

7492

2011-2012 Regular Sessions

I N A S S E M B L Y

May 6, 2011

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

AN ACT to amend the election law, in relation to simplifying ballots

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

- 1 Section 1. This act shall be known and may be cited as the "voter  
2 friendly ballot act of 2011".  
3 S 2. Section 7-104 of the election law, as amended by chapter 165 of  
4 the laws of 2010, is amended to read as follows:  
5 S 7-104. Ballots; form of, voting machine. 1. All ballots shall be  
6 printed and/or displayed in a format and arrangement, of such uniform  
7 size and style as will fit the ballot frame, and shall be in as plain  
8 and clear a type or display as the space will reasonably permit. Such  
9 type or display on the ballot shall satisfy all requirements and stand-  
10 ards set forth pursuant to the federal Help America Vote Act.  
11 2. The names of parties or independent bodies which contain more than  
12 fifteen letters may, whenever limitations of space so require, be print-  
13 ed on the ballot in an abbreviated form. In printing the names of candi-  
14 dates whose full names contain more than fifteen letters, only the  
15 surname must be printed in full. The officer or board charged with the  
16 duty of preparing the ballots shall request each such candidate to indi-  
17 cate, in writing, the shortened form in which, subject to this  
18 restriction, his name shall be printed. If no such indication is  
19 received from such candidate within the time specified in the request,  
20 such officer or board shall make the necessary determination.  
21 3. (a) The party name or other designation[, and a designating letter  
22 and number] shall be affixed to the name of each candidate, or, in case  
23 of presidential electors, to the names of the candidates for president  
24 and vice-president of such party.  
25 (b) The titles of offices may be arranged horizontally, with the names  
26 of candidates for an office and the slot or device for write-in ballots

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

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1 for such office arranged vertically under the title of the office, or  
2 the titles of offices may be arranged vertically, with the names of  
3 candidates for an office and the slot or device for write-in ballots for  
4 such office arranged horizontally opposite the title of the office.

5 (c) Each office shall occupy as many columns or rows on the [machine]  
6 BALLOT as the number of candidates to be elected to that office.

7 4. (a) The names of all candidates nominated by any party or independ-  
8 ent body for an office shall always appear in the row or column contain-  
9 ing generally the names of candidates nominated by such party or inde-  
10 pendent body for other offices except as hereinafter provided.

11 (b) When the same person has been nominated for an office to be filled  
12 at the election by more than one party, the [voting machine] BALLOT  
13 shall be so adjusted that his or her name shall appear in each row or  
14 column containing generally the names of candidates for other offices  
15 nominated by any such party.

16 (c) If such candidate has also been nominated by one or more independ-  
17 ent bodies, his or her name shall appear only in each row or column  
18 containing generally the names of candidates for other offices nominated  
19 by any such party and the name of each such independent body shall  
20 appear in one such row or column to be designated by the candidate in a  
21 writing filed with the officer or board charged with the duty of provid-  
22 ing ballots, or if such person shall fail to so designate, the names of  
23 such independent bodies shall appear in such row or column as such offi-  
24 cer or board shall determine.

25 (d) If any person shall be nominated for any office by one party and  
26 two or more independent bodies his or her name shall appear on the  
27 [voting machine] BALLOT twice; once in the row or column containing  
28 generally the names of candidates for other offices nominated by such  
29 party, and once in the row or column containing generally the names of  
30 candidates nominated by the independent body designated by such person  
31 in a writing filed with the officer or board charged with the duty of  
32 providing ballots and in connection with the name of such person in such  
33 row or column shall appear the name of each independent body nominating  
34 him or her or, if such person shall fail to so designate, the name of  
35 such candidate and the names of such independent bodies shall appear in  
36 such row or column as such officer or board shall determine.

37 (e) If any person is nominated for any office only by ONE OR more  
38 [than one] independent bodies BUT NOT BY A PARTY, his or her name shall  
39 appear but once upon the [machine] BALLOT in one such row or column to  
40 be designated by the candidate in a writing filed with the officer or  
41 board charged with the duty of providing ballots, or if the candidate  
42 shall fail to so designate, in the place designated by the officer or  
43 board charged with the duty of providing ballots, and in connection with  
44 his or her name there shall appear the name of each independent body  
45 nominating him or her, but, where the capacity of the [machine] BALLOT  
46 will permit, the name of such person shall not appear or be placed in a  
47 column or on a horizontal line with the names of persons nominated by a  
48 party for other offices.

49 5. Notwithstanding the provisions of subdivision four of this section,  
50 the name of a person who is nominated for the office of governor, or  
51 state senator, or member of assembly, shall appear on the ballot as many  
52 times as there are parties or independent bodies nominating him or her,  
53 and there shall be a separate voting and registering device at each  
54 place in which such name shall appear.

