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

3093

2011-2012 Regular Sessions

I N A S S E M B L Y

January 24, 2011

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

AN ACT to amend the election law, in relation to authorizing village, special district, improvement district and library district elections to be conducted on mechanical lever voting machines or paper ballots; and to amend the town law, in relation to authorizing the use of mechanical lever voting machines or paper ballots at fire district elections

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 7-132 to read as follows:

S 7-132. PAPER BALLOTS; VILLAGE, SPECIAL DISTRICT, IMPROVEMENT DISTRICT, LIBRARY DISTRICT AND FIRE DISTRICT ELECTIONS. 1. FOR ANY VILLAGE, SPECIAL DISTRICT, IMPROVEMENT DISTRICT, LIBRARY DISTRICT OR FIRE DISTRICT CONDUCTING AN ELECTION IN WHICH PAPER BALLOTS ARE TO BE COUNTED BY HAND, THE FORMAT OF SUCH PAPER BALLOTS SHALL CONFORM TO THE PROVISIONS OF THIS SECTION.

2. ALL PAPER BALLOTS SHALL BE PRINTED ON PAPER OF A QUALITY, SIZE, COLOR AND WEIGHT AS SHALL BE DETERMINED BY THE STATE BOARD OF ELECTIONS ON OR BEFORE JULY SEVENTH, TWO THOUSAND ELEVEN.

3. ALL PAPER BALLOTS OF THE SAME KIND AT THE SAME POLLING PLACE SHALL BE IDENTICAL IN APPEARANCE AND FORM. A DIFFERENT, BUT IN EACH CASE UNIFORM STYLE AND SIZE OF TYPE, SHALL BE USED FOR THE PRINTING OF THE NAMES OF CANDIDATES, THE TITLES OF OFFICES, POLITICAL DESIGNATION AND THE READING FORM OF ALL PROPOSALS AND QUESTIONS PRESENTED. THE NAMES OF ALL CANDIDATES SHALL BE PRINTED IN UPPER-CASE LETTERS, IN BLACK-FACED TYPE.

4. EACH PAPER BALLOT SHALL BE PRINTED ON A SINGLE SHEET OF PAPER WITH A DETACHABLE STUB WHICH MAY BE SEPARATED THEREFROM ALONG A PERFORATED HORIZONTAL LINE ACROSS THE ENTIRE BALLOT. ON THE FACE OF SUCH STUB SHALL

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

LBD04799-03-1

BE PRINTED THE INSTRUCTIONS TO THE VOTER, AND ON THE BACK THEREOF, IMMEDIATELY ABOVE THE CENTER OF THE ENDORSEMENT ON THE REAR OF THE BALLOT, SHALL BE PRINTED "#" WITH THE BLANK SPACE FILLED IN BY AN ELECTION INSPECTOR WITH THE CONSECUTIVE NUMBER OF BALLOTS CAST AT THE ELECTION BEGINNING WITH #1, AND INCREASING IN REGULAR NUMERICAL ORDER.

5. ON THE REAR OF THE BALLOT, BELOW THE LINE OF PERFORATIONS, JUST TO THE RIGHT OF CENTER AND APPEARING ON THE OUTSIDE OF THE BALLOT WHEN FOLDED, AND ALSO ON THE FRONT OF THE BALLOT, DIRECTLY BELOW THE LINE OF PERFORATIONS, SHALL BE PRINTED THE FOLLOWING INFORMATION:

"OFFICIAL BALLOT FOR (VILLAGE, SPECIAL DISTRICT, IMPROVEMENT DISTRICT, LIBRARY DISTRICT OR FIRE DISTRICT) OFFICERS AND PROPOSITIONS

(THE DATE OF THE ELECTION)

(A FACSIMILE SIGNATURE OF THE OFFICER OR OFFICERS PROVIDING SUCH BALLOT)".

6. ON THE TOP OF THE DETACHABLE STUB OR ON THE EDGE OF THE BALLOT, THE FOLLOWING INSTRUCTIONS SHALL BE PRINTED IN HEAVY BLACK TYPE:

"INSTRUCTIONS

(A) MARK ONLY WITH A PEN HAVING BLUE OR BLACK INK OR WITH A PENCIL HAVING BLACK LEAD.

(B) TO VOTE FOR A CANDIDATE WHOSE NAME IS PRINTED ON THIS BALLOT MAKE A SINGLE CROSS X MARK OR A CHECK V MARK IN ONE OF THE SQUARES TO THE RIGHT OF AN EMBLEM OPPOSITE HIS OR HER NAME.

