inspectors of election, and  
4 clerks, if any, shall meet at the polling place at least  
5 one[-half] hour before the time set for opening the polls of  
6 election. The inspectors of election shall:

7 (a) See that the American flag is displayed.

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

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

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

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

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

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

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

14 (h) Unlock all ballot boxes and secure storage containers to  
15 be used to hold election day paper ballots, see that they are  
16 empty, allow them to be examined by the watchers present, and  
17 lock them up again in such a manner that the watchers and the  
18 persons just outside the guard-rail may see that the boxes are  
19 empty when re-locked; provided, however, the ballot boxes  
20 or secure storage containers holding unused ballots shall be

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

1 inspected to confirm that only the number of unused election  
2 day paper ballots provided by the board of elections are  
3 contained therein.

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

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

20 2. The keys to the ballot scanner and ballot marking  
21 device shall be delivered to the inspectors at least one[-half]

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

1 hour before the time set for the opening of the polls, in a  
2 sealed envelope, on which shall be written or printed the ballot  
3 scanner or ballot marking device serial number and location  
4 of the polling place, as reported by the voting machine  
5 custodian. The envelope containing the keys shall not be opened  
6 until at least one inspector from each of the two parties  
7 shall be present in the polling place and shall have examined  
8 the envelope to see that it has not been opened. Before opening  
9 the envelope, such election inspectors present shall examine  
10 the serial number on the machine, and shall see if they are the  
11 same as the numbers written on the envelope containing the  
12 keys. If found not to agree, the envelope must not be opened  
13 until the voting machine custodian, or other authorized  
14 person, shall have been notified and shall have arrived at the  
15 polling place for the purpose of re-examining such machine  
16 and shall certify that it is properly arranged. If the serial  
17 number on the machine is found to agree with the number on  
18 the envelope, the inspectors, except as hereinafter provided,  
19 shall turn on the machine. The inspectors shall carefully  
20 examine the printed record produced by the machine to see

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

1 that each counter registers zero, and shall allow watchers to  
2 examine the printed record. The inspectors shall then sign  
3 a certificate showing the delivery of the keys in a sealed  
4 envelope, the serial number on the machine, the number  
5 registered on the protective counter, that all the counters are  
6 set at zero and that the public counter is set at zero. The  
7 machine shall remain secured against voting until the polls are  
8 formally opened and shall not be operated except by voters  
9 when voting or by election officials upon the instructions  
10 of the board of elections. If any counter is found not to  
11 register zero, the inspectors of election shall immediately  
12 notify the board of elections.

13

14 § 2. This act shall take effect on the first day of January  
15 after it shall have become law.

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



**NEW YORK**  
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**2015**

**LEGISLATIVE PROPOSAL**

**15-11**

**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.

**SUMMARY OF PROVISIONS:**

The bill removes offensive and insulting language in the current statute. Persons who are serving or have served in the various branches of the armed services who are in veteran's administration facilities are patients, not "inmates". Accordingly, this bill amends section 8-400 of the Election Law by replacing references to "inmate" with the accurate word "patient".

**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 who avail themselves of health care services provided by veteran's administration facilities.

**LEGISLATIVE HISTORY:**

The State Board proposed this legislation in 2014.

**FISCAL IMPLICATIONS:**

None.

**EFFECTIVE DATE:**

Immediately.

AN ACT to amend the election law in relation to the term used to describe patients at veteran's administration hospitals.

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

1 Section 1. Paragraph C of subdivision 1 of section 8-400 of the  
2 election law is amended to read as follows:

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

5 Section 2. Subparagraph iii of paragraph C of subdivision 3 of  
6 section 8-400 of the election law is amended to read as follows:

7 iii. [an inmate or] an admitted patient of a veteran's  
8 administration hospital; or

9  
10 Section 3. This act shall take effect immediately.

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



**NEW YORK**  
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**2015**

**LEGISLATIVE PROPOSAL**

**15-12**

**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 eliminating the petition reference regarding the trustees of the Long Island Power Authority.

**SUMMARY OF PROVISIONS:**

To eliminate the inclusion of signature requirements and other petition references for trustees of the Long Island Power Authority, the bill repeals election law provisions 6-142 [2] [h]; 6-158 [9] and 14-100 [7].

**JUSTIFICATION:**

The Laws of the State of New York were previously amended to reflect the change from election to appointment of trustees of the Long Island Power Authority. However, the references to said position in the Election Law were not deleted, and this has resulted in the filing of ballot access documents with the State Board, as well as related, unnecessary litigation. Removing these references ensures those desiring to serve as trustees of the Long Island Power Authority follow the correct process.

**LEGISLATIVE HISTORY:**

The State Board proposed this legislation in 2014.

**FISCAL IMPLICATIONS:**

None.

**EFFECTIVE DATE:**

Immediately.

AN ACT to amend the election law in relation to eliminating the petition reference regarding the trustees of the Long Island Power Authority.

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

1 Section 1. Paragraphs h and i of subdivision 2 of section 6-142  
2 of the election law are amended to read as follows:

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

5 ~~((i))~~ for any office to be filled by the voters of any political  
6 subdivision contained within another political subdivision  
7 except as herein otherwise provided, not to exceed the number of  
8 signatures required for the larger subdivision.

