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

7086

I N S E N A T E

March 23, 2016

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to enacting the voter friendly ballot act; and to repeal section 7-126 of such law relating to the form of ballots

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

Section 1. Short title. This act shall be known and may be cited as the "voter friendly ballot act".

S 2. Paragraph a of subdivision 3 and paragraph b of subdivision 4 of section 7-102 of the election law, as added by chapter 371 of the laws of 1990, are amended to read as follows:

a. In the event that a candidate in a primary election believes that the name of another candidate for the same office or position at such election is sufficiently similar to his OR HERS so as to cause confusion among the voters, such candidate may, not later than five days after the last day to file the certificates or petitions of designation, file with the board of elections with which such certificates or petitions of designation are filed, a request that such board determine that such a sufficient similarity exists.

b. Each candidate for an office or position for which such numbers are assigned may file with such board, not later than fourteen days after such determination, any or all of the information permitted by paragraph a of this subdivision in the form in which such candidate wishes such information to appear in such leaflet. If such board determines that such filing does not comply with the requirements of this subdivision, it shall notify such candidate forthwith by first class mail. Such candidate may file revised information with such board not later than ten days after such notice was mailed. If a candidate does not make a filing within the times prescribed by this paragraph, the words "no information supplied" shall appear next to his OR HER name on such leaflet.

S 3. Section 7-104 of the election law, as amended by chapter 165 of the laws of 2010, is amended to read as follows:

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

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S 7-104. Ballots; form of, voting machine. 1. All ballots shall be printed and/or displayed in a format and arrangement, of such uniform size and style as will fit the ballot [frame], and shall be in as plain and clear a type or display as the space will reasonably permit, USING ONLY SANS SERIF PRINT FONTS. Such type or display on the ballot shall satisfy all requirements and standards set forth pursuant to the federal Help America Vote Act.

2. 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 this restriction, his OR HER 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.

3. (a) The party name or other designation, and a designating letter and number shall be affixed to the name of each candidate, or, in case of presidential electors, to the names of the candidates for president and vice-president of such party, EXCEPT IN THE CITY OF NEW YORK A DESIGNATING LETTER AND NUMBER NEED NOT BE SO AFFIXED ON A BALLOT FOR A PRIMARY ELECTION.

(b) The titles of offices may be arranged horizontally, with the names of candidates for an office and the slot or device for write-in ballots for such office arranged vertically under the title of the office, or the titles of offices may be arranged vertically, with the names of candidates for an office and the slot or device for write-in ballots for such office arranged horizontally opposite the title of the office.

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

4. (a) The names of all candidates nominated by any party or independent body for an office shall always appear in the row or column containing generally the names of candidates nominated by such party or independent body for other offices except as hereinafter provided.

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

(c) If such candidate has also been nominated by one or more independent bodies, his or her name shall appear only in each row or column containing generally the names of candidates for other offices nominated by any such party and the name of each such independent body shall appear in one such row or column to be designated by the candidate in a writing filed with the officer or board charged with the duty of providing ballots, or if such person shall fail to so designate, the names of such independent bodies shall appear in such row or column as such officer or board shall determine.

(d) If any person shall be nominated for any office by one party and two or more independent bodies his or her name shall appear on the voting machine twice; once in the row or column containing generally the names of candidates for other offices nominated by such party, and once in the row or column containing generally the names of candidates nominated by the independent body designated by such person in a writing filed with the officer or board charged with the duty of providing

ballots and in connection with the name of such person in such row or column shall appear the name of each independent body nominating him or her or, if such person shall fail to so designate, the name of such candidate and the names of such independent bodies shall appear in such row or column as such officer or board shall determine.

(e) If any person is nominated for any office only by more than one independent bodies, his or her name shall appear but once upon the machine in one such row or column to be designated by the candidate in a writing filed with the officer or board charged with the duty of providing ballots, or if the candidate shall fail to so designate, in the place designated by the officer or board charged with the duty of providing ballots, and in connection with his or her name there shall appear the name of each independent body nominating him or her, but, where the capacity of the machine will permit, the name of such person shall not appear or be placed in a column or on a horizontal line with the names of persons nominated by a party for other offices.

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

6. If any type of machine used in any county or city contains any feature, the use of which is neither required nor prohibited by the provisions of this chapter, the board of elections may, by resolution, require that one or more of such features shall be used in such county. Thereafter all machines of such type used in such county or city shall be operated in conformity with any such resolution. Any such resolution may thereafter be rescinded by such board and after being so rescinded may be re-adopted. Once re-adopted by any board of elections, such a resolution may not be rescinded again by such board.

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

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

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

S 7-106. [Election day paper ballots; form of] BALLOTS; FORM OF, FOR BALLOT SCANNERS; GENERAL, PRIMARY, OR SPECIAL ELECTIONS. 1. Paper ballots which are to be counted by a ballot scanner may consist of two or more sheets which are divided into perforated sections which can be separated at the time the ballot is scanned. Such ballots shall be printed on paper of a quality, size, color, and weight approved by the

state board of elections, AND SHALL BE CLEARLY DISTINGUISHABLE FROM SAMPLE BALLOTS BY SIZE, COLOR, OR OTHER MEANS.

