

3389--B

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I N A S S E M B L Y

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Introduced by M. of A. KAVANAGH, HEVESI, PEOPLES-STOKES, ROSENTHAL, SCHIMEL, LUPARDO, QUART, BUCHWALD, JAFFEE, WEPRIN, COLTON, STECK, ABINANTI, SIMON, SEPULVEDA, DINOWITZ, BENEDETTO, LINARES -- Multi-Sponsored by -- M. of A. GOTTFRIED, PERRY, RODRIGUEZ -- read once and referred to the Committee on Election Law -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- again amended on third reading, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the election law, in relation to enacting the voter friendly ballot act; and to repeal section 7-108 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:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "voter friendly ballot act".
3 S 2. Paragraph a of subdivision 3 of section 7-102 of the election
4 law, as added by chapter 371 of the laws of 1990, is amended to read as
5 follows:
6 a. In the event that a candidate in a primary election believes that
7 the name of another candidate for the same office or position at such
8 election is sufficiently similar to his OR HERS so as to cause confusion
9 among the voters, such candidate may, not later than five days after the
10 last day to file the certificates or petitions of designation, file with
11 the board of elections with which such certificates or petitions of
12 designation are filed, a request that such board determine that such a
13 sufficient similarity exists.
14 S 3. Section 7-104 of the election law, as amended by chapter 165 of
15 the laws of 2010, is amended to read as follows:
16 S 7-104. Ballots; form of[, voting machine]. 1. All ballots shall be
17 printed and/or displayed in a format and arrangement, of such uniform
18 size and style as will fit the ballot [frame], and shall be in as plain

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

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1 and clear a type or display as the space will reasonably permit, USING
2 ONLY SANS SERIF PRINT FONTS. Such type or display on the ballot shall
3 satisfy all requirements and standards set forth pursuant to the federal
4 Help America Vote Act.

5 2. The names of parties or independent bodies which contain more than
6 fifteen letters may, whenever limitations of space so require, be print-
7 ed on the ballot in an abbreviated form. In printing the names of candi-
8 dates whose full names contain more than fifteen letters, only the
9 surname must be printed in full. The officer or board charged with the
10 duty of [preparing the ballots] CERTIFYING THE CANDIDATES FOR SUCH
11 OFFICE shall request each such candidate to indicate, in writing, the
12 shortened form in which, subject to this restriction, his OR HER name
13 shall be printed. If no such indication is received from such candidate
14 within the time specified in the request, such officer or board shall
15 make the necessary determination.

16 3. (a) The party name or other designation[, and a designating letter
17 and number] shall be affixed to the name of each candidate, or, in case
18 of presidential electors, to the names of the candidates for president
19 and vice-president of such party.

20 (b) A COLUMN/ROW DESIGNATING NUMBER MAY BE AFFIXED TO THE NAME OF EACH
21 CANDIDATE, OR IN THE CASE OF PRESIDENTIAL ELECTORS, TO THE NAMES OF THE
22 CANDIDATES FOR PRESIDENT AND VICE-PRESIDENT OF SUCH PARTY.

23 (c) The titles of offices may be arranged horizontally, with the names
24 of candidates for an office and the SPACE, slot or device for write-in
25 [ballots] VOTES for such office arranged vertically under the title of
26 the office, or the titles of offices may be arranged vertically, with
27 the names of candidates for an office and the SPACE, slot or device for
28 write-in [ballots] VOTES for such office arranged horizontally opposite
29 the title of the office.

30 [(c)] (D) Each office shall occupy as many columns or rows on the
31 [machine] BALLOT as the number of candidates to be elected to that
32 office, EXCEPT WHERE CANDIDATE PLACEMENTS DUE TO CROSS ENDORSEMENTS
33 REQUIRE ADDITIONAL COLUMNS OR ROWS.

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

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

43 (c) If such candidate has also been nominated by one or more independ-
44 ent bodies, his or her name shall appear only in each row or column
45 containing generally the names of candidates for other offices nominated
46 by any such party and the name of each such independent body shall
47 appear in one such row or column to be designated by the candidate in a
48 writing filed with the officer or board charged with the duty of
49 [providing ballots] CERTIFYING THE CANDIDATES FOR SUCH OFFICE, or if
50 such person shall fail to so designate, the names of such independent
51 bodies shall appear in such row or column as such officer or board shall
52 determine.

53 (d) If any person shall be nominated for any office by one party and
54 two or more independent bodies his or her name shall appear on the
55 [voting machine] BALLOT twice; once in the row or column containing
56 generally the names of candidates for other offices nominated by such

1 party, and once in the row or column containing generally the names of
2 candidates nominated by the independent body designated by such person
3 in a writing filed with the officer or board charged with the duty of
4 [providing ballots] CERTIFYING THE CANDIDATES FOR SUCH OFFICE and in
5 connection with the name of such person in such row or column shall
6 appear the name of each independent body nominating him or her or, if
7 such person shall fail to so designate, the name of such candidate and
8 the names of such independent bodies shall appear in such row or column
9 as such officer or board shall determine.

10 (e) If any person is nominated for any office only by more than one
11 independent bodies, his or her name shall appear but once upon the
12 machine in one such row or column to be designated by the candidate in a
13 writing filed with the officer or board charged with the duty of provid-
14 ing ballots, or if the candidate shall fail to so designate, in the
15 place designated by the officer or board charged with the duty of
16 [providing ballots] CERTIFYING THE CANDIDATES FOR SUCH OFFICE, and in
17 connection with his or her name there shall appear the name of each
18 independent body nominating him or her, but, where the capacity of the
19 [machine] BALLOT will permit, the name of such person shall not appear
20 or be placed in a column or on a horizontal line with the names of
21 persons nominated by a party for other offices.

