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**Election Law Proposals for 2010**

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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 2010.

- SBE 10-01 **Poll Watcher Qualifications:** This bill amends subdivision 4 of §8-500 of the Election Law to prohibit candidates from being poll watchers in those districts where they are running for office.
- SBE 10-02 **Filing of Papers by Express Courier:** This bill adds a new subdivision (3 ) to §1-106 of the Election Law to recognize delivery services other than the United States Postal Service for the delivery of papers under the Election Law. The bill also amends §5-210(3) to include the State Board of Elections as an entity to receive timely voter registration forms.
- SBE 10-03 **Exempt Election Workers from Jury Duty:** This bill amends Judiciary Law §524 to provide an exemption from jury duty for election inspectors, poll clerks and election coordinators.
- SBE 10-04 **Polling Site Designation:** This bill will allow County Boards the flexibility to take into consideration the technology provided for with the new voting systems when determining and designating their polling sites.
- SBE 10-05 **Absentee Ballot Requirements:** This legislation provides for a streamlined absentee ballot application process by allowing qualified voters to apply for absentee ballots if they meet one of the criteria in the Constitution without invading the privacy of the voter.
- SBE 10-06 **Campaign Financial Disclosure Filings:** This bill would increase the possible fine for a campaign filing violation from \$500 to \$1,000 dollars.

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- SBE 10-08 **Publication of Election Results:** This bill would eliminate the outdated and costly requirement that certified election results be printed in certain legal ads.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

**MEMORANDUM IN SUPPORT**

**ASSEMBLY BILL # A.**

**SENATE BILL # S.**

**ASSEMBLY SPONSOR(S):**

**SENATE SPONSOR(S):**

**TITLE:** An act to amend the election law in relation to qualifications of poll watchers.

**SUMMARY OF PROVISIONS:**

This bill amends subdivision 4 of §8-500 of the election law to prohibit candidates from being poll watchers in those districts where they are running for office.

**JUSTIFICATION:**

The possibility of active or passive electioneering, or the appearance thereof, is eliminated by prohibiting candidates from being poll watchers in the districts where they are candidates on the ballot.

**LEGISLATIVE HISTORY:**

The State Board proposed this as legislation in 1998, 1999, and 2005.

**FISCAL IMPLICATIONS:**

None.

**EFFECTIVE DATE:**

Immediately.

New York State Board of Elections Legislative Proposal SBE 10-01

AN ACT to amend the election law in relation to qualifications of poll watchers.

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

1 Section 1. Subdivision 4 of section 8-500 of the election law is  
2 amended to read as follows:

3 4. Each watcher must be a qualified voter of the city or county in  
4 which he is to serve and no person shall be appointed or act as a  
5 watcher who is a candidate for any public office to be voted for by  
6 the voters of the district in which he is to serve.

7 §2. This act shall take effect immediately.

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

**MEMORANDUM IN SUPPORT**

**ASSEMBLY BILL# A.**

**SENATE BILL# S.**

**ASSEMBLY SPONSOR(S):**

**SENATE SPONSOR(S):**

**TITLE:** An act amend the election law in relation to filing of papers.

**SUMMARY OF PROVISIONS:**

This bill adds a new subdivision (3 ) to §1-106 of the Election Law to recognize delivery services other than the United States Postal Service for the delivery of papers under the Election Law.

The bill also amends §5.210(3) to include the State Board of Elections as an entity to receive timely voter registration forms.

**JUSTIFICATION:**

The Election Law was developed when the only trusted delivery service was the United States Postal Service. Since that time many reliable private courier services have come into existence, such as Federal Express, United Parcel Service, and other "overnight" courier services. This bill adopts the system used by both the New York State Division of Tax and Finance and the Federal Internal Revenue Service in only allowing recognized delivery services.

Currently if a person sends their voter registration information in a timely manner to an erroneous County Board of Elections, the correct Board of Elections will deem that registration information as timely and process the information. This amendment would clarify that if that information is erroneously sent to the New York State Board of Elections, but is otherwise timely, that this information will be deemed timely and processed by the correct County Board of Elections upon their receipt.

**LEGISLATIVE HISTORY:**

None.

**FISCAL IMPACT:**

None.

**EFFECTIVE DATE:**

This act shall take effect immediately.

AN ACT amend the election law in relation to filing of papers.

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

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

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

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

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

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

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

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

19 § 3. This act shall take effect immediately.

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

**MEMORANDUM IN SUPPORT**

**ASSEMBLY BILL # A.**

**SENATE BILL # S.**

**ASSEMBLY SPONSOR(S):**

**SENATE SPONSOR(S):**

**TITLE:** An act to amend the judiciary law in relation to providing an exemption from jury duty for service as an election inspector, poll clerk or election coordinator

**SUMMARY OF PROVISIONS:**

This bill amends Judiciary Law section 524. This act provides for an exemption from jury duty for service as an election inspector, poll clerk or election coordinator

**JUSTIFICATION:**

Providing an exemption from jury duty for election day workers is a reward for this public service

**LEGISLATIVE HISTORY:**

This proposal has been submitted by the Board in past years.

**FISCAL IMPLICATIONS:**

None.

**EFFECTIVE DATE:**

This law shall take effect on the first day of January next succeeding the date on which it shall have become law.

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

AN ACT amend the judiciary law in relation to providing an exemption from jury duty for service as an election inspector, poll clerk or election coordinator.

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

1 Section 1. Subdivision (a) of section 524 of the judiciary law is  
2 amended to read as follows:

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

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

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

**MEMORANDUM IN SUPPORT**

**ASSEMBLY BILL# A.**

**SENATE BILL# S.**

**ASSEMBLY SPONSOR(S):**

**SENATE SPONSOR(S):**

**TITLE:**

An act to amend the election law, in relation to the designation of polling places.

**SUMMARY OF PROVISIONS:**

Section 4-104 of the Election Law is amended to allow County Boards the flexibility to assess the need for, and designate polling places based upon the technology being provided for with the new voting systems. The legislation also makes statewide the requirement in cities with a population of over one hundred thousand that various premises be available as polling places.

