

**PROGRAM BILL # 5**

S.

Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

A.  
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the  
Committee on

**\*ELECLA\***

(Enacts provisions relating to voter  
pre-registration; ballot access;  
form of ballots; voters' time to  
register and verification of regis-  
tration; repealer)

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Elect. election reform

**AN ACT**

to amend the election law, in  
relation to voter pre-registration  
(Part A); to amend the election law,  
in relation to ballot access (Part  
B); to amend the election law, in  
relation to form of ballots; and  
repealing certain provisions of such  
law relating thereto (Part C); to  
amend the election law, in relation  
to voters' time to register (Part  
D); and to amend the election law,

**IN SENATE**

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship  
of this proposal

s20 Adams	s17 Felder	s63 Kennedy	s25 Montgomery	s23 Savino
s15 Addabbo	s02 Flanagan	s34 Klein	s54 Nozzolio	s29 Serrano
s11 Avella	s08 Fuschillo	s28 Krueger	s55 O'Brien	s51 Seward
s40 Ball	s59 Gallivan	s24 Lanza	s58 O'Mara	s09 Skelos
s42 Bonacic	s12 Gianaris	s39 Larkin	s21 Parker	s14 Smith
s04 Boyle	s41 Gipson	s37 Latimer	s13 Peralta	s26 Squadron
s44 Breslin	s22 Golden	s01 LaValle	s30 Perkins	s16 Stavisky
s38 Carlucci	s47 Griffo	s52 Libous	s61 Ranzenhofer	s35 Stewart-
s50 DeFrancisco	s60 Grisanti	s45 Little	s48 Ritchie	Cousins
s32 Diaz	s06 Hannon	s05 Marcellino	s33 Rivera	s46 Tkaczyk
s18 Dilan	s36 Hassell-	s43 Marchione	s56 Robach	s53 Valesky
s31 Espaillat	Thompson	s07 Martins	s19 Sampson	s57 Young
s49 Farley	s27 Hoylman	s62 Maziarz	s10 Sanders	s03 Zeldin

**IN ASSEMBLY**

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the  
multi-sponsorship of this proposal:

a049 Abbate	a081 Dinowitz	a135 Johns	a039 Moya	a016 Schimel
a092 Abinanti	a147 DiPietro	a113 Jordan	a133 Nojaj	a140 Schimminger
a084 Arroyo	a115 Duprey	a094 Katz	a037 Nolan	a087 Sepulveda
a035 Aubry	a004 Englebright	a074 Kavanagh	a130 Oaks	a065 Silver
a120 Barclay	a054 Espinal	a142 Kearns	a069 O'Donnell	a027 Simanowicz
a106 Barrett	a109 Fahy	a076 Kellner	a051 Ortiz	a036 Simotas
a060 Barron	a071 Farrell	a040 Kim	a091 Otis	a104 Skartados
a082 Benedetto	a126 Finch	a131 Kolb	a132 Palmesano	a099 Skoufis
a117 Blankenbush	a008 Fitzpatrick	a105 Lalor	a088 Paulin	a022 Solages
a062 Borelli	a124 Friend	a013 Lavine	a141 Peoples-	a114 Stec
a055 Boyland	a143 Gabryszak	a050 Lentol	Stokes	a110 Steck
a026 Braunstein	a095 Galef	a125 Lifton	a058 Perry	a079 Stevenson
a044 Brennan	a137 Gantt	a102 Lopez, P.	a089 Fretlow	a127 Stirpe
a119 Brindisi	a007 Garbarino	a053 Lopez, V.	a073 Quart	a011 Sweeney
a138 Bronson	a077 Gibson	a123 Lupardo	a019 Ra	a112 Tedisco
a046 Brook-Krasny	a148 Giglio	a010 Lupinacci	a098 Rabbitt	a101 Tenney
a093 Buchwald	a080 Gjonaj	a121 Magee	a012 Raia	a001 Thiele
a118 Butler	a066 Glick	a129 Magnarelli	a006 Ramos	a061 Titone
a103 Cahill	a023 Goldfeder	a059 Maisel	a134 Reilich	a031 Titus
a043 Camara	a150 Goodell	a064 Malliotakis	a078 Rivera	a146 Walter
a145 Ceretto	a075 Gottfried	a030 Markey	a128 Roberts	a041 Weinstein
a033 Clark	a005 Graf	a090 Mayer	a056 Robinson	a020 Weisenberg
a047 Colton	a100 Gunther	a108 McDonald	a068 Rodriguez	a024 Weprin
a032 Cook	a139 Hawley	a014 McDonough	a072 Rosa	a070 Wright
a144 Corwin	a083 Heastie	a017 McKeivitt	a067 Rosenthal	a096 Zebrowski
a085 Crespo	a003 Hennessey	a107 McLaughlin	a025 Rozic	a002
a122 Crouch	a028 Hevesi	a038 Miller	a116 Russell	a086
a021 Curran	a048 Hinkind	a052 Millman	a149 Ryan	
a063 Cusick	a018 Hooper	a015 Montesano	a009 Saladino	
a045 Cymbrowitz	a042 Jacobs	a136 Morelle	a111 Santabarbara	
a034 DenDekker	a097 Jaffee	a057 Mosley	a029 Scarborough	

1) Single House Bill (introduced and printed separately in either or both  
houses). Uni-Bill (introduced simultaneously in both houses and printed as one  
bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed  
copies of bill and 4 copies of memorandum in support (single house); or 4 signed  
copies of bill and 8 copies of memorandum in support (uni-bill).

in relation to affidavit ballots  
(Part E)

LIBRARY

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

1 Section 1. This act enacts into law components of legislation relating  
2 to election reform. Each component is wholly contained within a Part  
3 identified as Parts A through E. The effective date for each particular  
4 provision contained within such Part is set forth in the last section of  
5 such Part. Any provision in any section contained within a Part, includ-  
6 ing the effective date of the Part, which makes reference to a section  
7 "of this act", when used in connection with that particular component,  
8 shall be deemed to mean and refer to the corresponding section of the  
9 Part in which it is found. Section three of this act sets forth the  
10 general effective date of this act.

11

## PART A

12

## VOTER PRE-REGISTRATION

13 Section 1. Section 5-210 of the election law is amended by adding a  
14 new subdivision 4-a to read as follows:

15 4-a. The board of elections shall allow a person who is at least  
16 sixteen years of age and who is otherwise qualified to register to vote  
17 to pre-register to vote. Upon a pre-registrant reaching the age of eigh-  
18 teen, the board of elections shall verify the pre-registrant's quali-  
19 fications and address, and, if verified, automatically register that  
20 person to vote.

21 § 2. Paragraph (g) of subdivision 5 of section 5-210 of the election  
22 law, as amended by chapter 179 of the laws of 2005, is amended to read  
23 as follows:

24 (g) Notice that the applicant must be a citizen of the United States,  
25 is or will be at least eighteen years old not later than December thir-  
26 ty-first of the calendar year in which he or she registers to vote, or

1 is or will be at least sixteen years old when he or she pre-registers to  
2 vote, and a resident of the county or city to which application is made.

3 § 3. Subparagraph (vi) of paragraph (k) of subdivision 5 of section  
4 5-210 of the election law, as amended by chapter 179 of the laws of  
5 2005, is amended to read as follows:

6 (vi) A space for the applicant to answer the question "Will you be 18  
7 years of age on or before election day?" and the statement "If you  
8 checked "no" in response to this question, do not complete this form  
9 unless you [will be 18 by the end of the year] are 16 at the time of  
10 this application in which case you may pre-register."

