



**Board of
Elections**

Guide to Operating a County Board of Elections

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9/2023

Version History

September 25, 2023 – Original Version

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Using This Guide

This *Guide to Operating a County Board of Elections* is designed as a comprehensive reference for use by commissioners and other staff at the boards of elections. When used with the Election Law and other cited sources, it will provide you with of the regulations and procedures for the proper, effective, and efficient administration of elections in your county. We trust that you will use it regularly and find it valuable.

This guide is divided into sections, providing an overview of New York State’s election system, including the functions and services of the State Board, though it primarily focuses on the work of county boards and addresses, among other topics:

- How boards interact with local governments
- How boards interact with political party leaders, candidates, voters, and stakeholders
- Administrative and management issues
- Staffing board offices and poll sites
- How to work with and respond to the media

Extensive quotation or paraphrasing of the Election Law and other sources is avoided. Instead, it is intended:

- To direct you to the appropriate sources of information or assistance
- Clarify points of information
- Highlight potential problems and suggest ways to avoid them

We recommend that you read through it on receipt, then refer to it as necessary.

Design

This guide also has several features designed to make it easier to navigate around the document when viewing it on a computer. An interactive Table of Contents with sub-headings is provided so that you can more easily determine what is covered in each chapter and can navigate directly to a desired section. The beginning of each chapter also includes links to sections within the chapter. Within the text there are references to other sections of the document which may provide additional information. When this occurs, the section name will appear in quotation marks and be linked to the referenced section to provide easy access. For example, in the paragraph below, the Resource Directory is referenced and linked so that clicking on it will bring

you directly to the Resource Directory section of the guide. The guide has an outline of the headings in the Bookmarks pane and the document is fully searchable.

Headers provide the name of the guide and the broadest section in which each page is located and footnote references cite sections of *Election Law (ELN)*, *New York Codes Rules and Regulations (NYCRR)*, *Formal Opinions of the State Board of Elections (FO)*, *Running for Elective Office in New York State (RFO)*, and other relevant sources, allowing you to be able to quickly reference the original language if needed. Additional guides produced by the State Board of Elections are also referenced if more in-depth information is needed on a particular subject. A “[Resource Directory](#)” containing contact information for the State Board and other relevant agencies or entities, and appendices that contain samples of various forms and documents that relates to the business you conduct at your board are included.

A version history of this guide is also included before the Table of Contents. This will provide information on the updates that are made when a new version of the guide is released.

Maintenance and Distribution

The guide is meant to be used in the format that is easiest for you. It can be printed and placed in a loose-leaf format so it can easily be referred to by you and your staff or it can be distributed and viewed as a computer file. Updates, replacement pages, or forms will be issued by the State Board as the need arises.

For your convenience we are providing this guide via e-mail. Commissioners are encouraged to share all or parts with appropriate staff, making sure that those persons have easy access to the sections the commissioners decide are appropriate to share.

Election Organization in New York State

Sections

[Governmental Organizations](#)

[County and City Legislative Bodies](#)

[County Board of Elections](#)

[Town, City, and Village Clerks](#)

[Political Parties](#)

[Election Commissioners' Relationship with and Responsibilities to Party Organizations](#)

Governmental Organizations

Various governmental organizations and entities have certain responsibilities under the Constitution and Election Law and play an important role in conducting elections in New York State. These include the Governor and Legislature, the State Board of Elections, the US Election Assistance Commission, county and town legislative bodies, county boards of elections, city, town, and village clerks, and political parties. Since there is interaction between all these persons or entities from time-to-time, it is important for you to have a grasp of “the big picture” as provided in this guide.

The State Legislature and Governor

The Legislature enacts and the Governor approves all amendments to the Election Law. This includes establishing the dates in the political calendar each year. Both houses of the Legislature, the Senate and Assembly, have standing committees on the Election Law. These committees review and approve all Election Law proposals before they are presented to the full Legislature. The Governor’s program and counsel staff review all legislation passed by the Legislature, prior to approval or veto by the Governor. The Governor routinely files program legislation involving Election Law with the Legislature, for consideration. The State Board also proposes changes to the Election Law in a legislative packet delivered to the Senate and Assembly each year.

The State Board of Elections

The New York State Board of Elections was created in 1974 and assumed election functions previously handled by the Department of State and the Attorney General. In addition, a wide variety of new election responsibilities were assigned by law to the State Board, including oversight of campaign finance disclosure statutes.

The State Board consists of four commissioners, two from each major party, appointed by the Governor for two-year, staggered terms¹. The Chairs are recommended by the Legislature and the other two Commissioners by the State Party/Governor. The Governor also chooses the Chief Enforcement Counsel, and the State Legislature confirms the nominee.

Duties and responsibilities of the State Board and its staff include²:

- Enacting Rules and Regulations implementing aspects of the Election Law
- Conducting reviews of the operation of each board of elections and recommending changes for operational improvement and revisions to policies and procedures
- Investigating alleged violations of the Election Law
- Designing and specifying forms used in registration and elections
- Providing guidance to county boards in areas such as interpretation of law and operating procedures
- Administering and enforcing many aspects of campaign financial disclosures
- Administering a program of public matching funds for candidates running for state office
- Encouraging voter participation in elections
- Developing and recommending election-related legislation
- Evaluating useful technology to improve county board operations and establishing rules and regulation for its implementation, such as electronic pollbooks, ballot-on-demand printers, and voter registration systems
- Testing and certifying new voting systems for use in New York State
- Certifying candidates for Statewide, Congressional, Assembly, Senate, and certain other offices and approving the form, content, and wording of statewide ballot questions
- Certifying the results of elections involving offices noted above, and all those offices encompassing more than one county (for example, Justices of the Supreme Court)

Staff of the State Board has day-to-day contact, by phone, e-mail, fax, and in-person with individual county boards. In addition, there are opportunities throughout each year, at statewide conferences and regional meetings, and on conference calls for the State Board and its staff to confer with county boards of elections. More information on the units within the State Board, their duties, and contact information can be found in [“The State Board of Elections Units, Functions, and Services”](#) section.