**JUSTIFICATION:**

The Election Reform and Modernization Act of 2005 (Chapter 181 / Laws of 2005) requires that new voting systems be implemented throughout New York State. With the implementation of new voting systems, new logistics have to be considered when assigning voting machines for use by one or more election districts. In addition, when designating polling places, county boards must consider how each site is able to accommodate the number of workers and election resources (voting machines, privacy booths, etc.) in sufficient numbers to adequately serve the numbers of voters eligible to vote in such polling place

**LEGISLATIVE HISTORY:**

New Bill.

**FISCAL IMPLICATIONS:**

None to the State.

**EFFECTIVE DATE:**

Immediately.

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

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AN ACT amend the election law in relation to designating poll sites.

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

1 Section 1. Section 4-104 of the election law is amended to read as  
2 follows:

3 Paragraph 3(a) is amended to read as follows:

4 3-a. [In cities with populations of more than one hundred thousand,  
5 a]Any person or entity which controls a building for which a tax  
6 exemption, tax abatement, subsidy, grant or loan for construction,  
7 renovation, rehabilitation or operation has been provided by any  
8 agency of the state or any political subdivision thereof on or  
9 after the effective date of this subdivision shall agree to make  
10 available for registration and voting purposes the room or rooms in  
11 such building which the board or body empowered to designate  
12 polling places determines are suitable for registration and voting,  
13 are accessible to physically disabled voters and are as close as  
14 possible to a convenient entrance to such building. Notwithstanding  
15 any other provision of law, any agency of the state or any  
16 political subdivision thereof may deny a tax exemption, tax  
17 abatement, subsidy, grant or loan for construction, renovation,  
18 rehabilitation or operation to a building in any such city which is  
19 otherwise eligible for such exemption, abatement, subsidy, grant or

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

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

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AN ACT amend the election law in relation to designating poll sites.

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

1 Section 1. Section 4-104 of the election law is amended to read as  
2 follows:

3 Paragraph 3(a) is amended to read as follows:

4 3-a. [In cities with populations of more than one hundred thousand,  
5 a]Any person or entity which controls a building for which a tax  
6 exemption, tax abatement, subsidy, grant or loan for construction,  
7 renovation, rehabilitation or operation has been provided by any  
8 agency of the state or any political subdivision thereof on or  
9 after the effective date of this subdivision shall agree to make  
10 available for registration and voting purposes the room or rooms in  
11 such building which the board or body empowered to designate  
12 polling places determines are suitable for registration and voting,  
13 are accessible to physically disabled voters and are as close as  
14 possible to a convenient entrance to such building. Notwithstanding  
15 any other provision of law, any agency of the state or any  
16 political subdivision thereof may deny a tax exemption, tax  
17 abatement, subsidy, grant or loan for construction, renovation,  
18 rehabilitation or operation to a building in any such city which is  
19 otherwise eligible for such exemption, abatement, subsidy, grant or

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1 loan if the person or entity which controls such building refuses  
2 to agree to make available for registration and voting purposes the  
3 room or rooms in such building which the board or body empowered to  
4 designate polling places determines are suitable for registration  
5 and voting, are accessible to physically disabled voters and are as  
6 close as possible to a convenient entrance to such building. The  
7 provisions of this subdivision shall not apply to buildings used  
8 solely for residential purposes which contain less than twenty-five  
9 dwelling units.

10 Paragraph 4 is amended to read as follows:

11 4. Where an election district is so situated or the only  
12 facilities available therein are such that public convenience would  
13 be served by establishing a polling place outside such district,  
14 the board or body empowered by this chapter to [establish election  
15 districts]designate a polling place may so designate a polling  
16 place in [a contiguous ]another election district within the same  
17 town or city.

18 A new paragraph 5(d) is added to read as follows:

19 5. (d) Notwithstanding any other provision of this section,  
20 polling places designated for any one such election district that  
21 will be utilizing any voting machine or system certified after  
22 April 1, 2009 for use in New York State pursuant to Chapter 181 of

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1 the Laws of 2005, may be the polling place of any other district or  
2 districts, provided the voting system used in such polling place  
3 produces separate and distinct vote totals for each election  
4 district voting in such polling place on such voting machine or  
5 system.

6 Paragraph 6 is amended as follows:

7 6. Each polling place designated, whenever practicable, shall be  
8 situated on the main or ground floor of the premises selected. It  
9 shall be of sufficient area to admit and comfortably accommodate  
10 [at least ten ]voters in numbers consistent with the deployment of  
11 voting systems and privacy booths, pursuant to NYCRR Title 9,  
12 Subtitle V, Part 6210.19. Such deployment of voting systems,  
13 election workers and election resources shall be in a sufficient  
14 number to accommodate the numbers of voters eligible to vote in  
15 such polling place.[at one time and to allow for the placement in  
16 such meeting place, of booths, furniture and equipment, as provided  
17 by law.]

18 Paragraph 9 is amended to read as follows:

19 9. Whenever the board of elections shall determine that there is  
20 no building within an election district available and suitable for  
21 the meetings for the registration of voters[ or for any election],  
22 or that for reasons of efficiency or economy it is desirable to

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1 consolidate such meetings of one or more districts in one place,  
2 such board may designate a building for such voter registration  
3 purpose in another [adjoining ]election district in the same  
4 village, city or town and there may be as many distinctly separate  
5 meeting[s or polling places ]lawfully located in the same building  
6 as public convenience may require. Wherever possible, public  
7 schools, fire houses, municipal buildings or other buildings exempt  
8 from taxation shall be designated for such meetings[ and polling  
9 places]. Such a determination shall be made only after notice to  
10 the chairpersons of the county committees of all political parties  
11 and reasonable opportunity for them to be heard.  
12 s 2. This act shall take effect immediately.

