

4843--A

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. AUBERTINE -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- recommitted to the Committee on Elections in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

- 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

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

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

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

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

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

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