(C) TO VOTE FOR A PERSON WHOSE NAME IS NOT PRINTED ON THIS BALLOT WRITE OR STAMP HIS OR HER NAME ON A BLANK LINE UNDER THE NAMES OF THE CANDIDATES FOR THAT OFFICE.

(D) TO VOTE YES OR NO ON A PROPOSAL MAKE A SINGLE X OR V MARK IN THE SQUARE OPPOSITE YOUR VOTE.

(E) ANY OTHER MARK OR WRITING, OR ANY ERASURE MADE ON THIS BALLOT OUTSIDE THE VOTING SQUARES OR BLANK SPACES PROVIDED FOR VOTING WILL VOID THIS ENTIRE BALLOT.

(F) DO NOT OVERVOTE. IF YOU SELECT A GREATER NUMBER OF CANDIDATES THAN THERE ARE VACANCIES TO BE FILLED, YOUR BALLOT WILL BE VOID FOR THAT PUBLIC OFFICE OR PARTY POSITION.

(G) IF YOU TEAR, DEFACE OR WRONGLY MARK THIS BALLOT, RETURN IT AND OBTAIN ANOTHER. DO NOT ATTEMPT TO CORRECT MISTAKES ON THE BALLOT BY MAKING ERASURES OR CROSS OUTS. ERASURES OR CROSS OUTS MAY INVALIDATE ALL OR PART OF YOUR BALLOT. PRIOR TO SUBMITTING YOUR BALLOT, IF YOU MAKE A MISTAKE IN COMPLETING THE BALLOT OR WISH TO CHANGE YOUR BALLOT CHOICES, YOU MAY OBTAIN AND COMPLETE A NEW BALLOT. YOU HAVE A RIGHT TO A REPLACEMENT BALLOT UPON RETURN OF THE ORIGINAL BALLOT."

7. EACH BALLOT SHALL BE PRINTED IN SECTIONS IN WHICH THE CANDIDATES' NAMES, EMBLEMS AND POLITICAL DESIGNATIONS, THE BALLOT PROPOSALS AND OTHER REQUISITE MATTER SHALL EACH BE BOXED IN BY HEAVY BLACK LINES.

ON THE BALLOT SHALL BE VOTING SQUARES IN WHICH VOTERS MAY MAKE THEIR VOTING MARKS. ALL VOTING SQUARES SHALL BE BOUNDED BY HEAVY BLACK LINES, THE PERPENDICULAR LINES TO BE NOT LESS THAN ONE-SIXTEENTH OF ONE INCH WIDE. THE VOTING SQUARES AND THE SPACES OCCUPIED BY THE EMBLEM SHALL HAVE A DEPTH AND WIDTH OF FIVE-SIXTEENTHS OF ONE INCH. NO VOTING SQUARE SHALL BE PROVIDED IN FRONT OF THE BLANK SPACES PROVIDED FOR A VOTER TO WRITE IN A NAME.

8. THE SPACE FOR THE TITLE OF AN OFFICE SHALL BE THREE-EIGHTHS OF ONE INCH, AND THE NAME OF A CANDIDATE OR FOR WRITING IN A NAME, ONE-FOURTH OF ONE INCH, IN DEPTH. AT THE LEFT OF THE NAME OF EACH DESIGNATED CANDIDATE SHALL BE AN ENCLOSED VOTING SPACE, THREE-EIGHTHS OF ONE INCH IN WIDTH AND APPROXIMATELY ONE-FOURTH OF ONE INCH IN DEPTH, BOUNDED ABOVE, BELOW AND TO THE RIGHT BY BLACK LINES, HEAVIER THAN THOSE WHICH SEPARATE

THE SPACES CONTAINING THE NAMES OF CANDIDATES. TO THE LEFT OF VOTING SPACES WHICH DO NOT ADJOIN A VERTICAL LINE DIVIDING TWO PARTS, THERE SHALL BE A HEAVY BLACK VERTICAL LINE APPROXIMATELY ONE-EIGHTH OF ONE INCH IN WIDTH. NO VOTING SPACE SHALL BE PROVIDED IN THE SPACE FOR WRITING IN NAMES. IN SUCH CASE, THE SPACE CORRESPONDING TO A VOTING SPACE SHALL BE ALL BLACK.