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

28 6. If any type of machine used in any county or city contains any
29 feature APPROVED BY THE STATE BOARD OF ELECTIONS, the use of which is
30 neither required nor prohibited by the provisions of this chapter, the
31 board of elections may, by resolution, require that one or more of such
32 features shall be used in such county. Thereafter all machines of such
33 type used in such county or city shall be operated in conformity with
34 any such resolution. Any such resolution may thereafter be rescinded by
35 such board and after being so rescinded may be re-adopted. Once re-a-
36 dopted by any board of elections, such a resolution may not be rescinded
37 again by such board.

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

46 8. With respect to candidates for the offices of governor and lieuten-
47 ant governor of a party or independent body, ballots shall be printed so
48 that the names of such candidates for both offices shall appear in the
49 same row or column, with the name of the candidate for governor appear-
50 ing first and the ballot shall be so adjusted that both offices are
51 voted for jointly and have but one designating [letter or] number IF
52 SUCH COLUMN/ROW DESIGNATING NUMBERS ARE UTILIZED.

53 9. IN THOSE COUNTIES IN WHICH BALLOTS ARE REQUIRED BY FEDERAL LAW, OR
54 OTHERWISE, TO BE PROVIDED IN A LANGUAGE OTHER THAN ENGLISH, THERE SHALL
55 BE VERSIONS OF THE BALLOT PRINTED IN ENGLISH AND IN EACH OF THE ADDI-
56 TIONAL LANGUAGES REQUIRED SO THAT EACH VERSION OF THE BALLOT SHALL

1 CONTAIN ENGLISH AND NO MORE THAN TWO OTHER LANGUAGES. THE COUNTY BOARD
2 OF ELECTIONS IN SUCH COUNTIES SHALL INSTRUCT, IN THEIR POLL WORKER
3 TRAINING AND MATERIALS, THE PROCEDURES TO BE FOLLOWED TO ENSURE THAT
4 EACH VOTER RECEIVES A BALLOT WITH THE APPROPRIATE LANGUAGE AS DETERMINED
5 BY THE STATE BOARD.

6 10. EACH BALLOT SHALL CONTAIN INSTRUCTIONS FOR MARKING THE BALLOT. THE
7 INSTRUCTIONS SHALL BE PRINTED IN LINE LENGTHS NO WIDER THAN FIVE INCHES.
8 BALLOT INSTRUCTIONS MAY BE PRINTED ON THE FRONT OR BACK OF THE BALLOT OR
9 ON A SEPARATE SHEET OR CARD. IF SUCH INSTRUCTIONS ARE NOT PRINTED ON THE
10 FRONT OF THE BALLOT, THERE SHALL BE PRINTED ON THE BALLOT, IN THE LARG-
11 EST SIZE TYPE PRACTICABLE, THE FOLLOWING LEGEND: "SEE INSTRUCTIONS ON
12 THE OTHER SIDE" OR "SEE INSTRUCTIONS (INSERT WHERE INSTRUCTIONS ARE
13 FOUND)", WHICHEVER IS APPROPRIATE.

14 11. THE OFFICES APPEARING ON ALL BALLOTS SHALL BE LISTED IN THE
15 CUSTOMARY ORDER.

16 12. IF TWO OR MORE CANDIDATES ARE NOMINATED FOR THE SAME OFFICE FOR
17 DIFFERENT TERMS, THE TERM FOR WHICH EACH IS NOMINATED SHALL BE PRINTED
18 AS A PART OF THE TITLE OF THE OFFICE.

19 13. THE TEXT FOR BALLOT INSTRUCTIONS SHALL BE SUBSTANTIALLY AS
20 FOLLOWS, SO THAT IT ACCURATELY REFLECTS THE BALLOT LAYOUT:

21

INSTRUCTIONS

22 MARK THE (INSERT "OVAL" OR "SQUARE") TO THE LEFT OF THE NAME OF YOUR
23 CHOICE. (PROVIDE ILLUSTRATION OF CORRECTLY-MARKED VOTING POSITION HERE.)
24 TO VOTE FOR A CANDIDATE WHOSE NAME IS NOT PRINTED ON THE BALLOT, (INSERT
25 "MARK THE OVAL (OR SQUARE) TO THE LEFT OF 'WRITE-IN' AND PRINT THE NAME
26 CLEARLY" OR "PRINT THE NAME CLEARLY IN THE BOX LABELED 'WRITE-IN'"),
27 STAYING WITHIN THE BOX. ANY MARK OR WRITING OUTSIDE THE SPACES PROVIDED
28 FOR VOTING MAY VOID THE ENTIRE BALLOT. THE NUMBER OF CHOICES IS LISTED
29 FOR EACH CONTEST. DO NOT MARK THE BALLOT FOR MORE CANDIDATES THAN
30 ALLOWED. IF YOU DO, YOUR VOTE IN THAT CONTEST WILL NOT COUNT. IF YOU
31 MAKE A MISTAKE, OR WANT TO CHANGE YOUR VOTE, ASK A POLL WORKER FOR A NEW
32 BALLOT.

33 14. THE STATE BOARD OF ELECTIONS SHALL PROVIDE LINE DRAWING ILLUS-
34 TRATIONS TO SUPPLEMENT THESE INSTRUCTIONS. AT A MINIMUM, AN ILLUSTRATION
35 OF THE CORRECT WAY TO MARK THE BALLOT SHALL BE PROVIDED, BUT NOTHING IN
36 THIS SECTION SHALL BE CONSTRUED TO LIMIT THE BOARD IN PROVIDING ADDI-
37 TIONAL ILLUSTRATIONS.

38 15. WHEN A QUESTION OR PROPOSAL IS INCLUDED ON THE BALLOT,
39 INSTRUCTIONS SUBSTANTIALLY LIKE THE FOLLOWING SHALL BE INCLUDED:

40

INSTRUCTIONS FOR VOTING ON QUESTIONS AND PROPOSALS

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

45 16. WHEN A QUESTION OR PROPOSAL APPEARS ON THE BACK OF THE BALLOT,
46 THERE SHALL APPEAR ON THE FRONT OF THE BALLOT WORDS OR A SYMBOL INDICAT-
47 ING THAT THE VOTER SHOULD TURN OVER THE BALLOT.

