STATE OF NEW YORK

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1381--A

2023-2024 Regular Sessions

IN SENATE

January 11, 2023
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Introduced by Sens. COMRIE, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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. Paragraph d of subdivision 1 and subdivisions 2 and 3 of
2 section 4-108 of the election law, paragraph d of subdivision 1 and
3 subdivision 2 as amended by chapter 136 of the laws of 1978 and subdivi-
4 sion 3 as added by chapter 234 of the laws of 1976, are amended and four
5 new subdivisions 4, 5, 6 and 7 are added to read as follows:
6   d. In addition to the text, such transmittal shall contain an abstract
7 of such proposed amendment, proposition or question, prepared by the
8 state board of elections [~~concisely stating the purpose and effect ther-~~
9 ~~eof in a clear and coherent manner using words with common and everyday~~
10 ~~meanings~~] *in plain language*.
11   2. The form in which the proposed amendment, proposition or question
12 is to be submitted shall consist [~~of~~] only [~~an abbreviated title indi-~~
13 ~~cating generally and briefly, and in a clear and coherent manner using~~
14 ~~words with common and every-day meanings, the subject matter of the~~
15 ~~amendment, proposition or question~~] *of the following: a. a descriptive*
16 *title of up to fifteen words, which describes the topic, goal, or*
17 *outcome of the ballot question in plain language; b. a summary of the*
18 *text ballot proposal of up to thirty words, written in plain language,*
19 *that describes the change in policy to be adopted and not the legal*
20 *mechanism; and c. a statement of what a YES or NO vote means in up to*
21 *thirty words written in plain language that identifies the practical*

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

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 1 **outcome of each election result and not the legal mechanism.** If more
 2 than one such amendment, proposition or question is to be voted upon at
 3 such election, each such amendment, proposition or question respectively
 4 shall be separately and consecutively numbered.
 5   3. The attorney general shall advise in the preparation of [~~such~~
 6 ~~abstract and~~] such form of submission**, and such recommendations shall be**
 7 **in plain language**.
 8   **4. a. The state board of elections shall prominently publish on its**
 9 **website at least four months prior to the general election at which a**
10 **ballot proposal shall appear, the proposed form of the ballot proposal**
11 **and abstract. There shall be a public comment period of at least fifteen**
12 **days subsequent to such publication. The state board shall review and**
13 **consider public comments before adopting the final form of the ballot**
14 **proposal and abstract.**
15   **b. The state board of elections shall also publish on its website the**
16 **Automated Readability Index score calculated pursuant to subdivision six**
17 **of this section for each form of question and abstract.**
18   **The score shall require no higher than an eighth grade reading level**
19 **(a score of 8 on the Automated Readability Index), unless the state**
20 **board of elections shall state the basis for its determination that the**
21 **plain language requirements of this section are met.**
22   **5. For the purposes of this section, plain language shall mean the**
23 **form of the ballot proposal and abstract:**
24   **a. shall be written in easily comprehended, concise language;**
25   **b. shall not contain more the one passive sentence;**
26   **c. shall not use semicolons, using multiple sentences as necessary;**
27 **and**
28   **d. shall not contain double negatives.**
29   **6. To evaluate compliance with the plain language requirements of this**
30 **section, the state board of elections shall calculate an Automated Read-**
31 **ability Index score, separately, for each statewide form of ballot**
32 **proposal and abstract.**
33   **The Automated Readability Index score shall be calculated according**
34 **to the following formula:**
35   **a. Divide the number of characters (excluding spaces) by the number of**
36 **words and multiply that number by 4.71;**
37   **b. Divide the number of words by the number of sentences and multiply**
38 **that number by 0.5;**
39   **c. Add the results of paragraphs a and b of this subdivision.**
40   **d. Subtract 21.43 from the result of paragraph c of this paragraph and**
41 **round to the nearest whole number.**
42   **7. No specific Automated Readability Index score shall be required;**
43 **provided, however, the board shall use best efforts to score at an**
44 **eighth grade reading level or below and meet the definition of plain**
45 **language in subdivision five of this section. In addition, the board**
46 **shall expend their best efforts not to exceed the word limits in subdi-**
47 **vision two of this section but may do so when plain language clarity is**
48 **improved thereby.**
49   § 2. Section 4-116 of the election law, is amended by adding a new
50 subdivision 4 to read as follows:
51   **4. No later than two months prior to the general election at which any**
52 **statewide ballot proposal is to be submitted to the people, the state**
53 **board of elections and all local boards of elections shall publish on**
54 **their websites the information required to be published pursuant to**
55 **subdivision two of this section.**
56   § 3. This act shall take effect immediately.