

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:

- 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 and paragraph b of subdivision 4 of  
4 section 7-102 of the election law, as added by chapter 371 of the laws  
5 of 1990, are amended to read as 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 b. Each candidate for an office or position for which such numbers are  
15 assigned may file with such board, not later than fourteen days after  
16 such determination, any or all of the information permitted by paragraph  
17 a of this subdivision in the form in which such candidate wishes such  
18 information to appear in such leaflet. If such board determines that  
19 such filing does not comply with the requirements of this subdivision,  
20 it shall notify such candidate forthwith by first class mail. Such  
21 candidate may file revised information with such board not later than  
22 ten days after such notice was mailed. If a candidate does not make a  
23 filing within the times prescribed by this paragraph, the words "no  
24 information supplied" shall appear next to his OR HER name on such leaf-  
25 let.  
26 S 3. Section 7-104 of the election law, as amended by chapter 165 of  
27 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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1 S 7-104. Ballots; form of, voting machine. 1. All ballots shall be  
2 printed and/or displayed in a format and arrangement, of such uniform  
3 size and style as will fit the ballot [frame], and shall be in as plain  
4 and clear a type or display as the space will reasonably permit, USING  
5 ONLY SANS SERIF PRINT FONTS. Such type or display on the ballot shall  
6 satisfy all requirements and standards set forth pursuant to the federal  
7 Help America Vote Act.

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

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

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

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

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

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

41 (c) If such candidate has also been nominated by one or more independ-  
42 ent bodies, his or her name shall appear only in each row or column  
43 containing generally the names of candidates for other offices nominated  
44 by any such party and the name of each such independent body shall  
45 appear in one such row or column to be designated by the candidate in a  
46 writing filed with the officer or board charged with the duty of provid-  
47 ing ballots, or if such person shall fail to so designate, the names of  
48 such independent bodies shall appear in such row or column as such offi-  
49 cer or board shall determine.

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

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

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

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

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

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

40 8. With respect to candidates for the offices of governor and lieuten-  
41 ant governor of a party or independent body, ballots shall be printed so  
42 that the names of such candidates for both offices shall appear in the  
43 same row or column, with the name of the candidate for governor appear-  
44 ing first and the ballot shall be so adjusted that both offices are  
45 voted for jointly and have but one designating letter or number.

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

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

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

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

12 3. ALL TYPE SHALL BE SANS SERIF. NAMES OF CANDIDATES SHALL BE IN A  
13 UNIFORM STYLE AND SIZE OF TYPE USING STANDARD CAPITALIZATION. TITLES OF  
14 OFFICES SHALL BE IN A UNIFORM STYLE AND SIZE OF TYPE. POLITICAL DESIG-  
15 NATIONS SHALL BE IN A UNIFORM STYLE AND SIZE OF TYPE. THE FORM OF ALL  
16 QUESTIONS SUBMITTED SHALL BE IN A UNIFORM STYLE AND SIZE OF TYPE.

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

22 [4.] 5. On such ballot shall be printed the following indorsement, the  
23 blanks properly filled in:

24 Official Ballot for (General, Primary or Special, as applica-  
25 ble)  
26 Election  
27 County of .....  
28 (Assembly or Legislative, as applicable) District  
29 .....  
30 (Ward and City or town ....., as applica-  
31 ble).....  
32 Election District .....

33 (Insert date of election.)

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

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

37 INSTRUCTIONS

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

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

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

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

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

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

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

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

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

23 7. Each such ballot shall be printed in sections in which the candi-  
24 dates' names and political designations, the ballot proposals and other  
25 requisite matter shall each be boxed in by heavy black perpendicular  
26 lines of equal width. In each such section shall be voting ovals or  
27 squares which voters may fill in. If applicable, ovals or squares shall  
28 be provided next to the blank spaces provided for a voter to write in a  
29 name.

30 8. The space for the title of an office shall be three-eighths of an  
31 inch, and the name of a candidate or for writing in a name, one-fourth  
32 of an inch, in depth. At the left of the name of each designated candi-  
33 date shall be an enclosed voting space, three-eighths of an inch in  
34 width and approximately one-fourth of an inch in depth, bounded above,  
35 below and to the right by black lines, heavier than those which separate  
36 the spaces containing the names of candidates. To the left of voting  
37 spaces which do not adjoin a vertical line dividing two parts, there  
38 shall be a heavy black vertical line approximately one-eighth of an inch  
39 in width. No voting space shall be provided in the space for writing in  
40 names. In such case, the space corresponding to a voting space shall be  
41 all black.

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

46 10. In case the sections shall be so numerous as to make the ballot  
47 unwieldy if they are printed in one column, they may be printed in as  
48 many columns as shall be necessary, and in that case, in order to  
49 produce a rectangular ballot, blank sections may be used.]

