

STATE OF NEW YORK

6315

2023-2024 Regular Sessions

IN ASSEMBLY

April 3, 2023

Introduced by M. of A. K. BROWN -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to restructuring the form of ballot proposals on election ballots, requiring the creation and distribution of ballot publicity pamphlets, and creating ballot proposal hearings

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

1 Section 1. Section 7-110 of the election law, as separately amended by
2 chapters 409 and 411 of the laws of 2019, is amended to read as follows:
3 § 7-110. Ballots; form for ballot proposals; additional requirements.
4 1. Ballot proposals shall appear on the ballot in a separate section or
5 on a separate sheet or card with the official title and the descriptive
6 title of the proposal. Ballots shall be printed such that the official
7 title and the descriptive title of each proposal are in the order deter-
8 mined by the secretary of state. The number assigned to the proposal by
9 the secretary of state constitutes the official title of the proposal
10 and shall be used for identification of the proposal by the state and
11 each county in all subsequent official election materials, including the
12 publicity pamphlet. [~~At the left of, or below or above,~~ Below each
13 proposal shall appear two voting positions. Next to the first voting
14 position shall be printed the word "Yes," opposite "A "yes" vote shall
15 have the effect of" followed by the effect of approving the proposal and
16 next to the second voting position shall be printed the word [~~No.~~]
17 "No," opposite "A "no" vote shall have the effect of" followed by the
18 effect of refusing the proposal. The proposals shall be numbered consec-
19 utively on the ballot. The number of each proposal shall appear in front
20 of its designation as an amendment, proposition or question in the
21 following form: "Proposal one, an amendment; proposal two, a proposi-
22 tion; proposal three, a question". If the ballot proposal section
23 appears on the ballot face opposite the candidates, a ballot instruction

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

LBD06713-01-3

1 in a format provided by the state board of elections, which may include
2 a graphic arrow, shall indicate the ballot is two-sided.

3 2. The official title shall be printed directly below the proposal
4 number and shall be the title of the legislative bill, concurrent resolu-
5 tion, resolution, or other official document on which the proposal is
6 based.

7 3. A descriptive title shall be printed on the official ballot imme-
8 diately below the number of the proposal and the official title of each
9 measure. The descriptive title shall contain a summary of the principal
10 provisions of the measure, not to exceed fifty words, which shall be
11 prepared by the secretary of state and approved by the attorney general.
12 Such language shall be posted on the secretary of state's website after
13 being approved by the attorney general and before the date on which the
14 official ballots are sent to be printed.

15 4. The "effect of approving the proposal" and the "effect of refusing
16 the proposal" shall be prepared by the secretary of state and approved
17 by the attorney general and shall be brief phrases stating the essential
18 change in the existing law should the proposal receive a majority of
19 votes cast in that particular manner. Such language shall be posted on
20 the secretary of state's website after being approved by the attorney
21 general and before the date on which the official ballots are sent to be
22 printed.

23 § 2. The election law is amended by adding a new section 7-111 to
24 read as follows:

25 § 7-111. Ballot publicity pamphlets; ballot proposal hearings. 1. When
26 a ballot proposal is to be included on the ballot for an upcoming
27 election, the secretary of state shall cause to be printed, at the
28 expense of the state, except as otherwise provided in this article, a
29 ballot publicity pamphlet that contains:

30 (a) A true copy of the title and text of the measure or proposed
31 amendment. Such text shall indicate material deleted, if any, by print-
32 ing such material within brackets with a line drawn through the center
33 of the letters of such material and shall indicate material added or new
34 material by underlining such material.

35 (b) The form in which the proposal will appear on the ballot, the
36 official title, the descriptive title prepared by the secretary of state
37 and the number by which it will be designated.

38 (c) The arguments for and against the proposal.

39 (d) An analysis of the proposal, including a summary of fiscal
40 impacts, submitted to the secretary of state by any of the following
41 persons: the governor; the attorney general; the speaker of the assem-
42 bly; the senate majority leader; the assembly minority leader; and the
43 senate minority leader.

44 2. The secretary of state shall post the ballot publicity pamphlet on
45 the secretary of state's website as soon as is practicable after the
46 pamphlet is printed and shall mail one copy of the publicity pamphlet to
47 every household that contains a registered voter or, at the option of
48 the voter, may make that delivery by e-mail. The mailings may be made
49 over a period of days but shall be mailed in order to be delivered to
50 households before the earliest date for receipt by registered voters of
51 any requested ballots for the election containing the ballot proposal.

52 3. The secretary of state, on request by a voter, shall provide for
53 the ballot publicity pamphlet to be delivered to the voter by e-mail.
54 The secretary of state shall provide for a secure internet portal which
55 allows persons to choose e-mail delivery of the ballot publicity
56 pamphlet. The secretary of state shall notify the voter that, unless all

1 persons who are registered to vote at the voter's household also request
2 e-mail delivery of the publicity pamphlet, the voter's household will
3 receive a publicity pamphlet by regular mail. If the secretary of state
4 receives a return e-mail that indicates the e-mail address provided by
5 the voter is undeliverable, the secretary of state shall provide the
6 publicity pamphlet to the voter by regular mail. Notwithstanding any
7 other law, a voter's e-mail address shall not be released for any other
8 purpose.

9 4. Sample ballots for any election shall include a statement that
10 information on how to obtain a ballot publicity pamphlet for the general
11 election ballot proposals is available by calling the secretary of
12 state. The statement shall include a telephone number and mailing
13 address of the secretary of state.

14 5. On certification of an initiative measure as qualified for the
15 ballot, the secretary of state shall hold or cause to be held public
16 hearings on the ballot measure within the regions of the state. Hearings
17 shall be held before the earliest date for receipt by registered voters
18 of any requested ballots for the election containing the ballot
19 proposal. The hearings shall provide an opportunity for proponents,
20 opponents and the general public to provide testimony and request infor-
21 mation. Hearings may be scheduled to include more than one qualified
22 proposal and shall include a presentation on the fiscal impacts of such
23 proposals based on any analysis of the proposal received by the secre-
24 tary of state prior to the hearing.

25 § 3. This act shall take effect on the first of December next succeed-
26 ing the date on which it shall have become a law.