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## IN ASSEMBLY

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Introduced by M. of A. LAVINE, CUSICK, PAULIN, L. ROSENTHAL, LUPARDO, BUCHWALD, JAFFEE, ABINANTI, SIMON, DINOWITZ, BLAKE, FAHY, ROZIC, LIFTON, CARROLL, GALEF, TAYLOR, D'URSO, QUART, GRIFFIN, JACOBSON -- Multi-Sponsored by -- M. of A. GLICK, RODRIGUEZ, THIELE, WALCZYK -- read once and referred to the Committee on Election Law -- advanced to a third reading, passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, 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 § 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 § 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 § 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 [~~(e)~~] (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 or columns or row or rows of that page  
12 of a printed 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 § 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 § 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**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 5. Section 7-108 of the election law is REPEALED.

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

§ 7-110. Ballots; form for ballot proposals; additional requirements. Ballot proposals shall appear on the [~~voting machine or~~] ballot in a separate section or on a separate sheet or card. At the left of, or below or above, each proposal shall appear [~~two voting levers or~~] two voting [~~squares, each at least one-half inch square~~] positions. Next to

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 § 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 § 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.~~



~~(e) The names of candidates on paper ballots shall be numbered with arabic numerals printed in heavy faced type beginning with "one" for the first candidate named in the first part and continuing in numerical order to and including the last candidate named in the last part, except that where~~ on the official primary election ballot, the ballot endorsement shall include the name of the party for which such ballot is valid.

~~(b) where~~ two or more candidates are to be elected to a party position, the names of candidates designated by each petition shall be grouped together, and ~~[each group shall have but one number, which shall be printed opposite the approximate center of the group]~~ may be referred to collectively on the ballot as a group.

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

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

~~(h)] (c)~~ The paper ballots of no two parties shall be identified by the same color or color markings, and the state board of elections shall select the color for each new party~~[, and not later than twelve weeks before a primary election, shall transmit to each board of elections]~~. The state board of elections shall include with the board's ballot certification a certificate stating the colors so selected.

§ 8. Subdivisions 2, 3, 4 and 6 of section 7-116 of the election law, subdivision 2 as amended by chapter 234 of the laws of 1976, subdivision 3 as amended by chapter 9 of the laws of 1978 and the second undesignated paragraph of subdivision 6 as amended by chapter 121 of the laws of 1997, are amended to read as follows:

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

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

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 and alternate delegate or delegates to conventions designated by  
6 the same petition shall, for the purpose of this subdivision, be treated  
7 as one group. The names of candidates, if any, for a party position to  
8 which two or more persons are to be elected, who are designated by indi-  
9 vidual petitions and not in a group shall be printed [~~below~~] after such  
10 group or groups, in such order between themselves, as such officer or  
11 board shall determine by lot upon the notice specified in this subdivi-  
12 sion. The names within a group of candidates designated for party posi-  
13 tion by one petition shall be printed in the same order in which they  
14 appear in the petition, unless they appear in a different order on  
15 different pages of the petition, in which case their order within the  
16 group shall be determined by such officer or board by lot upon the  
17 notice specified in this subdivision. Candidates for members of a state  
18 committee designated by a single petition shall, for the purposes of  
19 this subdivision, be treated as one group. However, the notice to a  
20 committee of the drawing need not be mailed to more than five members,  
21 if there be that many, and as to offices or party positions for which  
22 designating petitions are filed with the board of elections of the city  
23 of New York the notice shall be given to the committees only.

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

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

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

~~13 County committee candidates or groups of candidates shall be printed  
14 within the first election district of each assembly district or part  
15 thereof, according to the priority of filing of designating petitions  
16 and they shall then be rotated by election district by placing the  
17 candidate or group of candidates designated in the same petition as the  
18 candidate or group of candidates which was printed first in an election  
19 district at the bottom of the order in the next succeeding election  
20 district in which a candidate or group of candidates designated in such  
21 petition appears on the ballot.~~

~~22 In cases where a name is added to or removed from the ballot by court  
23 order too late to make a complete adjustment to these requirements  
24 feasible, the name may be added at the bottom of the list of candidates  
25 in all election districts, or removed from the ballot in all election  
26 districts without changing the previously arranged order of other names  
27 and without invalidating the election. Any inadvertent error in the  
28 order of names discovered too late to correct the order of the names on  
29 the ballots concerned shall not invalidate an election.~~