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

**MEMORANDUM IN SUPPORT**

**SENATE BILL #: S.**

**ASSEMBLY BILL #: A.**

**ASSEMBLY SPONSOR(S):**

**SENATE SPONSOR(S):**

**TITLE:** An act to amend the election law, in relation to absentee ballots.

**SUMMARY OF PROVISIONS:** The bill amends Section 8-400 subdivisions I, 3 and 4 of the election law that sets forth the information that qualified voters must provide in an absentee ballot application. Pursuant to the bill, &qualified voter would be permitted to vote by absentee ballot if he or she is:

- \* Absent from the county (or city) of his or her residence;
- \* Unable to appear personally at the polling place of the election district in which he or she is a qualified voter because of illness or disability.
- \* An inmate or patient of a veteran's administration hospital;
- \* Detained in jail awaiting action by a grand jury or awaiting trial, or confined in jail or prison after a conviction for an offense other than a felony, provided that he or she is qualified to vote in the election district of his or her residence;

The applicant would have to provide, in the application for an absentee ballot, his or her full name, date of birth, residence address, and a statement that the applicant is a registered voter. The applicant would also be required to provide a statement, as appropriate, that on the day of such election he or she expects in good faith to be absent for any of the reasons stated in the above paragraph. The applicant would be able to apply for an absentee ballot covering more than one election, even if they occur in different calendar years, by providing the beginning and end dates of the absence.

**JUSTIFICATION:** During January and February of 1993, the New York State Board of Elections gathered testimony which addressed the complexity of the voter registration form, the campaign finance disclosure form and the absentee ballot application form. One major complaint was that voters were asked a series of lengthy questions that provided information of little value to the Board of Elections. Article II, section 2 of the New York State Constitution permits absentee voting if the voter is absent from his or her county, ill or unable to appear at the poll site because of illness or physically disabled. However, the absentee ballot application contains a long list of required information that goes far beyond questions regarding absence, illness or physical disability. The addition of the date of birth requirement is to assist Board of Election personnel in differentiating between people with the same name.

Besides burdening the voter with a needlessly complex task, requiring such detail could jeopardize his or her safety and privacy. For example, the Election Law requires a person

seeking an absentee ballot based on illness or physical disability to identify his or her medical practitioner and/or the hospital in which he or she are or expects to be a patient.

When a voter will be out of the county of his or her residence, the Election Law also specifies that applicants must report the details regarding employment or studies necessitating such absence, or the beginning and end dates they will be on vacation and the name of his or her employer, or the details necessitating such absence because the voter is accompanying a spouse, child or parent.

Voters who have second residences or go on extended trips are also forced to apply for absentee ballots for each election, often preventing their participation in elections that occur within weeks or months of each other. This legislation would provide them with the opportunity to apply for an absentee ballot for more than one election.

The New York state Constitution does not require the disclosure of personal details and because the application is a public document that anyone has access to under the Freedom of Information Act, this information could put a voter, or his or her property, at risk. Moreover, the absentee ballot application is the equivalent of a sworn statement and a voter's signature or mark should be sufficient to satisfy the constitutional mandate.

This legislation provides for a streamlined absentee ballot application process by allowing qualified voters to apply for absentee ballots if they meet one of the criteria in the constitution without invading the privacy of the voter.

**LEGISLATIVE HISTORY:** A.5453-A and S.5172 of 2007/2008 A.5748 of 2005/2006 A.6370 and S.4553 of 2003-2004 A.5768 and S.977 of 2001-2002 A.1966-B and S.1267-B of 1999-2000 A.6364 and S.3471 of 1997-1998 S.3052 of 1995-96 S.8125 of 1993-1994 [CH. 426 of the laws of 2009 authorized absentee ballots for caregivers.]

**FISCAL IMPLICATIONS:** Costs associated with printing new forms.

**EFFECTIVE DATE:** Immediately.

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

AN ACT to amend the election law in relation to Absentee Voting.

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

1 Section 1. Subdivisions 1, 3 and 4 of section 8-400 of the election  
2 law is amended to read as follows:

3 1. A qualified voter may vote as an absentee voter under this  
4 chapter if, on the occurrence of any village election conducted  
5 by the board of elections, primary election, special election,  
6 general election or New York city community school board district  
7 or city of Buffalo school district election, he [will] or she  
8 expects to be:

9 (a) [unavoidably ]absent from the county of his or her residence,  
10 or, if a resident of the city of New York absent from said city[,  
11 because his duties, occupation, business, or studies require him  
12 to be elsewhere on the day of election]; or

13 (b) [absent from such county or city because he is on vacation  
14 elsewhere on the day of election; or

15 (c) ]unable to appear personally at the polling place of the  
16 election district in which he or she is a qualified voter because  
17 of illness or physical disability, whether permanent or  
18 temporary, or duties related to the primary care of one or more

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

1 individuals who are ill or physically disabled because he or she  
2 will be or is a patient in a hospital; or

3 [(d) he is a person entitled to a ballot because he is a  
4 qualified voter registered as ]

5 (c)an inmate or patient of a veteran's administration hospital;  
6 or

7 [(e) absent from the county of his residence, or if a resident  
8 of the city of New York, absent from said city, because of his  
9 accompanying a spouse, parent or child who would be entitled to  
10 apply for the right to vote by absentee ballot if a qualified  
11 voter; or]

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

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

22 (a) Application forms shall be furnished by and may be obtained  
23 from any board of elections at any time until the day before such

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

1 election. Application forms shall also be supplied by the board  
2 of inspectors of the election district in which applicant is a  
3 qualified voter on all of the days provided for local  
4 registration. In addition, application forms shall be supplied  
5 upon the request of the person authorized to vote pursuant to  
6 this section, any such person's spouse, parent or child, a person  
7 residing with the applicant as a member of his household, or the  
8 applicant's duly authorized agent. Application forms sent outside  
9 of the United States to a country other than Canada or Mexico,  
10 shall be sent airmail. Any reference to "board of elections" in  
11 the remaining provisions of this section, except with respect to  
12 the furnishing and obtaining of applications for absentee  
13 ballots, means only the board of elections of the county or city  
14 in which the applicant is a qualified voter.

