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:

Section 1. Section 7-110 of the election law, as separately amended by chapters 409 and 411 of the laws of 2019, is amended to read as follows:

§ 7-110. Ballots; form for ballot proposals; additional requirements. **1.** Ballot proposals shall appear on the ballot in a separate section or on a separate sheet or card **with the official title and the descriptive title of the proposal. Ballots shall be printed such that the official title and the descriptive title of each proposal are in the order determined by the secretary of state. The number assigned to the proposal by the secretary of state constitutes the official title of the proposal and shall be used for identification of the proposal by the state and each county in all subsequent official election materials, including the publicity pamphlet**. [~~At the left of, or below or above,~~] **Below** each proposal shall appear two voting positions. Next to the first voting position shall be printed the word "Yes," **opposite "A "yes" vote shall have the effect of" followed by the effect of approving the proposal** and next to the second voting position shall be printed the word [~~"No."~~] **"No," opposite "A "no" vote shall have the effect of" followed by the effect of refusing the proposal.** The proposals shall be numbered consecutively on the ballot. The number of each proposal shall appear in front of its designation as an amendment, proposition or question in the following form: "Proposal one, an amendment; proposal two, a proposition; proposal three, a question". If the ballot proposal section 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.

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

2. The official title shall be printed directly below the proposal number and shall be the title of the legislative bill, concurrent resolution, resolution, or other official document on which the proposal is based.

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

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

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

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

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

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

(c) The arguments for and against the proposal.

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

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

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

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

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

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

§ 3. This act shall take effect on the first of December next succeeding the date on which it shall have become a law.