S T A T E O F N E W Y O R K

10388

I N A S S E M B L Y

March 23, 2010

Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Election Law

AN ACT amend the election law, in relation to poll site marking utensils

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

Section 1. Paragraph (g) of subdivision 1 of section 8-102 of the election law is amended to read as follows:

(g) See that the [voting] PRIVACY booths are supplied with [pencils having black lead only] PENS OR OTHER APPROPRIATE MARKING UTENSILS SUPPLIED BY THE COUNTY BOARDS.

S 2. Subdivision 1 of section 8-312 of the election law is amended to read as follows:

1. On receiving his OR HER ballot, the voter forthwith and without leaving the inclosed space shall retire alone, unless he OR SHE be entitled to assistance in voting, to an unoccupied voting booth and mark his OR HER ballot, using a pen [having blue or black ink or a pencil having black lead] OR OTHER APPROPRIATE MARKING UTENSIL SUPPLIED BY THE COUNTY BOARD. He OR SHE shall not occupy a booth more than five minutes if other voters are waiting to occupy it. If the voter wrongly marks, defaces or tears a ballot or one of a set of ballots, he OR SHE may successively obtain others, one set at a time, not exceeding three sets in all, upon returning to the inspectors or clerks each set of ballots already received.

S 3. This act shall take effect immediately.

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

LBD15893-01-0