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

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

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

1 (d) The board of elections shall mail an absentee ballot to every  
2 qualified voter otherwise eligible for such a ballot, who  
3 requests such an absentee ballot from such board of elections in  
4 a letter, which is signed by the voter and received by the board  
5 of elections not earlier than the thirtieth day nor later than  
6 the seventh day before the election for which the ballot is first  
7 requested and which states the address where the voter is  
8 registered and the address to which the ballot is to be mailed.  
9 The board of elections shall enclose with such ballot a form of  
10 application for absentee ballot.

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

13 (a) Applicant's date of birth, full name and residence address,  
14 including the street and number, if any, rural delivery route, if  
15 any, mailing address if different from the residence address and  
16 his or her town or city and an address to which the ballot shall  
17 be mailed. If such ballot is to be mailed to an address other  
18 than the residence address, the voter shall clearly specify the  
19 date after which such ballot shall be mailed to an alternate  
20 address, and shall provide such alternate address.

21 (b) A statement that the applicant is a qualified and registered  
22 voter[, and that he does not know of any reason why he is no  
23 longer qualified to vote].

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

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

4 (i) [ unavoidably ]absent from the county of his or her residence,  
5 or if a resident of the city of New York absent from said city,  
6 [because his duties, occupation, business or studies require him  
7 to be elsewhere on such day, and where such duties, occupation,  
8 business or studies are not of such a nature as ordinarily to  
9 require such absence, a statement briefly describing the special  
10 circumstances requiring such absence and ]the dates when he or  
11 she expects to begin and end such absence; or

12 (ii) [ absent from the county of his residence, or if a resident  
13 of the city of New York absent from said city, because he will be  
14 on vacation elsewhere on such day, the dates upon which he  
15 expects to begin and end such vacation, the place or places where  
16 he expects to be on such vacation, the name and address of his  
17 employer, if any, or if self-employed or retired a statement to  
18 such effect]unable to appear at the polling place because of  
19 illness or physical disability; or

20 [(iii)[ill or physically disabled; that he has been advised by  
21 his medical practitioner or christian science practitioner,  
22 giving said practitioner's name and address, that he will not be  
23 able to go to his polling place for such election, and whether

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

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

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

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

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

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

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

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

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

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

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1 §2. This act shall take effect immediately.

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

**MEMORANDUM IN SUPPORT**

**ASSEMBLY BILL# A.**

**SENATE BILL# S.**

**ASSEMBLY SPONSOR(S):**

**SENATE SPONSOR(S):**

**TITLE:**

An act to amend the election law in relation to civil penalties for non compliance with financial disclosure mandates.

**SUMMARY OF PROVISIONS:**

Election Law §14-126 is amended to increase the civil penalty for failure to file mandated campaign financial disclosure reports from \$500 to \$1000.

**JUSTIFICATION:**

The civil penalty was last increased in 1996. A lawsuit resulting in a civil penalty is brought by the State Board as a last step in a process that involves repeated attempts to work with mandated filer to obtain requisite campaign financial disclosure. Every effort is made to assist those who have not made the required filing.

**FISCAL IMPLICATION:**

No cost to the State. The revenue to the State is undetermined.

**LEGISLATIVE HISTORY:**

This is a new bill.

**EFFECTIVE DATE:**

This act shall take effect 120 days after it shall have become a law.

AN ACT to amend the election law, in relation to increasing penalties.

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

1 Section 1:

2 §14-126. Violations; penalties. 1. Any person who fails to file  
3 a statement required to be filed by this article shall be subject  
4 to a civil penalty, not in excess of [ five hundred ] one thousand  
5 dollars, to be recoverable in a special proceeding or civil action  
6 to be brought by the state board of elections or other board of  
7 elections.

8 2. Any person who knowingly and willfully fails to file a  
9 statement required to be filed by this article within ten days  
10 after the date provided for filing such statement or any person who  
11 knowingly and willfully violates any other provision of this  
12 article shall be guilty of a misdemeanor.

13 3. Any person who knowingly and willfully contributes, accepts  
14 or aids or participates in the acceptance of a contribution in an  
15 amount exceeding an applicable maximum specified in this article  
16 shall be guilty of a misdemeanor.

17 4. Any person who shall, acting on behalf of a candidate or  
18 political committee, knowingly and willfully solicit, organize or  
19 coordinate the formation of activities of one or more unauthorized  
20 committees, make expenditures in connection with the nomination

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

1 for election or election of any candidate, or solicit any person to  
2 make any such expenditures, for the purpose of evading the  
3 contribution limitations of this article, shall be guilty of a  
4 class E felony.

5 §2: This act shall take effect 120 days after enactment.

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

**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 ability of the State Board of Elections to administratively set standards for accepting changes to the mailing address on certain statements it maintains; in relation to candidates required to file financial statements providing depository information.

**SUMMARY OF PROVISIONS:**

Section One: Election Law §14-118 (1) is amended to allow the Board to determine how changes to mailing addresses may be made in order to promote administrative efficiency and reduce costs.

Section Two: Election Law §14-118 (3) is renumbered 3(a) and is amended to eliminate a text error. A new 3 (b) is created which requires candidates who are required to file disclosure reports of campaign financial activity to provide the name and address of the depository at which they maintain the account(s) from which they conduct their own campaign financial activity.

**JUSTIFICATION:**

The law mandates that changes to information in registration documents be made in the same manner the initial document is filed, i.e. with a subsequent original document. Changes to the mailing address are common, and the Board believes that allowing changes to be made by other methods (e.g. telephone, email or fax) would be reliable, and make it easier for committee treasurers and the Board. Additionally, this would enable the Board to maintain more up to date contact information. This would greatly reduce the quantity of returned mail, and significantly reduce the administrative time and expense necessary to process and correct returned mail.

