

PROGRAM BILL # 5

GOVERNOR'S PROGRAM BILL 2013

MEMORANDUM

AN ACT to amend the election law, in relation to voter pre-registration; to amend the election law, in relation to ballot access (Part A); to amend the election law, in relation to ballot access (Part B); to amend the election law, in relation to the 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 relation to affidavit ballots (Part E).

Purpose:

New York State's election system is outdated and discourages participation in the electoral process. New York currently ranks 47th in the nation in voter registration rates, with less than 64% of eligible residents registered to vote. In 2012, New York ranked 44th in the nation in voter turnout, with only 53.6% of the voting eligible population turning out to the polls during the presidential election. As a result, the system undermines public confidence in elected officials in Albany at a time when such confidence has already been shaken by severe allegations of public corruption.

This bill reforms the Election Law to increase voter participation and encourage new leaders to run for elected office, by simplifying the ballot, allowing sixteen and seventeen year olds to pre-register to vote, expanding access to the ballot for new candidates, expanding the time period for voter registration, and allowing greater flexibility for affidavit ballots to be counted.

Summary of Provisions:

Part A: Pre-Registration of Sixteen and Seventeen Year Olds

This part would amend the Election Law to allow sixteen and seventeen year olds to "pre-register" to vote. Upon turning 18, those who are pre-registered will have their information verified, and will be registered to vote.

Part B: Ballot Access

This part would amend Election Law §§ 6-136 and 6-142 by reducing the number of signatures a potential candidate is required to collect to appear on the ballot for state offices. It would also amend Election Law §§ 6-130, 6-132, and 6-140 by removing the requirement that a petition signer outside New York City include his or her town or city when signing the petition. This bill requires that signers need include only their county of residence in addition to their street address, which is the current requirement inside New York City. The bill would further eliminate this requirement for witnesses to such petitions.

Part C: Ballot Simplification

This part would amend the Election Law to reform the design of ballots used in New York. Section 2 would amend Election Law § 7-104 to require that ballots be designed to be easier to read and use. Among other changes, this section would require that the ballots:

- Display candidates' names in clear, bold, readable text, in a single sans serif font; and
- Have reduced clutter near candidates' names (including unnecessary designating letters and numbers and the closed fist and index fingers), increasing legibility for voters and decreasing the likelihood of scanner error.

It would further require that, in counties where ballots are required by federal law to be provided in a language other than English, each ballot contain English and only one other language. This requirement will ensure that the font size used in such jurisdictions is sufficiently large to allow voters to read the ballots in their chosen languages.

Section 3 would amend Election Law § 7-106 to require that the State Board of Elections publish and distribute to each county board of elections sample master templates of the ballot. This section would further require that ballots contain shorter instructions that are prominently displayed, easy to understand, and free of legal jargon, and the text of such instructions is set forth in the statute; that to the extent practicable, font size be not less than nine points; that fill-in ovals be placed next to candidates' names on the left, dramatically reducing ambiguity and confusion; and several other requirements to improve the usability and simplicity of the ballot.

In addition, section 4 of this part would rename Election Law § 7-108; section 5 would repeal subdivision 3 of Election Law § 7-108; section 6 would amend Election Law § 7-110 to update ballot proposals; section 7 would amend Election Law § 7-114 to

ensure that the primary election ballots conform to the same requirements as the general election ballots; section 8 would amend Election Law § 7-122 to simplify the absentee ballot and provide clearer instructions; and section 9 would amend Election Law § 7-130 to make a conforming change regarding examination of voting machines.

Part D: Expanded Voter Registration Period

This part would amend several provisions of the Election Law to allow voters to register up to ten days before an election, rather than the current twenty-five days before an election.

Part E: Affidavit Ballots

This part would amend Election Law §§ 8-302 and 9-209 to allow an affidavit ballot that is cast on an election day to be cast and counted regardless of the fact that the voter may have inadvertently appeared in the incorrect election district, provided that no vote will be cast or counted for a contest for which the voter was ineligible to vote.

Existing Law:

This bill amends several existing provisions of the Election Law.

Justification:

New York ranks at or near bottom among states for voter registration and voter participation. This bill seeks to address this problem by allowing 16- and 17-year-old citizens to pre-register to vote, increasing the amount of time New Yorkers have to register to vote before an election, and expanding the counting of certain affidavit ballots. Each of these proposals makes it easier and more convenient for New Yorkers to register and to vote.

The bill would further reform the State's antiquated provisions regarding the appearance of ballots used in State elections to enhance their usability. Together, these reforms will improve New York's voter participation and election process and, as a result, improve public confidence in the State's elected officials.

Legislative History:

This is a new bill.

Budget Implications:

There is no fiscal impact associated with this bill.

Effective Date:

The provisions of this bill related to voter pre-registration, petitioning requirements, and ballot simplification would take effect on January 1 the year after the bill has become law. The other provisions will take effect immediately.