



Reinvent Albany Supports Passage of Voter Friendly Ballot Act

Long-Awaited Reform Will Make Ballots More Readable and Reduce Voter Errors

Reinvent Albany supports the Voter Friendly Ballot Act, which is poised to pass both houses imminently. The Assembly has already passed the bill – for the 8th year in a row – and the Senate has moved the bill out of committee to 3rd reading on the calendar. Our understanding is that small differences between the two houses’ bills will soon be reconciled, positioning it to pass and be sent to the Governor.

The bill improves the readability of ballots, addressing many long-standing ballot design problems that have plagued New York City elections in particular. The bill will increase the font size for ballot language, simplify instructions for completing the ballot, reduce the number of languages on the ballot, and alert voters to referenda questions.

Passing this legislation will continue the legislature’s modernization of our outdated election system building on the sweeping reforms it made the first day of session, which Governor Cuomo signed into law.

MEMO IN SUPPORT

Voter Friendly Ballot Act

[A.2682 \(Lavine\)/S.2300-A \(Kavanagh\)](#)

March 4, 2019

TITLE OF BILL

Enacts the voter friendly ballot act; relates to the form of the ballot for elections; removes additional provisions for primary elections for New York City.

SUMMARY OF PROVISIONS

The Voter Friendly Ballot Act makes changes to state law specifying the design and layout of the ballot.

Ballots are changed so that no more than three languages appear on any one ballot – English and two other languages.

One font or font family is mandated (sans serif). Text must be in standard capitalization (upper and lower case letters) rather than in all capital letters. A font size of 9 point or larger is mandated except for rare circumstances when it is not practicable.

Instructions for completing the ballot will commonly be placed in the upper left hand corner of the ballot with visual instructions for casting a vote. Instructions will be substantially simplified and clarified for voting in person and for absentee ballots. Directions to turn over the ballot will be mandated when there are ballot questions on the back of the ballot. Ballot questions can also be provided in a separate section of the ballot or on a separate sheet rather than on the back of the ballot.

The voting oval or square a voter must fill in to cast a vote is required to be placed to the left of the candidate's name. Shading can be used to separate ballot sections rather than boxes and horizontal lines of varying sizes as is currently required.

Ballot features like a designating letter and number next to the name of each candidate, party emblems, and the image of a closed fist and index finger pointing to the party or independent body are removed altogether from the ballot.

Boards of Election are explicitly authorized to publish sample ballots online.

There are small differences between the Senate A print and the Assembly bill related to viewing sample and official ballots and the testing of voting machines. The Senate bill requires sample ballots be available for public inspection 50 days before an election while the Assembly bill requires boards make them available 28 days before an election. The Senate bill makes official ballots available for public inspection 50 days before an election except in extraordinary circumstances (the Assembly bill requires just 14 days). The Senate bill makes ballots available to viewing by candidates or their designated representatives 46 days before an election (the Assembly bill requires only 14 days). The Senate bill requires candidates be informed of the logic and accuracy testing of voting machines 20 days before an election (the Assembly bill requires 15 days notice).

The effective date of the bill is July 1, 2020.

STATEMENT OF SUPPORT

[Reinvent Albany strongly supports the Voter Friendly Ballot Act](#) because it will make ballots more readable, visually appealing and likely reduce mistakes made by voters in casting their ballots.

The Voter Friendly Ballot Act addresses many of the ballot design problems that have surfaced in recent years, particularly in New York City. Instructions for casting a ballot are exceedingly long and complex, and do not require informing voters of ballot questions, which do not appear on the front of the ballot (25 percent of voters in 2018 did not vote at all on charter revision questions in New York City). Font size has been extremely small in order to meet the requirements of a full face ballot requiring a single display of candidates, a relic of the lever voting machines. The Board of Elections in the City of New York has placed as many as five languages on the same ballot to meet federal voting rights requirements, making the ballot crowded and even more difficult to read.

The Voter Friendly Ballot Act importantly limits the number of languages to no more than three languages per ballot, which frees up space to increase font size to at least 9 point in most instances. It also shortens and simplifies instructions, adds visual aids to provide guidance to less literate voters, and allows for shading to more clearly separate sections of the ballot. It makes common-sense changes like requiring the oval voters fill in next to the candidate's name to always appear to the left of the candidate's name. The bill further removes extraneous and unnecessary ballot items like party emblems, a

closed fist pointing to the party or independent body, and designating letters and numbers.

The Voter Friendly Ballot Act has been passed by the Assembly eight times, every year since 2012. It languished in the State Senate for years despite the long leadership of Senator Brian Kavanagh, who sponsored it as an Assemblymember and now carries the Senate version, which has for the first time advanced to third reading on the calendar. We also thank Assembly Elections Chair Charles Lavine, who committed to passing the bill again this year at an Assembly Elections Hearing in November 2018, and fulfilled his commitment.

There are small differences between the Senate “A” print and the Assembly version related to the deadlines by which boards of elections must make sample and official ballots available to the public and to candidates, as well as when candidates can observe the testing of voting machines. Reinvent Albany understands the Assembly is amending its bill to match the Senate version thereby positioning this legislation to pass after many years.

While we support the immediate passage of this legislation, if the Assembly and Senate are going to address other issues with ballot design, we believe they should remove the provision in Election Law section 7-106(2) requiring ballots with two or more sheets to be perforated and separated at the time the ballot is scanned. This is believed to have caused numerous ballot jams on Election Day in 2018 in New York City, and Executive Director Michael Ryan has testified we are the only state that has a requirement that ballot pages be connected by a perforated edge.