2. [All paper ballots of the same kind for the same polling place shall be identical. A different, but in each case uniform style and size of type, shall be used for printing the names of candidates, the titles of offices, political designations, and the reading form of all questions submitted. The names of candidates shall be printed in capital letters in black-faced type.] BEFORE EACH STATEWIDE ELECTION, THE STATE BOARD OF ELECTIONS SHALL PUBLISH AND DISTRIBUTE TO THE COUNTY BOARDS OF ELECTIONS A SAMPLE MASTER TEMPLATE OF THAT PORTION OF THE BALLOT WHICH RELATES TO STATEWIDE OFFICES.

3. ALL TYPE SHALL BE SANS SERIF. NAMES OF CANDIDATES SHALL BE IN A UNIFORM STYLE AND SIZE OF TYPE USING STANDARD CAPITALIZATION. TITLES OF OFFICES SHALL BE IN A UNIFORM STYLE AND SIZE OF TYPE. POLITICAL DESIGNATIONS SHALL BE IN A UNIFORM STYLE AND SIZE OF TYPE. THE FORM OF ALL QUESTIONS SUBMITTED SHALL BE IN A UNIFORM STYLE AND SIZE OF TYPE.

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

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

Official Ballot for (General, Primary or Special, as applicable)
Election
County of .....
(Assembly or Legislative, as applicable) District .....
(Ward and City or town ....., as applicable).....
Election District .....

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

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

INSTRUCTIONS

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

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

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

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

(5) 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.

(6) 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, party position or proposal.

(7) If you tear, or 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.

(8) After completing your ballot, insert it into the ballot scanner and wait for the notice that your ballot has been successfully scanned. If no such notice appears, seek the assistance of an election inspector.

6. The instructions in subdivision five of this section may be printed on the front or back of the ballot or on a separate sheet or card. If such instructions are not printed on the front of the ballot, there shall be printed on the ballot, in the largest size type for which there is room, the following legend: "See instructions on the other side" or "See enclosed instructions", whichever is appropriate.

7. Each such ballot shall be printed in sections in which the candidates' names and political designations, the ballot proposals and other requisite matter shall each be boxed in by heavy black perpendicular lines of equal width. In each such section shall be voting ovals or squares which voters may fill in. If applicable, ovals or squares shall be provided next to 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 an inch, and the name of a candidate or for writing in a name, one-fourth of an inch, in depth. At the left of the name of each designated candidate shall be an enclosed voting space, three-eighths of an inch in width and approximately one-fourth of an 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 an 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.]

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

INSTRUCTIONS

MARK THE (INSERT "OVAL" OR "SQUARE") TO THE LEFT OF THE NAME OF YOUR CHOICE. (PROVIDE ILLUSTRATION HERE.) TO VOTE FOR A CANDIDATE WHOSE NAME

IS NOT PRINTED ON THE BALLOT, (INSERT "MARK THE OVAL (OR SQUARE) TO THE LEFT OF 'WRITE-IN' AND PRINT THE NAME CLEARLY" OR "PRINT THE NAME CLEARLY IN THE BOX LABELED 'WRITE-IN'"), STAYING WITHIN THE BOX. ANY MARK, WRITING, OR ERASURE OUTSIDE THE SPACES PROVIDED FOR VOTING WILL VOID THE ENTIRE BALLOT. THE NUMBER OF CHOICES IS LISTED FOR EACH CONTEST. DO NOT MARK THE BALLOT FOR MORE CANDIDATES THAN ALLOWED. IF YOU DO, YOUR VOTE IN THAT CONTEST WILL NOT COUNT. IF YOU MAKE A MISTAKE, OR WANT TO CHANGE YOUR VOTE, ASK A POLL WORKER FOR A NEW BALLOT.

7. THE STATE BOARD OF ELECTIONS SHALL PROVIDE LINE DRAWING ILLUSTRATIONS TO SUPPLEMENT THESE INSTRUCTIONS. AT A MINIMUM, AN ILLUSTRATION OF THE CORRECT WAY TO MARK THE BALLOT SHALL BE PROVIDED, BUT NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE BOARD IN PROVIDING ADDITIONAL ILLUSTRATIONS.

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

INSTRUCTIONS FOR VOTING FOR QUESTIONS AND PROPOSALS

TO VOTE ON A QUESTION OR PROPOSAL, MARK THE (INSERT "OVAL" OR "SQUARE") TO THE LEFT OF YOUR CHOICE. IF YOU MAKE A MISTAKE, OR WANT TO CHANGE YOUR VOTE, ASK A POLL WORKER FOR A NEW BALLOT.

9. WHEN A QUESTION OR PROPOSAL APPEARS ON THE BACK OF THE BALLOT, THERE SHALL APPEAR ON THE FRONT OF THE BALLOT WORDS OR A SYMBOL INDICATING THAT THE VOTER SHOULD TURN OVER THE BALLOT.