48 17. THE VOTING OVAL OR SQUARE SHALL BE TO THE LEFT OF THE NAME OF THE
49 CANDIDATE.

50 18. ALL TEXT, INCLUDING THE NAME OF EACH CANDIDATE AS PROVIDED IN
51 SUBDIVISION THREE OF THIS SECTION, SHALL BE PRINTED USING STANDARD

1 CAPITALIZATION IN ACCORDANCE WITH INSTRUCTIONS PROVIDED BY THE STATE
2 BOARD OF ELECTIONS AND SHALL NOT BE PRINTED USING ALL CAPITAL LETTERS.

3 19. THE BALLOT SHALL USE ONE FONT OR FONT FAMILY WITH ENOUGH VARI-
4 ATIONS FOR ALL TEXT NEEDS.

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

9 21. NO PARTY EMBLEMS SHALL BE PRINTED ON THE BALLOT.

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

13 23. ALL TEXT, INCLUDING THE TITLE OF EACH OFFICE AND THE NAME OF EACH
14 CANDIDATE, SHALL BE PRINTED FLUSH LEFT AND SHALL NOT BE CENTERED ON THE
15 BALLOT OR IN ANY COLUMN OR ROW APPEARING ON THE BALLOT; PROVIDED HOWEV-
16 ER, IN A MULTI-COLUMN OR MULTI-ROW CONTEST, THE TITLE AND NUMBER OF
17 ALLOWABLE SELECTIONS TO BE MADE FOR EACH SUCH OFFICE MAY BE CENTERED.

18 24. IF USED, SHADING SHALL BE USED CONSISTENTLY, SO AS TO DIFFEREN-
19 TIATE INSTRUCTIONS FROM BALLOT SECTION DIVIDERS AND CONTEST INFORMATION.

20 25. ABOVE, BELOW, OR TO THE RIGHT OF THE NAME OF EACH CANDIDATE, SHALL
21 BE PRINTED, IN LESS PROMINENT TYPE FACE THAN THAT IN WHICH THE CANDI-
22 DATE'S NAME IS PRINTED, THE NAME OF THE POLITICAL PARTY OR INDEPENDENT
23 BODY BY WHICH THE CANDIDATE WAS NOMINATED OR DESIGNATED.

24 26. ALL PAPER BALLOTS OF THE SAME KIND FOR THE SAME POLLING PLACE
25 SHALL BE IDENTICAL.

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

28 (A) THE INSTRUCTIONS IN SUBDIVISION TEN OF THIS SECTION SHALL BE
29 PRINTED IN THE UPPER LEFT HAND CORNER OF THE FRONT OF THE BALLOT;

30 (B) THE NAME OF EACH CANDIDATE SHALL BE PRINTED USING A FONT SIZE OF
31 NOT LESS THAN NINE POINTS;

32 (C) WHEN THE INSTRUCTIONS ARE CONTAINED ON THE BALLOT, THERE SHALL BE
33 A CLEAR DELINEATION BETWEEN THE BALLOT INSTRUCTIONS AND THE FIRST OFFICE
34 OR BALLOT QUESTION OR PROPOSAL THROUGH THE USE OF WHITE SPACE, ILLUS-
35 TRATION, SHADING, COLOR, FONT SIZE, OR BOLD TYPE.

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

40 S 7-106. [Election day paper ballots; form of] BALLOTS; FORM OF, FOR
41 BALLOT SCANNERS, GENERAL, PRIMARY, OR SPECIAL ELECTIONS; ADDITIONAL
42 REQUIREMENTS. 1. IN ADDITION TO BALLOT REQUIREMENTS PROVIDED FOR IN
43 SECTION 7-104 OF THIS ARTICLE, ALL BALLOTS TO BE USED WITH ALL BALLOT
44 SCANNERS SHALL COMPLY WITH THE FOLLOWING PROVISIONS.

45 2. Paper ballots which are to be counted by a ballot scanner may
46 consist of two or more sheets which are divided into perforated sections
47 which can be separated at the time the ballot is scanned. Such ballots
48 shall be printed on paper of a quality, size, color, and weight
49 [approved by the state board of elections] SPECIFIED IN THE VOTING
50 SYSTEM'S TECHNICAL REQUIREMENTS DOCUMENTATION AND SHALL BE CLEARLY
51 DISTINGUISHABLE FROM SAMPLE BALLOTS BY SIZE, COLOR OR OTHER MEANS.

52 [2.] 3. All paper ballots of the same kind for the same polling place
53 shall be identical. [A different, but in each case uniform style and
54 size of type, shall be used for printing the names of candidates, the
55 titles of offices, political designations, and the reading form of all

1 questions submitted. The names of candidates shall be printed in capital
2 letters in black-faced type.]

3 [3.] 4. Each ELECTION DAY ballot shall be printed on the sheet with a
4 stub which shall be separated therefrom by a line of perforations
5 extending across the entire ballot. On the face of the stub shall be
6 printed "No....." the blank to be filled with consecutive number of
7 ballots beginning with "No. 1", and increasing in regular numerical
8 order.

9 [4.] 5. On such ballot shall be printed the following indorsement, the
10 blanks properly filled in:

11 Official Ballot for (General, Primary or Special, as applica-
12 ble)
13 Election
14 County of
15 (Assembly or Legislative, as applicable) District
16
17 (Ward and City or town, as applica-
18 ble).....
19 Election District

20 (Insert date of election.)

