§ 7-119. Ballots; early mail voters. 1. (a) Ballots for early mail voters shall be, as nearly as practicable, in the same form as those to be voted in the district on election day, except that such ballots need not have a stub, and shall have the words "Early Mail Ballot", endorsed thereon.

(b) All provisions of this chapter not inconsistent with this subdivision shall be applicable to early mail ballots prepared for counting by a ballot scanner or by hand. The instructions for marking an early mail ballot shall be provided and shall be substantially as follows, so that they accurately reflect 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. You have a right to a replacement ballot. If you make a mistake or want to change your vote, call the board of elections at (insert phone number here) for instructions on how to obtain a new 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.

(c) When a question or proposal is included on the ballot, instructions substantially similar to those provided in subdivision fifteen of section 7-104 of this article shall be included.

2. The determination of the appropriate county board of elections as to the candidates duly designated or nominated for public office or party position whose name shall appear on the early mail ballot and as to ballot proposals to be voted on shall be made no later than the day after the state board of elections issues its certification of those candidates to be voted for at the general, special or primary election. The determinations of the state board of elections and the respective county boards of elections shall be final and conclusive with respect to such offices for which petitions or certificates are required to be filed with such boards, as the case may be but nothing contained in this

section shall prevent a board of elections, or a court of competent jurisdiction from determining at a later date that any such certification, designation or nomination is invalid and, in the event of such later determination, no vote cast for any such nominee by any voter shall be counted at the election.

3. There shall be three envelopes for each early mail ballot issued by mail: the inner affirmation envelope into which a voter places their voted ballot, the outer envelope which shall be addressed to the early mail voter, and the mailing envelope which is addressed to the county board of elections. The board of elections shall furnish with each early mail ballot an inner affirmation envelope. On one side of the envelope shall be printed:

OFFICIAL EARLY MAIL BALLOT

for

GENERAL (OR PRIMARY OR SPECIAL) ELECTION,

....., 20.....

Name of voter .....

Residence (street and number if any) .....

City/or town of (village, if any) .....

County of .....

Assembly District .....

Legislative District (as applicable) .....

Ward (as applicable) .....

Election District .....

Party Enrollment (in case of primary election) .....

4. The date of the election, name of the county, and name of a city, if there be a separate ballot for city voters, shall be printed, and the name of the voter, residence, number of the assembly district, if any, name of town, number of ward, if any, election district and party enrollment, if required, shall be either printed or written or stamped in by the board.

5. There shall also be a place for two board of elections staff members or inspectors of opposite political parties to indicate, by placing their initials thereon, that they have checked and marked the

voter's poll record and a box labeled "BOE use only" for notations required when the board of elections reviews affirmation ballot envelopes pursuant to section 9-209 of this chapter.

6. On the reverse side of such inner affirmation envelope shall be printed the following statement:

AFFIRMATION

I do declare that I am a citizen of the United States, that I am duly registered in the election district shown on the reverse side of this envelope and I am qualified to vote in such district; that I have not qualified nor do I intend to vote elsewhere, that I have not committed any act nor am I under any impediment which denies me the right to vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of early mail voter, I shall be guilty of a misdemeanor.

Date ..... 20 .....

.....
Signature or mark of voter

.....
Signature of Witness (required only if voter does not sign their own name)

.....
Address of Witness

7. The inner affirmation envelope shall be gummed, ready for sealing, and shall have printed thereon, on the side opposite the statement, instructions as to the duties of the voter after the marking of the ballot, which instructions shall include a specific direction stating when such ballot must be postmarked and when such ballot must reach the office of the board of elections in order to be canvassed.

8. Each inner affirmation ballot envelope shall be enclosed in an

outer envelope addressed to the appropriate board of elections and bearing on it a specific direction that if an original application for an early mail ballot is received with the ballot, such application must be completed by the voter and returned in the outer envelope together with the sealed inner affirmation envelope containing the early mail ballot within the time limits for receipt of the early mail ballot itself. Such inner affirmation envelope and outer envelope shall be enclosed in the third envelope addressed to the early mail voter. The outer and third envelopes shall have printed on the face thereof the words "Election Material--Please Expedite".