¹ ELN §3-100

² ELN §3-102

County and City Legislative Bodies

County legislative bodies have certain peripheral election responsibilities including appointing commissioners of elections³, setting the length of the appointment terms⁴ and salaries⁵, and most notably providing the board’s budget. It is important, therefore, that county board commissioners establish good working relationships and communicate effectively with county legislative body to achieve the level of funding necessary to efficiently carry out their responsibilities. Please note, that though the legislative body approves that budget for the board of elections, they are not able to dictate how the board allocates that money within their staffing and operating costs.

In New York City, the City Council and the Mayor approve the budget for the New York City Board of Elections and set the salary for all Election Day workers (inspectors, poll clerks, coordinators, information clerks, interpreters) on the recommendation of the City Board⁶.

County Board of Elections

There are 62 boards of elections in New York State, one in each county and one for each of the five boroughs of New York City. Certain services for all five boroughs are consolidated under the New York City Board of Elections, located in Manhattan. The centralization of election services at the county board level helps to ensure consistency in the delivery of those services, as well as to professionalize them. Each board has primary responsibility for the conduct of elections within its jurisdiction. Their responsibilities include registering of voters, certifying candidates for the ballot, maintaining, programming, and deploying voting machines, appointing and training poll workers and voting equipment custodians or technicians, as well as canvassing and certifying election results.

To ensure balance and transparency in the election system, board commissioners and other board staff are selected equally from the two major parties⁷. This applies to office, or “regular,” staff as well as election inspectors and others who work at poll sites on voting days.

Most citizens are exposed to our election system when they register to vote and when they go to the polls to cast their ballot. This exposure becomes the basis of their opinion of the quality

³ ELN §3-204

⁴ ELN §3-202

⁵ ELN §§3-208, 3-420

⁶ ELN §3-420 (1)

⁷ ELN §3-300

and integrity of the system, which is why it is so important for you to do a fair and professional job.

New York State Election Commissioners Association

The New York State Election Commissioners Association is an organization that is comprised of the professionals working at the 62 county boards and the New York City Board of Elections. NYSECA generally puts on conferences twice a year where commissioners can connect with each other, employees from the State Board, and vendors. Training sessions are made covering a range of topics including relevant changes that have occurred to New York Election Law. Material from presentations made at past conferences can be found at the NYSECA website⁸ and used as another resource.

Town, City, and Village Clerks

Under Election Law, county election commissioners may designate town, city, and village clerks to have certain election responsibilities⁹. If your board opts to ask town or city clerks to assist with certain election-related tasks (such as serving as a central collection point for security bags and voted ballots on election night), be sure to do so well in advance of the election when such assistance will be needed.

It is important for boards of elections to have a high level of communication with town, city, and village clerks, and to have procedures that clearly explain the assistance the board hopes to get from the municipality on Election Day or other election-related events throughout the year. This advice is especially important if your board needs or utilizes the services of local law enforcement officials, e.g., the return of memory card security bags and ballots on Election Night, attendance at recanvass and audit sessions, assistance at poll sites when warranted, etc.

Village Elections

Village clerks serve as the primary election official responsible for conducting elections for village officials, unless the village has passed a resolution transferring that responsibility to the county board¹⁰. Clerks are also responsible for handling the petitioning process for local propositions that need to be placed on the ballot.

⁸ nyseca.com

¹⁰ ELN §15-104

⁹ ELN §4-134

Village Elections are normally conducted by the villages themselves, in March or June¹¹. The village clerk is usually the official in charge of village elections and can get any necessary assistance from their respective village attorney. The New York Conference of Mayors (NYCOM) produces information for village clerks on how to conduct their elections. They also create political calendars for village elections, which it provides directly to county boards and is available on their website¹². You will find the NYCOM pamphlet along with advice from the State Board, most helpful.

A village can also request that the county board of elections run the elections by passing a resolution to transfer the responsibility¹³.

The county board should supply its list of registered voters to a village preparing for an election (including in poll book format) when requested¹⁴. Boards should also provide a list of permanent absentee voters and military voters, for the village to use as it sees fit. In some cases, special registration is permitted for these elections, which is separate from regular voter registrations filed with you, so that it is possible to be registered for the village election only, but not for other elections. If the village runs the election but has adopted a resolution stating there shall not be a village registration day, eligibility is limited to those registered with the county board. However, if the village has transferred the responsibility to running elections to the county, only persons registered in the usual sense are eligible to vote.

Some villages may ask to use your scanners and other election supplies in village elections. This request will generate some additional tasks for you and your staff, so feel free to contact the State Board if such a request is made.

Political Parties

- ∴ **Major Parties**¹⁵: are the two political parties receiving the most votes statewide in the last election for governor.
- ∴ **Recognized Parties**¹⁶: are those which garner either 130,000 votes or 2% of the total votes cast (whichever is higher) for Governor or President of the United States. They must meet the above requirement every two years to continue to be recognized as a party for purposes of enrollment.

¹¹ ELN §15-104

¹² nycom.org/images/2023_Calendar_of_Dates_-_Final.pdf

¹³ ELN §15-104 (c)

¹⁴ ELN §5-612

¹⁵ ELN §1-104 (24)

¹⁶ ELN §1-104 (3)

- ∴ **Independent Bodies**¹⁷: are those organizations or groups of voters that nominate a candidate or candidates for an office to be voted for at an election but have not fulfilled the requirements to be a recognized party.

The role of political parties in the election process in New York State touches many areas of election administration. The two major parties in the state have the authority to recommend election officials to serve at the state and county level. The bipartisan conduct of elections is ensured by the State Constitution and is provided for in many sections of the Election Law. This system of checks and balances helps to ensure that all aspects of election administration are conducted in a fair, accurate, and transparent manner so that voters, party leaders, candidates, and other stakeholders can have a high degree of confidence in the election process.