55 6. If any type of machine used in any county or city contains any  
56 feature, the use of which is neither required nor prohibited by the

1 provisions of this chapter, the board of elections may, by resolution,  
2 require that one or more of such features shall be used in such county.  
3 Thereafter all machines of such type used in such county or city shall  
4 be operated in conformity with any such resolution. Any such resolution  
5 may thereafter be rescinded by such board and after being so rescinded  
6 may be re-adopted. Once re-adopted by any board of elections, such a  
7 resolution may not be rescinded again by such board.

8 7. [The ballot shall have printed upon it in black ink for each party  
9 or independent row, at the head of the column or the beginning of the  
10 row containing the names of candidates, the image of a closed fist with  
11 index finger extended pointing to the party or independent row. In the  
12 same space, in black letters as large as the space will permit, shall be  
13 printed the name of the party or independent body and at the right of  
14 the fist and below the index finger shall be printed in black ink the  
15 emblem and the designating letters of the row or column.

16 8.] With respect to candidates for the offices of governor and lieu-  
17 tenant governor of a party or independent body, ballots shall be printed  
18 so that the names of such candidates for both offices shall appear in  
19 the same row or column, with the name of the candidate for governor  
20 appearing first and the ballot shall be so adjusted that both offices  
21 are voted for jointly and have but one designating letter or number.

22 S 3. Section 7-106 of the election law, the section heading and subdi-  
23 visions 1, 3, 4, 5, 6, and 7 as amended and subdivisions 8, 9, 10 and 11  
24 as renumbered by chapter 165 of the laws of 2010, is amended to read as  
25 follows:

26 S 7-106. Election day paper ballots; form of. 1. Paper ballots which  
27 are to be counted by a ballot scanner may consist of two or more sheets  
28 which are divided into perforated sections which can be separated at the  
29 time the ballot is scanned. Such ballots shall be printed on paper of a  
30 quality, size, color, and weight approved by the state board of  
31 elections. THE BALLOT MAY NOT BE THE SAME COLOR AS SAMPLE BALLOTS.

32 2. BEFORE EACH STATEWIDE ELECTION, THE BOARD SHALL PUBLISH AND  
33 DISTRIBUTE A MASTER TEMPLATE BALLOT TO THE COUNTIES;

34 3. All paper ballots of the same kind for the same polling place shall  
35 be identical. [A different, but in each case uniform style and size of  
36 type, shall be used for printing the names of candidates, the titles of  
37 offices, political designations, and the reading form of all questions  
38 submitted. The names of candidates shall be printed in capital letters  
39 in black-faced type.

40 3.] 4. Each ballot shall be printed on the sheet with a stub which  
41 shall be separated therefrom by a line of perforations extending across  
42 the entire ballot. On the face of the stub shall be printed "No....."  
43 the blank to be filled with consecutive number of ballots beginning with  
44 "No. 1", and increasing in regular numerical order.

45 [4.] 5. On such ballot shall be printed the following indorsement, the  
46 blanks properly filled in:

47 Official Ballot for (General, Primary or Special, as applica-  
48 ble)  
49 Election  
50 County of .....  
51 (Assembly or Legislative, as applicable) District  
52 .....  
53 (Ward and City or town ....., as applica-  
54 ble).....  
55 Election District .....

1 (Insert date of election.)

2 (Insert names of election commissioners providing the ballot.)

3 [5. The following ballot instructions shall be printed in heavy black  
4 type:

5 INSTRUCTIONS

6 (1) Mark only with a writing instrument provided by the board of  
7 elections.

8 (2) To vote for a candidate whose name is printed on this ballot fill  
9 in the (insert oval or square, as applicable) above or next to the name  
10 of the candidate.

11 (3) To vote for a person whose name is not printed on this ballot  
12 write or stamp his or her name in the space labeled "write-in" that  
13 appears (insert at the bottom of the column, the end of the row or at  
14 the bottom of the candidate names, as applicable) for such office (and,  
15 if required by the voting system in use at such election, the  
16 instructions shall also include "and fill in the (insert oval or square,  
17 as applicable) corresponding with the write-in space in which you have  
18 written in a name").

19 (4) To vote yes or no on a proposal, if any, that appears on the  
20 (indicate where on the ballot the proposal may appear) fill in the  
21 (insert oval or square, as applicable) that corresponds to your vote.

22 (5) Any other mark or writing, or any erasure made on this ballot  
23 outside the voting squares or blank spaces provided for voting will void  
24 this entire ballot.

25 (6) Do not overvote. If you select a greater number of candidates than  
26 there are vacancies to be filled, your ballot will be void for that  
27 public office, party position or proposal.

