

3738--A

Cal. No. 281

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. KOON, WEISENBERG, PAULIN, CUSICK, SPANO, LIFTON
-- Multi-Sponsored by -- M. of A. LAVINE, ROSENTHAL -- read once and
referred to the Committee on Election Law -- reported from committee,
advanced to a third reading, amended and ordered reprinted, retaining
its place on the order of third reading

AN ACT to amend the election law and the education law, in relation to
making absentee ballots available in Braille and large-print

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

- 1 Section 1. The election law is amended by adding a new section 7-107
2 to read as follows:
3 S 7-107. ABSENTEE BALLOTS IN BRAILLE AND LARGE-PRINT TO BE MADE AVAIL-
4 ABLE. 1. ABSENTEE BALLOTS PRINTED IN BRAILLE AND LARGE-PRINT SHALL BE
5 MADE AVAILABLE UPON THE REQUEST OF ANY REGISTERED VOTER WHO IS BLIND OR
6 VISUALLY IMPAIRED. PERSONS WISHING TO RECEIVE BRAILLE OR LARGE-PRINT
7 BALLOTS MUST GIVE NOTICE THEREOF TO THE BOARD OF ELECTIONS NO LESS THAN
8 THIRTY DAYS PRIOR TO EACH ELECTION DAY TO ENABLE THE BOARD TO PREPARE
9 AND DISTRIBUTE SUCH BALLOTS.
10 2. THE STATE BOARD OF ELECTIONS SHALL PROMULGATE RULES FOR THE PREPA-
11 RATION, DISTRIBUTION, CASTING, AND CANVASS OF BRAILLE AND LARGE-PRINT
12 ABSENTEE BALLOTS. THE STATE BOARD OF ELECTIONS SHALL DEVELOP THE
13 INITIAL FORMAT FOR BOTH BRAILLE AND LARGE-PRINT BALLOTS IN CONSULTATION
14 WITH AT LEAST THREE NEW YORK STATE ORGANIZATIONS WITH EXPERTISE IN THE
15 FIELD OF ADVOCACY FOR PEOPLE WITH DISABILITIES AND SUCH OTHER APPROPRI-
16 ATE PERSONS, GROUPS, ENTITIES OR ORGANIZATIONS AS THE STATE BOARD OF
17 ELECTIONS SHALL DETERMINE. FOR THE PURPOSE OF THIS SECTION, "BRAILLE"
18 REFERS TO GRADE TWO BRAILLE AND "LARGE-PRINT" REFERS TO A FONT OF EIGH-
19 TEEN POINT OR LARGER. UPON THE PRINTING OF A BRAILLE BALLOT, THE BOARD
20 OF ELECTIONS SHALL REQUIRE SUCH BRAILLE BALLOT TO BE PROOFREAD BY A
21 QUALIFIED BRAILLE READER. THE STATE BOARD OF ELECTIONS SHALL ESTABLISH
22 THE MINIMUM QUALIFICATIONS FOR A BRAILLE BALLOT PROOFREADER IN CONSULTA-

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

LBD02447-04-0

1 TION WITH AT LEAST THREE NEW YORK STATE ORGANIZATIONS WITH EXPERTISE IN
2 THE FIELD OF ADVOCACY FOR PEOPLE WITH DISABILITIES AND SUCH OTHER APPRO-
3 PRIATE PERSONS, GROUPS, ENTITIES OR ORGANIZATIONS AS SUCH BOARD SHALL
4 DETERMINE.

5 S 2. The education law is amended by adding a new section 2022-a to
6 read as follows:

7 S 2022-A. BALLOTS IN BRAILLE AND LARGE-PRINT TO BE MADE AVAILABLE. 1.
8 BALLOTS PRINTED IN BRAILLE AND LARGE-PRINT FOR EVERY ELECTION SHALL BE
9 MADE AVAILABLE UPON THE REQUEST OF ANY REGISTERED VOTER WHO IS BLIND OR
10 VISUALLY IMPAIRED. SUCH BALLOTS SHALL BE MADE AVAILABLE AT POLLING PLAC-
11 ES UPON REQUEST, AND MAY BE USED BY A VOTER IN LIEU OF THE VOTING
12 MACHINE. ABSENTEE BALLOTS PRINTED IN BRAILLE AND LARGE-PRINT SHALL BE
13 MADE AVAILABLE UPON REQUEST. PERSONS WISHING TO RECEIVE BRAILLE AND
14 LARGE-PRINT BALLOTS MUST GIVE NOTICE THEREOF NO LESS THAN THIRTY DAYS
15 PRIOR TO EACH ELECTION DAY TO ENABLE PREPARATION AND DISTRIBUTION OF
16 SUCH BALLOTS.

17 2. THE COMMISSIONER, IN CONSULTATION WITH THE STATE BOARD OF
18 ELECTIONS, SHALL PROMULGATE RULES FOR THE PREPARATION, DISTRIBUTION,
19 CASTING, AND CANVASS OF BRAILLE AND LARGE-PRINT ABSENTEE BALLOTS. THE
20 DEPARTMENT OF EDUCATION SHALL DEVELOP THE INITIAL FORMAT FOR BOTH
21 BRAILLE AND LARGE-PRINT BALLOTS IN CONSULTATION WITH AT LEAST THREE NEW
22 YORK STATE ORGANIZATIONS WITH EXPERTISE IN THE FIELD OF ADVOCACY FOR
23 PEOPLE WITH DISABILITIES AND SUCH OTHER APPROPRIATE PERSONS, GROUPS,
24 ENTITIES OR ORGANIZATIONS AS SUCH BOARD SHALL DETERMINE. FOR THE
25 PURPOSES OF THIS SECTION, "BRAILLE" REFERS TO GRADE TWO BRAILLE AND
26 "LARGE-PRINT" REFERS TO A FONT OF EIGHTEEN POINT OR LARGER. UPON THE
27 PRINTING OF A BRAILLE BALLOT, SUCH BRAILLE BALLOT SHALL BE PROOFREAD BY
28 A QUALIFIED BRAILLE READER. THE DEPARTMENT OF EDUCATION SHALL ESTABLISH
29 THE MINIMUM QUALIFICATIONS FOR A BRAILLE BALLOT PROOFREADER IN CONSULTA-
30 TION WITH AT LEAST THREE NEW YORK STATE ORGANIZATIONS WITH EXPERTISE IN
31 THE FIELD OF ADVOCACY FOR PEOPLE WITH DISABILITIES AND SUCH OTHER APPRO-
32 PRIATE PERSONS, GROUPS, ENTITIES OR ORGANIZATIONS AS SUCH DEPARTMENT
33 SHALL DETERMINE.

34 S 3. This act shall take effect on the first of December next succeed-
35 ing the date on which it shall have become a law. Effective immediate-
36 ly, the addition, amendment and/or repeal of any rule or regulation
37 necessary for the implementation of this act on its effective date are
38 authorized and directed to be made and completed on or before such
39 effective date.