

# STATE OF NEW YORK

10708

## IN ASSEMBLY

September 9, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Zinerman) --  
read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to the form in which a proposed amendment to the constitution or other question provided by law to be submitted to a statewide vote shall be submitted to the people for their approval

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 1-104 of the election law is amended by adding a  
2 new subdivision 40 to read as follows:

3 40. (a) The term "plain language" when applied to any statement of the  
4 form in which a proposed amendment to the constitution or other question  
5 provided by law to be submitted to a statewide vote appears on the  
6 ballot shall mean a statement which, in addition to satisfying the  
7 requirements set forth in paragraph d of subdivision one of section  
8 4-108 of this chapter: (i) scores no higher than eighth grade or "good",  
9 as indicated by a score of a nine on the automated reading index as  
10 calculated pursuant to the formula set forth in paragraph (b) of this  
11 subdivision, (ii) contains no more than one passive sentence, (iii)  
12 avoids the use of semicolons, using multiple sentences as necessary, and  
13 (iv) does not contain any double negatives.

14 (b) The automated reading index shall be calculated according to the  
15 following formula:

16 (i) Divide the number of characters by the number of words and multi-  
17 ply that number by 4.71.

18 (ii) Divide the number of words by the number of sentences and multi-  
19 ply that number by 0.5.

20 (iii) Add the results from subparagraphs (i) and (ii) of this para-  
21 graph.

22 (iv) Subtract 21.43 from the result of subparagraph (iii) of this  
23 paragraph and round to the nearest whole number.

24 § 2. Paragraphs a and d of subdivision 1 and subdivisions 2 and 3 of  
25 section 4-108 of the election law, paragraph d of subdivision 1 and  
26 subdivision 2 as amended by chapter 136 of the laws of 1978 and subdivi-

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

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1 sion 3 as added by chapter 234 of the laws of 1976, are amended to read  
2 as follows:

3 a. Whenever any proposed amendment to the constitution or other ques-  
4 tion provided by law to be submitted to a statewide vote shall be  
5 submitted to the people for their approval, the state board of elections  
6 at least three months prior to the general election at which such amend-  
7 ment, proposition or question is to be submitted, shall transmit to each  
8 county board of elections a certified copy of the text of each amend-  
9 ment, proposition or question and a statement of the form in which it is  
10 to be submitted as approved after public comment has been received and  
11 reviewed pursuant to paragraph d of this subdivision.

12 d. In addition to the text, such transmittal shall contain an abstract  
13 of such proposed amendment, proposition or question, prepared by the  
14 state board of elections [~~concisely stating the purpose and effect ther-~~  
15 ~~eof in a clear and coherent manner using words with common and everyday~~  
16 ~~meanings~~] in plain language as defined in subdivision forty of section  
17 1-104 of this chapter and satisfying the requirements set forth in  
18 subdivision two of this section. At least four months prior to the  
19 general election at which such amendment, proposition or question is to  
20 be submitted, the state board of elections shall publicly release and  
21 submit for public comment the proposed form in which the amendment,  
22 proposition or question is to be submitted to the people. The public  
23 shall have no less than fifteen days to submit comments on the proposed  
24 form in which the amendment, proposition or question is to be submitted  
25 to the voters. The state board of elections shall review and consider  
26 all comments before finalizing the statement of the form in which the  
27 proposed amendment, proposition or question is to be submitted for  
28 approval by the people.

29 2. The form in which the proposed amendment, proposition or question  
30 is to be submitted shall consist [~~of~~] only [~~an abbreviated title indi-~~  
31 ~~cating generally and briefly, and in a clear and coherent manner using~~  
32 ~~words with common and every-day meanings, the subject matter of the~~  
33 ~~amendment, proposition or question~~] of the following: (a) a descriptive  
34 title of up to fifteen words in bold type, which describes the topic,  
35 goal, or outcome of the ballot question in plain language; (b) the text  
36 of the question of up to thirty words, written in clear, concise, plain  
37 language reasonably calculated to be understood by someone with no more  
38 than an eighth grade level of reading comprehension as determined by the  
39 automatic readability index as defined in subdivision forty of section  
40 1-104 of this chapter; (c) a plain language statement of what a YES or  
41 NO vote means in up to thirty words in total, that identifies the prac-  
42 tical results of each election result and not the legal mechanism for  
43 implementation; and (d) a fiscal statement of no more than twenty-five  
44 words, when required. The proposed amendment, proposition or question  
45 may consist of multiple sentences. If more than one such amendment,  
46 proposition or question is to be voted upon at such election, each such  
47 amendment, proposition or question respectively shall be separately and  
48 consecutively numbered.

49 3. The attorney general shall advise in the preparation of [~~such~~  
50 ~~abstract and~~] such form of submission, to the extent that such advice  
51 does not result in a form that fails to satisfy the requirements of  
52 subdivision two of this section.

53 § 3. Subdivision 2 of section 4-116 of the election law, as amended by  
54 chapter 60 of the laws of 1993, is amended to read as follows:

55 2. The state board of elections shall publish once in the week preced-  
56 ing any election at which proposed constitutional amendments or other

1 propositions or questions are to be submitted to the voters of the state  
2 an abstract of such amendment or question, a brief statement of the law  
3 or proceedings authorizing such submission, a statement that such  
4 submission will be made and the form satisfying the requirements of  
5 paragraph d of subdivision one of section 4-108 of this article in which  
6 it is to be submitted. No later than two months prior to the general  
7 election at which such amendment, proposition or question is to be  
8 submitted, such information shall be prominently displayed on the state  
9 board of elections' website and on the website of every county board of  
10 elections which maintains a website.

11 § 4. This act shall take effect immediately.