Recognized groups may attain and retain party status and may then organize state and county party organizations, as provided for in Election Law¹⁸. Rules adopted by each party committee, both state and county, for all recognized parties, are filed with the State Board of Elections. Copies are available on request.

Party Organization

State Committees are made up of members who are elected from units of representation as specified in the rules of each party. The number of members may vary, but each member shall be entitled to an equal vote within each unit¹⁹.

County Committees are made up of at least two members from each election district within the county²⁰. Additional members are allowed if the by-laws of the committee provide for it, or the by-laws are amended to allow it. Every member of the county committee shall be an enrolled member of the party and must reside in the assembly district in which their election district is contained.

Rules of the State and County Committees may provide for additional members and subcommittees. Party rules should be consulted whenever questions related to these topics arise.

¹⁷ ELN §1-104 (12)

¹⁸ ELN §§2-102 - 2-114

¹⁹ ELN §2-102

²⁰ ELN §2-104

Organization of Party Committees

Organizational meetings called for the purpose of selecting party officers shall be held as follows²¹:

- For State Committees: no earlier than September 17th and no later than October 1st
- For County Committees: no earlier than September 17th and no later than October 6th
- For all other committees: as the rules of the party may provide

Within three days after an organizational meeting, all state and county committees shall file with the State Board of Elections, a certificate stating the names and post office addresses of such officers. County committees and their subcommittees (town, city, ward, etc.) shall also file a copy of such certificate with their county board of elections.

Party Rules

Each party committee may adopt, and subsequently amend when desired, rules for governing the party within its jurisdiction²². State and county committees must file a copy of such rules within 10 days after adoption, with the State Board of Elections. No rule or amendment is effective until the filing has been made in the office of the State Board of Elections. County committees must also file a copy of those rules with their respective county board of elections.

Rules may be amended, or new rules adopted, by a majority vote of the committee provided a copy of the proposed amendment is sent with the notice of the meeting at which the amendment is to be considered. The mailing of such notices must be sent to committee members no less than five days before the meeting, or as rules of the party provide.

Party Committee Vacancies

When vacancies occur in any party committee, they may be filled by the remaining members of the committee from that unit of representation²³.

If the boundary of any district in which a party committee member is elected or appointed is changed, that member elected for such district will continue in the position until the end of their term and until a successor is elected.

²¹ ELN §2-112

²² ELN §2-114

²³ ELN §2-118

Information on non-party committee vacancies can be found in the “[Unscheduled Vacancies in an Office](#)” section.

Party Calls

Documents detailing party positions, that are to be elected in any given year, are called party calls and are filed in February of each year²⁴.

Party calls will advise boards of elections, party leaders, and others as to the number of state and county committee members who are to be elected for the specific year in which party reorganization is to occur. A party call will also detail the number of judicial district delegates and alternate delegates to be elected. These delegates and alternate delegates are responsible for selecting Supreme Court candidates at conventions held annually in August²⁵. This specific aspect of a party call is based on the number of votes cast for governor on that given party line, so be aware that the number of persons to be elected changes every four years.

Note: Boards should become very familiar with where petitions for the various party positions mentioned are to be filed. A document explaining where to file petitions is part of each year’s February Certification provided by the State Board and is always available in the *Running for Elective Office in New York State* publication.

Election Commissioners’ Relationship with and Responsibilities to Party Organizations

Due to the bipartisan structure of the county board of elections and the method used to select county election commissioners, a fine line exists between the relationship and responsibilities to party organizations and candidates, and the relationship with and responsibilities to the public.

The law itself recognizes the role and responsibility to the political parties, as the commissioners are recommended for appointment by the party organizations²⁶. If the party does not put forward a candidate, the appropriate party caucus within the legislative body can appoint the commissioner. This may be perceived as a conflict of interest but is not necessarily so. An election commissioner should be able to reasonably compartmentalize their responsibilities to the party organization and the public within the guidelines of the Election Law.

²⁴ ELN §2-120

²⁵ ELN §6-158 (5)

²⁶ ELN §3-204

Far too often, serious conflicts can arise within the office of a board of elections due to the bipartisan arrangement of appointing employees and the employees' involvement in the political process. While there are responsibilities to the party, a satisfactory arrangement by the commissioners must be made for the separation of these responsibilities from the responsibilities of the board to the public. It is important that commissioners and deputies not place themselves in any light which could negatively impact the performance of their duties or create any opportunity for even the perception of impropriety.

Perception is a major component of election operations and sometimes the facts, though true and admirably explained, fail to ameliorate a negative perception firmly planted in the mind of a voter, candidate, party leader, or the media. To mitigate the appearance of a conflict of interest it is recommended that commissioners and deputies not engage in any matter on which they may have to make an official ruling. This will remove them from any direct line of fire, and can easily be achieved by following this partial list of examples:

- Do not serve as a treasurer for any candidate or party committee
- Do not witness petitions or serve as a petition coordinator for any candidate or party committee
- Conduct any party business, outside of your role as commissioner, off county property

If you find yourself in a situation where advice could be helpful, feel free to call the State Board to discuss the matter.

Voter Lists

County boards are required to provide different lists to the local parties throughout the year or upon request. The following lists should be delivered to county chairperson of each party at the stated times:

- Voter registration corrections and cancellations; seven days before each election²⁷
- Voter registration records that have been transferred because a poll site is not accessible; six days before each election²⁸

²⁷ ELN §5-226 (3)

²⁸ ELN §5-601 (9)

- Names of special federal voters, their place of previous residence, including the election district and ward, and assembly district as applicable, and party enrollments, for a primary election; 15 days before each election²⁹
- Approved applications of voter registration; upon request³⁰
- Voter registrations that were cancelled or reinstated; upon request³¹
- Names of military voters, their residence, and party enrollments, for a primary election; upon written request³²
- Names and residence of hospitalized veterans and hospitalized veterans' relatives to who absentee ballots were sent³³
- Names of special presidential voters, their residence, including the election district and ward, and assembly district as applicable³⁴

The following list should be delivered to the county chairperson of each party or independent body upon request:

- Absentee ballot applicants whose ballots have been delivered or mailed, including their names, resident, election district, ward, and assembly district as applicable, and party enrollments, for a primary election³⁵

Beyond what is provided for above, parties are able to request voter and other information, but it may need to be done through the Freedom of Information Law. More information on this can be found in the "[Freedom of Information](#)" section.

