

2339--A

2011-2012 Regular Sessions

I N S E N A T E

January 19, 2011

Introduced by Sens. MARTINS, JOHNSON, GALLIVAN, MAZIARZ, OPPENHEIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to authorizing village, special district, improvement district and library district elections to be conducted on mechanical lever voting machines or paper ballots; and to amend the town law, in relation to authorizing the use of mechanical lever voting machines or paper ballots at fire district elections; and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The election law is amended by adding a new section 7-132
2 to read as follows:
3 S 7-132. PAPER BALLOTS; VILLAGE, SPECIAL DISTRICT, IMPROVEMENT
4 DISTRICT, LIBRARY DISTRICT AND FIRE DISTRICT ELECTIONS. 1. FOR ANY
5 VILLAGE, SPECIAL DISTRICT, IMPROVEMENT DISTRICT, LIBRARY DISTRICT OR
6 FIRE DISTRICT CONDUCTING AN ELECTION IN WHICH PAPER BALLOTS ARE TO BE
7 COUNTED BY HAND, THE FORMAT OF SUCH PAPER BALLOTS SHALL CONFORM TO THE
8 PROVISIONS OF THIS SECTION.
9 2. ALL PAPER BALLOTS SHALL BE PRINTED ON PAPER OF A QUALITY, SIZE,
10 COLOR AND WEIGHT AS SHALL BE DETERMINED BY THE STATE BOARD OF ELECTIONS
11 ON OR BEFORE JULY SEVENTH, TWO THOUSAND ELEVEN.
12 3. ALL PAPER BALLOTS OF THE SAME KIND AT THE SAME POLLING PLACE SHALL
13 BE IDENTICAL IN APPEARANCE AND FORM. A DIFFERENT, BUT IN EACH CASE
14 UNIFORM STYLE AND SIZE OF TYPE, SHALL BE USED FOR THE PRINTING OF THE
15 NAMES OF CANDIDATES, THE TITLES OF OFFICES, POLITICAL DESIGNATION AND
16 THE READING FORM OF ALL PROPOSALS AND QUESTIONS PRESENTED. THE NAMES OF
17 ALL CANDIDATES SHALL BE PRINTED IN UPPER-CASE LETTERS, IN BLACK-FACED
18 TYPE.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD04799-04-1

1 4. EACH PAPER BALLOT SHALL BE PRINTED ON A SINGLE SHEET OF PAPER WITH
2 A DETACHABLE STUB WHICH MAY BE SEPARATED THEREFROM ALONG A PERFORATED
3 HORIZONTAL LINE ACROSS THE ENTIRE BALLOT. ON THE FACE OF SUCH STUB SHALL
4 BE PRINTED THE INSTRUCTIONS TO THE VOTER, AND ON THE BACK THEREOF, IMME-
5 DIATELY ABOVE THE CENTER OF THE ENDORSEMENT ON THE REAR OF THE BALLOT,
6 SHALL BE PRINTED "#" WITH THE BLANK SPACE FILLED IN BY AN ELECTION
7 INSPECTOR WITH THE CONSECUTIVE NUMBER OF BALLOTS CAST AT THE ELECTION
8 BEGINNING WITH #1, AND INCREASING IN REGULAR NUMERICAL ORDER.

9 5. ON THE REAR OF THE BALLOT, BELOW THE LINE OF PERFORATIONS, JUST TO
10 THE RIGHT OF CENTER AND APPEARING ON THE OUTSIDE OF THE BALLOT WHEN
11 FOLDED, AND ALSO ON THE FRONT OF THE BALLOT, DIRECTLY BELOW THE LINE OF
12 PERFORATIONS, SHALL BE PRINTED THE FOLLOWING INFORMATION:

13 "OFFICIAL BALLOT FOR (VILLAGE, SPECIAL DISTRICT, IMPROVEMENT DISTRICT,
14 LIBRARY DISTRICT OR FIRE DISTRICT) OFFICERS AND PROPOSITIONS

15 (THE DATE OF THE ELECTION)

16 (A FACSIMILE SIGNATURE OF THE OFFICER OR OFFICERS PROVIDING SUCH
17 BALLOT)".

18 6. ON THE TOP OF THE DETACHABLE STUB OR ON THE EDGE OF THE BALLOT, THE
19 FOLLOWING INSTRUCTIONS SHALL BE PRINTED IN HEAVY BLACK TYPE:

20 "INSTRUCTIONS

21 (A) MARK ONLY WITH A PEN HAVING BLUE OR BLACK INK OR WITH A PENCIL
22 HAVING BLACK LEAD.