11 § 4. This act shall take effect on the first of January next succeed-  
12 ing the date on which it shall have become a law.

13 PART B

14 BALLOT ACCESS

15 Section 1. Subdivisions 1 and 2 of section 6-136 of the election law,  
16 subdivision 1 as amended by chapter 200 of the laws of 1996, subdivision  
17 2 as amended by chapter 79 of the laws of 1992, the opening paragraph of  
18 subdivision 2 as amended by chapter 659 of the laws of 1994 and para-  
19 graph (c-1) of subdivision 2 as amended by chapter 418 of the laws of  
20 1993, are amended to read as follows:

21 1. Petitions for any office to be filled by the voters of the entire  
22 state must be signed by not less than [fifteen] ten thousand or five per  
23 centum, whichever is less, of the then enrolled voters of the party in  
24 the state (excluding voters in inactive status), of whom not less than  
25 one hundred or five per centum, whichever is less, of such enrolled

1 voters shall reside in each of one-half of the congressional districts  
2 of the state.

3 2. All other petitions must be signed by not less than five per  
4 centum, as determined by the preceding enrollment, of the then enrolled  
5 voters of the party residing within the political unit in which the  
6 office or position is to be voted for (excluding voters in inactive  
7 status), provided, however, that for the following public offices the  
8 number of signatures need not exceed the following limits:

9 (a) For any office to be filled by all voters of the city of New York,  
10 seven thousand five hundred signatures;

11 (b) For any office to be filled by all the voters of any county or  
12 borough within the city of New York, four thousand signatures;

13 (c) For any office to be filled in the city of New York by all the  
14 voters of any municipal court district, one thousand five hundred signa-  
15 tures;

16 (c-1) For any office to be filled in the city of New York by all the  
17 voters of any city council district, nine hundred signatures;

18 (d) For any office to be filled by all the voters of cities or coun-  
19 ties, except the city of New York and counties therein, containing more  
20 than two hundred fifty thousand inhabitants according to the last  
21 preceding federal enumeration, two thousand signatures;

22 (e) For any office to be filled by all the voters of cities or coun-  
23 ties containing more than twenty-five thousand and not more than two  
24 hundred fifty thousand inhabitants, according to the last preceding  
25 federal enumeration, one thousand signatures;

26 (f) For any office to be filled by all the voters of any other city or  
27 county, or of a councilmanic district in any city other than the city of  
28 New York, five hundred signatures;

1 (g) For any office to be filled by all the voters of any congressional  
2 district, twelve hundred fifty signatures;

3 (h) For any office to be filled by all the voters of any state senato-  
4 rial district, [one thousand] five hundred fifty signatures;

5 (i) For any office to be filled by all voters of any assembly  
6 district, [five hundred] two hundred fifty signatures;

7 (j) For any office to be filled by all the voters of any political  
8 subdivision, except as herein otherwise provided, contained within  
9 another political subdivision, not to exceed the number of signatures  
10 required for the larger subdivision;

11 (k) For any other office to be filled by the voters of a political  
12 subdivision containing more than one assembly district, county or other  
13 political subdivision, not to exceed the aggregate of the signatures  
14 required for the subdivisions or parts of subdivisions so contained; and

15 (l) For any county legislative district, five hundred signatures.

16 § 2. Section 6-142 of the election law, as amended by chapter 79 of  
17 the laws of 1992 and paragraph (d-1) of subdivision 2 as amended by  
18 chapter 418 of the laws of 1993, is amended to read as follows:

19 § 6-142. Independent nominations; number of signatures. 1. An inde-  
20 pendent nominating petition for candidates to be voted for by all the  
21 voters of the state must be signed by at least [fifteen] ten thousand  
22 voters, of whom at least one hundred shall reside in each of one-half of  
23 the congressional districts of the State.

24 2. An independent nominating petition for the nomination of candidates  
25 for an office to be filled by the voters of any other political unit  
26 must be signed by voters numbering five per centum of the total number  
27 of votes cast for governor at the last gubernatorial election in such  
28 unit, excluding blank and void votes, except that not more than three

1 thousand five hundred signatures shall be required upon any such peti-  
2 tion for any office to be filled in any political subdivision of the  
3 state wholly outside the city of New York, and not more than the follow-  
4 ing numbers of signatures shall be required upon any such petition for  
5 the following public offices respectively:

6 (a) for any office to be filled in any county or portion thereof  
7 outside the city of New York, one thousand five hundred;

8 (b) for any office to be filled by all the voters of the city of New  
9 York, seven thousand five hundred;

10 (b-1) for any office to be filled by all the voters of any two coun-  
11 ties in such city, four thousand;

12 (c) for any office to be filled by all the voters of any county or  
13 borough in such city, four thousand;

14 (d) for any office to be filled by all the voters of any municipal  
15 court district, three thousand signatures;

16 (d-1) for any office to be filled in the city of New York by all the  
17 voters of any city council district, two thousand seven hundred;

18 (e) for any office to be filled by all the voters of any congressional  
19 district, three thousand five hundred;

20 (f) for any office to be filled by all the voters of any state senato-  
21 rial district, [three thousand] one thousand six hundred fifty;

22 (g) for any office to be filled by all the voters of an assembly  
23 district, [one thousand five hundred] seven hundred fifty;

24 (h) [for the office of trustee of the Long Island Power Authority,  
25 five hundred;

26 (i)] for any office to be filled by the voters of any political subdi-  
27 vision contained within another political subdivision except as herein

1 otherwise provided, not to exceed the number of signatures required for  
2 the larger subdivision.

3 § 3. Section 6-130 of the election law, as amended by chapter 709 of  
4 the laws of 1996, is amended to read as follows:

5 § 6-130. Designating petition; signer information. The sheets of a  
6 designating petition must set forth in every instance the name of the  
7 signer, his or her residence address, [town or city (except in the city  
8 of New York, the county)] county, and the date when the signature is  
9 affixed.

10 § 4. Subdivision 1 of section 6-132 of the election law, as amended by  
11 chapter 235 of the laws of 2000, is amended to read as follows:

12 1. Each sheet of a designating petition shall be signed in ink and  
13 shall contain the following information and shall be in substantially  
14 the following form:

15 I, the undersigned, do hereby state that I am a duly enrolled voter of  
16 the..... party and entitled to vote at the next primary  
17 election of such party, to be held on....., 20...; that my  
18 place of residence is truly stated opposite my signature hereto, and I  
19 do hereby designate the following named person (or persons) as a candi-  
20 date (or candidates) for the nomination of such party for public office  
21 or for election to a party position of such party.

		Place of Residence
22		
23	Names of	Public Office
24	candidates	or party position
25	.....	.....
26	.....	.....
		(also post office address, if not identical)

27 I do hereby appoint ..... (insert the names  
28 and addresses of at least three persons, all of whom shall be enrolled

1 voters of said party) as a committee to fill vacancies in accordance  
2 with the provisions of the election law.

3 In witness whereof, I have hereunto set my hand, the day and year  
4 placed opposite my signature.

5	Date	Name of Signer	Residence
6	.....	.....	.....
7	.....	.....	.....
8			[Town or city (except
9			in the city of New
10			York, the county)] <u>County</u>
11			.....
12			.....