²⁹ ELN §11-204 (5)

³⁰ ELN §5-210 (15)

³¹ ELN §5-404 (2)

³² ELN §10-106 (7)

³³ ELN §8-404 (2)

³⁴ ELN §11-106 (4)

³⁵ ELN §8-402 (7)

The State Board of Elections Units, Functions, and Services

Sections

[Units and Distribution of Duties](#)

[Functions and Services](#)

The State Board consists of four commissioners; one commissioner from each major party serves as co-chair of the State Board¹. The bipartisan working management of the State Board staff, located in Albany, is entrusted to two co-executive directors. Senior staff members lead the various units that make up the State Board.

Units and Distribution of Duties

- **The Compliance Unit** is responsible for campaign committees' registrations and terminations, receiving, logging, and auditing campaign financial disclosure statements and all related compliance documents filed by candidates and elected officials, and from treasurers of political committees. The Compliance Office also prepares and disseminates information and training materials, along with operating a call center to handle inquiries related to Election Law and the financial disclosure mandates. Training videos and users guides for the web-based filing system implemented in 2021 can be found at elections.ny.gov/CFaboutWebBasedEFS. The Compliance Office refers non-filer and deficient-filer items to the Enforcement Unit for review and action.
 - Phone: 518-474-2063
 - Email: CFInfo@elections.ny.gov
- **The Counsel's Office** is responsible for interpreting the Election Law, drafting proposed legislation and board rules and regulations, and representing the board in court cases. The office provides oversight and guidance on contracts, compiles responses to subpoenas and certain Freedom of Information Law requests, and provides continuing legal education courses on campaign finance laws. The Counsel's Office also oversees the creation and publication of *Formal Opinions of the State Board of Elections* and the annual *Election Law Update*, which are responses to very specific questions regarding the Election Law and certain related laws. County board officials should familiarize themselves with these *Formal Opinions*, which are available on the State Board's website.
 - Phone: 518-474-2063
 - Email: counsel@elections.ny.gov

¹ ELN §3-100

- **The Election Operations Unit** provides operational and technical support to county boards of elections, public election services, ballot access assistance, voting system certification and technical support, and has daily communications with the county boards and the general public. The operational support component conducts county board oversight visits, during which recommendations for changes may be made, certifies voting equipment for use throughout the State, supports county boards in the evaluation, acquisition, and use of this equipment, and participates in the development and delivery of training for county boards. The ballot access division of the Operations Unit is responsible for petition and related document filings, compiling and certifying offices to be filled at each election, and certifying election results. In cooperation with the Secure Elections Center, this unit also prepares guidance for county boards on existing and updated procedures for cybersecurity.
 - Phone: 518-473-5086
 - Email: election_ops@elections.ny.gov
- **The Enforcement Counsel** is responsible for the enforcement of provisions of the Election Law and other statutes governing campaigns, elections, and related procedures. They receive complaints from the Compliance Unit and the public, investigate, and determine whether to close the matter, proceed with civil enforcement action, or seek criminal prosecution. The counsel pursues filing delinquencies or deficiencies, campaigning or Election Day conduct, and cases referred from the Compliance Unit.
 - Phone: 518-486-7858
 - Email: enforcement@elections.ny.gov
- **The Information Technology Unit** is responsible for all infrastructure management, applications development, systems support, cybersecurity, and end-user support, the development and maintenance of the internal computing systems of the State Board, particularly the statewide voter registration database called NYSVoter, the Financial Disclosure Administration System, and the Candidate Petition Administration System, as well as other programs that help ensure the State Board's compliance with Election Law mandates. This unit also makes training on Cyber Security Awareness available, arranges for Elections-based Tabletop Exercises, and provides guidance on improving county security readiness and improving protection for state election infrastructure.
 - Phone: 518-473-4803
 - Email: Support@elections.ny.gov
- **The Public Campaign Finance Unit** will handle the program that allows candidates for statewide offices to receive matches on small contributions from New York voters. This unit is responsible for reviewing disclosure reports for eligible candidates, providing support to candidates, issuing rules and regulations on Public Campaign Finance,

conducting post-election audits, holding hearings with candidates on compliance issues, and making reports on the program to the New York Legislature.

- Phone: 518-473-2784
- Email: PCFB@elections.ny.gov
- **The Public Information Office** handles media relations for the State Board, often where the public has a specific interest, maintains website content, compiles and distributes information related to voter registration statistics, promotes statewide voter registration and voter participation initiatives, processes freedom of information requests, and provides unofficial election results as part of the Election Night Reporting System. This unit is also responsible for assisting appropriate agencies in achieving compliance with the National Voter Registration Act (NVRA), ensuring each participating agency's compliance with respective rules and regulations, and collecting, compiling and reporting on all transactions resulting from voter registration applications generated by designated agencies. The Public Information Office also administers grant money from federal and state agencies and outside interests that counties can access.
 - Phone: 518-474-1953
 - Email: PIO@elections.ny.gov
- **The Secure Elections Center** is comprised of dedicated staff from Information Technology, Elections Operations, and Public Information. An Incident Response procedure has been developed that requires the center be notified of all cyber incidents that affect or could affect election systems. This unit facilitates annual tabletop exercises and training related to cybersecurity and handling an attack on the election system.
 - Phone: 518-402-5649
 - Email: secure@elections.ny.gov
- **The State Board's Administrative Unit** oversees personnel administration, fiscal matters, mail and warehouse operations, budget, procurement, contract payments, and all general day-to-day operations for the State Board.
 - Phone: 518-474-6336
 - Email: FinancialAdmin@elections.ny.gov

Functions and Services

Within and among the various areas of responsibility² and expertise vested in each unit, all of us at the State Board welcome your requests for advice and assistance and will do our best to help.