9 Section 2. Subdivision 9 of section 6-158 of the election law is  
10 amended to read as follows:

11 9. A petition for an independent nomination for an office to  
12 be filled at the time of a general election shall be filed not  
13 earlier than twelve weeks and not later than eleven weeks  
14 preceding such election. A petition for an independent  
15 nomination for an office to be filled at a special election  
16 shall be filed not later than twelve days following the issuance

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

1 of a proclamation of such election. [A petition for trustee of  
2 the Long Island Power Authority shall be filed not earlier than  
3 seven weeks and not later than six weeks preceding the day of  
4 the election of such trustees.]

5 Section 3. Subdivision 7 of section 14-100 of the election law  
6 is amended to read as follows:

7 7. ``candidate'' means an individual who seeks nomination  
8 for election, or election, to any public office or party  
9 position to be voted for at a primary, general or special or New  
10 York city community school district election [or election for  
11 trustee of the Long Island Power Authority], whether or not the  
12 public office or party position has been specifically identified  
13 at such time and whether or not such individual is nominated or  
14 elected, and, for purposes of this subdivision, an individual  
15 shall be deemed to seek nomination for election, or election, to  
16 an office or position, if he has (1) taken the action necessary  
17 to qualify himself for nomination for election, or election, or  
18 (2) received contributions or made expenditures, given his  
19 consent for any other person to receive contributions or make  
20 expenditures, with a view to bringing about his nomination for

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

1 election, or election, to any office or position at any time  
2 whether in the year in which such contributions or expenditures  
3 are made or at any other time; and

4

5 Section 4. This act shall take effect immediately.

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



**NEW YORK**  
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**2015**

**LEGISLATIVE PROPOSAL**

**15-13**

**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 audit of voter verifiable audit records

**SUMMARY OF PROVISIONS:**

The bill amends section 9-211 of the election law to permit the use of authorized, automated tools independent from the voting system in the conduct of the audit of ballots.

**JUSTIFICATION:**

Permitting authorized, automated tools independent from the voting system to assist in the auditing of ballots after an election will enhance the ability of election officials to conduct thorough, expedient ballot audits. Such tools will allow election officials to more quickly conduct escalated audits when required by law.

**LEGISLATIVE HISTORY:**

New proposal.

**FISCAL IMPLICATIONS:**

None.

**EFFECTIVE DATE:**

Immediately.

AN ACT to amend the election law in relation to the audit of voter verifiable audit records.

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

1 Section 1. Section 9-211 of the election law is amended to read  
2 as follows:

3 § 9-211. Audit of voter verifiable audit records. 1. Within  
4 fifteen days after each general or special election, and within  
5 seven days after every primary or village election conducted by  
6 the board of elections, the board of elections or a bipartisan  
7 committee appointed by such board shall [manually] audit the  
8 voter verifiable audit records from three percent of voting  
9 machines or systems within the jurisdiction of such board. Such  
10 audits may be performed manually or via the use of any automated  
11 tool authorized for such use by the state board of elections  
12 which is independent from the voting system it is being used to  
13 audit. Voting machines or systems shall be selected for audit  
14 through a random, manual process. At least five days prior to  
15 the time fixed for such selection process, the board of  
16 elections shall send notice by first class mail to each  
17 candidate, political party and independent body entitled to have

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

1 had watchers present at the polls in any election district in  
2 such board's jurisdiction. Such notice shall state the time and  
3 place fixed for such random selection process. The audit shall  
4 be conducted in the same manner, to the extent applicable, as a  
5 canvass of paper ballots. Each candidate, political party or  
6 independent body entitled to appoint watchers to attend at a  
7 polling place shall be entitled to appoint such number of  
8 watchers to observe the audit.

9 2. The [manual]audit tallies for each voting machine or system  
10 shall be compared to the tallies recorded by such voting machine  
11 or system, and a report shall be made of such comparison which  
12 shall be filed in the office of the state board of elections.

13 3. The state board of elections shall, in accordance with  
14 subdivision four of section 3-100 of this chapter, promulgate  
15 regulations establishing a uniform statewide standard to be used  
16 by boards of elections to determine when a discrepancy between  
17 the [manual]audit tallies and the voting machine or system  
18 tallies shall require a further voter verifiable record audit of  
19 additional voting machines or systems or a complete  
20 [manual]audit of all machines or systems within the jurisdiction

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

1 of a board of elections. Any board of elections shall be  
2 empowered to order that any such audit shall be conducted  
3 whenever any such discrepancy exists.

4 4. If a complete audit shall be conducted, the results of such  
5 audit shall be used by the canvassing board in making the  
6 statement of canvass and determinations of persons elected and  
7 propositions rejected or approved. The results of a partial  
8 voter verifiable record audit shall not be used in lieu of  
9 voting machine or system tallies.

10 5. Notwithstanding subdivision four of this section, if a voting  
11 machine or system is found to have failed to record votes in a  
12 manner indicating an operational failure, the board of  
13 canvassers shall use the voter verifiable audit records to  
14 determine the votes cast on such machine or system, provided  
15 such records were not also impaired by the operational failure  
16 of the voting machine or system.

17  
18  
19 Section 2. This act shall take effect immediately.

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