13 § 5. Paragraph a of subdivision 1 of section 6-140 of the election  
14 law, as amended by chapter 235 of the laws of 2000, is amended to read  
15 as follows:

16 a. Each sheet of an independent nominating petition shall be signed in  
17 ink, shall contain the following information and shall be in substan-  
18 tially the following form:

19 I, the undersigned, do hereby state that I am a registered voter of  
20 the political unit for which a nomination for public office is hereby  
21 being made, that my present place of residence is truly stated opposite  
22 my signature hereto, and that I do hereby nominate the following named  
23 person (or persons) as a candidate (or as candidates) for election to  
24 public office (or public offices) to be voted for at the election to be  
25 held on the ..... day of ....., 20...., and that I  
26 select the name ..... (fill in name) as the name  
27 of the independent body making the nomination (or nominations) and  
28 ..... (fill in emblem) as the emblem of such body.

1 Place of residence  
 2 (also post office  
 3 Name of Public address  
 4 Candidate Office if not identical)  
 5 .....  
 6 .....

7 I do hereby appoint ..... (here insert the names  
 8 and addresses of at least three persons, all of whom shall be registered  
 9 voters within such political unit), as a committee to fill vacancies in  
 10 accordance with the provisions of the election law.

11 In witness whereof, I have hereunto set my hand, the day and year  
 12 placed opposite my signature.

13	Date	Name of Signer	Residence
14	.....	.....	.....
15	.....	.....	.....
16			[Town or city (except
17			in the city of New
18			York, the county)] <u>County</u>
			.....
			.....

19 § 6. This act shall take effect on the first of January next succeed-  
 20 ing the date on which it shall have become a law.

1 Section 1. This act shall be known and may be cited as the "Ballot  
2 Simplification Act of 2013."

3 § 2. Section 7-104 of the election law, as amended by chapter 165 of  
4 the laws of 2010, is amended to read as follows:

5 § 7-104. Ballots; form of, voting machine. 1. All ballots shall be  
6 printed and/or displayed in a format and arrangement, of such uniform  
7 size and style as will fit the ballot frame, and shall be in as plain  
8 and clear a type or display as the space will reasonably permit, using  
9 only sans serif print fonts. Such type or display on the ballot shall  
10 satisfy all requirements and standards set forth pursuant to the federal  
11 Help America Vote Act.

12 2. The names of parties or independent bodies which contain more than  
13 fifteen letters may, whenever limitations of space so require, be print-  
14 ed on the ballot in an abbreviated form. In printing the names of candi-  
15 dates whose full names contain more than fifteen letters, only the  
16 surname must be printed in full. The officer or board charged with the  
17 duty of preparing the ballots shall request each such candidate to indi-  
18 cate, in writing, the shortened form in which, subject to this  
19 restriction, his or her name shall be printed. If no such indication is  
20 received from such candidate within the time specified in the request,  
21 such officer or board shall make the necessary determination.

22 3. (a) The party name or other designation[, and a designating letter  
23 and number] shall be affixed to the name of each candidate, or, in case  
24 of presidential electors, to the names of the candidates for president  
25 and vice-president of such party.

26 (b) The titles of offices may be arranged horizontally, with the names  
27 of candidates for an office and the slot or device for write-in ballots  
28 for such office arranged vertically under the title of the office, or

1 the titles of offices may be arranged vertically, with the names of  
2 candidates for an office and the slot or device for write-in ballots for  
3 such office arranged horizontally opposite the title of the office.

4 (c) Each office shall occupy as many columns or rows on the [machine]  
5 official ballot as the number of candidates to be elected to that  
6 office.

7 (d) At the bottom of the row or rows or end of the column or columns  
8 in which the names of candidates appear, shall be printed as many blank  
9 spaces for writing in the names of persons for whom the voter desires to  
10 vote, as there are persons to be nominated or elected.

11 4. (a) The names of all candidates nominated by any party or independ-  
12 ent body for an office shall always appear in the row or column contain-  
13 ing generally the names of candidates nominated by such party or inde-  
14 pendent body for other offices except as hereinafter provided.

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

20 (c) If such candidate has also been nominated by one or more independ-  
21 ent bodies, his or her name shall appear only in each row or column  
22 containing generally the names of candidates for other offices nominated  
23 by any such party and the name of each such independent body shall  
24 appear in one such row or column to be designated by the candidate in a  
25 writing filed with the officer or board charged with the duty of provid-  
26 ing ballots, or if such person shall fail to so designate, the names of  
27 such independent bodies shall appear in such row or column as such offi-  
28 cer or board shall determine.

1 (d) If any person shall be nominated for any office by one party and  
2 two or more independent bodies his or her name shall appear on the  
3 voting machine twice; once in the row or column containing generally the  
4 names of candidates for other offices nominated by such party, and once  
5 in the row or column containing generally the names of candidates nomi-  
6 nated by the independent body designated by such person in a writing  
7 filed with the officer or board charged with the duty of providing  
8 ballots and in connection with the name of such person in such row or  
9 column shall appear the name of each independent body nominating him or  
10 her or, if such person shall fail to so designate, the name of such  
11 candidate and the names of such independent bodies shall appear in such  
12 row or column as such officer or board shall determine.

13 (e) If any person is nominated for any office only by more than one  
14 independent bodies, his or her name shall appear but once upon the  
15 machine in one such row or column to be designated by the candidate in a  
16 writing filed with the officer or board charged with the duty of provid-  
17 ing ballots, or if the candidate shall fail to so designate, in the  
18 place designated by the officer or board charged with the duty of  
19 providing ballots, and in connection with his or her name there shall  
20 appear the name of each independent body nominating him or her, but,  
21 where the capacity of the machine will permit, the name of such person  
22 shall not appear or be placed in a column or on a horizontal line with  
23 the names of persons nominated by a party for other offices.

24 5. Notwithstanding the provisions of subdivision four of this section,  
25 the name of a person who is nominated for the office of governor, or  
26 state senator, or member of assembly, shall appear on the ballot as many  
27 times as there are parties or independent bodies nominating him or her,

1 and there shall be a separate voting and registering device at each  
2 place in which such name shall appear.

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

12 7. The ballot shall have printed upon it in black ink for each party  
13 or independent row, at the head of the column or the beginning of the  
14 row containing the names of candidates, [the image of a closed fist with  
15 index finger extended pointing to the party or independent row. In the  
16 same space, in black letters as large as the space will permit, shall be  
17 printed] the name of the party or independent body [and at the right of  
18 the fist and below the index finger shall be printed in black ink the  
19 emblem], and the designating [letters] letter of the row or column.

20 8. With respect to candidates for the offices of governor and lieuten-  
21 ant governor of a party or independent body, ballots shall be printed so  
22 that the names of such candidates for both offices shall appear in the  
23 same row or column, with the name of the candidate for governor appear-  
24 ing first and the ballot shall be so adjusted that both offices are  
25 voted for jointly [and have but one designating letter or number].

26 9. In those counties in which ballots are required by federal law to  
27 be provided in a language other than English, there shall be versions of  
28 the ballot printed in English and in each of the additional languages

1 required so that each version of the ballot shall contain English and  
2 only one other language. The county board of elections in such counties  
3 shall include in their poll worker training instruction concerning the  
4 procedures to be followed to ensure that each voter receives a ballot  
5 with the appropriate language as determined by the board.

