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

7641

2009-2010 Regular Sessions

I N A S S E M B L Y

April 17, 2009

Introduced by M. of A. P. RIVERA, GALEF, ORTIZ, J. RIVERA -- Multi-Sponsored by -- M. of A. DelMONTE, DIAZ, PERALTA, TOWNS, WEISENBERG -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to voting machines and voter information; to amend the New York city charter, in relation to the voters guide; to establish a temporary advisory commission on voting by persons with disabilities; and providing for the repeal of certain provisions upon expiration thereof

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

Section 1. Section 7-202 of the election law is amended by adding three new subdivisions 5, 6 and 7 to read as follows:

5. VOTING MACHINES SHALL PRODUCE AND RETAIN A VOTER VERIFIED PERMANENT PAPER RECORD WITH A MANUAL AUDIT CAPACITY WHICH SHALL RECORD EACH VOTE TO BE CAST AND WHICH SHALL BE PRESENTED TO THE VOTER FROM BEHIND A WINDOW OR OTHER DEVICE BEFORE THE BALLOT IS CAST.

6. ALL VOTING MACHINES SHALL BE EQUIPPED WITH OPTICAL MARK-SENSE SCANNERS.

7. ALL VOTING MACHINES APPROVED AND PROCURED AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION SHALL BE MANUFACTURED AND CONSTRUCTED AT A MANUFACTURING FACILITY LOCATED IN THIS STATE.

S 2. Subdivision 1-a of section 8-104 of the election law, as added by chapter 263 of the laws of 2003, is amended to read as follows:

1-a. The election inspectors shall conspicuously post in the polling place before the opening of the polls, a voter information posting, which shall include: (a) the sample ballot and instructions for the use of voting machines required pursuant to section 7-118 of this chapter; (b) information regarding the date of the election and the hours during which polling places will be open; (c) instructions on how to cast an affidavit ballot and a concise statement of a voter's right to such a ballot; (d) instructions relating to requirements for voting on voting

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

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machines by those registrants who must provide identification pursuant to the federal Help America Vote Act of 2002; (e) instructions for first-time voters; (f) a voter's bill of rights describing voter's rights under applicable federal and state law, including the right of accessibility and alternate language accessibility; (g) information pertaining to voting by paper ballot, including information about the consequence of casting an overvote, steps to prevent unintentional undervoting and spoiled ballots; (h) instructions on how to contact the appropriate officials if a voter's right to vote or right to otherwise participate in the electoral process has been violated; and (i) general information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation. The state board of elections shall prescribe the form and content of the voter information posting, which may be comprised of one or more pages, provided each page shall be posted separately. The state board of elections shall prescribe an official version of such voter information posting for every language which appears on any general, primary or special election ballot in any election district in the state, and for such other languages as such board, in its opinion, determines is appropriate; PROVIDED, HOWEVER, THAT FOR CITIES HAVING A POPULATION OF ONE MILLION OR MORE, THE STATE BOARD OF ELECTIONS SHALL PRESCRIBE AN OFFICIAL VERSION OF THE VOTER INFORMATION POSTING IN SPANISH, KOREAN, CANTONESE, MANDARIN, TOISAN, CREOLE, TAGALOG AND RUSSIAN. Such posting shall be used in all jurisdictions, and a separate posting shall be made by election inspectors for each language appearing on the ballot and for such additional languages as the board of elections may require. A board of elections may modify or supplement the voter information posting used in its jurisdiction to provide additional or local information; provided, however, any such modification or supplementation shall be submitted to the state board of elections for prior approval.

S 3. Section 1053 of the New York city charter, as added by a vote of the people of the city of New York at the general election held in November of 1988, is amended to read as follows:

S 1053. Voters guide. Each voters guide published by the board shall contain: (a) material explaining the date and hours during which the polls will be open for that election; when, where, and how to register to vote; when a citizen is required to reregister; when, where, and how absentee ballots are obtained and used; instructions on how to vote; maps showing the boundaries of council districts; and any other general information on voting deemed by the board to be necessary or useful to the electorate or otherwise consistent with the goals of this chapter; (b) such tables of contents, graphics, and other materials which the board determines will make the voters guide easier to understand or more useful for the average voter; (c) biographical information on each candidate, including but not limited to name, party affiliation, present and previous public offices held, present occupation and employer, prior employment and other public service experience, educational background, and a listing of major organizational affiliations and endorsements; (d) concise statements by each candidate of his or her principles, platform or views; and (e) where there is a ballot proposal or referendum, concise statements explaining such proposal or referendum and an abstract of each such proposal or referendum. The guide shall be prepared in plain language using words with common and everyday meanings. No later than the first day of January of nineteen hundred eighty-nine, the board shall promulgate such rules as it deems necessary for the preparation and publication of the guide in English, Spanish,

CREOLE, KOREAN, CANTONESE, MANDARIN, TOISAN, TAGALOG, RUSSIAN and any other languages the board determines to be necessary and appropriate, and for the distribution of the guide. The purpose of such rules shall be to ensure that the guide and its distribution will serve to fully, fairly and impartially inform the public about the issues and candidates appearing on the ballot.

S 4. Temporary advisory commission on voting by persons with disabilities. (a) A temporary advisory commission on voting by persons with disabilities shall be established by the state board of elections to examine, evaluate and make recommendations concerning existing and evolving technologies that will provide greater or facilitate access of persons with disabilities to voting and the election process. Such commission shall be composed of 15 members, all of whom are persons with disabilities. All members of the commission shall be appointed by the state board of elections and shall be broadly representative of the geographic areas of the state. A chair of the commission shall be elected by a majority of the members from amongst such members. Vacancies in the membership of such commission shall be filled in the manner provided for original appointments.

(b) The commission may meet within and without the state, shall hold public hearings, and shall have all the powers of a legislative committee pursuant to the legislative law.

(c) The members of the commission shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties pursuant to this section.

(d) The commission shall annually, on or before April first, submit a report to the legislature, governor and state board of elections of its findings, conclusions and recommendations. Such reports shall include such regulatory and legislative proposals as the commission deems necessary to implement its recommendations.

S 5. This act shall take effect immediately; provided that section four of this act shall expire and be deemed repealed April 2, 2015.