² ELN Article 3 Title 1

From time to time, particularly at end of each year, we require responses to various surveys relating to aspects of your operations. We appreciate your cooperation in promptly providing the requested data to comply with federal, state, and local stakeholders by the mandated deadlines. The tabulation and analysis of your responses often produces interesting information and even identifies ideas or programs that may become the basis of best practices, and thus are useful to all boards.

We urge you to take full advantage of the services we provide, such as our hands-on or web-based training in areas of election specialties, guidance in automating and improving board operations, and interpretation of the Election Law and its corresponding Rules and Regulations.

Organizing and Staffing Your County Board of Elections

Sections

[Organizing](#)

[Staffing](#)

Organizing

Commissioners are recommended by their respective political parties and appointed by their county legislative body, and in New York City, by the City Council¹. County boards of elections have two commissioners, one from each major party, appointed for a two-year term beginning on January 1st. The local legislature may provide for four-year terms for commissioners and may further require staggered appointments².

When appointed, a Certification of Appointment or an Oath of Office of an election commissioner must be filed with the Office of the Clerk in the commissioner's county of residence³. The State Board needs to be notified of the appointment and a copy of the paperwork should be transmitted. If deputy commissioners are appointed, the State Board should also be notified of their appointment by email or transmitting a copy of their Oath of Office. A copy of the Oath of Office can be found in Appendix K.

Shortly after January 1st of each year, the commissioners are required to meet to organize themselves as a Board, select one commissioner to serve as president and the other to serve as secretary⁴. It is common to rotate these offices from year to year. When the Election Law specifies an action of "the Board," that action requires the agreement of both commissioners, or at the New York City Board, an agreed upon number of commissioners less than the 10 members⁵. This first meeting should also be devoted to adopting a work plan for the year, based on the political calendar, the State Board's planning calendar (provided to boards in January of each year), the county board's own operating experiences, and other important factors, including the lag time for printing and delivering forms, creating poll books and ballots, planning a budget to submit for approval (normally in mid-year), etc.

All boards, especially those with part-time commissioners, should meet regularly during the year to review progress toward achieving all the board's objectives, modify plans as necessary, make legally required decisions, appoint and assign staff, create or amend written procedures, and

¹ ELN §3-204

² ELN §3-202

³ ELN §3-210

⁴ ELN §3-212

⁵ ELN §3-212 (5)

discuss other pertinent matters. It is important to keep minutes of these meetings and a record of decisions made, as these may be required in the review of a particular action or issue taken up by the county board, the State Board, candidates, stakeholders, or the courts. Such meetings are subject to the Open Meetings Law and records from the meeting are a matter of public record⁶.

The Election Law specifies the types of documents which must be kept on file by boards, and the circumstances under which they must be shown to or copied for the public⁷. The State Board, following State and Federal Law, has published a *Record Retention and Disposition Guide (RR&D Guide)*, which is included in the Appendix K. This *RR&D Guide* is a comprehensive listing developed by the State Board in cooperation with the Archives and Records Administration (SARA), of the State Education Department. A retention plan should be adopted and implemented by each county board.

Staffing

- ∴ **Board Employees:** work full or part-time in the board office or at a voting equipment service center
- ∴ **Poll Workers or Election Day Workers:** election inspectors, poll clerks, and election coordinators
- ∴ **Election Officials:** can include board employees along with poll workers

Many boards have deputy commissioners whom the Election Law empowers to legally act on behalf of and with the same authority as commissioners⁸. The decision to create deputy commissioner positions is made by the commissioners⁹, with funding provided by the county's legislative budget process. The State Board recommends having deputy commissioners in all boards, especially in those where the commissioners are part-time, to ensure consistent board management.

The number of employees needed to operate a board of elections efficiently and effectively is a function of workload, just as it is in businesses and in other organizations. Though staff size is generally proportional to the number of voters in the county, other factors such as voting system obligations (maintenance, pre-election testing, ballot configurations), number of village elections conducted by the board, the amount of technology available to assist with or automate certain tasks, nursing home voting programs, training and outreach initiatives, and other considerations can come into play when making decisions on staffing needs. The work of the board is cyclical in

⁶ PBO §§6-87 (3), 7-103 (e)

⁸ FO 1983 #1

⁷ ELN §§3-212, 3-216, 3-220, 3-222

⁹ ELN §3-300

some instances, usually complex, and almost always performed under considerable pressure. Therefore, significant skills are developed and required within the office, all tempered with patience and a healthy sense of humor.

Most boards participate in a county-wide personnel system, though board staff are appointed by the commissioners and may be dismissed by the commissioners. Though board employees are typically paid on a set salary scale, the salary of the staff is ultimately set by a bipartisan agreement of the commissioners¹⁰. Board employees may also be eligible for the standard county benefit packages and are subject to time and attendance rules.

Regardless of whether the commissioners work full-time, the office must be staffed for coverage on regular business days. Specific hours of operation are required at certain times of the year, with extended hours required at others¹¹. Many boards make effective use of part-time or seasonal employees, either year-round or during the busiest seasons of the political calendar, to assist full-time staff as needed.

