

Part 6210.7 and 6210.10 are hereby amended to read as follows:

§6210.7

(a) For the production of paper ballots or ballot faces for DRE voting systems, the county board shall contract with a printer or use in-house print services that have the requisite expertise, staff, and equipment for printing ballots of the complexity and in the volume required for the conduct of elections in that county, and that ensures delivery of finished ballots in time to comply with the relevant provisions of the Election Law and the election calendar.

(b) Detailed specifications for production of ballots shall be supplied to the county board by the voting system vendor. These shall include but not be limited to particulars of the system's ballot such as weight, grain and color of stock; dimensions of ballot faces, ballots and ballot cards; corner cuts; perforations, both for ballot boundaries and for stub boundaries, when appropriate; ballot positions, sensitive areas and voting targets; pre-marks for imprinting of ballot configuration information; printing registration and tolerances; ink; use of drying powder; and packaging of printed ballots for shipment and for storage until time of use. The county board shall transmit these specifications to the printer chosen to produce its ballots.

(c) In the first year that the voting system is in use, a copy of the final form and arrangement of each ballot configuration shall be filed with the State Board.

(d) Ballots shall be identified by ballot configuration, using marks which are machine readable and human readable text. **A sheet of ballot paper becomes a ballot when the contents of the ballot are printed thereon.**

(e) Ballots to be used with poll site optical scan voting systems, shall be in a form consistent with Election Law [section 7-106]. Each ballot shall have a numbered stub which can be separated from it along a perforated boundary. Such ballot shall be detached from the numbered stub prior to the election inspector giving the ballot to the voter and be retained by the county board in a manner consistent with election-related document retention requirements. **Ballot stubs, however, shall not be required if the board of elections implements procedures to provide for ballot accountability equivalent to the use of ballot stubs as provided for in in subdivision 6210.10 (b) of this Part.**

(1) The ballot stubs, **when required**, shall be sequentially numbered, and shall include the date of the election, the political subdivision in which the ballot is valid, and in a primary election, the name of the party conducting the primary, and further, stubs may be color coded, to correspond to same.

(2) Ballot stubs, **when required**, shall include spaces for inspectors to indicate with their initials, whether the ballot was used for affidavit or emergency purposes.

(3) Ballots shall be bound in **[booklets] packages** of 100, or in such other increments as a county board may, by written procedure, deem appropriate. **When ballot stubs are used, [B]binding shall be by staples, to help ensure ballot accountability. Packages of ballots not requiring ballot stubs shall be shrink wrapped or otherwise sealed in a heat-sealed or gummed bag with a cover.**

(4) Ballot **[booklets] packages** shall have a cover, on which shall be printed the date of the election, the political subdivision in which the ballot **[booklet] package** shall be valid, **the number of ballots therein, the sheet number of a ballot when it is part of a multiple sheet ballot,** the range of sequential ballot stub numbers contained therein, **if applicable,** and such other administrative information as the county board may deem necessary. In primary elections, booklet covers shall include the name of the party conducting a primary, and may be color coded, to correspond to same.

(5) When more than one ballot **[booklet] package** is to be used in any election district, a transmittal sheet shall accompany the **[booklets] packages**, which shall specify how many **[booklets] packages** are included **[in the inspector supply bag], the number of ballots in total and the** complete range of sequential ballot stub numbers for that district, **if applicable,** and shall further provide a space or spaces for inspectors to confirm receipt of all ballots.

(6) Ballot **[booklet(s)] packages** and any transmittal sheet, shall be delivered to inspectors with other election day supplies, in a separate, secure, sealed and labeled **container, envelope** or pouch.

(7) Only one ballot **[booklet] package** at a time should be on the inspector table, and the remaining booklets shall be kept in their secure **container,**

envelope or pouch[, in the inspector supply case].

(8) **Upon opening a package of ballots that are not stubbed, the inspectors shall count the number of ballots in such package to ensure it is the number indicated on the coversheet.** When all ballots in a **[booklet] package** have been used, leaving only the cover and the stapled pad of stubs, **in the case of ballots that are stubbed,** such **[booklet] package** shall be returned to the ballot **[booklet] package container**/envelope/pouch and the next appropriately numbered ballot **[booklet] package** shall be removed for use.

