§ 7-104. Ballots; form of. 1. All ballots shall be printed and/or displayed in a format and arrangement, of such uniform size and style as will fit the ballot, and shall be in as plain and clear a type or display as the space will reasonably permit, using only sans serif print fonts. Such type or display on the ballot shall satisfy all requirements and standards set forth pursuant to the federal Help America Vote Act.

2. The names of parties or independent bodies which contain more than fifteen letters may, whenever limitations of space so require, be printed on the ballot in an abbreviated form. In printing the names of candidates whose full names contain more than fifteen letters, only the surname must be printed in full. The officer or board charged with the duty of certifying the candidates for such office shall request each such candidate to indicate, in writing, the shortened form in which, subject to this restriction, his or her name shall be printed. If no such indication is received from such candidate within the time specified in the request, such officer or board shall make the necessary determination.

3. (a) The party name or other designation shall be affixed to the name of each candidate, or, in case of presidential electors, to the names of the candidates for president and vice-president of such party.

(b) A column/row designating number may be affixed to the name of each candidate, or in the case of presidential electors, to the names of the candidates for president and vice-president of such party.

(c) The titles of offices may be arranged horizontally, with the names of candidates for an office and the space, slot or device for write-in votes for such office arranged vertically under the title of the office, or the titles of offices may be arranged vertically, with the names of candidates for an office and the space, slot or device for write-in votes for such office arranged horizontally opposite the title of the office.

(d) Each office shall occupy as many columns or rows on the ballot as the number of candidates to be elected to that office, except where candidate placements due to cross endorsements require additional columns or rows.

4. (a) The names of all candidates nominated by any party or independent body for an office shall always appear in the row or column containing generally the names of candidates nominated by such party or independent body for other offices except as hereinafter provided.

(b) When the same person has been nominated for an office to be filled at the election by more than one party, the voting machine shall be so adjusted that his or her name shall appear in each row or column containing generally the names of candidates for other offices nominated by any such party.

(c) If such candidate has also been nominated by one or more independent bodies, his or her name shall appear only in each row or column containing generally the names of candidates for other offices nominated by any such party and the name of each such independent body shall appear in one such row or column to be designated by the candidate in a writing filed with the officer or board charged with the duty of certifying the candidates for such office, or if such person shall fail to so designate, the names of such independent bodies shall appear in such row or column as such officer or board shall determine.

(d) If any person shall be nominated for any office by one party and two or more independent bodies his or her name shall appear on the ballot twice; once in the row or column containing generally the names of candidates for other offices nominated by such party, and once in the row or column containing generally the names of candidates nominated by the independent body designated by such person in a writing filed with the officer or board charged with the duty of certifying the candidates for such office and in connection with the name of such person in such row or column shall appear the name of each independent body nominating him or her or, if such person shall fail to so designate, the name of such candidate and the names of such independent bodies shall appear in such row or column as such officer or board shall determine.

(e) If any person is nominated for any office only by more than one independent bodies, his or her name shall appear but once upon the machine in one such row or column to be designated by the candidate in a writing filed with the officer or board charged with the duty of providing ballots, or if the candidate shall fail to so designate, in the place designated by the officer or board charged with the duty of certifying the candidates for such office, and in connection with his or

her name there shall appear the name of each independent body nominating him or her, but, where the capacity of the ballot will permit, the name of such person shall not appear or be placed in a column or on a horizontal line with the names of persons nominated by a party for other offices.

5. Notwithstanding the provisions of subdivision four of this section, the name of a person who is nominated for the office of governor, or state senator, or member of assembly, shall appear on the ballot as many times as there are parties or independent bodies nominating him or her, and there shall be a separate voting position at each place in which such name shall appear.

6. If any type of machine used in any county or city contains any feature approved by the state board of elections, the use of which is neither required nor prohibited by the provisions of this chapter, the board of elections may, by resolution, require that one or more of such features shall be used in such county. Thereafter all machines of such type used in such county or city shall be operated in conformity with any such resolution. Any such resolution may thereafter be rescinded by such board and after being so rescinded may be re-adopted. Once re-adopted by any board of elections, such a resolution may not be rescinded again by such board.

7. The ballot shall have printed upon it in black ink for each party or independent row, at the head of the column or the beginning of the row containing the names of candidates, the name of the party or independent body and the designating letter of the row or column.

8. With respect to candidates for the offices of governor and lieutenant governor of a party or independent body, ballots shall be printed so that the names of such candidates for both offices shall appear in the same row or column, with the name of the candidate for governor appearing first and the ballot shall be so adjusted that both offices are voted for jointly and have but one designating number if such column/row designating numbers are utilized.