6 § 3. Section 7-106 of the election law, the section heading and subdi-  
7 visions 1, 3, 4, 5, 6 and 7 as amended and subdivisions 8, 9, 10 and 11  
8 as renumbered by chapter 165 of the laws of 2010, is amended to read as  
9 follows:

10 § 7-106. [Election day paper ballots; form of] Ballots; form of, for  
11 ballot scanners; general, primary, or special elections. 1. Paper  
12 ballots which are to be counted by a ballot scanner may consist of two  
13 or more sheets which are divided into perforated sections which can be  
14 separated at the time the ballot is scanned. Such ballots shall be  
15 printed on paper of a quality, size, color, and weight approved by the  
16 state board of elections, and shall be clearly distinguishable from  
17 sample ballots by size, color, or other means.

18 2. [All paper ballots of the same kind for the same polling place  
19 shall be identical. A different, but in each case uniform style and size  
20 of type, shall be used for printing the names of candidates, the titles  
21 of offices, political designations, and the reading form of all ques-  
22 tions submitted. The names of candidates shall be printed in capital  
23 letters in black-faced type.] Before each statewide election, the state  
24 board of elections shall publish and distribute to the county boards of  
25 elections a sample master template of that portion of the ballot which  
26 relates to statewide offices and shall indicate, where practicable, the  
27 placement of contests for other offices to ensure standardization across  
28 jurisdictions. The county boards of elections shall use and follow such

1 templates in the development of their respective ballots to the extent  
2 practicable.

3 3. All type shall be sans serif. Names of candidates, titles of  
4 offices, political designations, and ballot questions shall be in a  
5 uniform style and size of type using standard capitalization.

6 4. Each ballot shall be printed on the sheet with a stub which shall  
7 be separated therefrom by a line of perforations extending across the  
8 entire ballot. On the face of the stub shall be printed "No....." the  
9 blank to be filled with consecutive number of ballots beginning with  
10 "No. 1", and increasing in regular numerical order.

11 [4.] 5. On such ballot shall be printed the following indorsement, the  
12 blanks properly filled in:

13 Official Ballot for (General, Primary or Special, as applica-  
14 ble)

15 Election

16 County of .....

17 (Assembly or Legislative, as applicable) District

18 .....

19 (Ward and City or town ....., as applica-  
20 ble).....

21 Election District .....

22 (Insert date of election.)

23 (Insert names of election commissioners providing the ballot.)

24 [5. The following ballot instructions shall be printed in heavy black  
25 type:

1

## INSTRUCTIONS

2 (1) Mark only with a writing instrument provided by the board of  
3 elections.

4 (2) To vote for a candidate whose name is printed on this ballot fill  
5 in the (insert oval or square, as applicable) above or next to the name  
6 of the candidate.

7 (3) To vote for a person whose name is not printed on this ballot  
8 write or stamp his or her name in the space labeled "write-in" that  
9 appears (insert at the bottom of the column, the end of the row or at  
10 the bottom of the candidate names, as applicable) for such office (and,  
11 if required by the voting system in use at such election, the  
12 instructions shall also include "and fill in the (insert oval or square,  
13 as applicable) corresponding with the write-in space in which you have  
14 written in a name").

15 (4) To vote yes or no on a proposal, if any, that appears on the  
16 (indicate where on the ballot the proposal may appear) fill in the  
17 (insert oval or square, as applicable) that corresponds to your vote.

18 (5) Any other mark or writing, or any erasure made on this ballot  
19 outside the voting squares or blank spaces provided for voting will void  
20 this entire ballot.

21 (6) Do not overvote. If you select a greater number of candidates than  
22 there are vacancies to be filled, your ballot will be void for that  
23 public office, party position or proposal.

24 (7) If you tear, or deface, or wrongly mark this ballot, return it and  
25 obtain another. Do not attempt to correct mistakes on the ballot by  
26 making erasures or cross outs. Erasures or cross outs may invalidate all  
27 or part of your ballot. Prior to submitting your ballot, if you make a  
28 mistake in completing the ballot or wish to change your ballot choices,

1 you may obtain and complete a new ballot. You have a right to a replace-  
2 ment ballot upon return of the original ballot.

3 (8) After completing your ballot, insert it into the ballot scanner  
4 and wait for the notice that your ballot has been successfully scanned.  
5 If no such notice appears, seek the assistance of an election inspector.

6 6. The instructions in subdivision five of this section may be printed  
7 on the front or back of the ballot or on a separate sheet or card. If  
8 such instructions are not printed on the front of the ballot, there  
9 shall be printed on the ballot, in the largest size type for which there  
10 is room, the following legend: "See instructions on the other side" or  
11 "See enclosed instructions", whichever is appropriate.

12 7. Each such ballot shall be printed in sections in which the candi-  
13 dates' names and political designations, the ballot proposals and other  
14 requisite matter shall each be boxed in by heavy black perpendicular  
15 lines of equal width. In each such section shall be voting ovals or  
16 squares which voters may fill in. If applicable, ovals or squares shall  
17 be provided next to the blank spaces provided for a voter to write in a  
18 name.

19 8. The space for the title of an office shall be three-eighths of an  
20 inch, and the name of a candidate or for writing in a name, one-fourth  
21 of an inch, in depth. At the left of the name of each designated candi-  
22 date shall be an enclosed voting space, three-eighths of an inch in  
23 width and approximately one-fourth of an inch in depth, bounded above,  
24 below and to the right by black lines, heavier than those which separate  
25 the spaces containing the names of candidates. To the left of voting  
26 spaces which do not adjoin a vertical line dividing two parts, there  
27 shall be a heavy black vertical line approximately one-eighth of an inch  
28 in width. No voting space shall be provided in the space for writing in

1 names. In such case, the space corresponding to a voting space shall be  
2 all black.

3 9. Below the names of the candidates for each office or position there  
4 shall be printed as many blank spaces, for writing in names of persons  
5 for whom the voter desires to vote, as there are persons to be nominated  
6 or elected.

7 10. In case the sections shall be so numerous as to make the ballot  
8 unwieldy if they are printed in one column, they may be printed in as  
9 many columns as shall be necessary, and in that case, in order to  
10 produce a rectangular ballot, blank sections may be used.

11 11.] 6. Each ballot shall contain instructions for marking the ballot  
12 except where the county board of elections determines after consultation  
13 with the state board of elections that placing the instructions on a  
14 separate sheet would better improve the usability of the ballot for  
15 voters, including but not limited to avoiding the use of multiple  
16 columns for a single office or the use of a second page or larger ballot  
17 size. In the event a county board of elections determines that the  
18 instructions should not be printed on the front of the ballot, there  
19 shall be printed in the upper left hand corner of the ballot an illus-  
20 tration of the ballot being marked, as well as the following text,  
21 "Before voting, please read the instructions on the other side," or  
22 "Before voting, please read the instructions on a separate sheet in the  
23 privacy sleeve and voting both," whichever is appropriate. To the extent  
24 practicable, the instructions shall be printed in line lengths no wider  
25 than five inches. The text shall be substantially as follows, so that it  
26 accurately reflects the ballot layout:

27

INSTRUCTIONS

1 Mark the (insert "oval" or "square") to the left of the name of your  
2 choice. (Provide illustration here.) To vote for a candidate whose name  
3 is not printed on the ballot, (insert "mark the oval (or square) to the  
4 left of 'write-in' and print the name clearly" or "print the name clear-  
5 ly in the box labeled 'write-in'), staying within the box. Do not make  
6 a mark outside the spaces provided for voting. If you do, your ballot  
7 may not count. The number of choices is listed for each contest. Do not  
8 mark the ballot for more candidates than allowed for each contest. If  
9 you do, your vote in that contest will not count. If you make a mistake,  
10 or want to change your vote, ask a poll worker for a new ballot.