Committees that file disclosure reports of financial activity must maintain a bank account, and disclose to the Board the name and address of the bank. This is not required of the candidates who are required to file disclosure reports of all or part of their own campaign financial activity. The amended language would provide a measure of consistency.

**FISCAL IMPLICATION:**

None to the State

**LEGISLATIVE HISTORY:**

This is a new bill.

**EFFECTIVE DATE:**

This act shall take effect 90 days after it shall have become a law. Further, that effective immediately, the addition, amendment and/or repeal of any rule(s) or regulation(s) by the state board of elections necessary for its implementation on its effective date are authorized to be made on or before such effective date.

AN ACT amend the election law in relation to the ability of the Board to administratively set standards for the change of mailing address and in relation to requiring a candidate to provide the State Board with depository information.

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

1      Section 1.

2      § 14-118. Treasurer and depository of political committee; filing  
3      of name and address. 1. Every political committee shall have a  
4      treasurer and a depository, and shall cause the treasurer to keep  
5      detailed, bound accounts of all receipts, transfers, loans,  
6      liabilities, contributions and expenditures, made by the committee  
7      or any of its officers, members or agents acting under its  
8      authority or in its behalf. All such accounts shall be retained by  
9      a treasurer for a period of five years from the date of the filing  
10     of the final statement with respect to the election, primary  
11     election or convention to which they pertain. No officer, member  
12     or agent of any political committee shall receive any receipt,  
13     transfer or contribution, or make any expenditure or incur any  
14     liability until the committee shall have chosen a treasurer and  
15     depository and filed their names in accordance with this  
16     subdivision. its statements a treasurer and depository, a statement  
17     giving the name and address of the treasurer chosen, the name and  
18     address of any person authorized to sign checks by such treasurer,  
19     the name and address of the depository chosen and the candidate or

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

1 candidates or ballot proposal or proposals the success or defeat of  
2 which the committee is to aid or take part; provided, however, that  
3 such statement shall not be required of a constituted committee and  
4 provided further that a political committee which makes no  
5 expenditures, to aid or take part in the election or defeat of a  
6 candidate, other than in the form of contributions, shall not be  
7 required to list the candidates being supported or opposed by such  
8 committee. Such statement shall be signed by the treasurer and all  
9 other persons authorized to sign checks. Any change in the  
10 information required in any statement shall be reported, in an  
11 amended statement filed in the same manner and in the same office  
12 as an original statement filed under this section, within two days  
13 after it occurs except that any change to the mailing address on  
14 any such statement filed at the State Board may also be made in any  
15 manner deemed acceptable by the State Board. Only a banking  
16 organization authorized to do business in this state may be  
17 designated a depository hereunder.

18        2. No candidate, political committee, or agent thereof may  
19 receive from any one person an aggregate amount greater than one  
20 hundred dollars except in the form of a check, draft or other  
21 instrument payable to the candidate, political committee or  
22 treasurer and signed or endorsed by the donor; except that such a  
23 candidate, political committee or agent may receive contributions  
24 in amounts greater than one hundred dollars which are made by

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

1 credit card, provided that such candidate, political committee or  
2 agent preserves, together with the other accounts which such  
3 candidate, committee or agent is required to preserve pursuant to  
4 the provisions of this article, a copy of the document which was  
5 submitted to secure payment of the funds so contributed. All such  
6 checks, drafts or other instruments shall be deposited in the  
7 account of the candidate or committee in the designated depository.  
8 No candidate or political committee shall expend an amount in  
9 excess of one hundred dollars except by check drawn on the  
10 depository and signed by the candidate or person authorized to sign  
11 checks by him or in the case of a political committee, the  
12 treasurer or a person authorized to sign checks by him.

13        3. Every candidate who receives or expends any money or other  
14 valuable thing or incurs any liability to pay money or its  
15 equivalent shall keep and retain detailed, bound accounts as  
16 provided in subdivision a of this section.

17        § 2: Amends §14-118 of the Election Law. Subdivision 3 becomes  
18 3(a) and is amended to replace the "a" before "of this section."  
19 With "1" A new paragraph 3 b to read:

20 b. Every candidate required to file sworn statements pursuant to  
21 section 14-104(1) of this article, other than a candidate who has  
22 filed a statement in lieu thereof at or before the first filing  
23 period as set forth in that section, shall file, in the office(s)  
24 in which he or she is required to file his or her statement under

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

1    section 14-110 of this article, on a form prescribed by the State  
2    Board for such purposes, a statement providing the name and address  
3    of the depository at which they maintain the account(s) from which  
4    they conduct their own campaign financial activity.

5    §3: This act shall take effect 90 days after it shall have become  
6    law. Further, that effective immediately, the addition, amendment  
7    and/or repeal of any rule(s) or regulation(s) by the state board of  
8    elections necessary for its implementation on its effective date  
9    are authorized to be made on or before such effective date.

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:**

None, new bill for 2009

**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 the  
5 greatest number of votes to each county office, and each person  
6 elected by the greatest number of votes to each city, town or  
7 village office of a city, town or village of which it is the board  
8 of canvassers. The canvassing board shall also determine whether  
9 any ballot proposal submitted only to the voters of the county, or  
10 only to the voters of a city, town or village which it is the board  
11 of canvassers, as the case may be, has by the greater number of  
12 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 and  
15 recorded in the office of the board of elections. [Except in the  
16 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 each  
20 of the newspapers designated to publish election notices and the  
21 official canvass. The statement of canvass to be published,  
22 however, shall not give the vote by election districts but shall

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1 contain only the total vote for a person, or the total vote for and  
2 the total vote against a ballot proposal, cast within the county,  
3 or within the portion thereof, if any, in which an office is filled  
4 or ballot proposal is decided by the voters if the canvass of the  
5 vote thereon devolves upon the county board of canvassers. Such  
6 totals shall be expressed in arabic numerals.]

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

11 § 2. This act shall take effect immediately.