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

54 INSTRUCTIONS

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

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

9 7. THE STATE BOARD OF ELECTIONS SHALL PROVIDE LINE DRAWING ILLUS-  
10 TRATIONS TO SUPPLEMENT THESE INSTRUCTIONS. AT A MINIMUM, AN ILLUSTRATION  
11 OF THE CORRECT WAY TO MARK THE BALLOT SHALL BE PROVIDED, BUT NOTHING IN  
12 THIS SECTION SHALL BE CONSTRUED TO LIMIT THE BOARD IN PROVIDING ADDI-  
13 TIONAL ILLUSTRATIONS.

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

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

21 9. WHEN A QUESTION OR PROPOSAL APPEARS ON THE BACK OF THE BALLOT,  
22 THERE SHALL APPEAR ON THE FRONT OF THE BALLOT WORDS OR A SYMBOL INDICAT-  
23 ING THAT THE VOTER SHOULD TURN OVER THE BALLOT.

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

26 A. THE INSTRUCTIONS IN SUBDIVISION SIX OF THIS SECTION SHALL BE PRINT-  
27 ED IN THE UPPER LEFT HAND CORNER OF THE FRONT OF THE BALLOT;

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

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

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

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

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

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

45 H. COLOR AND SHADING SHALL BE USED CONSISTENTLY, SO AS TO DIFFEREN-  
46 TIATE INSTRUCTIONS FROM BALLOT SECTION DIVIDERS AND CONTEST INFORMATION;

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

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

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

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

4 11. The names of parties or independent bodies which contain more  
5 than fifteen letters may, whenever limitations of space so require, be  
6 printed on the ballot in an abbreviated form. In printing the names of  
7 candidates whose full names contain more than fifteen letters, only the  
8 surname must be printed in full. The officer or board charged with the  
9 duty of preparing the ballots shall request each such candidate to indi-  
10 cate, in writing, the shortened form in which, subject to this  
11 restriction, his OR HER name shall be printed. If no such indication is  
12 received from such candidate within the time specified in the request,  
13 such officer or board shall make the necessary determination. [No emblem  
14 shall occupy a space longer in any direction than the voting square to  
15 which it relates.]

16 S 5. The section heading and subdivision 3 of section 7-108 of the  
17 election law are amended to read as follows:

18 Ballots; form for GENERAL elections; ADDITIONAL REQUIREMENTS.

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

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

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

38 S 7. Section 7-114 of the election law, as amended by chapter 234 of  
39 the laws of 1976, paragraph (c) of subdivision 1 as amended by chapter  
40 433 of the laws of 1984 and paragraph (f) of subdivision 2 as amended by  
41 chapter 461 of the laws of 1977, is amended to read as follows:

42 S 7-114. Ballots; form for primary election; ADDITIONAL REQUIREMENTS.

43 1. (a) [The] ON THE face of the official ballot for a primary election  
44 [shall be divided into parts. Descriptive words to indicate the purpose  
45 of each part shall be printed at its head. Beginning at the left or top,  
46 the first part shall be entitled, and shall be for "Candidates] CONTESTS  
47 AND CANDIDATES for nomination for public office["]. The second part shall  
48 be entitled, and shall be for "Candidates] SHALL APPEAR FIRST, FOLLOWED  
49 BY CONTESTS AND CANDIDATES for party positions.[" When necessary, a part  
50 may be divided into two or more columns or rows, but the] THE names of  
51 all persons designated for the same office or party position shall be in  
52 the same column or row.

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

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

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

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

13 (b) [On the back of the paper ballot, on the stub, immediately below  
14 the number, shall be the name of the party. On the back of the ballot  
15 and below the stub, and immediately to the left of the center of the  
16 ballot, and on the front of the ballot, below the perforated line, shall  
17 be printed, in addition to the other information required for paper  
18 ballots, the name and emblem of the party and the words "Official prima-  
19 ry ballot."