Voting equipment technicians and custodians are appointed by the board and are considered board staff¹². Some are hired as full-time board staff while others are brought in on an as-needed basis. It is best to have these persons serve as full-time staff as their responsibilities are many, even in smaller boards, but we do recognize that county finance and budget leaders are not always of the same mind as commissioners of elections. If you choose to make an argument for full-time voting system staff, be sure to reflect the number of elections you conduct, and the support you provide when you authorize others (such as villages or schools) to utilize your voting systems for their elections. When others use your voting systems, your staff still has all the same responsibilities for deploying the system as they do for your elections, including being on call during that jurisdiction's Election Day.

Job Descriptions

A job description is simply a listing of the work performed by any one person on the staff. Other terms are used instead of job descriptions, but all are based on the need to define a position in terms of a set of duties to be performed by an individual.

The description can be brief but should be comprehensive. It should contain an indication of how this position relates to others in the board's operational plans. It does not have to give substantial detail on processes of how the work is done, as that would fall more under

¹⁰ ELN §3-300, 2023 ELN Update

¹² ELN §3-302, NYCRR §6210.6

¹¹ ELN §3-214

“Procedures”. An important feature is that it should be meaningful to persons having a general familiarity with the business of the board, but not necessarily with how the work is distributed. Clarifying your expectations in job descriptions may also be helpful. A useful supplement to the description is a list of the skills needed to do the work.

Job descriptions are useful for the following purposes:

- As part of a complete description of an organization and its work (along with procedures, mission statements, etc.)
- For justifying staff positions in budgets
- For planning employee training and explaining work distribution to new staff and others
- For reference when developing new work plans
- For assigning or reassigning tasks, as the political season and calendar may require
- For determining performance and productivity standards

You may find it helpful to consult with other boards in your ECA region or boards of a similar size for their job descriptions, which you can then consider adopting as your own.

Training

New county board employees need training in the overall functions of the board and performing their duties. Likewise, veteran employees need training on rules and procedures, especially when changes are made to the Election Law or its regulations. It is in the board’s interest to adopt a unified and thorough training and orientation process for all staff members making sure that there is cross-training in all positions. No one person should be the only person who knows how to perform a given task. While it may be a person’s assigned responsibility to perform a given task, in the event that person is unable to do so, or if the work is of a quantity that additional help is needed, other staff should be trained and ready to step up to address that particular need.

County board employees are required to take the State Board of Elections cybersecurity training to ensure the integrity of the election systems and thereby the election. The State Board strongly recommends that all board employees receive election inspector training to help them understand that vital aspect of board operations. It is helpful to have regular board staff attend custodian and technician training sessions, so they have a first-hand appreciation for the work associated with owning and operating voting systems and are better prepared to address typical Election Day questions from inspectors.

Voting equipment custodians and technicians must be properly trained and should receive supplemental training, as necessary. Training should be provided by the vendor supplying the voting systems being used and not solely by other employees. While there is much value in learning from colleagues, it is essential that new staff responsible for the maintenance, configuration, and implementation of any system, especially a voting system, receive a full course of training from the system's vendor. Larger boards will also have custodian or technician supervisors who typically oversee voting system-related work performed by the board's other staff members. Custodians and technicians are responsible for:

- Configuring ballots, sometimes referred to as "programming ballots"
- Implementing preventative maintenance programming
- All pre-election logic and accuracy tests
- Servicing equipment as needed
- Being on-call each election to provide emergency help at poll sites
- Participating in the training of inspectors, coordinators, and other custodians or technicians

Boards should also consider taking advantage of commercial courses, such as those which help develop skills with computer software, business writing, management, customer service, and telephones, all of which are available locally often at no or modest costs. Also, participation in etiquette training for interacting with people with disabilities is essential for the board's poll site workers and regular staff, alike. Your county personnel office is probably on mailing lists for such offerings and the State Board can also assist with suggestions for this training. Other county departments may be conducting similar skills courses that your board's staff could also attend.

Most of the training your board's staff receives will be "on the job," with a veteran employee providing hands-on instructions to a newcomer. Like all other activities, training should be carefully planned with respect to both how and when it might be conducted. Written procedures should be shared with staff, along with any special forms or tools related to that staff person's responsibilities, whether for direct responsibilities or those associated with cross-training initiatives. Vendor training has been mentioned in reference to the staff members responsible for voting systems, however, you should be aware that professional training opportunities are also available if your board's information infrastructure is provided by a vendor. Such infrastructure systems may include your voter registration system, candidate management system, electronic poll book systems, military and federal absentee ballot facilitators, or election night reporting system. This will help ensure that the anecdotal and collegial in-house training among staff members will enhance a solid foundation of information provided by the vendor for their programs and systems.

If the staff situation you face does not immediately lend itself to a vendor or other commercially available training opportunity, don't overlook the possibility of inviting an experienced staffer from a neighboring board to help initiate some interim staff training. You can contact a neighboring board to learn from their experiences or, if an opportunity presents itself, you and your staff can visit and learn about different practices and processes. The State Board can also offer advice on how to handle a training problem or to arrange personalized training. Reading through portions of this guide will also provide a good overview or review for newcomers, as well as veterans.

Boards with larger staffs may be able to train employees in groups. Most staff training is done during regular work hours at times during the year when the board is not as busy, however, early evening or weekend sessions can be arranged. Such scheduling may have the advantage of providing training shortly before the busy season for a specific task or aspect of work. A routine opportunity might include setting aside an hour or two, once or twice a month, to go over procedures, changes in law, new forms, etc.

The county board's procedures manual is the most valuable tool available to staff members and so is worth the time required to put it together. It is a training tool, an operations and resource guide, and the standard by which all board functions are to be conducted. A new employee should be able to read through the manual and become familiar with election-specific terms, the general scope of board functions, and use the manual as either an orientation opportunity before more substantive training or as a refresher after the training. For more information related to the procedures manual, please see the "[Procedures](#)" section.

Office Administration

Sections

[Planning Calendar](#)

[Procedures](#)

[Required Supplies and Apportionment of Expenses](#)

[Records Retention and Disposition](#)

While this guide is concerned with county board management, most of it is based on requirements in the Election Law and in its Rules and Regulations. There are board operations and management which are not directly based on law and rule, but nevertheless are important issues that need to be addressed.

