

# STATE OF NEW YORK

1722

2023-2024 Regular Sessions

## IN ASSEMBLY

January 20, 2023

Introduced by 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:

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

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

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

(i) Divide the number of characters by the number of words and multiply that number by 4.71.

(ii) Divide the number of words by the number of sentences and multiply that number by 0.5.

(iii) Add the results from subparagraphs (i) and (ii) of this paragraph.

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

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

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§ 2. Paragraphs a and d of subdivision 1 and subdivisions 2 and 3 of section 4-108 of the election law, paragraph d of subdivision 1 and subdivision 2 as amended by chapter 136 of the laws of 1978 and subdivision 3 as added by chapter 234 of the laws of 1976, are amended to read as follows:

a. Whenever any 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 state board of elections at least three months prior to the general election at which such amendment, proposition or question is to be submitted, shall transmit to each county board of elections a certified copy of the text of each amendment, proposition or question and a statement of the form in which it is to be submitted as approved after public comment has been received and reviewed pursuant to paragraph d of this subdivision.

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

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

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

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

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

15     § 4. This act shall take effect immediately.