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

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

INSTRUCTIONS

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

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

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

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

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

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

46 (7) If you tear, or deface, or wrongly mark this ballot, return it and
47 obtain another. Do not attempt to correct mistakes on the ballot by
48 making erasures or cross outs. Erasures or cross outs may invalidate all
49 or part of your ballot. Prior to submitting your ballot, if you make a
50 mistake in completing the ballot or wish to change your ballot choices,
51 you may obtain and complete a new ballot. You have a right to a replace-
52 ment ballot upon return of the original ballot.
53

- 1 (8) After completing your ballot, insert it into the ballot scanner
2 and wait for the notice that your ballot has been successfully scanned.
3 If no such notice appears, seek the assistance of an election inspector.
- 4 6. The instructions in subdivision five of this section may be printed
5 on the front or back of the ballot or on a separate sheet or card. If
6 such instructions are not printed on the front of the ballot, there
7 shall be printed on the ballot, in the largest size type for which there
8 is room, the following legend: "See instructions on the other side" or
9 "See enclosed instructions", whichever is appropriate.
- 10 7. Each such ballot shall be printed in sections in which the candi-
11 dates' names and political designations, the ballot proposals and other
12 requisite matter shall each be boxed in by heavy black perpendicular
13 lines of equal width. In each such section shall be voting ovals or
14 squares which voters may fill in. If applicable, ovals or squares shall
15 be provided next to the blank spaces provided for a voter to write in a
16 name.
- 17 8. The space for the title of an office shall be three-eighths of an
18 inch, and the name of a candidate or for writing in a name, one-fourth
19 of an inch, in depth. At the left of the name of each designated candi-
20 date shall be an enclosed voting space, three-eighths of an inch in
21 width and approximately one-fourth of an inch in depth, bounded above,
22 below and to the right by black lines, heavier than those which separate
23 the spaces containing the names of candidates. To the left of voting
24 spaces which do not adjoin a vertical line dividing two parts, there
25 shall be a heavy black vertical line approximately one-eighth of an inch
26 in width. No voting space shall be provided in the space for writing in
27 names. In such case, the space corresponding to a voting space shall be
28 all black.
- 29 9. Below the names of the candidates for each office or position there
30 shall be printed as many blank spaces, for writing in names of persons
31 for whom the voter desires to vote, as there are persons to be nominated
32 or elected.
- 33 10. In case the sections shall be so numerous as to make the ballot
34 unwieldy if they are printed in one column, they may be printed in as
35 many columns as shall be necessary, and in that case, in order to
36 produce a rectangular ballot, blank sections may be used.
- 37 11. The names of parties or independent bodies which contain more
38 than fifteen letters may, whenever limitations of space so require, be
39 printed on the ballot in an abbreviated form. In printing the names of
40 candidates whose full names contain more than fifteen letters, only the
41 surname must be printed in full. The officer or board charged with the
42 duty of preparing the ballots shall request each such candidate to indi-
43 cate, in writing, the shortened form in which, subject to this
44 restriction, his name shall be printed. If no such indication is
45 received from such candidate within the time specified in the request,
46 such officer or board shall make the necessary determination. No emblem
47 shall occupy a space longer in any direction than the voting square to
48 which it relates.]
- 49 S 5. Section 7-108 of the election law is REPEALED.
- 50 S 6. Section 7-110 of the election law, as amended by chapter 647 of
51 the laws of 1982, is amended to read as follows:
- 52 S 7-110. Ballots; form for ballot proposals; ADDITIONAL REQUIREMENTS.
53 Ballot proposals shall appear on the [voting machine or] ballot in a
54 separate section OR ON A SEPARATE SHEET OR CARD. At the left of, or
55 below or above, each proposal shall appear [two voting levers or] two
56 voting [squares, each at least one-half inch square] POSITIONS. Next to

1 the first [lever or square] VOTING POSITION shall be printed the word
2 "Yes," and next to the second [lever or square] VOTING POSITION shall be
3 printed the word "No." The proposals shall be numbered consecutively on
4 the [voting machine or] ballot. The number of each proposal shall appear
5 in front of its designation as an amendment, proposition or question in
6 the following form: "Proposal one, an amendment; proposal two, a propo-
7 sition; proposal three, a question".

8 S 7. Section 7-114 of the election law, as amended by chapter 234 of
9 the laws of 1976, paragraph (c) of subdivision 1 as amended by chapter
10 433 of the laws of 1984 and paragraph (f) of subdivision 2 as amended by
11 chapter 461 of the laws of 1977, is amended to read as follows:

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

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

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

31 [(d)] (C) The ballot shall not contain a space for voting for candi-
32 dates for uncontested offices and positions, and no ballot shall be
33 printed for a party [whose primary is uncontested] FOR WHICH THERE IS NO
34 CONTESTED OFFICE OR POSITION unless a petition for opportunity to ballot
35 has been filed.

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

40 (b) On the back of the paper ballot, on the stub, immediately below
41 the number, shall be the name of the party. On the back of the ballot
42 and below the stub, and immediately to the left of the center of the
43 ballot, and on the front of the ballot, below the perforated line, shall
44 be printed, in addition to the other information required for paper
45 ballots, the name and emblem of the party and the words "Official prima-
46 ry ballot."

47 (c) On the front of the stub, above the perforated line at the top of
48 the paper ballot shall be printed the same instructions as on the gener-
49 al election ballot.

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

1 (e) The names of candidates on paper ballots shall be numbered with
2 arabic numerals printed in heavy faced type beginning with "one" for the
3 first candidate named in the first part and continuing in numerical
4 order to and including the last candidate named in the last part, except
5 that where] ON THE OFFICIAL PRIMARY ELECTION BALLOT, THE BALLOT ENDORSE-
6 MENT SHALL INCLUDE THE NAME OF THE PARTY FOR WHICH SUCH BALLOT IS VALID.

7 (B) WHERE two or more candidates are to be elected to a party posi-
8 tion, the names of candidates designated by each petition shall be
9 grouped TOGETHER, and [each group shall have but one number, which shall
10 be printed opposite the approximate center of the group] MAY BE REFERRED
11 TO COLLECTIVELY ON THE BALLOT AS A GROUP.

12 [(f) The number of a candidate shall be printed on the paper ballot
13 between the voting space and the name of the candidate. Each group shall
14 have a bracket embracing the names in the group.