9. In those counties in which ballots are required by federal law, or otherwise, to be provided in a language other than English, there shall be versions of the ballot printed in English and in each of the additional languages required so that each version of the ballot shall contain English and no more than two other languages. The county board of elections in such counties shall instruct, in their poll worker training and materials, the procedures to be followed to ensure that each voter receives a ballot with the appropriate language as determined by the state board.

10. Each ballot shall contain instructions for marking the ballot. The instructions shall be printed in line lengths no wider than five inches. Ballot instructions may be printed on the front or back of the ballot or on a separate sheet or card. If such instructions are not printed on the front of the ballot, there shall be printed on the ballot, in the largest size type practicable, the following legend: "See instructions on the other side" or "See instructions (insert where instructions are found)", whichever is appropriate.

11. (a) The offices appearing on all ballots shall be listed in the order of precedence, as applicable to the offices up for election in any given year, as follows: electors for president and vice-president of the United States, governor and lieutenant governor, New York state comptroller, New York state attorney general, United States senator, member of the house of representatives, New York state senator, member of the New York state assembly. Any office which is not listed in this paragraph shall not appear on the ballot in a position before or ahead of an office which is listed.

(b) Immediately following the offices in paragraph (a) of this subdivision, all other offices shall be placed upon the ballot in the customary order; provided, further, that partisan offices regardless of the size of the constituency shall be listed before or ahead of nonpartisan offices and all candidates for judicial offices shall follow all other partisan offices.

12. If two or more candidates are nominated for the same office for different terms, the term for which each is nominated shall be printed

as a part of the title of the office.

13. The text for ballot instructions shall be substantially as follows, so that it accurately reflects the ballot layout:

INSTRUCTIONS

Mark the (insert "oval" or "square") to the left of the name of your choice. (Provide illustration of correctly-marked voting position here.) To vote for a candidate whose name is not printed on the ballot, (insert "mark the oval (or square) to the left of 'write-in' and print the name clearly" or "print the name clearly in the box labeled 'write-in'"), staying within the box. Any mark or writing outside the spaces provided for voting may void the entire ballot. The number of choices is listed for each contest. Do not mark the ballot for more candidates than allowed. If you do, your vote in that contest will not count. If you make a mistake, or want to change your vote, ask a poll worker for a new ballot.

14. The state board of elections shall provide line drawing illustrations to supplement these instructions. At a minimum, an illustration of the correct way to mark the ballot shall be provided, but nothing in this section shall be construed to limit the board in providing additional illustrations.

15. When a question or proposal is included on the ballot, instructions substantially like the following shall be included:

Instructions for Voting on Questions and Proposals

To vote on a question or proposal, mark the (insert "oval" or "square") to the (insert "left", "above" or "below") of your choice. If you make a mistake, or want to change your vote, ask a poll worker for a new ballot.

16. When a question or proposal appears on the back of the ballot, there shall appear on the front of the ballot words or a symbol indicating that the voter should turn over the ballot.

17. The voting oval or square shall be to the left of the name of the candidate.

18. All text, including the name of each candidate as provided in subdivision three of this section, shall be printed using standard capitalization in accordance with instructions provided by the state board of elections and shall not be printed using all capital letters.

19. The ballot shall use one font or font family with enough variations for all text needs.

20. "Vote for one" or "Vote for up to ....." (the blank space to be filled with the number of persons to be nominated for the office or elected to the position), as applicable, shall be printed immediately below each office title appearing on the ballot.

21. No party emblems shall be printed on the ballot.

22. The names of candidates for the same office shall appear on the same page and in the same column or columns or row or rows of that page of a printed ballot, and may not be separated by a perforation.

23. All text, including the title of each office and the name of each candidate, shall be printed flush left and shall not be centered on the ballot or in any column or row appearing on the ballot; provided however, in a multi-column or multi-row contest, the title and number of allowable selections to be made for each such office may be centered.

24. If used, shading shall be used consistently, so as to differentiate instructions from ballot section dividers and contest information.

25. Above, below, or to the right of the name of each candidate, shall be printed, in less prominent type face than that in which the candidate's name is printed, the name of the political party or independent body by which the candidate was nominated or designated.

26. All paper ballots of the same kind for the same polling place shall be identical.

27. To the extent practicable, the ballot shall also comply with the following specifications:

(a) The instructions in subdivision ten of this section shall be printed in the upper left hand corner of the front of the ballot;

(b) The name of each candidate shall be printed using a font size of not less than nine points;

(c) When the instructions are contained on the ballot, there shall be a clear delineation between the ballot instructions and the first office or ballot question or proposal through the use of white space, illustration, shading, color, font size, or bold type.