11 7. The state board of elections shall provide line drawing illus-  
12 trations to supplement these instructions. At a minimum, an illustration  
13 of the correct way to mark the ballot shall be provided, but nothing in  
14 this section shall be construed to limit the board in providing addi-  
15 tional illustrations.

16 8. When a question or proposal is included on the ballot, instructions  
17 substantially like the following shall be included on the ballot near  
18 the first question or proposal:

19 Instructions for Voting for Questions and Proposals

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

23 9. When a question or proposal appears on the back of the ballot,  
24 there shall appear on the front of the ballot text in at least twelve  
25 point font, if practicable, and a clear symbol, indicating that the  
26 voter should turn over the ballot.

27 10. The voting oval or square shall be to the left of the name of the  
28 candidate.

- 1 11. The ballot shall also comply with the following specifications:
- 2 a. If the instructions in subdivision six of this section are printed  
3 on the ballot, such instructions shall be printed in the upper left hand  
4 corner of the front of the ballot;
- 5 b. All text, including the title of each office and the name of each  
6 candidate, shall be printed flush left and shall not be centered on the  
7 ballot or in any column or row appearing on the ballot;
- 8 c. All text, including the name of each candidate as provided in  
9 subdivision three of this section, shall be printed using standard  
10 capitalization in accordance with instructions provided by the state  
11 board of elections and shall not be printed using all capital letters;
- 12 d. To the extent practicable, the name of each candidate shall be  
13 printed using a font size of not less than nine points except that the  
14 county board of elections shall consider the impact of font size on the  
15 use of multiple columns for a single office and the use of a second  
16 page;
- 17 e. The ballot shall have a clear delineation between the ballot  
18 instructions and the first office or ballot question or proposal through  
19 the use of white space, line, illustration, shading, color, symbol, font  
20 size, or bold type;
- 21 f. Shading shall be used consistently, so as to differentiate  
22 instructions from ballot section dividers and contest information;
- 23 g. "Vote for one" or "Vote for up to ....." (the blank space to be  
24 filled with the number of persons to be nominated for the office or  
25 elected to the position), as applicable, shall be printed immediately  
26 below each office title appearing on the ballot;
- 27 h. Above, below, or to the right of the name of each candidate, shall  
28 be printed, in less prominent type face than that in which the candi-

1 date's name is printed, the name of the political party or independent  
2 body by which the candidate was nominated or designated;

3 i. The names of candidates for the same office shall not be separated  
4 by a perforation.

5 12. The names of parties or independent bodies which contain more than  
6 fifteen letters may, whenever limitations of space so require, be print-  
7 ed on the ballot in an abbreviated form. In printing the names of candi-  
8 dates whose full names contain more than fifteen letters, only the  
9 surname must be printed in full. The officer or board charged with the  
10 duty of preparing the ballots shall request each such candidate to indi-  
11 cate, in writing, the shortened form in which, subject to this  
12 restriction, his or her name shall be printed. If no such indication is  
13 received from such candidate within the time specified in the request,  
14 such officer or board shall make the necessary determination. [No emblem  
15 shall occupy a space longer in any direction than the voting square to  
16 which it relates.]

17 § 4. The section heading of section 7-108 of the election law is  
18 amended to read as follows:

19 Ballots; form for general elections; additional requirements.

20 § 5. Subdivision 3 of section 7-108 of the election law is REPEALED.

21 § 6. Section 7-110 of the election law, as amended by chapter 647 of  
22 the laws of 1982, is amended to read as follows:

23 § 7-110. Ballots; form for ballot proposals; additional requirements.

24 Ballot proposals shall appear on the [voting machine or] ballot in a  
25 separate section. At the left of, or below or above, each proposal shall  
26 appear [two voting levers or] two voting [squares, each at least one-  
27 half inch square] positions. Next to the first [lever or square] voting  
28 position shall be printed the word "Yes," and next to the second [lever

1 or square] voting position shall be printed the word "No." The proposals  
2 shall be numbered consecutively on the voting machine or ballot. The  
3 number of each proposal shall appear in front of its designation as an  
4 amendment, proposition or question in the following form: "Proposal  
5 one, an amendment; proposal two, a proposition; proposal three, a ques-  
6 tion".

7 § 7. Subdivision 1 and paragraphs (b) and (g) of subdivision 2 of  
8 section 7-114 of the election law, as amended by chapter 234 of the laws  
9 of 1976, paragraph (c) of subdivision 1 as amended by chapter 433 of the  
10 laws of 1984, are amended to read as follows:

11 1. (a) The face of the official ballot for a primary election shall  
12 conform to the requirements in section 7-106 of this title except to the  
13 extent that a provision of this section is inconsistent with that  
14 section.

15 (b) The face of the official ballot for a primary election shall be  
16 divided into parts. Descriptive words to indicate the purpose of each  
17 part shall be printed at its head. Beginning at the left or top, the  
18 first part shall be entitled, and shall be for "Candidates for nomi-  
19 nation for public office". The second part shall be entitled, and shall  
20 be for "Candidates for party positions." When necessary, a part may be  
21 divided into two or more columns or rows, but the names of all persons  
22 designated for the same office or party position shall be in the same  
23 column or row.

24 [(b)] (c) In each part shall be printed the titles of the offices or  
25 party positions, as the case may be, for which the part is to be used,  
26 and under each such title shall be printed the names of the designated  
27 candidates for the office or position.

1    [(c)] (d) Where a candidate for nomination for the same public office  
2 or for election to the same party position is designated by two or more  
3 petitions, his name shall be placed upon the ballot for the primary  
4 election but once as such a candidate.

5    [(d)] (e) The ballot shall not contain a space for voting for candi-  
6 dates for uncontested offices and positions, and no ballot shall be  
7 printed for a party whose primary is uncontested unless a petition for  
8 opportunity to ballot has been filed.

9    (b) On the back of the paper ballot, on the stub, immediately below  
10 the number, shall be the name of the party. On the back of the ballot  
11 and below the stub, and immediately to the left of the center of the  
12 ballot, and on the front of the ballot, below the perforated line, shall  
13 be printed, in addition to the other information required for paper  
14 ballots, the name [and emblem] of the party and the words "Official  
15 primary ballot."

16    (g) Spaces containing names of candidates and for writing in names,  
17 and intervening spaces on the paper ballot, shall be separated by light  
18 horizontal lines. [Names of candidates shall be printed in capital  
19 letters not less than one-eighth nor more than three-sixteenths of an  
20 inch in height.]

21    § 8. Section 7-122 of the election law, subdivision 1 as amended by  
22 chapter 234 of the laws of 1976, the schedule in paragraph (b) of subdivi-  
23 sion 1 as added by chapter 381 of the laws of 1979, paragraphs (c) and  
24 (d) of subdivision 1 and subdivisions 2, 3, 5, 8, 9 and 10 as amended by  
25 chapter 165 of the laws of 2010, subdivisions 6 and 7 as renumbered by  
26 chapter 352 of the laws of 1986 and subdivision 7 as amended by chapter  
27 9 of the laws of 1978, is amended to read as follows:

1 § 7-122. Ballots; absentee voters. 1. (a) Ballots for absentee voters  
 2 shall be, as nearly as practicable, in the same form as those to be  
 3 voted in the district on election day, if any, except that ballots for  
 4 primary elections shall omit the party position of ward, town, city or  
 5 county committee and except further that such ballots need not have a  
 6 stub, and shall have the words "Absentee Ballot", endorsed thereon.