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

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

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

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

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

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

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



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

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

19 3. The officer or board with whom or which are filed the designations  
20 for a public office or party position shall determine by lot, upon two  
21 days notice by mail given by such board or officer to each candidate for  
22 such office or position and to the committee, if any, named in the  
23 designating petition, the order in which shall be printed on the offi-  
24 cial primary ballot, under the title of the office or position, the  
25 names of candidates for public office, the names of candidates for a  
26 party position to which not more than one person is to be elected, and  
27 the groups of names of candidates for party position where two or more  
28 persons are to be elected thereto and any petition designates two or  
29 more persons therefor, provided, however, that whenever groups of names  
30 for more than one party position are designated by the same petition,  
31 the order in which they shall be printed on the official primary ballot  
32 shall be determined by a single lot. Candidates for [delegate or deleg-  
33 ates] DELEGATE(S) and alternate [delegate or delegates] DELEGATE(S) to  
34 conventions designated by the same petition shall, for the purpose of  
35 this subdivision, be treated as one group. The names of candidates, if  
36 any, for a party position to which two or more persons are to be  
37 elected, who are designated by individual petitions and not in a group  
38 shall be printed below such group or groups, in such order between them-  
39 selves, as such officer or board shall determine by lot upon the notice  
40 specified in this subdivision. The names within a group of candidates  
41 designated for party position by one petition shall be printed in the  
42 same order in which they appear in the petition, unless they appear in a  
43 different order on different pages of the petition, in which case their  
44 order within the group shall be determined by such officer or board by  
45 lot upon the notice specified in this subdivision. Candidates for  
46 members of a state committee designated by a single petition shall, for  
47 the purposes of this subdivision, be treated as one group. However, the  
48 notice to a committee of the drawing need not be mailed to more than  
49 five members, if there be that many, and as to offices or party posi-  
50 tions for which designating petitions are filed with the board of  
51 elections of the city of New York the notice shall be given to the  
52 committees only.

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

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

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 BALLOT BY SIZE, COLOR, OR OTHER MEANS and shall  
12 contain suitable illustrated directions for voting on the voting machine  
13 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. Subdivision 1 of section 7-120 of the election law is amended to  
31 read as follows:

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

38 S 11. Section 7-122 of the election law, subdivision 1 as amended by  
39 chapter 234 of the laws of 1976, the schedule in paragraph (b) of subdi-  
40 vision 1 as added by chapter 381 of the laws of 1979, paragraphs (c) and  
41 (d) of subdivision 1 and subdivisions 2, 3, 5, 8, 9 and 10 as amended by  
42 chapter 165 of the laws of 2010, subdivision 7 as amended by chapter 9  
43 of the laws of 1978, and subdivisions 6 and 7 as renumbered by chapter  
44 352 of the laws of 1986, is amended to read as follows:

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

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

1 (Form in chap. 381/79)

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

3 Official Absentee Ballot for (General, Primary or Special, as applica-  
4 ble)

5 Election

6 County of.....

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

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

9 (Insert date of election)

10 (Insert names of election commissioners providing the ballot)

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

15 INSTRUCTIONS

16 [1. Mark in pen or pencil.

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

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

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

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

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

32 7. If you tear, or deface, or wrongly mark this ballot, call the board  
33 of elections at (insert phone number here) for instructions on how to  
34 obtain a new ballot. Do not attempt to correct mistakes on the ballot by  
35 making erasures or cross outs. Erasures or cross outs may invalidate all  
36 or part of your ballot. Prior to submitting your ballot, if you make a  
37 mistake in completing the ballot or wish to change your ballot choices,  
38 you may obtain and complete a new ballot. You have a right to a replace-  
39 ment ballot upon return of the original ballot.] MARK THE (INSERT "OVAL"  
40 OR "SQUARE") TO THE LEFT OF THE NAME OF YOUR CHOICE. (PROVIDE ILLUS-  
41 TRATION HERE.) TO VOTE FOR A CANDIDATE WHOSE NAME IS NOT PRINTED ON THE  
42 BALLOT, (INSERT "MARK THE OVAL (OR SQUARE) TO THE LEFT OF 'WRITE-IN' AND  
43 PRINT THE NAME CLEARLY" OR "PRINT THE NAME CLEARLY IN THE BOX LABELED  
44 'WRITE-IN'"), STAYING WITHIN THE BOX. ANY MARK, WRITING, OR ERASURE  
45 OUTSIDE THE SPACES PROVIDED FOR VOTING WILL VOID THE ENTIRE BALLOT. IF  
46 YOU MAKE A MISTAKE OR WANT TO CHANGE YOUR VOTE, CALL THE BOARD OF  
47 ELECTIONS AT (INSERT PHONE NUMBER HERE) FOR INSTRUCTIONS ON HOW TO  
48 OBTAIN A NEW BALLOT. YOU HAVE A RIGHT TO A REPLACEMENT BALLOT UPON  
49 RETURN OF THE ORIGINAL BALLOT. THE NUMBER OF CHOICES IS LISTED FOR EACH  
50 CONTEST. DO NOT MARK THE BALLOT FOR MORE CANDIDATES THAN ALLOWED. IF YOU  
51 DO, YOUR VOTE IN THAT CONTEST WILL NOT COUNT.

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

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

3 2. [The following provisions shall apply to all absentee ballots  
4 prepared for counting by a ballot scanner and all other] ALL provisions  
5 of this chapter not inconsistent with this subdivision shall be applica-  
6 ble to [such] ABSENTEE ballots PREPARED FOR COUNTING BY BALLOT SCANNER[:  
7

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

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

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

13 INSTRUCTIONS

14 1. Mark only with a pen or pencil.