28 (7) If you tear, or deface, or wrongly mark this ballot, return it and  
29 obtain another. Do not attempt to correct mistakes on the ballot by  
30 making erasures or cross outs. Erasures or cross outs may invalidate all  
31 or part of your ballot. Prior to submitting your ballot, if you make a  
32 mistake in completing the ballot or wish to change your ballot choices,  
33 you may obtain and complete a new ballot. You have a right to a replace-  
34 ment ballot upon return of the original ballot.

35 (8) After completing your ballot, insert it into the ballot scanner  
36 and wait for the notice that your ballot has been successfully scanned.  
37 If no such notice appears, seek the assistance of an election inspec-  
38 tor.]

39 6. [The] EACH BALLOT SHALL CONTAIN INSTRUCTIONS FOR MARKING THE  
40 BALLOT. THE INSTRUCTIONS SHALL BE PRINTED IN LINE LENGTHS NO WIDER THAN  
41 FIVE INCHES. THE TEXT SHALL BE SUBSTANTIALLY AS FOLLOWS, SO THAT IT  
42 ACCURATELY REFLECTS THE BALLOT LAYOUT:

43 INSTRUCTIONS

44 MARK THE (INSERT "OVAL" OR "SQUARE") TO THE LEFT OF THE NAME OF YOUR  
45 CHOICE, (ILLUSTRATION PROVIDED HERE.)

46 TO VOTE FOR A CANDIDATE WHOSE NAME IS NOT PRINTED ON THE BALLOT, (INSERT  
47 "MARK THE OVAL TO THE LEFT OF 'WRITE-IN' AND PRINT THE NAME CLEARLY" OR  
48 "PRINT THE NAME CLEARLY UNDER THE WORDS 'WRITE-IN'"), STAYING WITHIN THE  
49 BOX.

50 THE NUMBER OF CHOICES IS LISTED FOR EACH CONTEST. DO NOT MARK THE BALLOT  
51 FOR MORE CANDIDATES THAN ALLOWED. IF YOU DO, YOUR VOTE IN THAT CONTEST  
52 WILL NOT COUNT. IF YOU MAKE A MISTAKE, OR WANT TO CHANGE YOUR VOTE, ASK  
53 A POLL WORKER FOR A NEW BALLOT.

54 7. TO THE EXTENT PRACTICABLE, THE instructions in subdivision [five]  
55 SIX of this section [may] SHALL be printed on the [front or back of the

1 ballot or on a separate sheet or card. If such instructions are not  
2 printed on the front of the ballot, there shall be printed on the  
3 ballot, in the largest size type for which there is room, the following  
4 legend: "See instructions on the other side" or "See enclosed  
5 instructions", whichever is appropriate] UPPER LEFT HAND CORNER OF THE  
6 FRONT OF THE BALLOT. THE STATE BOARD OF ELECTIONS SHALL PROVIDE LINE  
7 DRAWING ILLUSTRATIONS TO SUPPLEMENT THESE INSTRUCTIONS. AT A MINIMUM, AN  
8 ILLUSTRATION OF THE CORRECT WAY TO MARK THE BALLOT SHALL BE PROVIDED,  
9 BUT NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE BOARD IN  
10 PROVIDING ADDITIONAL INSTRUCTIONS.

11 [7. Each such ballot shall be printed in sections in which the candi-  
12 dates' names and political designations, the ballot proposals and other  
13 requisite matter shall each be boxed in by heavy black perpendicular  
14 lines of equal width. In each such section shall be voting ovals or  
15 squares which voters may fill in. If applicable, ovals or squares shall  
16 be provided next to the blank spaces provided for a voter to write in a  
17 name.

18 8. The space for the title of an office shall be three-eighths of an  
19 inch, and the name of a candidate or for writing in a name, one-fourth  
20 of an inch, in depth. At the left of the name of each designated candi-  
21 date shall be an enclosed voting space, three-eighths of an inch in  
22 width and approximately one-fourth of an inch in depth, bounded above,  
23 below and to the right by black lines, heavier than those which separate  
24 the spaces containing the names of candidates. To the left of voting  
25 spaces which do not adjoin a vertical line dividing two parts, there  
26 shall be a heavy black vertical line approximately one-eighth of an inch  
27 in width. No voting space shall be provided in the space for writing in  
28 names. In such case, the space corresponding to a voting space shall be  
29 all black.

30 9. Below the names of the candidates for each office or position there  
31 shall be printed as many blank spaces, for writing in names of persons  
32 for whom the voter desires to vote, as there are persons to be nominated  
33 or elected.

34 10. In case the sections shall be so numerous as to make the ballot  
35 unwieldy if they are printed in one column, they may be printed in as  
36 many columns as shall be necessary, and in that case, in order to  
37 produce a rectangular ballot, blank sections may be used.