10. TO THE EXTENT PRACTICABLE, THE BALLOT SHALL ALSO COMPLY WITH THE FOLLOWING SPECIFICATIONS:

A. THE INSTRUCTIONS IN SUBDIVISION SIX OF THIS SECTION SHALL BE PRINTED IN THE UPPER LEFT HAND CORNER OF THE FRONT OF THE BALLOT;

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

C. THE VOTING OVAL OR SQUARE SHALL BE TO THE LEFT OF THE NAME OF THE CANDIDATE;

D. ALL TEXT, INCLUDING THE NAME OF EACH CANDIDATE AS PROVIDED IN SUBDIVISION THREE OF THIS SECTION, SHALL BE PRINTED USING STANDARD CAPITALIZATION IN ACCORDANCE WITH INSTRUCTIONS PROVIDED BY THE STATE BOARD OF ELECTIONS AND SHALL NOT BE PRINTED USING ALL CAPITAL LETTERS;

E. THE NAME OF EACH CANDIDATE SHALL BE PRINTED USING A FONT SIZE OF NOT LESS THAN TWELVE POINTS OR ONE SIXTH OF AN INCH;

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

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

H. COLOR AND SHADING SHALL BE USED CONSISTENTLY, SO AS TO DIFFERENTIATE INSTRUCTIONS FROM BALLOT SECTION DIVIDERS AND CONTEST INFORMATION;

I. "VOTE FOR ONE" OR "VOTE FOR UP TO ....." (THE BLANK SPACE TO BE FILLED WITH THE NUMBER OF PERSONS TO BE NOMINATED FOR THE OFFICE OR ELECTED TO THE POSITION), AS APPLICABLE, SHALL BE PRINTED IMMEDIATELY BELOW EACH OFFICE TITLE APPEARING ON THE BALLOT;

J. ABOVE, BELOW, OR TO THE RIGHT OF THE NAME OF EACH CANDIDATE, SHALL BE PRINTED, IN LESS PROMINENT TYPE FACE THAN THAT IN WHICH THE CANDIDATE'S NAME IS PRINTED, THE NAME OF THE POLITICAL PARTY OR INDEPENDENT BODY BY WHICH THE CANDIDATE WAS NOMINATED OR DESIGNATED;

K. NO PARTY EMBLEMS SHALL BE PRINTED ON THE BALLOT;

L. THE NAMES OF CANDIDATES FOR THE SAME OFFICE SHALL APPEAR ON THE SAME PAGE AND IN THE SAME COLUMN(S) OR ROW(S) OF THAT PAGE OF A PRINTED BALLOT, AND MAY NOT BE SEPARATED BY A PERFORATION.

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 this restriction, his OR HER 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 5. The section heading and subdivision 3 of section 7-108 of the election law are amended to read as follows:

Ballots; form for GENERAL elections; ADDITIONAL REQUIREMENTS.

[3. In every instance where multiple casting of votes is permitted for two or more candidates for the same office or position, the instruction on the ballot or machine shall read "Vote for any.....", (the blank space to be filled with the number of persons to be nominated for the office or elected to the position).]

S 6. Section 7-110 of the election law, as amended by chapter 647 of the laws of 1982, is amended to read as follows:

S 7-110. Ballots; form for ballot proposals; ADDITIONAL REQUIREMENTS. Ballot proposals shall appear on the voting machine or ballot in a separate section. At the left of, or below or above, each proposal shall appear [two voting levers or] two voting [squares, each at least one-half inch square] POSITIONS. Next to the first [lever or square] VOTING POSITION shall be printed the word "Yes," and next to the second [lever or square] VOTING POSITION shall be printed the word "No." The proposals shall be numbered consecutively on the voting machine or ballot. The number of each proposal shall appear in front of its designation as an amendment, proposition or question in the following form: "Proposal one, an amendment; proposal two, a proposition; proposal three, a question".

S 7. Section 7-114 of the election law, as amended by chapter 234 of the laws of 1976, paragraph (c) of subdivision 1 as amended by chapter 433 of the laws of 1984 and paragraph (f) of subdivision 2 as amended by chapter 461 of the laws of 1977, is amended to read as follows:

S 7-114. Ballots; form for primary election; ADDITIONAL REQUIREMENTS. 1. (a) [The] ON THE face of the official ballot for a primary election [shall be divided into parts. Descriptive words to indicate the purpose of each part shall be printed at its head. Beginning at the left or top, the first part shall be entitled, and shall be for "Candidates] CONTESTS AND CANDIDATES for nomination for public office[". The second part shall be entitled, and shall be for "Candidates] SHALL APPEAR FIRST, FOLLOWED BY CONTESTS AND CANDIDATES for party positions.[" When necessary, a part may be divided into two or more columns or rows, but the] THE names of all persons designated for the same office or party position shall be in the same column or row.

(b) [In each part shall be printed the titles of the offices or party positions, as the case may be, for which the part is to be used, and under each such title shall be printed the names of the designated candidates for the office or position.