~~30 Except where a contest or candidate is removed from the ballot by  
31 court order too late to make complete compliance with this paragraph  
32 feasible, the title of each public office or party position and the  
33 names of the candidates for such office or position appearing on any  
34 voting machine used for primary elections in the city of New York shall  
35 appear on such machine immediately adjacent to one another, either  
36 horizontally or vertically; and no blank spaces shall separate the names  
37 of candidates actually running for an office or party position on such  
38 voting machine, and no blank spaces shall separate any two such offices  
39 or positions which appear on such voting machine in the same column or  
40 row.]~~

41 (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  
office or party position on such ballot, and no blank spaces shall sepa-

1 rate any two such offices or positions which appear on such ballot in  
2 the same column or row.

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

5 § 7-118. Ballots; facsimile and sample. 1. The board of elections  
6 shall provide facsimile and sample ballots which shall be arranged in  
7 the form of a diagram showing such part of the face of the voting  
8 machine or ballots as shall be in use at that election. Such facsimile  
9 and sample ballots shall be [~~either in full or reduced size~~] distin-  
10 guishable from the official ballot by size, color, or other means and  
11 shall contain suitable illustrated directions for voting on the voting  
12 machine or ballot.

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

15 3. Sample ballots may be mailed by the board of elections to each  
16 eligible voter at least three days before the election, or in lieu ther-  
17 eof, a copy of such sample ballot may be published at least once within  
18 one week preceding the election in newspapers [~~representing the major~~  
19 ~~political parties~~] or on a website maintained by the board of elections.

20 4. One copy of such facsimile shall be sent to each school in the  
21 county, providing the ninth through the twelfth years of compulsory  
22 education, and in the city of New York to each such school in the city  
23 of New York, at least one week before each general election for posting  
24 at a convenient place in such school. The board of elections shall also  
25 send a facsimile ballot to any other school requesting such a ballot.  
26 In the alternative, the requirements of this subdivision may be fully  
27 satisfied by publishing such facsimile on a website maintained by the  
28 board of elections and notifying each such school of such publication.

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

32 1. If any voting machine or voting system for use in any election  
33 shall become out of order during an election it shall, if possible, be  
34 repaired or another machine or voting system substituted as promptly as  
35 possible. 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~~] casting of  
38 votes.

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

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

54 § 7-122. Ballots; absentee voters. 1. (a) Ballots for absentee voters  
55 shall be, as nearly as practicable, in the same form as those to be  
56 voted in the district on election day, [~~if any,~~] except that ballots for

1 primary elections shall omit the party position of ward, town, city or  
2 county committee and except further that such ballots need not have a  
3 stub, and shall have the words "Absentee Ballot", endorsed thereon.

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

10 ~~(Form in chap. 381/79)~~

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

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

14 ~~Election~~

15 ~~County of.....~~

16 ~~(Assembly or Legislative, as applicable) District.....~~

17 ~~(Ward and City or town, as applicable).....~~

18 ~~(Insert date of election)~~

19 ~~(Insert names of election commissioners providing the ballot)~~

20 ~~(d) On the front of the ballot prepared for counting by hand, shall be  
21 printed in heavy black type the following instructions] All provisions  
22 of this chapter not inconsistent with this subdivision shall be applica-  
23 ble to absentee ballots prepared for counting by a ballot scanner or by  
24 hand. The instructions for marking an absentee ballot shall be provided  
25 and shall be substantially as follows, so that they accurately reflect  
26 the ballot layout:~~

27 INSTRUCTIONS

28 ~~[1. Mark in pen or pencil.~~

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

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

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

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

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

44 ~~7. If you tear, or deface, or wrongly mark this ballot, call the board  
45 of elections at (insert phone number here) for instructions on how to  
46 obtain a new ballot. Do not attempt to correct mistakes on the ballot by  
47 making erasures or cross outs. Erasures or cross outs may invalidate all  
48 or part of your ballot. Prior to submitting your ballot, if you make a  
49 mistake in completing the ballot or wish to change your ballot choices,  
50 you may obtain and complete a new ballot. You have a right to a replace-  
51 ment ballot upon return of the original ballot.] Mark the (insert "oval"  
52 or "square") to the left of the name of your choice. (Provide illus-  
53 tration of correctly-marked voting position here.) To vote for a candi-  
54 date whose name is not printed on the ballot, (insert "mark the oval (or  
55 square) to the left of 'write-in' and print the name clearly" or "print~~