23 (B) TO VOTE FOR A CANDIDATE WHOSE NAME IS PRINTED ON THIS BALLOT MAKE
24 A SINGLE CROSS X MARK OR A CHECK V MARK IN ONE OF THE SQUARES TO THE
25 RIGHT OF AN EMBLEM OPPOSITE HIS OR HER NAME.

26 (C) TO VOTE FOR A PERSON WHOSE NAME IS NOT PRINTED ON THIS BALLOT
27 WRITE OR STAMP HIS OR HER NAME ON A BLANK LINE UNDER THE NAMES OF THE
28 CANDIDATES FOR THAT OFFICE.

29 (D) TO VOTE YES OR NO ON A PROPOSAL MAKE A SINGLE X OR V MARK IN THE
30 SQUARE OPPOSITE YOUR VOTE.

31 (E) ANY OTHER MARK OR WRITING, OR ANY ERASURE MADE ON THIS BALLOT
32 OUTSIDE THE VOTING SQUARES OR BLANK SPACES PROVIDED FOR VOTING WILL VOID
33 THIS ENTIRE BALLOT.

34 (F) DO NOT OVERVOTE. IF YOU SELECT A GREATER NUMBER OF CANDIDATES THAN
35 THERE ARE VACANCIES TO BE FILLED, YOUR BALLOT WILL BE VOID FOR THAT
36 PUBLIC OFFICE OR PARTY POSITION.

37 (G) IF YOU TEAR, DEFACE OR WRONGLY MARK THIS BALLOT, RETURN IT AND
38 OBTAIN ANOTHER. DO NOT ATTEMPT TO CORRECT MISTAKES ON THE BALLOT BY
39 MAKING ERASURES OR CROSS OUTS. ERASURES OR CROSS OUTS MAY INVALIDATE ALL
40 OR PART OF YOUR BALLOT. PRIOR TO SUBMITTING YOUR BALLOT, IF YOU MAKE A
41 MISTAKE IN COMPLETING THE BALLOT OR WISH TO CHANGE YOUR BALLOT CHOICES,
42 YOU MAY OBTAIN AND COMPLETE A NEW BALLOT. YOU HAVE A RIGHT TO A REPLACE-
43 MENT BALLOT UPON RETURN OF THE ORIGINAL BALLOT."

44 7. EACH BALLOT SHALL BE PRINTED IN SECTIONS IN WHICH THE CANDIDATES'
45 NAMES, EMBLEMS AND POLITICAL DESIGNATIONS, THE BALLOT PROPOSALS AND
46 OTHER REQUISITE MATTER SHALL EACH BE BOXED IN BY HEAVY BLACK LINES.

47 ON THE BALLOT SHALL BE VOTING SQUARES IN WHICH VOTERS MAY MAKE THEIR
48 VOTING MARKS. ALL VOTING SQUARES SHALL BE BOUNDED BY HEAVY BLACK LINES,
49 THE PERPENDICULAR LINES TO BE NOT LESS THAN ONE-SIXTEENTH OF ONE INCH
50 WIDE. THE VOTING SQUARES AND THE SPACES OCCUPIED BY THE EMBLEM SHALL
51 HAVE A DEPTH AND WIDTH OF FIVE-SIXTEENTHS OF ONE INCH. NO VOTING SQUARE
52 SHALL BE PROVIDED IN FRONT OF THE BLANK SPACES PROVIDED FOR A VOTER TO
53 WRITE IN A NAME.

54 8. THE SPACE FOR THE TITLE OF AN OFFICE SHALL BE THREE-EIGHTHS OF ONE
55 INCH, AND THE NAME OF A CANDIDATE OR FOR WRITING IN A NAME, ONE-FOURTH
56 OF ONE INCH, IN DEPTH. AT THE LEFT OF THE NAME OF EACH DESIGNATED CANDI-

DATE SHALL BE AN ENCLOSED VOTING SPACE, THREE-EIGHTHS OF ONE INCH IN WIDTH AND APPROXIMATELY ONE-FOURTH OF ONE INCH IN DEPTH, BOUNDED ABOVE, BELOW AND TO THE RIGHT BY BLACK LINES, HEAVIER THAN THOSE WHICH SEPARATE THE SPACES CONTAINING THE NAMES OF CANDIDATES. TO THE LEFT OF VOTING SPACES WHICH DO NOT ADJOIN A VERTICAL LINE DIVIDING TWO PARTS, THERE SHALL BE A HEAVY BLACK VERTICAL LINE APPROXIMATELY ONE-EIGHTH OF ONE INCH IN WIDTH. NO VOTING SPACE SHALL BE PROVIDED IN THE SPACE FOR WRITING IN NAMES. IN SUCH CASE, THE SPACE CORRESPONDING TO A VOTING SPACE SHALL BE ALL BLACK.