(c)] Where a candidate for nomination for the same public office or for election to the same party position is designated by two or more petitions, his OR HER name shall be placed upon the ballot for the primary election but once as such a candidate.

[(d)] (C) The ballot shall not contain a space for voting for candidates for uncontested offices and positions, and no ballot shall be printed for a party whose primary is uncontested unless a petition for opportunity to ballot has been filed.

2. (a) The paper ballot for a primary election shall conform to the form for paper ballots set forth in this article with respect to quality and weight of paper, perforated line, and number on the stub [on the back of the ballot].

(b) [On the back of the paper ballot, on the stub, immediately below the number, shall be the name of the party. On the back of the ballot and below the stub, and immediately to the left of the center of the ballot, and on the front of the ballot, below the perforated line, shall be printed, in addition to the other information required for paper ballots, the name and emblem of the party and the words "Official primary ballot."

(c) On the front of the stub, above the perforated line at the top of the paper ballot shall be printed the same instructions as on the general election ballot.

(d) The parts of the paper ballot below such heavy black horizontal line shall be separated by a heavy black vertical line or lines, one-fourth of an inch in width. Descriptive words to indicate the purpose of each part shall be printed at its head, below the heavy black horizontal line. Immediately below such captions shall be printed two light parallel horizontal lines approximately one-sixteenth of an inch apart, extending across each part.

(e) The names of candidates on paper ballots shall be numbered with arabic numerals printed in heavy faced type beginning with "one" for the first candidate named in the first part and continuing in numerical order to and including the last candidate named in the last part, except that where two or more candidates are to be elected to a party position, the names of candidates designated by each petition shall be grouped, and each group shall have but one number, which shall be printed opposite the approximate center of the group.

(f) The] EXCEPT IN THE CITY OF NEW YORK, THE number of a candidate shall be printed on the paper ballot between the voting space and the name of the candidate. Each group shall have a bracket embracing the names in the group. IN THE CITY OF NEW YORK, TWO OR MORE CANDIDATES RUNNING TO BE ELECTED TO A PARTY POSITION AS A GROUP MAY BE REFERRED TO COLLECTIVELY ON THE BALLOT AS A "GROUP."

[(g)] (C) Spaces containing names of candidates and for writing in names, and intervening spaces on the paper ballot, shall be separated by light horizontal lines. [Names of candidates shall be printed in capital letters not less than one-eighth nor more than three-sixteenths of an inch in height.

(h)] (D) The paper ballots of no two parties shall be IDENTIFIED BY the same color OR COLOR MARKINGS, and the state board of elections shall select the color for each new party[, and not later than twelve weeks before a primary election, shall transmit to each board of elections]. THE STATE BOARD OF ELECTIONS SHALL INCLUDE WITH THE BOARD'S BALLOT CERTIFICATION a certificate stating the colors so selected.

S 8. Subdivisions 2, 3 and 4 of section 7-116 of the election law, subdivision 2 as amended by chapter 234 of the laws of 1976 and subdivi-

sion 3 as amended by chapter 9 of the laws of 1978, are amended to read as follows:

2. The officer or board who or which prepares the ballot shall determine the order in which shall appear, below the names of party candidates the nominations made only by independent bodies. Such officer or board also shall determine the order in which shall be printed, in a section of such ballot the names of two or more candidates nominated by one party or independent body, for an office to which two or more persons are to be elected; provided, however, that any such candidate may, by a writing filed with such board or officer not later than one week after the adjournment of the convention or one week after the primary election nominating him OR HER, or otherwise not later than two days after the filing of the petition or certificate nominating him OR HER, demand that such order be determined by lot, and in that case such order shall be so determined, upon two days notice by mail given by such board or officer to each candidate for such office. The state board of elections shall perform the duties required by this subdivision in all cases affecting nominations filed in its office.

3. The officer or board with whom or which are filed the designations for a public office or party position shall determine by lot, upon two days notice by mail given by such board or officer to each candidate for such office or position and to the committee, if any, named in the designating petition, the order in which shall be printed on the official primary ballot, under the title of the office or position, the names of candidates for public office, the names of candidates for a party position to which not more than one person is to be elected, and the groups of names of candidates for party position where two or more persons are to be elected thereto and any petition designates two or more persons therefor, provided, however, that whenever groups of names for more than one party position are designated by the same petition, the order in which they shall be printed on the official primary ballot shall be determined by a single lot. Candidates for [delegate or delegates] DELEGATE(S) and alternate [delegate or delegates] DELEGATE(S) to conventions designated by the same petition shall, for the purpose of this subdivision, be treated as one group. The names of candidates, if any, for a party position to which two or more persons are to be elected, who are designated by individual petitions and not in a group shall be printed below such group or groups, in such order between themselves, as such officer or board shall determine by lot upon the notice specified in this subdivision. The names within a group of candidates designated for party position by one petition shall be printed in the same order in which they appear in the petition, unless they appear in a different order on different pages of the petition, in which case their order within the group shall be determined by such officer or board by lot upon the notice specified in this subdivision. Candidates for members of a state committee designated by a single petition shall, for the purposes of this subdivision, be treated as one group. However, the notice to a committee of the drawing need not be mailed to more than five members, if there be that many, and as to offices or party positions for which designating petitions are filed with the board of elections of the city of New York the notice shall be given to the committees only.