Commissioners should have a clear idea of which staff members, public officials, or other entities may be responsible for different aspects of the board's tasks. Planning is essential to be sure everyone participating in conducting the elections clearly understands their role and have the tools readily available to meet their responsibilities.

Planning Calendar

Commissioners of elections should carefully plan and coordinate each of the activities for which their board is responsible. As so many of the board's tasks stem from a precise, detailed political calendar, the ordering and delivery of supplies and other materials should be carefully considered. A board's basic work cycle is one year, and for planning purposes, it is convenient to lay out a detailed monthly "planning calendar," which will indicate what needs to be done, when, and by whom.

Your calendar will include the items found on the State Board's Political Calendar, but should also contain at least the following:

- Due dates for budget submissions, annual report, inventory of supplies and forms, updating files and daybooks, etc.
- Dates for issuing, opening, and awarding bids for supplies and printing, movers for voting machines and other contractual services, as well as confirming any services provided to the board by the county such as public works department assistance in moving or delivering inspector supply bags and machines, Sheriff Department support on Election Day, etc.

- Dates of various certifications and official publication of lists of polling places and candidates
- Dates for training of inspectors, machine custodians, and technicians
- Any meetings with municipal leaders or clerks, as may be necessary

Other useful items of information may be included, such as dates of staff vacations, absences, routine work assignments, and the like. It is important to build-in practical lead times; for example, time to correct layout errors in ballot proofs and still have the finished product ready for use when needed.

Of course, from time-to-time issues arise which require planning calendar changes during the year. It is very helpful to get input from your staff both in initial preparation of the calendar and periodically, for any necessary updates or changes. A sample planning calendar is included in Appendix K.

Year at a Glance Calendar

Below is a brief overview of major events each month throughout the year. **This is by no means an extensive list** of events that county boards will be responsible for dealing with or should be included on your planning calendar. Some events may fall into different months some years based on the calendar or if there are modifications to laws or executive orders.

January

- Board Organizing Meeting
- Annual Report to County Legislature Due
- Annual Statistical Survey Due
- Meet with Village Clerks (if running elections or lending machines)

February

- Process NCOA
- Local Offices Certified for General Election
- State Offices Certified for General Election
- Party Enrollment Change Cut-off
- Party Calls
- List of Registered Voters published
- Prep for Village Elections

March

- Pre-election Machine Testing
- Village Elections

3% Audit and Recanvass

Designation of Poll Sites for General Election Due

Early Canvass Prevention of Vote Results

Cyber Incident Response Contact List Due

Test Restoration of Critical Data and Information Systems

Meet with School District Clerks (if running elections or lending machines)

April

Designating Petition Filing

Opportunity to Ballot Filing

Mail Check

Security Plan, Prevention of Releasing Early Voting Results, Network Security Survey Due

Send out application for ballot to Special Federal and Active UOCAVA voters

May

Early Voting Communication Plan Due

Designation of Poll Sites for Early Voting General Election Due

Certification of Primary Ballot Due

Candidate Notice for Primary

Send Local Filer of Designating Petitions to SBOE

Ballot Prep for Primary Election

Send out Military and Special Federal Ballots for Primary

Sample Ballot for Primary Due

Designation of Poll Sites for Early Voting Primary Election Due

Independent Nominating Petition Filing

Rolling Canvass of Absentee, Military, Special Ballots begins

Prep for School Elections

School Elections

Election Inspector Training

June

Voter Registration for Primary Cut-off

Voter Registration Address Change for Primary Cut-off

Pre-Election Machine Testing

Village Election

3% Audit and Recanvass

Primary Early Voting

Primary Election

Scanning of Canvassed Absentee, Military/Special Federal/UOCAVA ballots

Voter History Upload

Begin Budget Prep

July

- Review of Invalid Ballots and Defects Not Cured Timely
- Canvass of Affidavit Ballots
- 3% Audit and Recanvass
- Statement of Canvass for Primary
- Voter History Upload
- Designation of Election Inspectors and Poll Clerks Due

August

- Early Canvass Prevention of Vote Results
- Continuity of Operations Plan Due
- Cyber Regulation Checklist Due
- Certification of General Election Propositions
- Send out Military Ballot Applications
- Security Plan, Prevention of Releasing Early Voting Results, Network Security Survey Due
- Incident Response Contact List Due
- Test Restoration of Critical Data and Information Systems

September

- Certification of General Ballot
- Candidate Notice for General
- Ballot Prep for General Election
- Send out Military and Special Federal Ballots for General
- Sample Ballot for General Due
- Rolling Canvass of Absentee, Military, Special Ballots Begins
- Send Local Filers to SBOE

October

- Voter Registration for General Cut-off
- Voter Registration Address Change for Primary Cut-off
- Pre-Election Machine Testing
- Scanning of Canvassed Absentee, Military/Special Federal/UOCAVA ballots
- General Early Voting
- Voter History Upload

November

- General Election
- Review of Invalid Ballots and Defects Not Cured Timely
- Canvass of Affidavit Ballots
- 3% Audit and Recanvass
- Voter History Upload

December

Statement of Canvass for General
Test all unused voting machines
Supply Order
Process NVRA (even years)

Procedures

A procedures manual should not simply be a description of how to log into a system and conduct the board's business within that system. An effective procedures manual describes the task to be performed, how it is to be accomplished, validated, and when necessary, documented. While procedures need to be complete, they can be as simple as basic outlines for each of the board's tasks or as elaborate and detailed as the board wants. Regardless of how detailed the procedures are, having written procedures that are created, reviewed, or signed off on by both commissioners can reduce the possibility of partisan interpretation.

