

2135

2009-2010 Regular Sessions

I N S E N A T E

February 11, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to providing means whereby a voter may express no confidence in certain candidates for public office

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

1 Section 1. Subdivision 5 of section 7-106 of the election law is
2 amended by adding a new paragraph 3-a to read as follows:
3 (3-A) TO EXPRESS NO CONFIDENCE IN ALL OF THE CANDIDATES FOR MEMBER OF
4 THE LEGISLATURE, UNITED STATES SENATOR, REPRESENTATIVE IN CONGRESS,
5 PRESIDENT OF THE UNITED STATES OR VICE PRESIDENT OF THE UNITED STATES,
6 MARK A CROSS X OR A CHECK MARK IN THE VOTING SQUARE ABOVE THE PHRASE "NO
7 CONFIDENCE" ONLY IF YOU HAVE NOT VOTED FOR ANY CANDIDATE FOR THE OFFICE.
8 S 2. Subdivision 6 of section 7-106 of the election law, as amended by
9 chapter 647 of the laws of 1982, is amended to read as follows:
10 6. Each such ballot shall be printed in sections in which the candi-
11 dates' names, emblems and political designations, the ballot proposals
12 and other requisite matter shall each be boxed in by heavy black lines.
13 On the ballot shall be voting squares in which voters may make their
14 voting marks. All voting squares shall be bounded by heavy black lines,
15 the perpendicular lines to be not less than one-sixteenth of an inch
16 wide. The voting squares and the spaces occupied by the emblem shall
17 have a depth and width of five-sixteenths of an inch. No voting squares
18 shall be provided in front of the blank spaces provided for a voter to
19 write in a name. ON THE BALLOT FOR MEMBER OF THE LEGISLATURE, UNITED
20 STATES SENATOR, REPRESENTATIVE IN CONGRESS, PRESIDENT OF THE UNITED
21 STATES OR VICE PRESIDENT OF THE UNITED STATES, SHALL BE A VOTING SQUARE
22 TO EXPRESS NO CONFIDENCE IN ALL OF THE CANDIDATES.

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

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1 S 3. Paragraph (g) of subdivision 2 of section 7-114 of the election
2 law, as amended by chapter 234 of the laws of 1976, is amended to read
3 as follows:

4 (g) Spaces containing names of candidates and for writing in names,
5 SPACES FOR EXPRESSING NO CONFIDENCE IN ALL OF THE CANDIDATES FOR MEMBER
6 OF THE LEGISLATURE, UNITED STATES SENATOR, REPRESENTATIVE IN CONGRESS,
7 PRESIDENT OF THE UNITED STATES OR VICE PRESIDENT OF THE UNITED STATES,
8 and intervening spaces on the paper ballot, shall be separated by light
9 horizontal lines. Names of candidates shall be printed in capital
10 letters not less than one-eighth nor more than three-sixteenths of an
11 inch in height.

12 S 4. Paragraph (d) of subdivision 1 of section 7-122 of the election
13 law is amended by adding a new subparagraph 3-a to read as follows:

14 3-A. TO EXPRESS NO CONFIDENCE IN ALL OF THE CANDIDATES FOR MEMBER OF
15 THE LEGISLATURE, UNITED STATES SENATOR, REPRESENTATIVE IN CONGRESS,
16 PRESIDENT OF THE UNITED STATES OR VICE PRESIDENT OF THE UNITED STATES,
17 MAKE A CROSS X OR A CHECK MARK IN THE VOTING SQUARE ABOVE THE PHRASE "NO
18 CONFIDENCE" ONLY IF YOU HAVE NOT VOTED FOR ANY CANDIDATE FOR THE OFFICE.

19 S 5. Section 7-202 of the election law is amended by adding a new
20 subdivision 5 to read as follows:

21 5. VOTING MACHINES SHALL INCLUDE A DEVICE WHEREBY A VOTER MAY EXPRESS
22 NO CONFIDENCE IN ALL OF THE CANDIDATES FOR MEMBER OF THE LEGISLATURE,
23 UNITED STATES SENATOR, REPRESENTATIVE IN CONGRESS, PRESIDENT OF THE
24 UNITED STATES OR VICE PRESIDENT OF THE UNITED STATES.

25 S 6. The election law is amended by adding a new section 7-132 to read
26 as follows:

27 S 7-132. ELECTION RESULTS; CERTAIN INFORMATION TO BE REVEALED.
28 NOTWITHSTANDING ANY OTHER PROVISION OF GENERAL OR SPECIAL LAW TO THE
29 CONTRARY, ONLY VOTES CAST FOR THE NAMED CANDIDATES FOR MEMBER OF THE
30 LEGISLATURE, UNITED STATES SENATOR, REPRESENTATIVE IN CONGRESS, PRESI-
31 DENT OF THE UNITED STATES OR VICE PRESIDENT OF THE UNITED STATES, SHALL
32 BE COUNTED IN DETERMINING NOMINATION OR ELECTION TO ANY STATEWIDE OR
33 FEDERAL OFFICE, PROVIDED, HOWEVER, THE NUMBER OF BALLOTS ON WHICH THE
34 SQUARE EXPRESSING NO CONFIDENCE IN ALL CANDIDATES FOR MEMBER OF THE
35 LEGISLATURE, UNITED STATES SENATOR, REPRESENTATIVE IN CONGRESS, PRESI-
36 DENT OF THE UNITED STATES OR VICE PRESIDENT OF THE UNITED STATES, WAS
37 CHOSEN AND THE NUMBER OF THEIR VOTES SHALL BE LISTED FOLLOWING THE NAMES
38 OF THE CANDIDATES FOR EACH OFFICE IN EVERY POSTING, PROCLAMATION OR
39 ABSTRACT OF THE RESULTS OF THE ELECTION.

40 S 7. This act shall take effect on the first of January next succeed-
41 ing the date on which it shall have become a law.