7 (b) [The names of candidates upon the ballot shall be printed in  
 8 appropriate sections, with titles of offices, section numbers, emblems,  
 9 voting squares, names of parties and political organizations and blank  
 10 spaces for writing in names of persons not printed on the ballot. Except  
 11 as to the spacing, such ballot shall be printed wherever applicable  
 12 substantially as follows:

13 (Form in chap. 381/79)

14 (c) The indorsement shall be printed and properly filled in:

15 Official Absentee Ballot for (General, Primary or Special, as applica-  
 16 ble)

17 Election

18 County of.....

19 (Assembly or Legislative, as applicable) District.....

20 (Ward and City or town, as applicable).....

21 (Insert date of election)

22 (Insert names of election commissioners providing the ballot)

23 (d)] On the front of the ballot prepared for counting by hand, [shall  
 24 be printed in heavy black type the following instructions] the  
 25 instructions for marking the ballot shall be substantially as follows,  
 26 so that it accurately reflects the ballot layout:

1 [1. Mark in pen or pencil.

2 2. To vote for a candidate whose name is printed on this ballot, make

3 a single cross X mark or a single check, V mark in the voting square

4 above the name of the candidate.

5 3. To vote for a person whose name is not printed on this ballot write

6 or stamp his or her name in the space that appears at the bottom of the

7 column or the end of the row (indicate where on the ballot the write-in

8 space appears) containing the title of the office.

9 4. To vote on a proposal make a cross X mark or a check V mark in one

10 of the squares contained in the box setting forth such proposal.

11 5. Any other mark or writing, or any erasure made on this ballot

12 outside the voting squares or blank spaces provided for voting will void

13 this entire ballot.

14 6. Do not overvote. If you select a greater number of candidates than

15 there are vacancies to be filled, your ballot will be void for that

16 public office, party position or proposal.

17 7. If you tear, or deface, or wrongly mark this ballot, call the board

18 of elections at (insert phone number here) for instructions on how to

19 obtain a new ballot. Do not attempt to correct mistakes on the ballot by

20 making erasures or cross outs. Erasures or cross outs may invalidate all

21 or part of your ballot. Prior to submitting your ballot, if you make a

22 mistake in completing the ballot or wish to change your ballot choices,

23 you may obtain and complete a new ballot. You have a right to a replace-

24 ment ballot upon return of the original ballot.] Mark the (insert "oval"

25 or "square") to the left of the name of your choice. (Provide illus-

26 tration here.) To vote for a candidate whose name is not printed on the

27 ballot, (insert "mark the oval (or square) to the left of 'write-in' and

28 print the name clearly" or "print the name clearly in the box labeled

1 'write-in'), staying within the box. Do not make any mark outside the  
2 spaces provided for voting. If you do, your ballot may not count. If  
3 you make a mistake or want to change your vote, call the board of  
4 elections at (insert phone number here) for instructions on how to  
5 obtain a new ballot. You have a right to a replacement ballot upon  
6 return of the original ballot. The number of choices is listed for each  
7 contest. Do not mark the ballot for more candidates than allowed for  
8 each contest. If you do, your vote in that contest will not count.

9 (c) When a question or proposal is included on the ballot,  
10 instructions substantially similar to those provided in subdivision six  
11 of section 7-106 and section 7-110 of this article shall be included.

12 (d) The ballot proposals may be on the back of the ballot, or on a  
13 separate ballot.

14 2. [The following provisions shall apply to all absentee ballots  
15 prepared for counting by a ballot scanner and all other] All provisions  
16 of this chapter not inconsistent with this subdivision shall be applica-  
17 ble to [such] absentee ballots prepared for counting by ballot scanner[:

18 (a) The party emblem need not be printed next to the name of each  
19 candidate.

20 (b) The ballot proposals may be on the back of the ballot, or on a  
21 separate ballot.

22 (c) The printed instructions to the voter shall read as follows:

23

#### INSTRUCTIONS

24 1. Mark only with a pen or pencil.

25 2. To vote for a candidate whose name is printed on this ballot, fill  
26 in the (insert oval or square, as applicable) above or next to the name  
27 of the candidate.

1 3. To vote for a person whose name is not printed on this ballot,  
2 write or stamp his or her name in the space labeled "write-in" that  
3 appears (insert at the bottom of the column or the end of the row, as  
4 applicable) containing the title of the office and, if required by the  
5 voting system in use at such election, the instructions shall also  
6 include "and fill in the (insert oval or square, as applicable) corre-  
7 sponding with the write-in space in which the voter has written a name."

8 4. To vote yes or no on a proposal, if any, that appears on the (indi-  
9 cate where on the ballot the proposal may appear) fill in the (insert  
10 oval or square, as applicable) that corresponds to your vote.

11 5. Any other mark or writing, or any erasure made on this ballot  
12 outside the voting squares or blank spaces provided for voting will void  
13 this entire ballot.

14 6. Do not overvote. If you select a greater number of candidates than  
15 there are vacancies to be filled, your ballot will be void for that  
16 public office, party position or proposal.

17 7. If you tear, or deface, or wrongly mark this ballot, call the  
18 board of elections at (insert phone number here) for instructions on how  
19 to obtain a new ballot. Do not attempt to correct mistakes on the ballot  
20 by making erasures or cross outs. Erasures or cross outs may invalidate  
21 all or part of your ballot. Prior to submitting your ballot, if you make  
22 a mistake in completing the ballot or wish to change your ballot choic-  
23 es, you may obtain and complete a new ballot. You have a right to a  
24 replacement ballot upon return of the original ballot.

25 (d) Such instructions may be printed on the front or back of the  
26 ballot or on a separate sheet or card. If such instructions are not  
27 printed on the front of the ballot, there shall be printed on the  
28 ballot, in the largest size type for which there is room, the following

1 legend: "See instructions on other side" or "See enclosed instructions",  
2 whichever is appropriate.

3 (e) Such ballots which are to be counted by a ballot scanner may  
4 consist of two or more sheets, which are divided into perforated  
5 sections which can be separated at the time of canvassing].

6 3. The determination of the appropriate county board of elections as  
7 to the candidates duly designated or nominated for public office or  
8 party position whose name shall appear on the absentee ballot and as to  
9 ballot proposals to be voted on shall be made no later than the day  
10 after the state board of elections issues its certification of those  
11 candidates to be voted for at the general, special or primary election.  
12 The determinations of the state board of elections and the respective  
13 county boards of elections shall be final and conclusive with respect to  
14 such offices for which petitions or certificates are required to be  
15 filed with such boards, as the case may be but nothing herein contained  
16 shall prevent a board of elections, or a court of competent jurisdiction  
17 from determining at a later date that any such certification, design-  
18 nation or nomination is invalid and, in the event of such later determi-  
19 nation, no vote cast for any such nominee by any voter shall be counted  
20 at the election.

21 [5.] 4. The board of elections shall furnish with each absentee ballot  
22 an inner affirmation envelope. On one side of the envelope shall be  
23 printed:

24

OFFICIAL ABSENTEE BALLOT

25

for

26

GENERAL (OR PRIMARY OR SPECIAL) ELECTION,

- 1 ..... , 20.....
- 2 Name of voter.....
- 3 Residence (street and number if any).....
- 4 City/or town of.....(village, if any).....
- 5 County of.....
- 6 Assembly district .....
- 7 Legislative District (as applicable) .....
- 8 Ward (as applicable) .....
- 9 Election District.....
- 10 Party Enrollment (in case of primary election).....

