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

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The election law is amended by adding a new section 7-107 to read as follows:

S 7-107. ABSENTEE BALLOTS IN BRAILLE AND LARGE-PRINT TO BE MADE AVAILABLE. 1. ABSENTEE BALLOTS PRINTED IN BRAILLE AND LARGE-PRINT SHALL BE MADE AVAILABLE UPON THE REQUEST OF ANY REGISTERED VOTER WHO IS BLIND OR VISUALLY IMPAIRED. PERSONS WISHING TO RECEIVE BRAILLE OR LARGE-PRINT BALLOTS MUST GIVE NOTICE THEREOF TO THE BOARD OF ELECTIONS NO LESS THAN THIRTY DAYS PRIOR TO EACH ELECTION DAY TO ENABLE THE BOARD TO PREPARE AND DISTRIBUTE SUCH BALLOTS.

2. THE STATE BOARD OF ELECTIONS SHALL PROMULGATE RULES FOR THE PREPARATION, DISTRIBUTION, CASTING, AND CANVASS OF BRAILLE AND LARGE-PRINT ABSENTEE BALLOTS. THE STATE BOARD OF ELECTIONS SHALL DEVELOP THE INITIAL FORMAT FOR BOTH BRAILLE AND LARGE-PRINT BALLOTS IN CONSULTATION WITH AT LEAST THREE NEW YORK STATE ORGANIZATIONS WITH EXPERTISE IN THE FIELD OF ADVOCACY FOR PEOPLE WITH DISABILITIES AND SUCH OTHER APPROPRIATE PERSONS, GROUPS, ENTITIES OR ORGANIZATIONS AS THE STATE BOARD OF ELECTIONS SHALL DETERMINE. FOR THE PURPOSE OF THIS SECTION, "BRAILLE" REFERS TO GRADE TWO BRAILLE AND "LARGE-PRINT" REFERS TO A FONT OF EIGHTEEN POINT OR LARGER. UPON THE PRINTING OF A BRAILLE BALLOT, THE BOARD OF ELECTIONS SHALL REQUIRE SUCH BRAILLE BALLOT TO BE PROOFREAD BY A QUALIFIED BRAILLE READER. THE STATE BOARD OF ELECTIONS SHALL ESTABLISH 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.

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TION WITH AT LEAST THREE NEW YORK STATE ORGANIZATIONS WITH EXPERTISE IN THE FIELD OF ADVOCACY FOR PEOPLE WITH DISABILITIES AND SUCH OTHER APPROPRIATE PERSONS, GROUPS, ENTITIES OR ORGANIZATIONS AS SUCH BOARD SHALL DETERMINE.

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

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

2. THE COMMISSIONER, IN CONSULTATION WITH THE STATE BOARD OF ELECTIONS, SHALL PROMULGATE RULES FOR THE PREPARATION, DISTRIBUTION, CASTING, AND CANVASS OF BRAILLE AND LARGE-PRINT ABSENTEE BALLOTS. THE DEPARTMENT OF EDUCATION SHALL DEVELOP THE INITIAL FORMAT FOR BOTH BRAILLE AND LARGE-PRINT BALLOTS IN CONSULTATION WITH AT LEAST THREE NEW YORK STATE ORGANIZATIONS WITH EXPERTISE IN THE FIELD OF ADVOCACY FOR PEOPLE WITH DISABILITIES AND SUCH OTHER APPROPRIATE PERSONS, GROUPS, ENTITIES OR ORGANIZATIONS AS SUCH BOARD SHALL DETERMINE. FOR THE PURPOSES OF THIS SECTION, "BRAILLE" REFERS TO GRADE TWO BRAILLE AND "LARGE-PRINT" REFERS TO A FONT OF EIGHTEEN POINT OR LARGER. UPON THE PRINTING OF A BRAILLE BALLOT, SUCH BRAILLE BALLOT SHALL BE PROOFREAD BY A QUALIFIED BRAILLE READER. THE DEPARTMENT OF EDUCATION SHALL ESTABLISH THE MINIMUM QUALIFICATIONS FOR A BRAILLE BALLOT PROOFREADER IN CONSULTATION WITH AT LEAST THREE NEW YORK STATE ORGANIZATIONS WITH EXPERTISE IN THE FIELD OF ADVOCACY FOR PEOPLE WITH DISABILITIES AND SUCH OTHER APPROPRIATE PERSONS, GROUPS, ENTITIES OR ORGANIZATIONS AS SUCH DEPARTMENT SHALL DETERMINE.

S 3. This act shall take effect on the first of December next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.