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

**MEMORANDUM IN SUPPORT**

**ASSEMBLY BILL # A.**

**SENATE BILL # S.**

**ASSEMBLY SPONSOR(S):**

**SENATE SPONSOR(S):**

**TITLE:** An act to amend the election law in relation to party emblems.

**SUMMARY OF PROVISIONS:**

This bill amends sections 4, 5 and 9 of section 7-104 of the election law.

**JUSTIFICATION:**

Section 7-104 requires that each county board of elections randomly audit 3% of their voting systems after each election. In complying with the statute, the local boards of election were unanimous in their observation that the party emblem in the voting square made an accurate audit of the voting systems much more difficult. The marking area itself is not a large one and when there is necessarily another significant mark (the emblem) contained within that square it makes the discernment of a voter's mark from the emblem a tedious one.

Removal of the emblem from only this area on the ballot will significantly aid the localities in ensuring accurate vote counts following each election.

**LEGISLATIVE HISTORY:**

New bill.

**FISCAL IMPLICATIONS:**

No cost.

**EFFECTIVE DATE:**

This act shall take effect immediately.

New York State Board of Elections Legislative Proposal SBE 10-09

AN ACT amend the election law in relation to party emblems.

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

1 Section 1. Subdivision 4, 5 and 9 of Section 7-104 of the election  
2 law is amended by adding to read as follows:

3 § 7-104. Ballots; form of, voting machine. 1. All ballots shall be

4 1. printed and/or displayed in a format and arrangement, of such uniform  
5 size and style as will fit the ballot frame, and shall be in as plain  
6 and clear a type or display as the space will reasonably permit. Such  
7 type or display on the ballot shall satisfy all requirements and  
8 standards set forth pursuant to the federal Help America Vote Act.

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

19 3. The face of the ballot shall be completely covered with a  
20 protective covering of smooth, hard, transparent material, so that it  
21 shall be impossible to alter the face of the ballot without removing or  
22 breaking such covering.

23 4. (a) [The party emblem for each political party represented on the  
24 machine, and] [t]The party name or other designation, and a designating  
25 letter and number shall be affixed to the name of each candidate, or, in

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

1 case of presidential electors, to the names of the candidates for  
2 president and vice-president of such party.

3 (b) The titles of offices may be arranged horizontally, with the names  
4 of candidates for an office and the slot or device for write-in ballots  
5 for such office arranged vertically under the title of the office, or  
6 the titles of offices may be arranged vertically, with the names of  
7 candidates for an office and the slot or device for write-in ballots for  
8 such office arranged horizontally opposite the title of the office.

9 (c) Each office shall occupy as many columns or rows on the machine as  
10 the number of candidates to be elected to that office.

11 5. (a) The names of all candidates nominated by any party or  
12 independent body for an office shall always appear in the row or column  
13 containing generally the names of candidates nominated by such party or  
14 independent body for other offices except as hereinafter provided.

15 (b) When the same person has been nominated for an office to be filled  
16 at the election by more than one party, the voting machine shall be so  
17 adjusted that his name shall appear in each row or column containing  
18 generally the names of candidates for other offices nominated by any  
19 such party.

20 (c) If such candidate has also been nominated by one or more  
21 independent bodies, his name shall appear only in each row or column  
22 containing generally the names of candidates for other offices nominated  
23 by any such party and the name [and emblem] of each such independent body  
24 shall appear in one such row or column to be designated by the candidate  
25 in a writing filed with the officer or board charged with the duty of  
26 providing ballots, or if such person shall fail to so designate, the  
27 names [and emblems] of such independent bodies shall appear in such row or  
28 column as such officer or board shall determine.

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

New York State Board of Elections Legislative Proposal SBE 10-09

1 (d) If any person shall be nominated for any office by one party and  
2 two or more independent bodies his name shall appear on the voting  
3 machine twice; once in the row or column containing generally the names  
4 of candidates for other offices nominated by such party, and once in the  
5 row or column containing generally the names of candidates nominated by  
6 the independent body designated by such person in a writing filed with  
7 the officer or board charged with the duty of providing ballots and in  
8 connection with the name of such person in such row or column shall  
9 appear the name [and emblem] of each independent body nominating him or,  
10 if such person shall fail to so designate, the name of such candidate  
11 and the names [and emblems] of such independent bodies shall appear in  
12 such row or column as such officer or board shall determine.

13 (e) If any person is nominated for any office only by more than one  
14 independent bodies, his name shall appear but once upon the machine in  
15 one such row or column to be designated by the candidate in a writing  
16 filed with the officer or board charged with the duty of providing  
17 ballots, or if the candidate shall fail to so designate, in the place  
18 designated by the officer or board charged with the duty of providing  
19 ballots, and in connection with his name there shall appear the name [and  
20 emblem] of each independent body nominating him, but, where the capacity  
21 of the machine will permit, the name of such person shall not appear or  
22 be placed in a column or on a horizontal line with the names of persons  
23 nominated by a party for other offices.

24 6. Notwithstanding the provisions of subdivision five of this section,  
25 the name of a person who is nominated for the office of governor, or  
26 state senator, or member of assembly, shall appear on the ballot labels  
27 of the machine as many times as there are parties or independent bodies  
28 nominating him, and there shall be a separate voting and registering

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

1 device at each place in which such name shall appear.

2 7. The machine shall be so adjusted that when levers or devices for  
3 voting, and slots or devices for write-in ballots, equal to the total  
4 number of persons to be elected to an office or position shall have been  
5 operated, all other such levers or devices for voting, and slots or  
6 devices for write-in ballots used in connection with that office or  
7 position shall be thereby locked. All levers or devices shall be locked  
8 in any space which does not contain the name of a candidate or a  
9 question to be voted on.

