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

_____

10191

I N   A S S E M B L Y

May 10, 2012
_____

Introduced by M. of A. SCHIMEL -- read once and referred to the Commit-
    tee on Election Law

AN ACT to amend the election law, in relation to clarifying the number
    of signatures required on an independent nominating petition in a
    municipality with less than a thousand residents, declination of
    office and filling vacancies, establishing residency at the time of
    nomination in village elections, paper ballots counted by hand in
    village elections and eliminating the ability of a candidate to timely
    file via mailing with postmark before midnight of the last date to
    file a petition

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

1   Section 1. Subdivision 6 of section 15-108 of the election law is
2   amended to read as follows:
3   6. An independent nominating petition for a village office must be
4   signed by at least one hundred voters in villages containing a popu-
5   lation of five thousand or more; by at least seventy-five voters in
6   villages containing a population of three thousand and less than five
7   thousand; and by at least fifty voters in villages containing a popu-
8   lation of one thousand and less than three thousand; and in villages
9   containing a population of less than one thousand by voters numbering at
10   least five per centum of the number of [voters] THOSE PERSONS REGISTERED
11   TO VOTE at the last regular village election. For the purposes of this
12   section, the population of a village shall be determined by the last
13   federal decennial or local special population census federally super-
14   vised pursuant to section twenty of the general municipal law.
15   S 2.   The opening paragraph of section 15-128 of the election law is
16   designated subdivision 1 and a new subdivision 2 is added to read as
17   follows:
18   2. A PERSON ELECTED MAY DECLINE THE OFFICE TO WHICH HE OR SHE WAS
19   ELECTED BY NOTIFYING THE VILLAGE CLERK IN WRITING. THE FILING OF A WRIT-
20   TEN DECLINATION WITH THE VILLAGE CLERK CREATES A VACANCY IN THE OFFICE
21   EFFECTIVE AT THE START OF THE OFFICIAL YEAR FOLLOWING THE ELECTION. THE
22   VACANCY SHALL BE FILLED AFTER THE START OF THE OFFICIAL YEAR BY THE