4. If a vacancy in a designation or nomination be filled after the making, in the manner provided in this section, of a determination of the order in which the names of candidates for the office or position are to be printed, the name of the candidate designated or nominated to

fill such vacancy shall be printed in the place so determined for the original candidate, PROVIDED SUCH PLACEMENT IS CONSISTENT WITH THE REQUIREMENTS FOR BALLOT CONSTRUCTION SET FORTH IN THIS ARTICLE.

S 9. Section 7-118 of the election law, as amended by chapter 157 of the laws of 1996, is amended to read as follows:

S 7-118. Ballots; facsimile and sample. 1. The board of elections shall provide facsimile and sample ballots which shall be arranged in the form of a diagram showing such part of the face of the voting machine OR BALLOTS as shall be in use at that election. Such facsimile and sample ballots shall be [either in full or reduced size] DISTINGUISHABLE FROM THE BALLOT BY SIZE, COLOR, OR OTHER MEANS and shall contain suitable illustrated directions for voting on the voting machine OR BALLOT.

2. Such facsimile ballots shall be mounted and displayed for public inspection at each polling place during election day.

3. Sample ballots may be mailed by the board of elections to each eligible voter at least three days before the election, or in lieu thereof, a copy of such sample ballot may be published at least once within one week preceding the election in newspapers [representing the major political parties] OR ON A WEBSITE MAINTAINED BY THE BOARD OF ELECTIONS.

4. One copy of such facsimile shall be sent to each school in the county, providing the ninth through the twelfth years of compulsory education, and in the city of New York to each such school in the city of New York, at least one week before each general election for posting at a convenient place in such school. The board of elections shall also send a facsimile ballot to any other school requesting such a ballot. IN THE ALTERNATIVE, THE REQUIREMENTS OF THIS SUBDIVISION MAY BE FULLY SATISFIED BY PUBLISHING SUCH FACSIMILE ON A WEBSITE MAINTAINED BY THE BOARD OF ELECTIONS AND NOTIFYING EACH SUCH SCHOOL OF SUCH PUBLICATION.

S 10. Subdivision 1 of section 7-120 of the election law is amended to read as follows:

1. If any voting machine OR SYSTEM for use in any election shall become out of order during an election it shall, if possible, be repaired or another machine OR SYSTEM substituted as promptly as possible. In case such repair or substitution cannot be made, emergency ballots, printed or written, and of any suitable form, SHALL BE PROVIDED BY THE BOARD OF ELECTIONS AND may be used for the taking of votes.

S 11. Section 7-122 of the election law, subdivision 1 as amended by chapter 234 of the laws of 1976, the schedule in paragraph (b) of subdivision 1 as added by chapter 381 of the laws of 1979, paragraphs (c) and (d) of subdivision 1 and subdivisions 2, 3, 5, 8, 9 and 10 as amended by chapter 165 of the laws of 2010, subdivision 7 as amended by chapter 9 of the laws of 1978, and subdivisions 6 and 7 as renumbered by chapter 352 of the laws of 1986, is amended to read as follows:

S 7-122. Ballots; absentee voters. 1. (a) Ballots for absentee voters shall be, as nearly as practicable, in the same form as those to be voted in the district on election day, if any, except that ballots for primary elections shall omit the party position of ward, town, city or county committee and except further that such ballots need not have a stub, and shall have the words "Absentee Ballot", endorsed thereon.

(b) [The names of candidates upon the ballot shall be printed in appropriate sections, with titles of offices, section numbers, emblems, voting squares, names of parties and political organizations and blank spaces for writing in names of persons not printed on the ballot. Except as to the spacing, such ballot shall be printed wherever applicable substantially as follows:

(Form in chap. 381/79)
(c) The indorsement shall be printed and properly filled in:

Official Absentee Ballot for (General, Primary or Special, as applicable)
Election
County of.....
(Assembly or Legislative, as applicable) District.....
(Ward and City or town, as applicable).....
(Insert date of election)
(Insert names of election commissioners providing the ballot)

(d)] On the front of the ballot prepared for counting by hand, [shall be printed in heavy black type the following instructions] THE INSTRUCTIONS FOR MARKING THE BALLOT SHALL BE SUBSTANTIALLY AS FOLLOWS, SO THAT IT ACCURATELY REFLECTS THE BALLOT LAYOUT:

INSTRUCTIONS

[1. Mark in pen or pencil.

2. To vote for a candidate whose name is printed on this ballot, make a single cross X mark or a single check, V mark in the voting square above the name of the candidate.

3. To vote for a person whose name is not printed on this ballot write or stamp his or her name in the space that appears at the bottom of the column or the end of the row (indicate where on the ballot the write-in space appears) containing the title of the office.

4. To vote on a proposal make a cross X mark or a check V mark in one of the squares contained in the box setting forth such proposal.

5. 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.

6. 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, party position or proposal.