9. BELOW THE NAMES OF THE CANDIDATES FOR EACH OFFICE OR POSITION THERE SHALL BE PRINTED AS MANY BLANK SPACES, FOR WRITING IN NAMES OF PERSONS FOR WHOM THE VOTER DESIRES TO VOTE, AS THERE ARE PERSONS TO BE NOMINATED OR ELECTED.

10. IN CASE THE SECTIONS SHALL BE SO NUMEROUS AS TO MAKE THE BALLOT UNWIELDY IF THEY ARE PRINTED IN ONE COLUMN, THEY MAY BE PRINTED IN AS MANY COLUMNS AS SHALL BE NECESSARY, AND IN THAT CASE, IN ORDER TO PRODUCE A RECTANGULAR BALLOT, BLANK SECTIONS MAY BE USED.

11. THE NAMES OF PARTIES OR INDEPENDENT BODIES WHICH CONTAIN MORE THAN FIFTEEN LETTERS MAY, WHENEVER LIMITATIONS OF SPACE SO REQUIRE, BE PRINTED ON THE BALLOT IN AN ABBREVIATED FORM. IN PRINTING THE NAMES OF CANDIDATES WHOSE FULL NAMES CONTAIN MORE THAN FIFTEEN LETTERS, ONLY THE SURNAME MUST BE PRINTED IN FULL. THE OFFICER OR BOARD CHARGED WITH THE DUTY OF PREPARING THE BALLOTS SHALL REQUEST EACH SUCH CANDIDATE TO INDICATE, IN WRITING, THE SHORTENED FORM IN WHICH, SUBJECT TO THE RESTRICTION, HIS NAME SHALL BE PRINTED. IF NO SUCH INDICATION IS RECEIVED FROM SUCH CANDIDATE WITHIN THE TIME SPECIFIED IN THE REQUEST, SUCH OFFICER OR BOARD SHALL MAKE THE NECESSARY DETERMINATION. NO EMBLEM SHALL OCCUPY A SPACE LONGER IN ANY DIRECTION THAN THE VOTING SQUARE TO WHICH IT RELATES.

S 2. Subdivision 1 of section 7-200 of the election law, as amended by chapter 181 of the laws of 2005, is amended to read as follows:

1. The board of elections of the city of New York and other county boards of elections may adopt any kind of voting machine or system approved by the state board of elections, or the use of which has been specifically authorized by law; and thereupon such voting machine or system may be used at any or all elections and shall be used at all general or special elections held by such boards in such city, town or village and in every contested primary election in the city of New York and in every contested primary election outside the city of New York in which there are one thousand or more enrolled voters qualified to vote; PROVIDED, HOWEVER, THAT SUCH MACHINES AND SYSTEMS SHALL NOT BE REQUIRED TO BE USED IN ANY VILLAGE, SPECIAL DISTRICT, IMPROVEMENT DISTRICT OR LIBRARY DISTRICT ELECTION AND THE USE OF MECHANICAL LEVER VOTING MACHINES SHALL BE AUTHORIZED FOR VILLAGE ELECTIONS. No more than two types of voting machines or systems may be used by any local board of elections at a single election. Notwithstanding the other provisions of this subdivision, any local board of elections may borrow or lease for use on an experimental basis for a period of not more than one year each, voting machines or systems of any type approved by the state board of elections.

S 3. Subdivision 1 of section 7-203 of the election law, as amended by chapter 180 of the laws of 2005, is amended to read as follows:

1. The board of elections shall provide a sufficient number of voting machines to fully equip all election districts within its jurisdiction. Such voting machines shall be used at all general, special and primary elections conducted pursuant to this chapter; PROVIDED, HOWEVER, THAT THE USE OF SUCH VOTING MACHINES SHALL NOT BE REQUIRED DURING VILLAGE, SPECIAL DISTRICT, IMPROVEMENT DISTRICT OR LIBRARY DISTRICT ELECTIONS AND

THE USE OF MECHANICAL LEVER VOTING MACHINES OR PAPER BALLOTS SHALL BE AUTHORIZED AT SUCH ELECTIONS.

S 4. Subdivision 29 of section 176 of the town law, as added by chapter 568 of the laws of 1949, is amended to read as follows:

29. May authorize the use of voting machines at any annual or special election held within the fire district and such voting machine shall be used in accordance with the provisions contained in article nine of the election law, PROVIDED THAT NO PROVISION OF LAW SHALL BE DEEMED TO PROHIBIT THE USE OF MECHANICAL LEVER VOTING MACHINES OR PAPER BALLOTS AT ANY SUCH ELECTION.

S 5. This act shall take effect immediately.