

STATE OF NEW YORK

1381--A

2023-2024 Regular Sessions

IN SENATE

January 11, 2023

Introduced by Sens. COMRIE, SKOUFIS -- 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 the form in which a proposed amendment to the constitution or other question provided by law to be submitted to a statewide vote shall be submitted to the people for their approval

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

1 Section 1. Paragraph d of subdivision 1 and subdivisions 2 and 3 of
2 section 4-108 of the election law, paragraph d of subdivision 1 and
3 subdivision 2 as amended by chapter 136 of the laws of 1978 and subdivi-
4 sion 3 as added by chapter 234 of the laws of 1976, are amended and four
5 new subdivisions 4, 5, 6 and 7 are added to read as follows:

6 d. In addition to the text, such transmittal shall contain an abstract
7 of such proposed amendment, proposition or question, prepared by the
8 state board of elections [~~concisely stating the purpose and effect ther-~~
9 ~~eof in a clear and coherent manner using words with common and everyday~~
10 ~~meanings~~] in plain language.

11 2. The form in which the proposed amendment, proposition or question
12 is to be submitted shall consist [~~of~~] only [~~an abbreviated title indi-~~
13 ~~cating generally and briefly, and in a clear and coherent manner using~~
14 ~~words with common and every day meanings, the subject matter of the~~
15 ~~amendment, proposition or question~~] of the following: a. a descriptive
16 title of up to fifteen words, which describes the topic, goal, or
17 outcome of the ballot question in plain language; b. a summary of the
18 text ballot proposal of up to thirty words, written in plain language,
19 that describes the change in policy to be adopted and not the legal
20 mechanism; and c. a statement of what a YES or NO vote means in up to
21 thirty words written in plain language that identifies the practical

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

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1 outcome of each election result and not the legal mechanism. If more
2 than one such amendment, proposition or question is to be voted upon at
3 such election, each such amendment, proposition or question respectively
4 shall be separately and consecutively numbered.

5 3. The attorney general shall advise in the preparation of [~~such~~
6 ~~abstract and~~] such form of submission, and such recommendations shall be
7 in plain language.

8 4. a. The state board of elections shall prominently publish on its
9 website at least four months prior to the general election at which a
10 ballot proposal shall appear, the proposed form of the ballot proposal
11 and abstract. There shall be a public comment period of at least fifteen
12 days subsequent to such publication. The state board shall review and
13 consider public comments before adopting the final form of the ballot
14 proposal and abstract.

15 b. The state board of elections shall also publish on its website the
16 Automated Readability Index score calculated pursuant to subdivision six
17 of this section for each form of question and abstract.

18 The score shall require no higher than an eighth grade reading level
19 (a score of 8 on the Automated Readability Index), unless the state
20 board of elections shall state the basis for its determination that the
21 plain language requirements of this section are met.

22 5. For the purposes of this section, plain language shall mean the
23 form of the ballot proposal and abstract:

- 24 a. shall be written in easily comprehended, concise language;
25 b. shall not contain more the one passive sentence;
26 c. shall not use semicolons, using multiple sentences as necessary;
27 and
28 d. shall not contain double negatives.

29 6. To evaluate compliance with the plain language requirements of this
30 section, the state board of elections shall calculate an Automated Read-
31 ability Index score, separately, for each statewide form of ballot
32 proposal and abstract.

33 The Automated Readability Index score shall be calculated according
34 to the following formula:

- 35 a. Divide the number of characters (excluding spaces) by the number of
36 words and multiply that number by 4.71;
37 b. Divide the number of words by the number of sentences and multiply
38 that number by 0.5;
39 c. Add the results of paragraphs a and b of this subdivision.
40 d. Subtract 21.43 from the result of paragraph c of this paragraph and
41 round to the nearest whole number.

42 7. No specific Automated Readability Index score shall be required;
43 provided, however, the board shall use best efforts to score at an
44 eighth grade reading level or below and meet the definition of plain
45 language in subdivision five of this section. In addition, the board
46 shall expend their best efforts not to exceed the word limits in subdi-
47 vision two of this section but may do so when plain language clarity is
48 improved thereby.

49 § 2. Section 4-116 of the election law, is amended by adding a new
50 subdivision 4 to read as follows:

51 4. No later than two months prior to the general election at which any
52 statewide ballot proposal is to be submitted to the people, the state
53 board of elections and all local boards of elections shall publish on
54 their websites the information required to be published pursuant to
55 subdivision two of this section.

56 § 3. This act shall take effect immediately.