1 MAYOR, EXCEPT THAT A VACANCY IN THE OFFICE OF MAYOR SHALL BE FILLED BY
2 THE BOARD OF TRUSTEES, IN THE SAME MANNER AND FOR THE PERIODS OF TIME
3 SET FORTH IN SECTION 3-312 OF THE VILLAGE LAW.
4   S 3. Section 15-108 of the election law is amended by adding a new
5 subdivision 11 to read as follows:
6   11. AN INDIVIDUAL RUNNING FOR ELECTED OFFICE MUST BE A RESIDENT OF THE
7 VILLAGE BY THE LAST DAY TO FILE A CERTIFICATE OF PARTY NOMINATION IF
8 SUCH INDIVIDUAL IS NOMINATED AT A PARTY PRIMARY OR CAUCUS, NOT LATER
9 THAN FORTY-SEVEN DAYS PRIOR TO THE VILLAGE ELECTION PURSUANT TO PARA-
10 GRAPH (A) OF SUBDIVISION SEVEN OF THIS SECTION, OR BY THE LAST DAY TO
11 FILE AN INDEPENDENT NOMINATING PETITION IF SUCH INDIVIDUAL IS NOMINATED
12 BY THE FILING OF AN INDEPENDENT NOMINATING PETITION, NOT LATER THAN
13 THIRTY-FIVE DAYS PRIOR TO THE VILLAGE ELECTION PURSUANT TO PARAGRAPH (A)
14 OF SUBDIVISION EIGHT OF THIS SECTION.
15   S 4. The election law is amended by adding a new section 15-115 to
16 read as follows:
17   S 15-115. PAPER BALLOTS COUNTED BY HAND IN VILLAGE ELECTIONS. 1. FOR
18 VILLAGES CONDUCTING AN ELECTION WHERE PAPER BALLOTS ARE TO BE COUNTED BY
19 HAND, THE FORMAT OF THE BALLOTS SHALL CONFORM TO THE REQUIREMENTS OF
20 THIS SECTION. THIS SECTION SHALL NOT APPLY TO ELECTIONS WHERE SCANNER
21 MACHINES ARE USED.
22   2. PAPER BALLOTS SHALL BE PRINTED ON PAPER OF A QUALITY, SIZE, COLOR,
23 AND WEIGHT THAT HAD BEEN APPROVED BY THE STATE BOARD OF ELECTIONS PRIOR
24 TO THE SEVENTH DAY OF JULY, TWO THOUSAND TEN.
25   3. ALL PAPER BALLOTS OF THE SAME KIND FOR THE SAME POLLING PLACE SHALL
26 BE IDENTICAL. A DIFFERENT, BUT IN EACH CASE UNIFORM STYLE AND SIZE OF
27 TYPE, SHALL BE USED FOR PRINTING THE NAMES OF CANDIDATES, THE TITLES OF
28 OFFICES, POLITICAL DESIGNATIONS, AND THE READING FORM OF ALL QUESTIONS
29 SUBMITTED. THE NAMES OF CANDIDATES SHALL BE PRINTED IN CAPITAL LETTERS
30 IN BLACK-FACED TYPE.
31   4. EACH BALLOT SHALL BE PRINTED ON THE SAME SHEET WITH A STUB WHICH
32 SHALL BE SEPARATED THEREFROM BY A HORIZONTAL LINE OF PERFORATIONS
33 EXTENDING ACROSS THE ENTIRE WIDTH OF THE BALLOT. ON THE FACE OF THE STUB
34 SHALL BE PRINTED THE INSTRUCTIONS TO THE VOTER. ON THE BACK OF THE STUB
35 IMMEDIATELY ABOVE THE CENTER OF THE INDORSEMENT ON THE BACK OF THE
36 BALLOT, SHALL BE PRINTED "NO. ......" THE BLANK TO BE FILLED WITH
37 CONSECUTIVE NUMBER OF BALLOTS BEGINNING WITH "NO. 1", AND INCREASING IN
38 REGULAR NUMERICAL ORDER.
39   5. ON THE BACK OF THE BALLOT, BELOW THE LINE OF PERFORATIONS, JUST TO
40 THE RIGHT OF CENTER, AND OUTSIDE WHEN THE BALLOT IS FOLDED, AND ON THE
41 FRONT OF THE BALLOT, DIRECTLY BELOW THE PERFORATED LINE, SHALL BE PRINT-
42 ED THE FOLLOWING INDORSEMENT, THE BLANKS PROPERLY FILLED IN:
43 "OFFICIAL BALLOT FOR VILLAGE OFFICERS.
44 (DATE OF ELECTION.)
45 (FACSIMILE OF THE SIGNATURE OF OFFICER OR OFFICERS PROVIDING THE
46 BALLOT.)"
47   6. ON THE STUB AT THE TOP OF THE BALLOT OR ON THE EDGE OF SUCH BALLOT
48 SHALL BE PRINTED IN HEAVY BLACK TYPE THE FOLLOWING INSTRUCTIONS:
49 "INSTRUCTIONS
50 (1) MARK ONLY WITH A PEN HAVING BLUE OR BLACK INK OR WITH A PENCIL
51 HAVING BLACK LEAD.
52 (2) TO VOTE FOR A CANDIDATE WHOSE NAME IS PRINTED ON THIS BALLOT MAKE A
53 SINGLE CROSS X MARK OR A CHECK V MARK IN ONE OF THE SQUARES TO THE RIGHT
54 OF AN EMBLEM OPPOSITE HIS OR HER NAME.