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

19 9. [The board of elections shall provide a card or printed slip to be  
20 placed in the card holder which shall] The ballot shall have printed upon it  
21 in black ink for each party or independent row containing the names  
22 of candidates, the image of a closed fist with index finger  
23 extended pointing to the party or independent row. Inset within the  
24 image of the fist on a white space, in black letters as large as the space  
25 will permit, shall be printed the name of the party or independent body  
26 and at the right of the first and below the index finger shall be printed  
27 in black ink the emblem and the designating letter of the row or column.

28 10. With respect to candidates for the offices of governor and

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

New York State Board of Elections Legislative Proposal SBE 10-09

1 lieutenant governor of a party or independent body, ballots shall be  
2 printed so that the names of such candidates for both offices shall  
3 appear in the same row or column, with the name of the candidate for  
4 governor appearing first and the machine shall be so adjusted that both  
5 offices are voted for jointly and have but one designating letter or  
6 number.

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 to amend the election law in relation write in votes.

**SUMMARY OF PROVISIONS:**

This bill would amend 7-106 and 7-122 to clarify the instructions for casting write in votes

**JUSTIFICATION:**

The current language in the statute explaining how to cast a write in vote is unclear, and has resulted in voters casting their write-in votes in unauthorized areas of the ballot. This language would clarify where the write in vote should be made to ensure that the vote is accurately cast.

**LEGISLATIVE HISTORY:**

New bill.

**FISCAL IMPLICATIONS:**

None to the state.

**EFFECTIVE DATE:**

This act shall take effect immediately.

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

AN ACT amend the election law in relation to write in votes.

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

1 Section 5 subdivision 3 of Section 7-106 of the election law is  
2 amended by adding to read as follows:

3 § 7-106. Paper ballots; form of. 1. Paper ballots shall be printed on

4 1. paper of a quality, size, color, and weight approved by the state  
5 board

6 of elections.

7 2. All paper ballots of the same kind for the same polling place shall  
8 be identical. A different, but in each case uniform style and size of  
9 type, shall be used for printing the names of candidates, the titles of  
10 offices, political designations, and the reading form of all questions  
11 submitted. The names of candidates shall be printed in capital letters  
12 in black-faced type.

13 3. Each ballot shall be printed on the same sheet with a stub which  
14 shall be separated therefrom by a horizontal line of perforations  
15 extending across the entire width of the ballot. On the face of the stub  
16 shall be printed the instructions to the voter. On the back of the stub  
17 immediately above the center of the indorsement on the back of the  
18 ballot, shall be printed "No....." the blank to be filled with  
19 consecutive number of ballots beginning with "No. 1", and increasing in  
20 regular numerical order.

21 4. On the back of the ballot, below the line of perforations, just to  
22 the right of center, and outside when the ballot is folded, and on the  
23 front of the ballot, directly below the perforated line, shall be  
24 printed the following indorsement, the blanks properly filled in:

25

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

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

1 Official Ballot for General Officers (or whatever the case  
2 may be) County of .....Assembly District  
3 (or ward and city or town).....Election  
4 District.....

5  
6 (Date of Election.)

7 (Facsimile of the signature of officer or officers providing  
8 the ballot.)

9  
10 5. On the stub at the top of the ballot or on the edge of such ballot  
11 shall be printed in heavy black type the following instructions:

12 INSTRUCTIONS

13 (1) Mark only with a pen having blue or black ink or with a pencil  
14 having black lead.

15 (2) To vote for a candidate whose name is printed on this ballot make  
16 a single cross X mark or a check V mark in one of the squares to the  
17 right of an emblem opposite his or her name.

18 (3) To vote for a person whose name is not printed on this ballot  
19 write or stamp [his or her] the name [on a blank line under the names of  
20 the  
21 candidates for that office] in the space labeled "write in" that appears at  
22 the bottom of the column or row under the title of the office.

23 Section 7-122, subdivision 1 (d) (3) is amended to read as follows:

24 (d) On the front of the ballot, shall be printed in heavy black  
25 type the following instructions:

26 INSTRUCTIONS

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

1 1. Mark in pen or pencil.

2 2. To vote for a candidate whose name is printed on this ballot,  
3 make a single cross X mark or a single V mark in the voting  
4 square above the name of the candidate.

5 3. To vote for a person whose name is not printed on this ballot  
6 write or stamp the name in the [blank] space labeled "write in"  
7 which appears at the bottom of the column or row under the title  
8 of the office.

9 §2. Section 7-122 (2) (e) (3) of the election law is amended by  
10 adding to read as follows:

11 (e) If such ballot is a ballot which is marked with a writing  
12 instrument, the printed instructions to the voter shall read as  
13 follows:

14 INSTRUCTIONS

15 1. Mark only with the [pencil supplied] writing utensils provided  
16 with this ballot.

17 2. To vote for a candidate whose name is printed on this ballot,  
18 fill in the voting square above (or next to) the name of the  
19 candidate.

20 3. To vote for a person whose name is not printed on this ballot,  
21 write the name in the [blank] space labeled "write in" ( to  
22 indicate where on ballot the write-in line appears) [containing]

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

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1 which appears at the bottom of the column or row under the title  
2 of the office.

3 § 3. This act shall take effect immediately.

4

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 relating to the delivery of paper ballots to the voter.

**SUMMARY OF PROVISIONS:**

This amendment would repeal Election Law section 8-310 and would amend section 8-312 to allow the State Board to promulgate and modify regulations regarding the casting and delivering of paper ballots to the voter.

**JUSTIFICATION:**

It is necessary to repeal 8-310, as the processes found therein are outdated, and do not serve the needs of elections administrators and Election Day workers. The election process has moved to an all-paper system and needs to better address security, ballot accountability and chain-of-custody concerns.

Amending Section 8-312 with a new subsection 6 enables the State Board to promulgate and modify regulations as necessary, as a new voting technology is deployed throughout the State. The regulations will ensure common practices across the state, will speak to new needs for ballot accountability, security and chain-of-custody, and permit consistent training and voter outreach messages

**LEGISLATIVE HISTORY:**

New Bill.

**FISCAL IMPLICATIONS:**

None to the State.