11 [6.] 5. The date of the election, name of the county, and name of a  
 12 city, if there be a separate ballot for city voters, shall be printed,  
 13 and the name of the voter, residence, number of the assembly district,  
 14 if any, name of town, number of ward, if any, election district and  
 15 party enrollment, if required, shall be either printed or written or  
 16 stamped in by the board.

17 [7.] 6. There shall also be a place for two board of elections staff  
 18 members or inspectors of opposite political parties to indicate, by  
 19 placing their initials thereon, that they have checked and marked the  
 20 voter's poll record.

21 [8.] 7. On the reverse side of such inner affirmation envelope shall  
 22 be printed the following statement:

23 AFFIRMATION

24 I do declare that I am a citizen of the United States, that I am duly  
 25 registered in the election district shown on the reverse side of this  
 26 envelope and I am qualified to vote in such district; that I will be  
 27 unable to appear personally on the day of the election for which this

1 ballot is voted at the polling place of the election district in which I  
 2 am a qualified voter because of the reason given on my application here-  
 3 tofore submitted; that I have not qualified nor do I intend to vote  
 4 elsewhere, that I have not committed any act nor am I under any imped-  
 5 iment which denies me the right to vote.

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

10 Date.....20..... ..

11 Signature or mark of voter

12 .....

13 Signature of Witness (required only  
 14 if voter does not sign his or her own  
 15 name)

16 .....

17 Address of Witness

18 [9.] 8. The inner affirmation envelope shall be gummed, ready for  
 19 sealing, and shall have printed thereon, on the side opposite the state-  
 20 ment, instructions as to the duties of the voter after the marking of  
 21 the ballot, which instructions shall include a specific direction stat-  
 22 ing when such ballot must be postmarked and when such ballot must reach  
 23 the office of the board of elections in order to be canvassed.

1 [10.] 9. Each ballot envelope shall be enclosed in an outer envelope  
2 addressed to the appropriate board of elections and bearing on it a  
3 specific direction that if an original application for an absentee  
4 ballot is received with the ballot, such application must be completed  
5 by the voter and returned in the outer envelope together with the sealed  
6 inner affirmation envelope containing the absentee ballot within the  
7 time limits for receipt of the absentee ballot itself. Such inner affir-  
8 mation envelope and outer envelope shall be enclosed in [a] the third  
9 envelope addressed to the absentee voter. The outer and third envelopes  
10 shall have printed on the face thereof the words "Election Material--  
11 Please Expedite".

12 § 9. Section 7-130 of the election law is amended to read as follows:

13 § 7-130. Ballots; examination by voters and instruction in use of  
14 voting machines. One or more voting machines which shall contain the  
15 ballot labels, showing the party [emblems] names and title of officers  
16 to be voted for, and which shall so far as practicable contain the names  
17 of the candidates to be voted for, shall be placed on public exhibition  
18 in some suitable place by the board of elections, [in charge of compe-  
19 tent instructors,] for at least three days during the thirty days next  
20 preceding an election. No voting machine which is to be assigned for use  
21 in an election shall be used for such purpose after having been prepared  
22 and sealed for the election. During such public exhibition, the counting  
23 mechanism of the machine shall be concealed from view and the doors, if  
24 any, may be temporarily opened only when authorized by the board or  
25 official having charge and control of the election. Any voter shall be  
26 allowed to examine such machine, and upon request shall be instructed in  
27 its use.

1 § 10. This act shall take effect on the first of January next succeed-  
2 ing the date on which it shall have become a law.

3 PART D

4 EXPANDING VOTERS' TIME TO REGISTER

5 Section 1. Paragraph (b) of subdivision 5 of section 5-210 of the  
6 election law, as amended by chapter 179 of the laws of 2005, is amended  
7 to read as follows:

8 (b) Instructions on how to fill out and submit the form and that the  
9 form must be received by any county board of elections at least [twen-  
10 ty-five] ten days prior to the election at which the applicant may vote.

11 § 2. Subdivision 7 of section 5-212 of the election law, as added by  
12 chapter 659 of the laws of 1994, is amended to read as follows:

13 7. Completed application forms received by the department of motor  
14 vehicles not later than the [twenty-fifth] fifteenth day before the next  
15 ensuing primary, general or special election and transmitted by such  
16 department to the appropriate board of elections so that they are  
17 received not later than the [twentieth] tenth day before such election  
18 shall entitle the applicant to vote in such election provided the board  
19 determines that the applicant is otherwise qualified.

20 § 3. Subdivision 4 of section 5-302 of the election law, as amended by  
21 chapter 91 of the laws of 1992, is amended to read as follows:

22 4. Registration poll records of voters whose registrations are not  
23 rejected by the board of elections shall forthwith be placed in the poll  
24 ledger or such voters' names shall forthwith be entered in the computer  
25 files from which the computer generated registration lists are prepared,  
26 except that the registration poll record of an otherwise qualified voter

1 who registers after the [twenty-fifth] tenth day before a primary  
2 election shall not be placed in such poll ledger or such voters' names  
3 shall not appear on such a computer generated registration list until  
4 after such primary and except further that the registration poll record  
5 of a voter whose previous registration was cancelled pursuant to the  
6 provisions of this chapter after the previous general election and who  
7 registers pursuant to the provisions of this chapter after such cancel-  
8 lation shall not be placed in such poll ledger or such voters' names  
9 shall not appear on such a computer generated registration list until  
10 after the fall primary election, unless such voter has enrolled with the  
11 same party as the enrollment on the registration which was so cancelled.

12 § 4. Subdivision 3 of section 5-304 of the election law, as amended by  
13 chapter 90 of the laws of 1991, is amended to read as follows:

14 3. A change of enrollment received by the board of elections not later  
15 than the [twenty-fifth] tenth day before the general election shall be  
16 deposited in a sealed enrollment box, which shall not be opened until  
17 the first Tuesday following such general election. Such change of  
18 enrollment shall be then removed and entered as provided in this arti-  
19 cle.

20 § 5. Subdivision 3 of section 5-306 of the election law, as amended by  
21 chapter 90 of the laws of 1991, is amended to read as follows:

22 3. A voter may correct his enrollment pursuant hereto on any of the  
23 days the board is open for registration. A correction made during the  
24 [twenty-five-day] ten-day period preceding a primary election shall not  
25 be effective for such election.

26 § 6. Subdivision 5 of section 10-106 of the election law, as amended  
27 by chapter 290 of the laws of 1991, is amended to read as follows:

1 5. The state board of elections shall forward to the appropriate board  
2 of elections all applications for military ballots received by it. An  
3 application from a military voter not previously registered must be  
4 received by the appropriate board of elections not later than ten days  
5 before a general or special election or [twenty-five days before a]  
6 primary election in order to entitle the applicant to vote at such  
7 election. An application from a military voter who is already registered  
8 must be received at least seven days before an election in order to  
9 entitle the applicant to vote at such election; except that an applica-  
10 tion from such a military voter who delivers his application to the  
11 board of elections in person, must be received not later than the day  
12 before the election.