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

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

26 S 8. Subdivisions 2, 3, 4 and 6 of section 7-116 of the election law,
27 subdivision 2 as amended by chapter 234 of the laws of 1976, subdivision
28 3 as amended by chapter 9 of the laws of 1978 and the second undesig-
29 nated paragraph of subdivision 6 as amended by chapter 121 of the laws
30 of 1997, are amended to read as follows:

31 2. The officer or board who or which prepares the ballot shall deter-
32 mine the order in which shall appear, below the names of party candi-
33 dates the nominations made only by independent bodies. Such officer or
34 board also shall determine the order in which shall be printed[, in a
35 section of such ballot] the names of two or more candidates nominated by
36 one party or independent body, for an office to which two or more
37 persons are to be elected; provided, however, that any such candidate
38 may, by a writing filed with such board or officer not later than [one
39 week] THREE BUSINESS DAYS after the adjournment of the convention or one
40 week after the primary election nominating him OR HER, or otherwise not
41 later than two days after the filing of the petition or certificate
42 nominating him OR HER, demand that such order be determined by lot, and
43 in that case such order shall be so determined, upon two days notice by
44 mail given by such board or officer to each candidate for such office.
45 The state board of elections shall perform the duties required by this
46 subdivision in all cases affecting nominations filed in its office.

47 3. The officer or board with whom or which are filed the designations
48 for a public office or party position shall determine by lot, upon two
49 days notice by mail given by such board or officer to each candidate for
50 such office or position and to the committee, if any, named in the
51 designating petition, the order in which shall be printed on the offi-
52 cial primary ballot, under the title of the office or position, the
53 names of candidates for public office, the names of candidates for a
54 party position to which not more than one person is to be elected, and
55 the groups of names of candidates for party position where two or more
56 persons are to be elected thereto and any petition designates two or

1 more persons therefor, provided, however, that whenever groups of names
2 for more than one party position are designated by the same petition,
3 the order in which they shall be printed on the official primary ballot
4 shall be determined by a single lot. Candidates for [delegate or deleg-
5 ates] DELEGATE(S) and alternate [delegate or delegates] DELEGATE(S) to
6 conventions designated by the same petition shall, for the purpose of
7 this subdivision, be treated as one group. The names of candidates, if
8 any, for a party position to which two or more persons are to be
9 elected, who are designated by individual petitions and not in a group
10 shall be printed [below] AFTER such group or groups, in such order
11 between themselves, as such officer or board shall determine by lot upon
12 the notice specified in this subdivision. The names within a group of
13 candidates designated for party position by one petition shall be print-
14 ed in the same order in which they appear in the petition, unless they
15 appear in a different order on different pages of the petition, in which
16 case their order within the group shall be determined by such officer or
17 board by lot upon the notice specified in this subdivision. Candidates
18 for members of a state committee designated by a single petition shall,
19 for the purposes of this subdivision, be treated as one group. However,
20 the notice to a committee of the drawing need not be mailed to more than
21 five members, if there be that many, and as to offices or party posi-
22 tions for which designating petitions are filed with the board of
23 elections of the city of New York the notice shall be given to the
24 committees only.

25 4. If a vacancy in a designation or nomination be filled after the
26 making, in the manner provided in this section, of a determination of
27 the order in which the names of candidates for the office or position
28 are to be printed, TO THE EXTENT PRACTICABLE, the name of the candidate
29 designated or nominated to fill such vacancy shall be printed in the
30 place so determined for the original candidate.

31 6. [In the city of New York, the ballot on the voting machine for
32 primary elections shall conform to the following additional provisions:

33 The names of the candidates designated for such public office or party
34 position in the primary of a party shall be placed under the title of
35 the office or position in the alphabetical order of their surnames, in
36 the first or lowest numbered assembly district and election district of
37 any political unit or subdivision within a county. If candidates'
38 surnames are identical, their given or first name shall determine their
39 order. Thereafter the names shall be rotated by election districts by
40 transposing the first named candidate to the bottom of the order at each
41 succeeding election district, so that each name shall appear first and
42 in each other position in an equal number, as nearly as possible, of the
43 election districts and except, further, that where two or more candi-
44 dates are to be elected to the same party position, the names of candi-
45 dates for such a position which appear on the same designating petition
46 shall be grouped together on the ballot in the order in which their
47 names appear on the designating petition and the group rotated alphabet-
48 ically in relation to other groups or individual candidates according to
49 the surname of the first person on the designating petition of such
50 group. Groups of candidates for delegate and alternate delegate, and
51 groups of candidates for male and female delegate and male and female
52 alternate delegate to the same convention designated on the same peti-
53 tion shall be rotated together alphabetically in relation to other
54 groups or individual candidates according to the surname of the first
55 person listed on such designating petition in the group of candidates
56 for whichever of such delegate or alternate delegate positions will

1 appear first on the voting machine. If the rules of a party committee
2 provide for equal representation of the sexes among the members of a
3 state committee elected from each unit of representation, elections
4 for male and female members of such a committee from a single unit of
5 representation shall be conducted as elections for two different party
6 positions. Notwithstanding the provisions of this paragraph, if the
7 board of elections has assigned numbers to the candidates for an office
8 or position because of identical or similar names among such candidates,
9 the names of such candidates shall be placed under the title of such
10 office or position in the order of such numbers in such first or lowest
11 numbered district, and the names shall not be rotated by election
12 district. Such names shall appear in the identical order on each ballot
13 in each election district.

14 County committee candidates or groups of candidates shall be printed
15 within the first election district of each assembly district or part
16 thereof, according to the priority of filing of designating petitions
17 and they shall then be rotated by election district by placing the
18 candidate or group of candidates designated in the same petition as the
19 candidate or group of candidates which was printed first in an election
20 district at the bottom of the order in the next succeeding election
21 district in which a candidate or group of candidates designated in such
22 petition appears on the ballot.