1 the name clearly in the box labeled 'write-in'), staying within the  
2 box. Any mark or writing outside the spaces provided for voting may void  
3 the entire ballot. You have a right to a replacement ballot. If you make  
4 a mistake or want to change your vote, call the board of elections at  
5 (insert phone number here) for instructions on how to obtain a new  
6 ballot. The number of choices is listed for each contest. Do not mark  
7 the ballot for more candidates than allowed. If you do, your vote in  
8 that contest will not count.

9 (c) When a question or proposal is included on the ballot,  
10 instructions substantially similar to those provided in subdivision  
11 fifteen of section 7-104 of this article shall be included.

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

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

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

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

21 ~~INSTRUCTIONS~~

22 ~~1. Mark only with a pen or pencil.~~

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

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

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

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

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

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

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

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

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

[5.] 3. There shall be three envelopes for each absentee ballot issued by mail: the inner affirmation envelope into which a voter places his or her voted ballot, the outer envelope which shall be addressed to the absentee voter, and the mailing envelope which is addressed to the county board of elections. The board of elections shall furnish with each absentee ballot an inner affirmation envelope. On one side of the envelope shall be printed:

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

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

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

~~[7.]~~ 5. There shall also be a place for two board of elections staff members or inspectors of opposite political parties to indicate, by placing their initials thereon, that they have checked and marked the voter's poll record.

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

AFFIRMATION

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

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 Signature or mark of voter  
14 .....  
15 Signature of Witness (required only  
16 if voter does not sign his or her own  
17 name)  
18 .....  
19 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 § 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 § 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 § 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 § 15. Section 7-128 of the election law is amended to read as follows:

17 § 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~~ fifty days, except in the case  
20 of extraordinary circumstances in which case on the earliest day practi-  
21 cable, before the election for which [~~they were~~ the ballots have been  
22 prepared and the official ballots open to such inspection [~~four~~ fifty  
23 days, except in the case of extraordinary circumstances in which case on  
24 the earliest day practicable, before such election except that the  
25 sample and official ballots for a village election held at a different  
26 time from a general election shall be open to public inspection at least  
27 two days before such election. During the times within which the ballots  
28 are open for inspection, such officer or board shall deliver to each  
29 voter applying therefor a sample of the ballot which he or she is enti-  
30 tled to vote.

31 2. a. Each officer or board charged with the duty of preparing ballots  
32 to be used [~~on voting machines~~] in any election shall give written  
33 notice, by first class mail, to all candidates, except candidates for  
34 member of the county committee, who are lawfully entitled to have their  
35 names appear thereon, of the time when, and the place where, they may  
36 inspect the [~~voting machines~~ ballots] to be used for such election. The  
37 candidates or their designated representatives may appear at the time  
38 and place specified in such notice to inspect such [~~machines~~ ballots],  
39 provided, however, that the time so specified shall be [~~not less than~~  
40 two] no later than forty-six days [~~prior to the date of~~] before the  
41 election at which the ballots will be used.

42 b. A candidate, whose name appears on the ballot [~~for an election~~  
43 district] or his or her designated representative, may, in the presence  
44 of the election officer attending the [~~voting machine~~ ballot], inspect  
45 the [~~face of the machine~~ ballot] to see that his or her ballot [~~label~~  
46 position] is in its proper place [~~, but at no time during the inspection~~  
47 shall the booth be closed] or places.

48 3. Each officer or board charged with the duty of preparing ballots  
49 to be used with voting machines or systems in any election shall give  
50 written notice, by first class mail, to all candidates, except candi-  
51 dates for member of the county committee, who are lawfully entitled to  
52 have their names appear thereon, of the time when, and the place where,

1 they may inspect the voting machines or systems to be used for such  
2 election. The candidates or their designated representatives may appear  
3 at the time and place specified in such notice to view the conduct of  
4 the logic and accuracy testing required to be performed on such voting  
5 machines or systems, provided however, that the time so specified shall  
6 be not less than twenty days prior to the date of the election.

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

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

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