7. If you tear, or deface, or wrongly mark this ballot, call the board of elections at (insert phone number here) for instructions on how to obtain a new ballot. 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.] MARK THE (INSERT "OVAL" OR "SQUARE") TO THE LEFT OF THE NAME OF YOUR CHOICE. (PROVIDE ILLUSTRATION HERE.) TO VOTE FOR A CANDIDATE WHOSE NAME IS NOT PRINTED ON THE BALLOT, (INSERT "MARK THE OVAL (OR SQUARE) TO THE LEFT OF 'WRITE-IN' AND PRINT THE NAME CLEARLY" OR "PRINT THE NAME CLEARLY IN THE BOX LABELED 'WRITE-IN'"), STAYING WITHIN THE BOX. ANY MARK, WRITING, OR ERASURE OUTSIDE THE SPACES PROVIDED FOR VOTING WILL VOID THE ENTIRE BALLOT. IF YOU MAKE A MISTAKE OR WANT TO CHANGE YOUR VOTE, CALL THE BOARD OF ELECTIONS AT (INSERT PHONE NUMBER HERE) FOR INSTRUCTIONS ON HOW TO OBTAIN A NEW BALLOT. YOU HAVE A RIGHT TO A REPLACEMENT BALLOT UPON RETURN OF THE ORIGINAL BALLOT. THE NUMBER OF CHOICES IS LISTED FOR EACH CONTEST. DO NOT MARK THE BALLOT FOR MORE CANDIDATES THAN ALLOWED. IF YOU DO, YOUR VOTE IN THAT CONTEST WILL NOT COUNT.

(C) WHEN A QUESTION OR PROPOSAL IS INCLUDED ON THE BALLOT, INSTRUCTIONS SUBSTANTIALLY SIMILAR TO THOSE PROVIDED IN SUBDIVISION SIX OF SECTION 7-106 OF THIS ARTICLE SHALL BE INCLUDED.

(D) THE BALLOT PROPOSALS MAY BE ON THE BACK OF THE BALLOT, OR ON A SEPARATE BALLOT.

2. [The following provisions shall apply to all absentee ballots prepared for counting by a ballot scanner and all other] ALL provisions of this chapter not inconsistent with this subdivision shall be applicable to [such] ABSENTEE ballots PREPARED FOR COUNTING BY BALLOT SCANNER[:

(a) The party emblem need not be printed next to the name of each candidate.

(b) The ballot proposals may be on the back of the ballot, or on a separate ballot.

(c) The printed instructions to the voter shall read as follows:

INSTRUCTIONS

1. Mark only with a pen or pencil.

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

3. To vote for a person whose name is not printed on this ballot, write or stamp his or her name in the space labeled "write-in" that appears (insert at the bottom of the column or the end of the row, as applicable) containing the title of the office and, if required by the voting system in use at such election, the instructions shall also include "and fill in the (insert oval or square, as applicable) corresponding with the write-in space in which the voter has written a name."

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

5. 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.

6. 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, party position or proposal.

7. If you tear, or deface, or wrongly mark this ballot, call the board of elections at (insert phone number here) for instructions on how to obtain a new ballot. 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.

(d) Such instructions may be printed on the front or back of the ballot or on a separate sheet or card. If such instructions are not printed on the front of the ballot, there shall be printed on the ballot, in the largest size type for which there is room, the following legend: "See instructions on other side" or "See enclosed instructions", whichever is appropriate.

(e) Such ballots which are to be counted by a ballot scanner may consist of two or more sheets, which are divided into perforated sections which can be separated at the time of canvassing].

3. The determination of the appropriate county board of elections as to the candidates duly designated or nominated for public office or party position whose name shall appear on the absentee ballot and as to ballot proposals to be voted on shall be made no later than the day after the state board of elections issues its certification of those candidates to be voted for at the general, special or primary election. The determinations of the state board of elections and the respective

county boards of elections shall be final and conclusive with respect to such offices for which petitions or certificates are required to be filed with such boards, as the case may be but nothing herein contained shall prevent a board of elections, or a court of competent jurisdiction from determining at a later date that any such certification, designation or nomination is invalid and, in the event of such later determination, no vote cast for any such nominee by any voter shall be counted at the election.

[5.] 4. THERE SHALL BE THREE ENVELOPES FOR EACH ABSENTEE BALLOT ISSUED BY MAIL: THE INNER AFFIRMATION ENVELOPE INTO WHICH A VOTER PLACES HIS OR HER VOTED BALLOT, THE OUTER ENVELOPE WHICH SHALL BE ADDRESSED TO THE ABSENTEE VOTER, AND THE MAILING ENVELOPE WHICH IS ADDRESSED TO THE COUNTY BOARD OF ELECTIONS. The board of elections shall furnish with each absentee ballot an inner affirmation envelope. On one side of the envelope shall be printed:

OFFICIAL ABSENTEE BALLOT
for
GENERAL (OR PRIMARY OR SPECIAL) ELECTION,

....., 20.....
Name of voter.....
Residence (street and number if any).....
City/or town of.....(village, if any).....
County of.....
Assembly district .....
Legislative District (as applicable) .....
Ward (as applicable) .....
Election District.....
Party Enrollment (in case of primary election).....