23 In cases where a name is added to or removed from the ballot by court
24 order too late to make a complete adjustment to these requirements
25 feasible, the name may be added at the bottom of the list of candidates
26 in all election districts, or removed from the ballot in all election
27 districts without changing the previously arranged order of other names
28 and without invalidating the election. Any inadvertent error in the
29 order of names discovered too late to correct the order of the names on
30 the ballots concerned shall not invalidate an election.

31 Except where a contest or candidate is removed from the ballot by
32 court order too late to make complete compliance with this paragraph
33 feasible, the title of each public office or party position and the
34 names of the candidates for such office or position appearing on any
35 voting machine used for primary elections in the city of New York shall
36 appear on such machine immediately adjacent to one another, either
37 horizontally or vertically; and no blank spaces shall separate the names
38 of candidates actually running for an office or party position on such
39 voting machine, and no blank spaces shall separate any two such offices
40 or positions which appear on such voting machine in the same column or
41 row.] (A) IN CASES WHERE A NAME IS ADDED TO OR REMOVED FROM THE BALLOT
42 BY COURT ORDER TOO LATE TO MAKE A COMPLETE ADJUSTMENT TO THESE REQUIRE-
43 MENTS FEASIBLE, THE NAME MAY BE ADDED AT THE END OF THE LIST OF CANDI-
44 DATES IN ALL ELECTION DISTRICTS, OR REMOVED FROM THE BALLOT IN ALL
45 ELECTION DISTRICTS WITHOUT CHANGING THE PREVIOUSLY ARRANGED ORDER OF
46 OTHER NAMES AND WITHOUT INVALIDATING THE ELECTION. ANY INADVERTENT ERROR
47 IN THE ORDER OF NAMES DISCOVERED TOO LATE TO CORRECT THE ORDER OF THE
48 NAMES ON THE BALLOTS CONCERNED SHALL NOT INVALIDATE AN ELECTION.

49 (B) EXCEPT WHERE A CONTEST OR CANDIDATE IS REMOVED FROM THE BALLOT BY
50 COURT ORDER TOO LATE TO MAKE COMPLETE COMPLIANCE WITH THIS PARAGRAPH
51 FEASIBLE, THE TITLE OF EACH PUBLIC OFFICE OR PARTY POSITION AND THE
52 NAMES OF THE CANDIDATES FOR SUCH OFFICE OR POSITION APPEARING ON ANY
53 BALLOT USED FOR PRIMARY ELECTIONS OVER WHICH THE COUNTY BOARD OF
54 ELECTIONS HAS JURISDICTION SHALL APPEAR ON SUCH BALLOT IMMEDIATELY ADJA-
55 CENT TO ONE ANOTHER, EITHER HORIZONTALLY OR VERTICALLY; AND NO BLANK
56 SPACES SHALL SEPARATE THE NAMES OF CANDIDATES ACTUALLY RUNNING FOR AN

1 OFFICE OR PARTY POSITION ON SUCH BALLOT, AND NO BLANK SPACES SHALL SEPA-
2 RATE ANY TWO SUCH OFFICES OR POSITIONS WHICH APPEAR ON SUCH BALLOT IN
3 THE SAME COLUMN OR ROW.

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

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

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

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

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

30 S 10. Subdivisions 1 and 3 of section 7-120 of the election law,
31 subdivision 3 as amended by chapter 234 of the laws of 1976, are amended
32 to read as follows:

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

40 3. It shall be the duty of each board of elections to cause a suffi-
41 cient number of emergency ballots to be placed at each polling place in
42 which voting machines OR VOTING SYSTEMS are used, to be employed in the
43 event the voting machines OR VOTING SYSTEMS break down. At any time
44 during the hour succeeding a breakdown, the inspectors of election may
45 use such emergency ballots, and if such breakdown lasts more than one
46 hour, such emergency ballots must be used. The sample ballots may be
47 used for this purpose in full or reduced size.

48 S 11. Section 7-122 of the election law, subdivision 1 as amended by
49 chapter 234 of the laws of 1976, the schedule in paragraph (b) of subdi-
50 vision 1 as added by chapter 381 of the laws of 1979, paragraphs (c) and
51 (d) of subdivision 1 and subdivisions 2, 3, 5, 8, 9 and 10 as amended by
52 chapter 165 of the laws of 2010, subdivision 7 as amended by chapter 9
53 of the laws of 1978, and subdivisions 6 and 7 as renumbered by chapter
54 352 of the laws of 1986, is amended to read as follows:

55 S 7-122. Ballots; absentee voters. 1. (a) Ballots for absentee voters
56 shall be, as nearly as practicable, in the same form as those to be

1 voted in the district on election day, [if any,] except that ballots for
2 primary elections shall omit the party position of ward, town, city or
3 county committee and except further that such ballots need not have a
4 stub, and shall have the words "Absentee Ballot", endorsed thereon.

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

11 (Form in chap. 381/79)

12 (c) The indorsement shall be printed and properly filled in:

13 Official Absentee Ballot for (General, Primary or Special, as applica-
14 ble)

15 Election

16 County of.....

17 (Assembly or Legislative, as applicable) District.....

18 (Ward and City or town, as applicable).....

19 (Insert date of election)

20 (Insert names of election commissioners providing the ballot)

21 (d) On the front of the ballot prepared for counting by hand, shall be
22 printed in heavy black type the following instructions] ALL PROVISIONS
23 OF THIS CHAPTER NOT INCONSISTENT WITH THIS SUBDIVISION SHALL BE APPLICA-
24 BLE TO ABSENTEE BALLOTS PREPARED FOR COUNTING BY A BALLOT SCANNER OR BY
25 HAND. THE INSTRUCTIONS FOR MARKING AN ABSENTEE BALLOT SHALL BE PROVIDED
26 AND SHALL BE SUBSTANTIALLY AS FOLLOWS, SO THAT THEY ACCURATELY REFLECT
27 THE BALLOT LAYOUT:

28 INSTRUCTIONS

29 [1. Mark in pen or pencil.

