

STATE OF NEW YORK

9794

IN SENATE

May 30, 2024

Introduced by Sen. MANNION -- (at request of the State Board of Elections) -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to voters requiring assistance due to disability

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

1 Section 1. Section 8-306 of the election law, paragraph (c) of subdivi-
2 sion 2 and subdivision 9 as amended by chapter 9 of the laws of 1978,
3 subdivision 3 as amended by section 10 of part XX of chapter 55 of the
4 laws of 2019, and subdivisions 4 and 7 as amended by chapter 647 of the
5 laws of 1982, is amended to read as follows:

6 § 8-306. Voters; assistance to. 1. A voter who [~~states under oath to~~
7 ~~the board of inspectors that he requires~~] requests assistance [~~may~~] due
8 to blindness, disability, or inability to read or write shall be
9 assisted in the manner and subject to the conditions and requirements
10 provided for in this section.

11 2. [~~A board of inspectors of election shall assist any voter;~~
12 ~~(a) who informs such board, under oath, that he cannot read and there-~~
13 ~~fore requires assistance, or~~
14 ~~(b) who cannot even with the aid of glasses see the names printed on~~
15 ~~the official ballot, or~~
16 ~~(c) who is so physically handicapped that he cannot do what is needed~~
17 ~~at that election to turn down the levers or use a write-in slot on a~~
18 ~~voting machine, or mark a paper ballot, or~~
19 ~~(d) who, unless aided by another person, cannot enter a voting booth.~~

20 3.] Any voter who requires assistance to vote by reason of blindness,
21 disability or inability to read or write may be given assistance by a
22 person of the voter's choice, other than the voter's employer or agent
23 of the employer or officer or agent of the voter's union. A voter [~~enti-~~
24 ~~tled to assistance in voting~~] who requests assistance to vote who does
25 not select a particular person may be assisted by two election inspec-
26 tors not of the same political faith. The inspectors or person assisting
27 a voter shall enter the voting machine or booth with the voter, help the

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

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1 voter in the preparation of the voter's ballot and, if necessary, in the
2 return of the voted ballot to the inspectors for deposit in the ballot
3 box. The inspectors shall enter in the space provided for such voter in
4 the computer generated registration list, the name of each officer or
5 person rendering such assistance.

6 ~~[4-]~~ 3. An election officer or other person assisting a voter shall
7 not in any manner request or seek to persuade or induce the assisted
8 voter to vote any particular ticket, or for any particular candidate, or
9 for or against any particular ballot proposal, and shall not keep or
10 make any memorandum or entry of anything occurring within the voting
11 booth and shall not, directly or indirectly, reveal to any other person
12 the name of any candidate voted for by such voter, or which ticket ~~[he]~~
13 such voter has voted, except when required pursuant to law to give
14 testimony as to such matter in a judicial proceeding.

15 ~~[5-]~~ 4. A person other than an inspector, who assists a voter in
16 voting, shall make an oath before entering the booth that ~~[he]~~ such
17 person "will not in any manner request, or seek to persuade or induce
18 the voter to vote any particular ticket or for any particular candidate,
19 and that ~~[he]~~ such person will not keep or make any memorandum or entry
20 of anything occurring within the booth, and that ~~[he]~~ such person will
21 not, directly or indirectly, reveal to any person the name of any candi-
22 date voted for by the voter, or which ticket ~~[he]~~ such voter had voted,
23 or anything occurring within the voting booth, except when required
24 pursuant to law to give testimony as to such a matter in a judicial
25 proceeding."

26 ~~[6- If a voter makes any false representation to obtain assistance in~~
27 ~~voting, he shall be punishable therefor as prescribed by law.~~

28 ~~7-]~~ 5. For the instruction of voters, there may be so far as practica-
29 ble, in each polling place, a mechanically operated model of a portion
30 of the face of the voting machine. Such model, if furnished, shall be
31 located during the election on the inspectors' table or in some other
32 place which the voters must pass to reach the machine. Each voter,
33 before entering the machine, shall, upon request, be instructed regard-
34 ing its operation and such instruction illustrated on the model and the
35 voter given opportunity personally to operate the model. The voter's
36 attention shall also be called to the facsimile ballot so that the voter
37 can become familiar with the location of the ballot proposals, if any,
38 and the location of the respective offices to be filled at the election.
39 If any voter, after entering the voting machine booth and before the
40 closing of such booth, shall ask for further instructions concerning the
41 manner of voting, two inspectors of opposite political faith shall give
42 such instructions to ~~[him]~~ such voter. No inspector or other election
43 officer or other person instructing a voter, shall, in any manner,
44 request, suggest or seek to persuade or induce any such voter to vote
45 any particular ticket, or for any particular candidate or for or against
46 any particular ballot proposal. After giving such instructions, the
47 inspectors shall retire and such voter shall then close the booth and
48 vote as in the case of an unassisted voter.