[6] 5. The date of the election, name of the county, and name of a city, if there be a separate ballot for city voters, shall be printed, and the name of the voter, residence, number of the assembly district, if any, name of town, number of ward, if any, election district and party enrollment, if required, shall be either printed or written or stamped in by the board.

[7.] 6. There shall also be a place for two BOARD OF ELECTIONS STAFF MEMBERS OR inspectors of opposite political parties to indicate, by placing their initials thereon, that they have checked and marked the voter's poll record.

[8.] 7. On the reverse side of such inner affirmation envelope shall be printed the following statement:

AFFIRMATION

I do declare that I am a citizen of the United States, that I am duly registered in the election district shown on the reverse side of this envelope and I am qualified to vote in such district; that I will be unable to appear personally on the day of the election for which this ballot is voted at the polling place of the election district in which I am a qualified voter because of the reason given on my application heretofore submitted; that I have not qualified nor do I intend to vote elsewhere, that I have not committed any act nor am I under any impediment which denies me the right to vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material

false statement in the foregoing statement of absentee voter, I shall be guilty of a misdemeanor.

Date.....20..... .....
Signature or mark of voter

.....
Signature of Witness (required only if voter does not sign his OR HER own name)

.....
Address of Witness

[9.] 8. The inner affirmation envelope shall be gummed, ready for sealing, and shall have printed thereon, on the side opposite the statement, instructions as to the duties of the voter after the marking of the ballot, which instructions shall include a specific direction stating when such ballot must be postmarked and when such ballot must reach the office of the board of elections in order to be canvassed.

[10.] 9. Each INNER AFFIRMATION ballot envelope shall be enclosed in an outer envelope addressed to the appropriate board of elections and bearing on it a specific direction that if an original application for an absentee ballot is received with the ballot, such application must be completed by the voter and returned in the outer envelope together with the sealed inner affirmation envelope containing the absentee ballot within the time limits for receipt of the absentee ballot itself. Such inner affirmation envelope and outer envelope shall be enclosed in [a] THE third envelope addressed to the absentee voter. The outer and third envelopes shall have printed on the face thereof the words "Election Material--Please Expedite".

S 12. The opening paragraph of subdivision 3 of section 7-123 of the election law, as amended by chapter 104 of the laws of 2010, is amended to read as follows:

THERE SHALL BE THREE ENVELOPES FOR EACH MILITARY ABSENTEE BALLOT ISSUED WHEN THE MILITARY VOTER'S PREFERRED METHOD OF TRANSMISSION IS "BY MAIL": THE INNER AFFIRMATION ENVELOPE INTO WHICH A VOTER PLACES HIS OR HER VOTED BALLOT, THE OUTER ENVELOPE WHICH SHALL BE ADDRESSED TO THE ABSENTEE VOTER, AND THE MAILING ENVELOPE WHICH IS ADDRESSED TO THE COUNTY BOARD OF ELECTIONS. The board of elections shall furnish an inner affirmation envelope with each military ballot upon which envelope shall be printed:

S 13. The opening and closing paragraphs of subdivision 2 of section 7-124 of the election law, as amended by chapter 104 of the laws of 2010, are amended to read as follows:

THERE SHALL BE THREE ENVELOPES FOR EACH SPECIAL FEDERAL ABSENTEE BALLOT ISSUED BY MAIL: THE INNER AFFIRMATION ENVELOPE INTO WHICH A VOTER PLACES HIS OR HER VOTED BALLOT, THE OUTER ENVELOPE WHICH SHALL BE ADDRESSED TO THE ABSENTEE VOTER, AND THE MAILING ENVELOPE WHICH IS ADDRESSED TO THE COUNTY BOARD OF ELECTIONS. The board of elections shall furnish an inner affirmation envelope with each special federal ballot upon which envelope shall be printed:

I understand that a material misstatement of fact in the completion of this document may constitute grounds for conviction of a crime.

Date.....20..... .....
Signature or mark of voter

.....
Signature of Witness (required only if voter does not sign his OR HER own name)

.....
Address of Witness

S 14. Subdivisions 2 and 3 of section 7-125 of the election law, subdivision 3 as amended by chapter 235 of the laws of 2000, are amended to read as follows:

2. THERE SHALL BE THREE ENVELOPES FOR EACH SPECIAL PRESIDENTIAL ABSENTEE BALLOT ISSUED BY MAIL: THE INNER AFFIRMATION ENVELOPE INTO WHICH A VOTER PLACES HIS OR HER VOTED BALLOT, THE OUTER ENVELOPE WHICH SHALL BE ADDRESSED TO THE ABSENTEE VOTER, AND THE MAILING ENVELOPE WHICH IS ADDRESSED TO THE COUNTY BOARD OF ELECTIONS. The board of elections shall furnish with each special presidential ballot an envelope. On one side of the envelope shall be printed:

OFFICIAL BALLOT, SPECIAL PRESIDENTIAL VOTERS,
FOR GENERAL ELECTION,
NOVEMBER....., [19] 20....