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

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

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

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

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

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

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

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

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

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

9 [5.] 4. THERE SHALL BE THREE ENVELOPES FOR EACH ABSENTEE BALLOT ISSUED  
10 BY MAIL: THE INNER AFFIRMATION ENVELOPE INTO WHICH A VOTER PLACES HIS OR  
11 HER VOTED BALLOT, THE OUTER ENVELOPE WHICH SHALL BE ADDRESSED TO THE  
12 ABSENTEE VOTER, AND THE MAILING ENVELOPE WHICH IS ADDRESSED TO THE COUN-  
13 TY BOARD OF ELECTIONS. The board of elections shall furnish with each  
14 absentee ballot an inner affirmation envelope. On one side of the envel-  
15 ope shall be printed:

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

- 19 ..... , 20.....  
20 Name of voter.....  
21 Residence (street and number if any).....  
22 City/or town of.....(village, if any).....  
23 County of.....  
24 Assembly district .....  
25 Legislative District (as applicable) .....  
26 Ward (as applicable) .....  
27 Election District.....  
28 Party Enrollment (in case of primary election).....

29 [6] 5. The date of the election, name of the county, and name of a  
30 city, if there be a separate ballot for city voters, shall be printed,  
31 and the name of the voter, residence, number of the assembly district,  
32 if any, name of town, number of ward, if any, election district and  
33 party enrollment, if required, shall be either printed or written or  
34 stamped in by the board.

35 [7.] 6. There shall also be a place for two BOARD OF ELECTIONS STAFF  
36 MEMBERS OR inspectors of opposite political parties to indicate, by  
37 placing their initials thereon, that they have checked and marked the  
38 voter's poll record.

39 [8.] 7. On the reverse side of such inner affirmation envelope shall  
40 be printed the following statement:

41 AFFIRMATION

42 I do declare that I am a citizen of the United States, that I am duly  
43 registered in the election district shown on the reverse side of this  
44 envelope and I am qualified to vote in such district; that I will be  
45 unable to appear personally on the day of the election for which this  
46 ballot is voted at the polling place of the election district in which I  
47 am a qualified voter because of the reason given on my application here-  
48 tofore submitted; that I have not qualified nor do I intend to vote  
49 elsewhere, that I have not committed any act nor am I under any imped-  
50 iment which denies me the right to vote.

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

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

3 Date.....20.....

4 Signature or mark of voter

5 .....

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

9 .....

10 Address of Witness

11 [9.] 8. The inner affirmation envelope shall be gummed, ready for  
12 sealing, and shall have printed thereon, on the side opposite the state-  
13 ment, instructions as to the duties of the voter after the marking of  
14 the ballot, which instructions shall include a specific direction stat-  
15 ing when such ballot must be postmarked and when such ballot must reach  
16 the office of the board of elections in order to be canvassed.

17 [10.] 9. Each INNER AFFIRMATION ballot envelope shall be enclosed in  
18 an outer envelope addressed to the appropriate board of elections and  
19 bearing on it a specific direction that if an original application for  
20 an absentee ballot is received with the ballot, such application must be  
21 completed by the voter and returned in the outer envelope together with  
22 the sealed inner affirmation envelope containing the absentee ballot  
23 within the time limits for receipt of the absentee ballot itself. Such  
24 inner affirmation envelope and outer envelope shall be enclosed in [a]  
25 THE third envelope addressed to the absentee voter. The outer and third  
26 envelopes shall have printed on the face thereof the words "Election  
27 Material--Please Expedite".

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

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

39 S 13. The opening and closing paragraphs of subdivision 2 of section  
40 7-124 of the election law, as amended by chapter 104 of the laws of  
41 2010, are amended to read as follows:

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

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

1 Date.....20.....  
 2 Signature or mark of voter  
 3 .....  
 4 Signature of Witness (required only  
 5 if voter does not sign his OR HER own  
 6 name)  
 7 .....  
 8 Address of Witness

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

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

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

22 Name of voter .....  
 23 Residence from which vote is being cast:  
 24 Street and number .....  
 25 City or town .....  
 26 County .....  
 27 Assembly District or Ward .....  
 28 Election District .....

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

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

35 STATEMENT OF SPECIAL PRESIDENTIAL VOTER

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

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

1 Date.....20.....  
 2 Signature or mark of voter  
 3 .....  
 4 Signature of Witness (required only  
 5 if voter does not sign his OR HER own  
 6 name)  
 7 .....  
 8 Address of Witness

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

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

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

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

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

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

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

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



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

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