49 ~~[8-]~~ 6. In no event shall an inspector or any other person enter a
50 voting machine or booth for the purpose of giving instructions to a
51 voter, after the voter has closed such booth, except as permitted here-
52 in.

53 ~~[9-]~~ 7. Any voter requesting a sample ballot shall be furnished one if
54 available and ~~[he]~~ such voter may take it away from the polling place.

1 § 2. Subdivision 2 of section 8-304 of the election law, as amended by
2 section 9 of part XX of chapter 55 of the laws of 2019, is amended to
3 read as follows:

4 2. If a person who alleges an inability to sign [~~his or her~~] such
5 person's name presents [~~himself or herself~~] themselves to vote, the board
6 of inspectors shall permit such person to vote, unless challenged on
7 other grounds, provided the voter had been permitted to register without
8 signing the voter's name. The board shall enter the words "Unable to
9 Sign" in the space on the voter's registration poll record reserved for
10 the voter's signature or on the line or space the computer generated
11 registration list reserved for the voter's signature at such election.
12 If the voter's signature appears upon the voter's registration record or
13 in the computer generated registration list the board shall challenge
14 the voter forthwith, except that if such a person claims that [~~he or~~
15 ~~she~~] such person is unable to sign [~~his or her~~] such person's name by
16 reason of a physical disability incurred since the voter's registration,
17 the board [~~, if convinced of the existence of such disability,~~] shall
18 permit [~~him or her~~] such voter to vote, shall enter the words "Unable to
19 Sign" [~~and a brief description of such disability~~] in the space reserved
20 for the voter's signature at such election. At each subsequent election,
21 if such disability still exists, the voter shall be entitled to vote
22 without signing their name and the board of inspectors, without further
23 notation, shall enter the words "Unable to Sign" in the space reserved
24 for the voter's signature at such election.

25 § 3. Paragraph (e) of subdivision 2 of section 8-508 of the election
26 law, as amended by section 11 of part XX of chapter 55 of the laws of
27 2019, is amended to read as follows:

28 (e) At the foot of such report or at the end of any such computer
29 generated registration list, if applicable, shall be a certificate that
30 such report or list contains the names of all persons who were chal-
31 lenged on the day of election, and that each voter so reported as having
32 been challenged took the oaths as required, that such report or list
33 contains the names of all voters to whom such board gave [~~or allowed~~]
34 assistance [~~and lists the nature of the disability which required such~~
35 ~~assistance to be given~~] and the names and family relationship, if any,
36 to the voter of the persons by whom such assistance was rendered; that
37 each such assisted voter informed such board [~~under oath~~] that [~~he~~] such
38 assisted voter required such assistance and that each person rendering
39 such assistance took the required oath; that such report or list
40 contains the names of all voters who were permitted to vote although
41 their registration poll records were missing; that the entries made by
42 such board are a true and accurate record of its proceedings with
43 respect to the persons named in such report or list.

44 § 4. Subdivision 4 of section 15-122 of the election law, as separate-
45 ly amended by chapters 58 and 78 of the laws of 1984, are amended to
46 read as follows:

47 4. Any elector who is duly registered and who is permanently disabled
48 may make application to the village clerk for a form which such clerk
49 shall supply for the purpose of providing for the mailing of absentee
50 ballots to permanently disabled voters. [~~Such form shall contain an~~
51 ~~affidavit to be executed by the elector showing the particulars of his~~
52 ~~disability.~~] Upon the filing of such application the inspectors of
53 election shall [~~investigate the facts stated therein and if satisfied as~~
54 ~~to the truth thereof may approve such application and in such event~~
55 ~~shall~~] cause the registration record of the voter, if any, to be marked
56 "PERMANENTLY DISABLED". The inspectors shall also cause to be marked

1 "PERMANENTLY DISABLED", the registration poll records of those voters
2 who are indicated as permanently disabled on the list of registered
3 voters received from the board of elections. Thereafter, the village
4 clerk shall send an absentee voter's ballot for each election to such
5 elector by first class mail to [~~his~~] such elector's last known address
6 with a request to the postal authorities not to forward such ballot but
7 to return it in five days in the event that it cannot be delivered to
8 the addressee. The mailing of such ballot or ballots for each election
9 shall continue as long as the elector remains a qualified voter of the
10 village and unless it appears that such person has failed to return such
11 ballot for the last two successive general village elections. Upon the
12 mailing of such ballot or ballots, the village clerk shall cause the
13 fact and the date of such mailing to be recorded next to the name of the
14 voter in the register of the village or appropriate election district.
15 If the inspectors of election shall determine that such elector is not
16 entitled to an absentee voter's ballot, or if they shall determine that
17 such elector is no longer entitled to receive such ballot without appli-
18 cation they shall notify such elector in writing giving [~~him~~] such elec-
19 tor the reason for such rejection or decision.
20 § 5. This act shall take effect immediately.