13 § 7. Subdivision 2 of section 11-200 of the election law, as amended  
14 by chapter 473 of the laws of 1992, is amended to read as follows:

15 2. Every person registered pursuant to this title shall continue to be  
16 eligible to vote in all elections in which special federal voters are  
17 eligible to vote except that in order to vote at a primary election of a  
18 party, a voter registered pursuant to this title must have been so  
19 registered and enrolled in such party before the previous general  
20 election; or, if such voter was not registered in New York state for the  
21 previous general election, such voter must so register and enroll in  
22 such party not later than [twenty-five] ten days before such primary;  
23 or, if such voter was registered in New York state for the last general  
24 election, such voter must have had the same party enrollment with such  
25 registration as such voter sets forth on his application for registra-  
26 tion and enrollment as a special federal voter.

1 § 8. Paragraph a of subdivision 1 of section 11-202 of the election  
2 law, as amended by chapter 262 of the laws of 2003, is amended to read  
3 as follows:

4 a. A person, who, pursuant to this title, is qualified to vote as a  
5 special federal voter may, by application received by the state board of  
6 elections or any local board of elections on or before the [twenty-  
7 fifth] tenth day next preceding any election in which such person would  
8 be entitled to vote or the last day of local registration for such  
9 election, whichever is later, apply to the board of elections of the  
10 county in which he resided in person or by personal application by mail  
11 for registration and enrollment as a special federal voter. An applica-  
12 tion for registration and enrollment pursuant to this article shall be  
13 treated as an application for a special federal ballot for every  
14 election in which the applicant would be eligible to vote which is held  
15 through and including the next two regularly scheduled general elections  
16 held in even numbered years, including any run-offs which may occur.

17 § 9. This act shall take effect immediately.

18 PART E

19 AFFIDAVIT BALLOT

20 Section 1. Paragraph (e) of subdivision 3 of section 8-302 of the  
21 election law, as amended by chapter 200 of the laws of 1996, the opening  
22 paragraph as amended by chapter 125 of the laws of 2011 and subparagraph  
23 (ii) as amended by chapter 164 of the laws of 2010, is amended to read  
24 as follows:

25 (e) Whenever a voter presents himself or herself and offers to cast a  
26 ballot, and he or she claims to live in the [election district] county

1 in which he or she seeks to vote but no registration poll record can be  
2 found for him or her in the poll ledger or his or her name does not  
3 appear on the computer generated registration list or his or her signa-  
4 ture does not appear next to his or her name on such computer generated  
5 registration list or his or her registration poll record or the computer  
6 generated registration list does not show him or her to be enrolled in  
7 the party in which he or she claims to be enrolled, a poll clerk or  
8 election inspector shall consult a map, street finder or other  
9 description of all of the polling places and election districts within  
10 the [political subdivision in which said election district is located]  
11 county and if necessary, contact the board of elections to obtain the  
12 relevant information and advise the voter of the correct polling place  
13 and election district for the residence address provided by the voter to  
14 such poll clerk or election inspector. Thereafter, such voter shall be  
15 permitted to vote in said election district only as hereinafter  
16 provided:

17 (i) He may present a court order requiring that he be permitted to  
18 vote. At a primary election, such a court order must specify the party  
19 in which the voter is permitted to vote. He shall be required to sign  
20 his full name on top of the first page of such order, together with his  
21 registration serial number, if any, and his name and the other entries  
22 required shall then be entered without delay in the fourth section of  
23 the challenge report or in the place provided at the end of the computer  
24 generated registration list, or, if such person's name appears on the  
25 computer generated registration list, the board of elections may provide  
26 a place to make such entry next to his name on such list. The voter  
27 shall then be permitted to vote in the manner otherwise prescribed for

1 voters whose registration poll records are found in the ledger or whose  
2 names are found on the computer generated registration list; or  
3 (ii) He or she may swear to and subscribe an affidavit stating that he  
4 or she has duly registered to vote, the address in such [election  
5 district] county from which he or she registered, that he or she remains  
6 a duly qualified voter in such [election district] county, that his or  
7 her registration poll record appears to be lost or misplaced or that his  
8 or her name and/or his or her signature was omitted from the computer  
9 generated registration list or that he or she has moved within the coun-  
10 ty or city since he or she last registered, the address from which he or  
11 she was previously registered and the address at which he or she  
12 currently resides, and at a primary election, the party in which he or  
13 she is enrolled. The inspectors of election shall offer such an affida-  
14 vit to each such voter whose residence address is in such [election  
15 district] county. Each such affidavit shall be in a form prescribed by  
16 the state board of elections, shall be printed on an envelope of the  
17 size and quality used for an absentee ballot envelope, and shall contain  
18 an acknowledgment that the affiant understands that any false statement  
19 made therein is perjury punishable according to law. Such form  
20 prescribed by the state board of elections shall request information  
21 required to register such voter should the county board determine that  
22 such voter is not registered and shall constitute an application to  
23 register to vote. The voter's name and the entries required shall then  
24 be entered without delay and without further inquiry in the fourth  
25 section of the challenge report or in the place provided at the end of  
26 the computer generated registration list, with the notation that the  
27 voter has executed the affidavit hereinabove prescribed, or, if such  
28 person's name appears on the computer generated registration list, the

1 board of elections may provide a place to make such entry next to his or  
2 her name on such list. The voter shall then, without further inquiry,  
3 be permitted to vote an affidavit ballot provided for by this chapter.  
4 Such ballot shall thereupon be placed in the envelope containing his or  
5 her affidavit, and the envelope sealed and returned to the board of  
6 elections in the manner provided by this chapter for protested official  
7 ballots, including a statement of the number of such ballots.

8 § 2. Subdivision 3-a of section 8-302 of the election law, as amended  
9 by chapter 511 of the laws of 1985, is amended to read as follows:

10 3-a. The inspectors shall also give to every person whose address is  
11 in such [election district] county for whom no registration poll record  
12 can be found and, in a primary election, to every voter whose registra-  
13 tion poll record does not show him to be enrolled in the party in which  
14 he wishes to be enrolled a copy of a notice, in a form prescribed by the  
15 state board of elections, advising such person of his right to, and of  
16 the procedures by which he may, cast an affidavit ballot or seek a court  
17 order permitting him to vote, and shall also give every such person who  
18 does not cast an affidavit ballot, an application for registration by  
19 mail.

20 § 3. Subparagraph (iii) of paragraph (a) of subdivision 2 of section  
21 9-209 of the election law, as amended by chapter 308 of the laws of  
22 2011, is amended to read as follows:

23 (iii) If the board of elections determines that a person was entitled  
24 to vote at such election, the board shall cast and canvass such ballot  
25 [if such board finds that the voter appeared at the correct polling  
26 place], regardless of the fact that the voter may have appeared in the  
27 incorrect election district, provided that such vote shall not be cast

1 and canvassed for such contests for which the person was not entitled to  
2 vote at such election.

3 § 4. This act shall take effect immediately.

4 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
5 sion, section or part of this act shall be adjudged by any court of  
6 competent jurisdiction to be invalid, such judgment shall not affect,  
7 impair, or invalidate the remainder thereof, but shall be confined in  
8 its operation to the clause, sentence, paragraph, subdivision, section  
9 or part thereof directly involved in the controversy in which such judg-  
10 ment shall have been rendered. It is hereby declared to be the intent of  
11 the legislature that this act would have been enacted even if such  
12 invalid provisions had not been included herein.

13 § 3. This act shall take effect immediately provided, however, that  
14 the applicable effective date of Parts A through E of this act shall be  
15 as specifically set forth in the last section of such Parts.