(9) After the close of polls, the transmittal sheet shall be completed by the inspectors, indicating which **[booklets] packages** were completely used, partially used, or not used. The ballot **[booklet] package container**/envelope/pouch shall be sealed and returned to the county board with all other election day supplies.

(f) The county board shall cause its respective printer(s) to certify to the county board, upon delivery of ballots ordered:

- (1) the actual number of ballots printed;
- (2) the number of ballots delivered; and
- (3) that all other ballots printed have been destroyed.

The county board shall inventory all ballots and ensure the security of any and all ballots while they are in the possession of the county board.

(g) For central count paper-based voting systems, ballots printed for absentee voting, and those printed for emergency, special and affidavit purposes shall be tabulated by batch, and be subject to all appropriate provisions of these regulations. The county board shall provide a means by which affidavit, emergency, and special ballots shall be distinguished from absentee ballots.

(h) Ballots With Multiple Sheets. A board of elections may provide a voter a ballot consisting of more than one separate, unconnected sheets, provided:

(1) The ballot includes a statement that the voter must receive the number of ballot sheets the voter is entitled to, specifying such number. Such notice may be substantially in the following form: “Your ballot consists of (here insert the total number of sheets comprising the ballot) separate sheets. All of the sheets must be provided to you at the same time.”

(2) Each ballot sheet shall be prominently labeled as “ballot sheet (here insert the number of the ballot sheet) of (here insert the total number of sheets comprising the ballot).”

(3) Ballot accountability and reconciliation procedures shall apply to each sheet of a multiple sheet ballot. Each sheet or a multiple sheet ballot may be spoiled without spoiling another sheet comprising the same multiple sheet ballot.

(i) Ballots Printed on Demand

(1) Ballot on demand printers and supplies shall be secured as provided by the procedures of the State Board of Elections.

(2) Inspectors shall keep a record of the number of ballots of each ballot style printed by a ballot on demand printer. Such ballots shall be considered delivered to the inspectors at the time of printing, and the inspectors shall record the distribution of such ballots in the same manner as provided for in this section. Logs maintained by the ballot on demand printer application may be used by the inspectors to meet the requirements of this paragraph to record the number of ballots printed.

(a) Following the counting of all votes in an election, a full accounting of paper ballots shall be made, and shall be reported on a form to be provided by the State Board, **and attested to by the county board commissioners which shall be retained in accordance with Election Law section 3-222**, which shall include:

(1) For each entire election and for each ballot configuration used in it, the number of paper ballots shall equal the sum of paper ballots issued to voters and paper ballots not issued to voters, returned but not sent for tabulation because the voter voted at the polls, ballots spoiled, and paper ballots not returned. In each category of ballots issued, the report shall specify how many, if any, and in what category any emergency or affidavit ballots were used.

(2) For each entire election and for each ballot configuration used in it, the number of paper ballots not issued to voters shall equal the sum of the number of paper ballots used for testing/sample purposes and paper ballots remaining unissued and unused.

(b) **[The ballot accounting report shall be attested to by the county board commissioners and shall be retained in accordance with Election Law section 3-222.] Discontinuance of ballot stubs. Ballot stubs shall not be required if the board of elections provides for the following ballot accountability requirements:**

(1) Election inspectors shall confirm receipt of ballot quantities by confirming ballot packages received and counting the number of ballots in a ballot package when it is first opened to confirm the quantity stated on the coversheet.

(2) Election inspectors shall retain a written running tally of ballots distributed by ballot style, including the total number of ballots distributed to voters, included in such number the number distributed as affidavit ballots, and the number of ballots spoiled. Such tally shall be maintained in a manner that would permit an interim reconciliation of ballots at any time during voting.

(3) At the close of polls, the inspectors shall record ballot reconciliation totals to verify the number of ballots distributed to voters or spoiled when added to the number of unvoted ballots equals

the number of ballots received by the inspectors at the beginning of voting.

(c) Certification of ballot stub discontinuance. Upon certification authorized by a majority vote of the commissioners of a board of elections filed with the State Board of Elections, that the procedures required in subdivision (b) of this section and all other applicable ballot requirements of this Part will be followed, for any election conducted thereafter the board of elections may determine not to use ballot stubs. Nothing herein shall be construed to prevent a board of elections from using ballot stubs as provided for in this Part at any election, and nothing herein shall prevent the optional use of party color on a primary ballot.