38 11.] 8. WHEN A QUESTION OR PROPOSAL IS INCLUDED ON THE BALLOT,  
39 INSTRUCTIONS SUBSTANTIALLY LIKE THE FOLLOWING SHALL BE INCLUDED ON THE  
40 BALLOT NEAR THE FIRST QUESTION OR PROPOSAL:

41 INSTRUCTIONS FOR VOTING FOR QUESTIONS AND PROPOSALS  
42 TO VOTE ON A QUESTION OR PROPOSAL, MARK THE INSERT ("OVAL" OR "SQUARE")  
43 TO THE LEFT OF YOUR CHOICE.  
44 IF YOU MAKE A MISTAKE, OR WANT TO CHANGE YOUR VOTE, ASK A POLL WORKER  
45 FOR A NEW BALLOT.

46 9. TO THE EXTENT PRACTICABLE, THE BALLOT SHALL ALSO COMPLY WITH THE  
47 FOLLOWING SPECIFICATIONS:

48 A. ALL TEXT, INCLUDING THE TITLE OF EACH OFFICE AND THE NAME OF EACH  
49 CANDIDATE, SHALL BE PRINTED FLUSH LEFT AND SHALL NOT BE CENTERED ON THE  
50 BALLOT OR IN ANY COLUMN APPEARING ON THE BALLOT;

51 B. THE VOTING OVAL OR SQUARE SHALL BE TO THE LEFT OF THE NAME OF THE  
52 CANDIDATE;

53 C. ALL TEXT, INCLUDING THE NAME OF EACH CANDIDATE, SHALL BE PRINTED  
54 USING STANDARD CAPITALIZATION IN ACCORDANCE WITH INSTRUCTIONS PROVIDED  
55 BY THE STATE BOARD OF ELECTIONS AND SHALL NOT BE PRINTED USING ALL CAPI-  
56 TAL LETTERS;

1 D. THE BALLOT SHALL USE ONE FONT OR FONT FAMILY WITH ENOUGH VARIATIONS  
2 FOR ALL TEXT NEEDS;

3 E. THE BALLOT SHALL HAVE A CLEAR DELINEATION BETWEEN THE BALLOT  
4 INSTRUCTIONS AND THE FIRST OFFICE OR BALLOT QUESTION OR PROPOSAL THROUGH  
5 THE USE OF WHITE SPACE, ILLUSTRATION, SHADING, COLOR, SYMBOL, FONT SIZE,  
6 OR BOLD TYPE;

7 F. COLOR AND SHADING SHALL BE USED CONSISTENTLY, SO AS TO DIFFEREN-  
8 TIATE INSTRUCTIONS FROM BALLOT SECTION DIVIDERS AND CONTEST INFORMATION;

9 G. IF MORE THAN ONE CANDIDATE IS TO BE ELECTED IN ANY RACE ON THE  
10 BALLOT, "VOTE FOR UP TO X" (PROVIDING THE MAXIMUM NUMBER OF CANDIDATES  
11 TO BE ELECTED) SHALL BE PRINTED IMMEDIATELY BELOW EACH OFFICE TITLE  
12 APPEARING ON THE BALLOT;

13 H. UNDER, OR TO THE RIGHT OF THE NAME OF EACH CANDIDATE, SHALL BE  
14 PRINTED, IN LESS PROMINENT TYPE FACE THAN THAT IN WHICH THE CANDIDATE'S  
15 NAME IS PRINTED, THE NAME OF THE POLITICAL PARTY BY WHICH THE CANDIDATE  
16 WAS NOMINATED OR CERTIFIED. NO PARTY EMBLEMS SHALL BE PRINTED UNDER OR  
17 AFTER THE CANDIDATE'S NAME THAT IS PRINTED ON THE BALLOT;

18 I. THE NAMES OF CANDIDATES TO THE SAME OFFICE SHALL APPEAR ON THE SAME  
19 PAGE AND IN THE SAME COLUMN OF THAT PAGE OF A PRINTED BALLOT, UNLESS NO  
20 ALTERNATIVE IS POSSIBLE.

21 10. The names of parties or independent bodies which contain more than  
22 fifteen letters may, whenever limitations of space so require, be print-  
23 ed on the ballot in an abbreviated form. In printing the names of candi-  
24 dates whose full names contain more than fifteen letters, only the  
25 surname must be printed in full. The officer or board charged with the  
26 duty of preparing the ballots shall request each such candidate to indi-  
27 cate, in writing, the shortened form in which, subject to this  
28 restriction, his name shall be printed. If no such indication is  
29 received from such candidate within the time specified in the request,  
30 such officer or board shall make the necessary determination. [No emblem  
31 shall occupy a space longer in any direction than the voting square to  
32 which it relates.]

33 S 4. This act shall take effect immediately.