1 (3) TO VOTE FOR A PERSON WHOSE NAME IS NOT PRINTED ON THIS BALLOT WRITE
2 OR STAMP HIS OR HER NAME ON A BLANK LINE UNDER THE NAMES OF THE CANDI-
3 DATES FOR THAT OFFICE.
4 (4) TO VOTE YES OR NO ON A PROPOSAL MAKE A SINGLE X OR V MARK IN THE
5 SQUARE OPPOSITE YOUR VOTE.
6 (5) ANY OTHER MARK OR WRITING, OR ANY ERASURE MADE ON THIS BALLOT
7 OUTSIDE THE VOTING SQUARES OR BLANK SPACES PROVIDED FOR VOTING WILL VOID
8 THIS ENTIRE BALLOT.
9 (6) DO NOT OVERVOTE. IF YOU SELECT A GREATER NUMBER OF CANDIDATES THAN
10 THERE ARE VACANCIES TO BE FILLED, YOUR BALLOT WILL BE VOID FOR THAT
11 PUBLIC OFFICE OR PARTY POSITION.
12 (7) IF YOU TEAR, OR DEFACE, OR WRONGLY MARK THIS BALLOT, RETURN IT AND
13 OBTAIN ANOTHER. DO NOT ATTEMPT TO CORRECT MISTAKES ON THE BALLOT BY
14 MAKING ERASURES OR CROSS OUTS. ERASURES OR CROSS OUTS MAY INVALIDATE ALL
15 OR PART OF YOUR BALLOT. PRIOR TO SUBMITTING YOUR BALLOT, IF YOU MAKE A
16 MISTAKE IN COMPLETING THE BALLOT OR WISH TO CHANGE YOUR BALLOT CHOICES,
17 YOU MAY OBTAIN AND COMPLETE A NEW BALLOT. YOU HAVE A RIGHT TO A REPLACE-
18 MENT BALLOT UPON RETURN OF THE ORIGINAL BALLOT."
19   7. EACH SUCH BALLOT SHALL BE PRINTED IN SECTIONS IN WHICH THE CANDI-
20 DATES' NAMES, EMBLEMS AND POLITICAL DESIGNATIONS, THE BALLOT PROPOSALS
21 AND OTHER REQUISITE MATTER SHALL EACH BE BOXED IN BY HEAVY BLACK LINES.
22 ON THE BALLOT SHALL BE VOTING SQUARES IN WHICH VOTERS MAY MAKE THEIR
23 VOTING MARKS. ALL VOTING SQUARES SHALL BE BOUNDED BY HEAVY BLACK LINES,
24 THE PERPENDICULAR LINES TO BE NOT LESS THAN ONE-SIXTEENTH OF AN INCH
25 WIDE. THE VOTING SQUARES AND THE SPACES OCCUPIED BY THE EMBLEM SHALL
26 HAVE A DEPTH AND WIDTH OF FIVE-SIXTEENTHS OF AN INCH. NO VOTING SQUARES
27 SHALL BE PROVIDED IN FRONT OF THE BLANK SPACES PROVIDED FOR A VOTER TO
28 WRITE IN A NAME.
29   8. THE SPACE FOR THE TITLE OF AN OFFICE SHALL BE THREE-EIGHTHS OF AN
30 INCH, AND THE NAME OF A CANDIDATE OR FOR WRITING IN A NAME, ONE-FOURTH
31 OF AN INCH, IN DEPTH. AT THE LEFT OF THE NAME OF EACH DESIGNATED CANDI-
32 DATE SHALL BE AN ENCLOSED VOTING SPACE, THREE-EIGHTHS OF AN INCH IN
33 WIDTH AND APPROXIMATELY ONE-FOURTH OF AN INCH IN DEPTH, BOUNDED ABOVE,
34 BELOW AND TO THE RIGHT BY BLACK LINES, HEAVIER THAN THOSE WHICH SEPARATE
35 THE SPACES CONTAINING THE NAMES OF CANDIDATES. TO THE LEFT OF VOTING
36 SPACES WHICH DO NOT ADJOIN A VERTICAL LINE DIVIDING TWO PARTS, THERE
37 SHALL BE A HEAVY BLACK VERTICAL LINE APPROXIMATELY ONE-EIGHTH OF AN INCH
38 IN WIDTH. NO VOTING SPACE SHALL BE PROVIDED IN THE SPACE FOR WRITING IN
39 NAMES. IN SUCH CASE, THE SPACE CORRESPONDING TO A VOTING SPACE SHALL BE
40 ALL BLACK.
41   9. BELOW THE NAMES OF THE CANDIDATES FOR EACH OFFICE OR POSITION THERE
42 SHALL BE PRINTED AS MANY BLANK SPACES, FOR WRITING IN NAMES OF PERSONS
43 FOR WHOM THE VOTER DESIRES TO VOTE, AS THERE ARE PERSONS TO BE NOMINATED
44 OR ELECTED.
45   10. IN CASE THE SECTIONS SHALL BE SO NUMEROUS AS TO MAKE THE BALLOT
46 UNWIELDY IF THEY ARE PRINTED IN ONE COLUMN, THEY MAY BE PRINTED IN AS
47 MANY COLUMNS AS SHALL BE NECESSARY, AND IN THAT CASE, IN ORDER TO
48 PRODUCE A RECTANGULAR BALLOT, BLANK SECTIONS MAY BE USED.
49   11. THE NAMES OF PARTIES OR INDEPENDENT BODIES WHICH CONTAIN MORE THAN
50 FIFTEEN LETTERS MAY, WHENEVER LIMITATIONS OF SPACE SO REQUIRE, BE PRINT-
51 ED ON THE BALLOT IN AN ABBREVIATED FORM. IN PRINTING THE NAMES OF CANDI-
52 DATES WHOSE FULL NAMES CONTAIN MORE THAN FIFTEEN LETTERS, ONLY THE
53 SURNAME MUST BE PRINTED IN FULL. THE OFFICER OR BOARD CHARGED WITH THE
54 DUTY OF PREPARING THE BALLOTS SHALL REQUEST EACH SUCH CANDIDATE TO INDI-
55 CATE, IN WRITING, THE SHORTENED FORM IN WHICH, SUBJECT TO THIS
56 RESTRICTION, HIS NAME SHALL BE PRINTED. IF NO SUCH INDICATION IS