Name of voter .....
Residence from which vote is being cast:
Street and number .....
City or town .....
County .....
Assembly District or Ward .....
Election District .....

The date of the election and name of the county shall be printed, and the name of the voter, residence, name of the city or town, number of ward or assembly district, if any, and election district shall be printed, written or stamped in by the board.

3. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF SPECIAL PRESIDENTIAL VOTER

I do declare I am a qualified special presidential voter of said district; that I am not qualified and am not able to qualify to vote elsewhere than as set forth on the reverse side of this envelope; that I am a citizen of the United States; that on the date of the election for which this ballot is voted, I will be at least eighteen years of age; and that I have not committed any act, nor am I under any impediment, which denies me the right to vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement, I shall be guilty of a misdemeanor.

Date.....20..... .....
Signature or mark of voter

.....
Signature of Witness (required only if voter does not sign his OR HER own name)

.....
Address of Witness

S 15. Section 7-126 of the election law is REPEALED.

S 16. Section 7-128 of the election law is amended to read as follows:

S 7-128. Ballots; inspection of. 1. Each officer or board charged with the duty of providing official ballots for an election shall have sample ballots open to public inspection [five] TWENTY-EIGHT days before the election for which they were prepared and the official ballots open to such inspection [four] FOURTEEN days before such election [except that the sample and official ballots for a village election held at a different time from a general election shall be open to public inspection at least two days before such election]. During the times within which the ballots are open for inspection, such officer or board shall deliver to each voter applying therefor a sample of the ballot which he OR SHE is entitled to vote.

2. A. Each officer or board charged with the duty of preparing ballots to be used [on voting machines] in any election shall give written notice, by first class mail, to all candidates, except candidates for member of the county committee, who are lawfully entitled to have their names appear thereon, of the time when, and the place where, they may inspect the [voting machines] BALLOTS to be used for such election. The candidates or their designated representatives may appear at the time and place specified in such notice to inspect such [machines] BALLOTS, provided, however, that the time so specified shall be [not less than two] NO LATER THAN FOURTEEN days [prior to the date of] BEFORE the election AT WHICH THE BALLOTS WILL BE USED.

B. A candidate, whose name appears on the ballot [for an election district] or his OR HER designated representative, may, in the presence of the election officer attending the [voting machine] BALLOT, inspect the [face of the machine] BALLOT to see that his OR HER ballot [label] POSITION is in its proper place[, but at no time during the inspection shall the booth be closed] OR PLACES.

3. EACH OFFICER OR BOARD CHARGED WITH THE DUTY OF PREPARING BALLOTS TO BE USED WITH VOTING MACHINES OR SYSTEMS IN ANY ELECTION SHALL GIVE WRITTEN NOTICE, BY FIRST CLASS MAIL, TO ALL CANDIDATES, EXCEPT CANDIDATES FOR MEMBER OF THE COUNTY COMMITTEE, WHO ARE LAWFULLY ENTITLED TO HAVE THEIR NAMES APPEAR THEREON, OF THE TIME WHEN, AND THE PLACE WHERE, THEY MAY INSPECT THE VOTING MACHINES OR SYSTEMS TO BE USED FOR SUCH ELECTION. THE CANDIDATES OR THEIR DESIGNATED REPRESENTATIVES MAY APPEAR AT THE TIME AND PLACE SPECIFIED IN SUCH NOTICE TO VIEW THE CONDUCT OF THE LOGIC AND ACCURACY TESTING REQUIRED TO BE PERFORMED ON SUCH VOTING MACHINES OR SYSTEMS, PROVIDED HOWEVER, THAT THE TIME SO SPECIFIED SHALL BE NOT LESS THAN FIFTEEN DAYS PRIOR TO THE DATE OF THE ELECTION.

S 17. Section 7-130 of the election law is amended to read as follows:

S 7-130. Ballots; examination by voters and instruction in use of voting machines. One or more voting machines which shall contain the ballot labels, showing the [party emblems and] title of officers to be

voted for, and which shall so far as practicable contain the names of the candidates to be voted for, shall be placed on public exhibition in some suitable place by the board of elections, in charge of competent instructors, for at least three days during the thirty days next preceding an election. No voting machine which is to be assigned for use in an election shall be used for such purpose after having been prepared and sealed for the election. During such public exhibition, the counting mechanism of the machine shall be concealed from view and the doors may be temporarily opened only when authorized by the board or official having charge and control of the election. Any voter shall be allowed to examine such machine, and upon request shall be instructed in its use.

S 18. This act shall take effect immediately and shall apply to ballots to be used for elections occurring on or after the first day of July next succeeding the year in which it shall have become a law, except that paragraph a of subdivision 10 of section 7-106 of the election law, as added by section four of this act, shall apply to ballots to be used in jurisdictions other than the counties of Albany, Erie, Nassau, Rockland, and Schenectady or the city of New York counties on or after the last day of December next succeeding the year in which it shall have become a law.