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

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

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

39 5. Any other mark or writing, or any erasure made on this ballot
40 outside the voting squares or blank spaces provided for voting will void
41 this entire ballot.

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

45 7. If you tear, or deface, or wrongly mark this ballot, call the board
46 of elections at (insert phone number here) for instructions on how to
47 obtain a new ballot. Do not attempt to correct mistakes on the ballot by
48 making erasures or cross outs. Erasures or cross outs may invalidate all
49 or part of your ballot. Prior to submitting your ballot, if you make a
50 mistake in completing the ballot or wish to change your ballot choices,
51 you may obtain and complete a new ballot. You have a right to a replace-
52 ment ballot upon return of the original ballot.] MARK THE (INSERT "OVAL"
53 OR "SQUARE") TO THE LEFT OF THE NAME OF YOUR CHOICE. (PROVIDE ILLUS-
54 TRATION OF CORRECTLY-MARKED VOTING POSITION HERE.) TO VOTE FOR A CANDI-
55 DATE WHOSE NAME IS NOT PRINTED ON THE BALLOT, (INSERT "MARK THE OVAL (OR

1 SQUARE) TO THE LEFT OF 'WRITE-IN' AND PRINT THE NAME CLEARLY" OR "PRINT
2 THE NAME CLEARLY IN THE BOX LABELED 'WRITE-IN'), STAYING WITHIN THE
3 BOX. ANY MARK OR WRITING OUTSIDE THE SPACES PROVIDED FOR VOTING MAY VOID
4 THE ENTIRE BALLOT. YOU HAVE A RIGHT TO A REPLACEMENT BALLOT. IF YOU MAKE
5 A MISTAKE OR WANT TO CHANGE YOUR VOTE, CALL THE BOARD OF ELECTIONS AT
6 (INSERT PHONE NUMBER HERE) FOR INSTRUCTIONS ON HOW TO OBTAIN A NEW
7 BALLOT. THE NUMBER OF CHOICES IS LISTED FOR EACH CONTEST. DO NOT MARK
8 THE BALLOT FOR MORE CANDIDATES THAN ALLOWED. IF YOU DO, YOUR VOTE IN
9 THAT CONTEST WILL NOT COUNT.

10 (C) WHEN A QUESTION OR PROPOSAL IS INCLUDED ON THE BALLOT,
11 INSTRUCTIONS SUBSTANTIALLY SIMILAR TO THOSE PROVIDED IN SUBDIVISION TEN
12 OF SECTION 7-104 OF THIS ARTICLE SHALL BE INCLUDED.

13 2. [The following provisions shall apply to all absentee ballots
14 prepared for counting by a ballot scanner and all other provisions of
15 this chapter not inconsistent with this subdivision shall be applicable
16 to such ballots:

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

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

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

22 INSTRUCTIONS

23 1. Mark only with a pen or pencil.

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

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

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

37 5. Any other mark or writing, or any erasure made on this ballot
38 outside the voting squares or blank spaces provided for voting will void
39 this entire ballot.

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

43 7. If you tear, or deface, or wrongly mark this ballot, call the
44 board of elections at (insert phone number here) for instructions on how
45 to obtain a new ballot. Do not attempt to correct mistakes on the ballot
46 by making erasures or cross outs. Erasures or cross outs may invalidate
47 all or part of your ballot. Prior to submitting your ballot, if you make
48 a mistake in completing the ballot or wish to change your ballot choic-
49 es, you may obtain and complete a new ballot. You have a right to a
50 replacement ballot upon return of the original ballot.

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

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

4 3.] The determination of the appropriate county board of elections as
5 to the candidates duly designated or nominated for public office or
6 party position whose name shall appear on the absentee ballot and as to
7 ballot proposals to be voted on shall be made no later than the day
8 after the state board of elections issues its certification of those
9 candidates to be voted for at the general, special or primary election.
10 The determinations of the state board of elections and the respective
11 county boards of elections shall be final and conclusive with respect to
12 such offices for which petitions or certificates are required to be
13 filed with such boards, as the case may be but nothing herein contained
14 shall prevent a board of elections, or a court of competent jurisdiction
15 from determining at a later date that any such certification, desig-
16 nation or nomination is invalid and, in the event of such later determi-
17 nation, no vote cast for any such nominee by any voter shall be counted
18 at the election.

19 [5.] 3. THERE SHALL BE THREE ENVELOPES FOR EACH ABSENTEE BALLOT ISSUED
20 BY MAIL: THE INNER AFFIRMATION ENVELOPE INTO WHICH A VOTER PLACES HIS OR
21 HER VOTED BALLOT, THE OUTER ENVELOPE WHICH SHALL BE ADDRESSED TO THE
22 ABSENTEE VOTER, AND THE MAILING ENVELOPE WHICH IS ADDRESSED TO THE COUN-
23 TY BOARD OF ELECTIONS. The board of elections shall furnish with each
24 absentee ballot an inner affirmation envelope. On one side of the envel-
25 ope shall be printed:

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

- 29 , 20.....
30 Name of voter.....
31 Residence (street and number if any).....
32 City/or town of.....(village, if any).....
33 County of.....
34 Assembly district
35 Legislative District (as applicable)
36 Ward (as applicable)
37 Election District.....
38 Party Enrollment (in case of primary election).....

39 [6] 4. The date of the election, name of the county, and name of a
40 city, if there be a separate ballot for city voters, shall be printed,
41 and the name of the voter, residence, number of the assembly district,
42 if any, name of town, number of ward, if any, election district and
43 party enrollment, if required, shall be either printed or written or
44 stamped in by the board.

45 [7.] 5. There shall also be a place for two BOARD OF ELECTIONS STAFF
46 MEMBERS OR inspectors of opposite political parties to indicate, by
47 placing their initials thereon, that they have checked and marked the
48 voter's poll record.