**EFFECTIVE DATE:** This act shall take effect 90 days after it shall become law. Further, effective immediately, the addition, amendment and/or repeal of any rule(s) or regulation(s) by the State Board of Elections necessary for its implementation on its effective date are authorized to be made on or before such effective date.

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AN ACT amend the election law in relation to publishing requirements.

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

1 Section 4-166 (3 ) of the election law is hereby repealed.

2 § 4-116. Constitutional amendments and questions; publication of by  
3 state board of elections and secretary of state.

4 1. State shall cause each concurrent resolution of the two houses of the  
5 legislature agreeing to a proposed amendment to the constitution that  
6 has been referred to the legislature to be chosen at the next general  
7 election to be published at least once in each of the three months next  
8 preceding such election. Such publication shall include the information  
9 that such amendment has been so referred.

10 2. The state board of elections shall publish once in the week  
11 preceding any election at which proposed constitutional amendments or  
12 other propositions or questions are to be submitted to the voters of the  
13 state an abstract of such amendment or question, a brief statement of  
14 the law or proceedings authorizing such submission, a statement that  
15 such submission will be made and the form in which it is to be  
16 submitted.

17 [3. Publication required by subdivision two of this section shall be in  
18 one newspaper of general circulation in each county.]

19 § 2. This act shall take effect immediately.

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

**MEMORANDUM IN SUPPORT**

**ASSEMBLY BILL # A.**

**SENATE BILL # S.**

**ASSEMBLY SPONSOR(S):**

**SENATE SPONSOR(S):**

**TITLE:** An act to amend the election law in relation to poll site marking utensils.

**SUMMARY OF PROVISIONS:**

The Bill would authorize the use of optional marking utensils to be used at polling sites.

**JUSTIFICATION:**

With the State wide implementation of the optical scan voting systems, county boards need to ensure that the privacy booths at polling sites are supplied with the optimal types of marking utensils to be used by the voters to mark the ballots. The change to the statutory language will allow the county boards to provide "Sharpie" or other similar types of marking instruments for use at the poll sites, by voters, in addition to, the other marking instruments currently authorized for use.

**LEGISLATIVE HISTORY:**

New bill.

**FISCAL IMPLICATIONS:**

No cost to the State.

**EFFECTIVE DATE:**

This act shall take effect immediately.

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AN ACT amend the election law in relation to poll site marking utensils.

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

1 Section 8-102 (1)(g) and Section 8-312 (1) of the election law are  
2 amended to read as follows.

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

7 (g) See that the [voting] privacy booths are supplied with [pencils  
8 having black  
9 lead only] pens or other appropriate marking utensils supplied by the county  
10 boards.

11 § 2. Section 8-312 (1) of the election law is amended to read as  
12 follows:

13 § 8-312. Voting; paper ballots, marking and casting, delivery to  
14 voter. 1. On receiving his ballot, the voter forthwith and without  
15 leaving the inclosed space shall retire alone, unless he be entitled to  
16 assistance in voting, to an unoccupied voting booth and mark his ballot,  
17 using a pen [having blue or black ink or a pencil having black lead] or  
18 other appropriate marking utensil supplied by the county board.

19 shall not occupy a booth more than five minutes if other voters are  
20 waiting to occupy it. If the voter wrongly marks, defaces or tears a  
21 ballot or one of a set of ballots, he may successively obtain others,  
22 one set at a time, not exceeding three sets in all, upon returning to  
23 the inspectors or clerks each set of ballots already received.  
24

25 § 3. This act shall take effect immediately.  
26

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

**MEMORANDUM IN SUPPORT**

**ASSEMBLY BILL # A.**

**SENATE BILL # S.**

**ASSEMBLY SPONSOR(S):**

**SENATE SPONSOR(S):**

**TITLE:** An act to amend the election law in relation to ballots in which holes are to be punched.

**SUMMARY OF PROVISIONS:**

This bill would delete a section of law relating to ballots in which holes are to be punched.

**JUSTIFICATION:**

Hole punched ballots are not utilized in New York State. This bill would remove a section of law relating to the instructions for casting such ballots, thereby eliminating any confusion that may be created by leaving this section in tact.

**LEGISLATIVE HISTORY:**

New bill.

**FISCAL IMPLICATIONS:**

None to the state.

**EFFECTIVE DATE:**

This act shall take effect immediately.

AN ACT amend the election law in relation to write in votes.

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

1 §1. Section 7-122 (2) (f) of the election law is hereby repealed.

2 [(f) If such ballot is a ballot in which holes are to be  
3 punched, the printed instructions to the voter shall read as  
4 follows: INSTRUCTIONS

5 1. To vote for a candidate whose name is printed on this ballot, punch  
6 out the voting square (or circle) above (or next to) the name of the  
7 candidate.

8 2. To vote for a person whose name is not printed on this ballot,  
9 write the name in the blank space (indicate where on ballot write-in  
10 line appears) containing the title of the office.

11 3. To vote on a proposal, punch out one of the squares (or circles)  
12 contained in the box setting forth such proposal.

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

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

19 6. If you tear, or deface, or wrongly mark this ballot, call the board  
20 of elections at (Insert phone number here) for instructions on how to  
21 obtain a new ballot. Prior to submitting your ballot, if you make a  
22 mistake in completing the ballot or wish to change your ballot choices,  
23 you may obtain and complete a new ballot. You have a right to a  
24 replacement ballot upon return of the original ballot.

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

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

7 [(h)](g) Such ballots which are to be counted by ballot counting machines  
8 may consist of two or more cards, which are divided into perforated  
9 sections which can be separated at the time of canvassing.

10 3. The board of elections shall deliver to each voter, together with each  
11 ballot which is marked with a writing instrument, an instrument whose markings  
12 can be read by such machines [and together with each ballot in which holes are  
13 punched, an instrument suitable for punching the necessary holes in such  
14 ballot].

15 § 2. This act shall take effect immediately.

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