 1 RECEIVED FROM SUCH CANDIDATE WITHIN THE TIME SPECIFIED IN THE REQUEST,
 2 SUCH OFFICER OR BOARD SHALL MAKE THE NECESSARY DETERMINATION. NO EMBLEM
 3 SHALL OCCUPY A SPACE LONGER IN ANY DIRECTION THAN THE VOTING SQUARE TO
 4 WHICH IT RELATES.
 5   S 5. Section 15-108 of the election law is amended by adding a new
 6 subdivision 12 to read as follows:
 7   12. NOTWITHSTANDING THE PROVISIONS OF SECTION 1-106 OF THIS CHAPTER,
 8 ALL PAPERS REQUIRED TO BE FILED PURSUANT TO THIS ARTICLE WHICH ARE
 9 DELIVERED IN PERSON OR SENT BY MAIL TO THE VILLAGE ELECTION OFFICER AS
10 DEFINED IN SECTION 15-124 OF THIS ARTICLE SHALL BE DEEMED TIMELY FILED
11 WHEN RECEIVED BY THE VILLAGE ELECTION OFFICER ON OR BEFORE FIVE P.M. ON
12 THE LAST DAY TO FILE ANY SUCH PAPERS. FAILURE OF THE POST OFFICE OR ANY
13 OTHER PERSON OR ENTITY TO DELIVER SUCH PAPERS ON OR BEFORE FIVE P.M. ON
14 THE LAST DAY TO FILE SHALL BE A FATAL DEFECT.
15   S 6. This act shall take effect immediately.