49 [8.] 6. On the reverse side of such inner affirmation envelope shall
50 be printed the following statement:

51 AFFIRMATION

52 I do declare that I am a citizen of the United States, that I am duly
53 registered in the election district shown on the reverse side of this

1 envelope and I am qualified to vote in such district; that I will be
 2 unable to appear personally on the day of the election for which this
 3 ballot is voted at the polling place of the election district in which I
 4 am a qualified voter because of the reason given on my application here-
 5 tofore submitted; that I have not qualified nor do I intend to vote
 6 elsewhere, that I have not committed any act nor am I under any imped-
 7 iment which denies me the right to vote.

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

12 Date.....20.....
 13
 14
 15
 16
 17
 18
 19

.....
 Signature or mark of voter

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

.....
 Address of Witness

20 [9.] 7. The inner affirmation envelope shall be gummed, ready for
 21 sealing, and shall have printed thereon, on the side opposite the state-
 22 ment, instructions as to the duties of the voter after the marking of
 23 the ballot, which instructions shall include a specific direction stat-
 24 ing when such ballot must be postmarked and when such ballot must reach
 25 the office of the board of elections in order to be canvassed.

26 [10.] 8. Each INNER AFFIRMATION ballot envelope shall be enclosed in
 27 an outer envelope addressed to the appropriate board of elections and
 28 bearing on it a specific direction that if an original application for
 29 an absentee ballot is received with the ballot, such application must be
 30 completed by the voter and returned in the outer envelope together with
 31 the sealed inner affirmation envelope containing the absentee ballot
 32 within the time limits for receipt of the absentee ballot itself. Such
 33 inner affirmation envelope and outer envelope shall be enclosed in [a]
 34 THE third envelope addressed to the absentee voter. The outer and third
 35 envelopes shall have printed on the face thereof the words "Election
 36 Material--Please Expedite".

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

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

48 S 13. The opening and closing paragraphs of subdivision 2 of section
 49 7-124 of the election law, as amended by chapter 104 of the laws of
 50 2010, are amended to read as follows:

51 THERE SHALL BE THREE ENVELOPES FOR EACH SPECIAL FEDERAL ABSENTEE
 52 BALLOT ISSUED BY MAIL: THE INNER AFFIRMATION ENVELOPE INTO WHICH A VOTER

1 PLACES HIS OR HER VOTED BALLOT, THE OUTER ENVELOPE WHICH SHALL BE
2 ADDRESSED TO THE ABSENTEE VOTER, AND THE MAILING ENVELOPE WHICH IS
3 ADDRESSED TO THE COUNTY BOARD OF ELECTIONS. The board of elections shall
4 furnish an inner affirmation envelope with each special federal ballot
5 upon which envelope shall be printed:

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

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

10
11 Signature of Witness (required only
12 if voter does not sign his OR HER own
13 name)

14
15 Address of Witness

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

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

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

29 Name of voter
30 Residence from which vote is being cast:
31 Street and number
32 City or town
33 County
34 Assembly District or Ward
35 Election District

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

40 3. On the reverse side of such envelope shall be printed the follow-
41 ing statement:

42 STATEMENT OF SPECIAL PRESIDENTIAL VOTER

43 I do declare I am a qualified special presidential voter of said
44 district; that I am not qualified and am not able to qualify to vote
45 elsewhere than as set forth on the reverse side of this envelope; that I
46 am a citizen of the United States; that on the date of the election for

1 which this ballot is voted, I will be at least eighteen years of age;
2 and that I have not committed any act, nor am I under any impediment,
3 which denies me the right to vote.

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

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

10
11 Signature of Witness (required only
12 if voter does not sign his OR HER own
13 name)

14
15 Address of Witness

16 S 15. Section 7-128 of the election law is amended to read as follows:

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

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

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

45 3. EACH OFFICER OR BOARD CHARGED WITH THE DUTY OF PREPARING BALLOTS
46 TO BE USED WITH VOTING MACHINES OR SYSTEMS IN ANY ELECTION SHALL GIVE
47 WRITTEN NOTICE, BY FIRST CLASS MAIL, TO ALL CANDIDATES, EXCEPT CANDI-
48 DATES FOR MEMBER OF THE COUNTY COMMITTEE, WHO ARE LAWFULLY ENTITLED TO
49 HAVE THEIR NAMES APPEAR THEREON, OF THE TIME WHEN, AND THE PLACE WHERE,
50 THEY MAY INSPECT THE VOTING MACHINES OR SYSTEMS TO BE USED FOR SUCH
51 ELECTION. THE CANDIDATES OR THEIR DESIGNATED REPRESENTATIVES MAY APPEAR
52 AT THE TIME AND PLACE SPECIFIED IN SUCH NOTICE TO VIEW THE CONDUCT OF

1 THE LOGIC AND ACCURACY TESTING REQUIRED TO BE PERFORMED ON SUCH VOTING
2 MACHINES OR SYSTEMS, PROVIDED HOWEVER, THAT THE TIME SO SPECIFIED SHALL
3 BE NOT LESS THAN FIFTEEN DAYS PRIOR TO THE DATE OF THE ELECTION.

4 S 16. Section 7-130 of the election law is amended to read as follows:

5 S 7-130. Ballots; examination by voters and instruction in use of
6 voting machines. One or more voting machines which shall contain the
7 ballot labels, showing the [party emblems and] title of officers to be
8 voted for, and which shall so far as practicable contain the names of
9 the candidates to be voted for, shall be placed on public exhibition in
10 some suitable place by the board of elections, in charge of competent
11 instructors, for at least three days during the thirty days next preced-
12 ing an election. No voting machine which is to be assigned for use in an
13 election shall be used for such purpose after having been prepared and
14 sealed for the election. During such public exhibition, the counting
15 mechanism of the machine shall be concealed from view and the doors may
16 be temporarily opened only when authorized by the board or official
17 having charge and control of the election. Any voter shall be allowed to
18 examine such machine, and upon request shall be instructed in its use.

19 S 17. This act shall take effect immediately and shall apply to
20 ballots to be used for elections occurring on or after the first day of
21 July next succeeding the year in which it shall have become a law.