9. BELOW THE NAMES OF THE CANDIDATES FOR EACH OFFICE OR POSITION THERE SHALL BE PRINTED AS MANY BLANK SPACES, FOR WRITING IN NAMES OF PERSONS FOR WHOM THE VOTER DESIRES TO VOTE, AS THERE ARE PERSONS TO BE NOMINATED OR ELECTED.

10. IN CASE THE SECTIONS SHALL BE SO NUMEROUS AS TO MAKE THE BALLOT UNWIELDY IF THEY ARE PRINTED IN ONE COLUMN, THEY MAY BE PRINTED IN AS MANY COLUMNS AS SHALL BE NECESSARY, AND IN THAT CASE, IN ORDER TO PRODUCE A RECTANGULAR BALLOT, BLANK SECTIONS MAY BE USED.

11. THE NAMES OF PARTIES OR INDEPENDENT BODIES WHICH CONTAIN MORE THAN FIFTEEN LETTERS MAY, WHENEVER LIMITATIONS OF SPACE SO REQUIRE, BE PRINTED ON THE BALLOT IN AN ABBREVIATED FORM. IN PRINTING THE NAMES OF CANDIDATES WHOSE FULL NAMES CONTAIN MORE THAN FIFTEEN LETTERS, ONLY THE SURNAME MUST BE PRINTED IN FULL. THE OFFICER OR BOARD CHARGED WITH THE DUTY OF PREPARING THE BALLOTS SHALL REQUEST EACH SUCH CANDIDATE TO INDICATE, IN WRITING, THE SHORTENED FORM IN WHICH, SUBJECT TO THE RESTRICTION, HIS NAME SHALL BE PRINTED. IF NO SUCH INDICATION IS RECEIVED FROM SUCH CANDIDATE WITHIN THE TIME SPECIFIED IN THE REQUEST, SUCH OFFICER OR BOARD SHALL MAKE THE NECESSARY DETERMINATION. NO EMBLEM SHALL OCCUPY A SPACE LONGER IN ANY DIRECTION THAN THE VOTING SQUARE TO WHICH IT RELATES.

S 2. Subdivision 1 of section 7-200 of the election law, as amended by chapter 181 of the laws of 2005, is amended to read as follows:

1. The board of elections of the city of New York and other county boards of elections may adopt any kind of voting machine or system approved by the state board of elections, or the use of which has been specifically authorized by law; and thereupon such voting machine or system may be used at any or all elections and shall be used at all general or special elections held by such boards in such city, town or village and in every contested primary election in the city of New York and in every contested primary election outside the city of New York in which there are one thousand or more enrolled voters qualified to vote; PROVIDED, HOWEVER, THAT SUCH MACHINES AND SYSTEMS SHALL NOT BE REQUIRED TO BE USED IN ANY VILLAGE, SPECIAL DISTRICT, IMPROVEMENT DISTRICT OR LIBRARY DISTRICT ELECTION AND THE USE OF MECHANICAL LEVER VOTING MACHINES SHALL BE AUTHORIZED FOR VILLAGE ELECTIONS. No more than two types of voting machines or systems may be used by any local board of elections at a single election. Notwithstanding the other provisions of this subdivision, any local board of elections may borrow or lease for use on an experimental basis for a period of not more than one year each, voting machines or systems of any type approved by the state board of elections.

S 3. Subdivision 1 of section 7-203 of the election law, as amended by chapter 180 of the laws of 2005, is amended to read as follows:

1. The board of elections shall provide a sufficient number of voting machines to fully equip all election districts within its jurisdiction. Such voting machines shall be used at all general, special and primary elections conducted pursuant to this chapter; PROVIDED, HOWEVER, THAT

1 THE USE OF SUCH VOTING MACHINES SHALL NOT BE REQUIRED DURING VILLAGE,
2 SPECIAL DISTRICT, IMPROVEMENT DISTRICT OR LIBRARY DISTRICT ELECTIONS AND
3 THE USE OF MECHANICAL LEVER VOTING MACHINES OR PAPER BALLOTS SHALL BE
4 AUTHORIZED AT SUCH ELECTIONS.

5 S 4. Subdivision 29 of section 176 of the town law, as added by chap-
6 ter 568 of the laws of 1949, is amended to read as follows:

7 29. May authorize the use of voting machines at any annual or special
8 election held within the fire district and such voting machine shall be
9 used in accordance with the provisions contained in article nine of the
10 election law, PROVIDED THAT NO PROVISION OF LAW SHALL BE DEEMED TO
11 PROHIBIT THE USE OF MECHANICAL LEVER VOTING MACHINES OR PAPER BALLOTS AT
12 ANY SUCH ELECTION.

13 S 5. This act shall take effect immediately and shall expire and be
14 deemed repealed December 31, 2012.