Procedures should always be clear. Never assume that the reader has the same institutional insight as the author of the procedure. A useful starting point is to have every staff person write an outline of what their job entails and how it is performed. This can be an enlightening exercise for staff and can provide great administrative insights for commissioners and deputies. These outlines can be the basis for the procedures manual, and can be enhanced by your management team, as time permits. They can also help you write up job descriptions.

Typical procedures for a board of elections should address the receiving and filing of petitions, reviewing and making determinations on affidavit and absentee ballots, processing registrations, reviewing absentee applications, etc. A single event or function of a board may be comprised of multiple procedures. It is a matter of preference as to whether a board includes all relevant procedures in a single document or whether it deals with each procedure separately. For example, you may want to have one procedure for receiving and filing petitions, and another for handling challenges to them. How the work is handled in your office, or the time sequence of the process, are factors to consider in your decision.

An entire procedure may be handled by one person or multiple people working in conjunction, so one of the best ways to write a procedure is in the "who does what when" style. For example: "The staff member at the counter receives the petition, date stamps it, and then hands it off to another staff member for data entry."

The uses of procedures include:

- Training new staff and refreshing veterans on how to do the work
- Explaining the work to interested parties, such as county legislators and other stakeholders or decision-makers
- Supporting the validity of board actions by documenting conformance with law and rule
- Demonstrating the professionalism and fairness of the board
- Assisting in the resolution of complaints
- Ensuring the work of the board is getting done in a timely and bipartisan manner

Ideally a procedure should be detailed and include step-by-step instructions on how to do a specific component of the work of your organization.

Required Supplies and Apportionment of Expenses

Many supplies, including many standard forms, are needed for board operations. Voter registration applications are available from the State Board. The State Board also provides samples or templates of other required forms so that you can order them from commercial printers of your choosing or produce internally. Such samples are provided in the appendices. The State Board will provide translations for some of these forms for use by boards required to provide voting materials in alternate languages. Counties that would like to customize forms that are provided by the State Board, must obtain permission and approval of the customized forms from the State Board's Counsel unit before using.

Ordering, printing, and purchasing supplies are major factors in county board budgeting. Some things, registration forms for example, are used constantly. To avoid running out, establish a quantity point at which to reorder supplies and then monitor the inventory of the supplies. Other items may be used in conjunction with specific election tasks, so the usage pattern will vary and could be substantial in certain concentrated periods of the political calendar; this should be considered when planning.

If you are ordering anything from a printer or other supplier, allow enough lead time for timely delivery. The lead time for printing ballots is necessarily short, but a Statement of Canvass or Tally Sheet, for example, can be delivered later than your ballots and still be printed in time.

Be sure that when you order supplies and forms, that you DO NOT OVER ORDER. Sometimes boards order or purchase quantities that would see them through several years and a number of election events; but in doing so you risk that form or item becoming obsolete. These obsolete forms or items must then be destroyed and replaced with the current form or item. By keeping

records of past usage and costs, and using this data in your planning, you can avoid crises in supply availability, and avoid wasting money by having to destroy overstocked, obsolete supplies.

The costs for each election conducted by the county board of elections are county costs¹. Be sure your budget planning reflects the accurate assessment of personnel as well as material needs. This includes salaries for Early Voting and Election Day workers, voting equipment technicians, and extra events like extended hours for absentee voting, local registration, presidential primaries, etc. Be sure you follow your county's local procurement rules when contracting for services or making purchases that are not offered in a State Contract.

Some of the board's expenses may be charged back to the county's individual municipalities². This topic is often discussed at conferences and workshops, and you should know how counties in your region handle chargebacks. Additional information can be obtained by calling the State Board.

Records Retention and Disposition

The disposition of county board records created under the Election Law is regulated by Section 57.05.11 of the Arts and Cultural Affairs Law. A retention and disposition schedule has been prepared by the State Board of Elections in conjunction with the State Archives and Records Administration (SARA) to provide county boards with records management guidelines and legal authorization to dispose of certain records. A Retention Schedule Chart can be found in Appendix K.

County boards of elections have continuing authorization to dispose of certain records listed on the schedule after they:

1. Formally adopt the schedule by resolution, and
2. Submit a copy of the resolution to the State Board of Elections

The purpose of this records and disposition schedule, which has been adopted by many county boards, is to:

- Provide county boards of elections with uniform guidelines for the retention and disposition of records

¹ ELN §4-136

² ELN §4-138

- Ensure that county boards retain records for as long as needed for internal administrative, legal, and other uses
- Promote the cost-effective management of records
- Provide county boards with authorization to dispose of obsolete records after minimum retention periods have been met
- Ensure permanent retention of records of enduring value

Good records management requires an accurate retention and disposition schedule to facilitate the orderly, legal disposition of records. In addition, record retention schedules assist office staff in organizing files and information flow, planning for supplies, if necessary, microfilming or scanning when advisable, and physical storage needs³.

Each county board should appoint a Records Management Coordinator who will be responsible for general records management and for records disposition process. Records disposition should be carried out periodically and after audits are completed and new reports are filed. Though boards are not required to destroy records at the end of the legal retention period, it is strongly recommended because such records can occupy expensive office and storage space and requires staff time and effort to maintain. Implementation of the records disposition schedule will allow boards to destroy certain records when they become obsolete freeing up space.

Voluminous records that are not needed for current or day-to-day business should be stored in a cost-effective location away from the office. Off-site storage locations should be clean, dry, secure, and accessible.

County boards may seek technical assistance on a range of topics related to records management from the State Board, at any time. We also welcome your suggestions for the inclusion of documents which may not be addressed in the current retention guide.

³ ELN §§3-220, 3-222

Elections Security

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Security procedures surrounding elections and election infrastructure is becoming increasingly important and more technical. Though county or county board IT departments and machine technicians may be responsible for handling and understanding most of the technical security requirements and regulations that are put out, it is still crucial that commissioners understand what is being required and why. It is also critical that commissioners and all staff at the board of elections understand what their role is in ensuring the security of systems and physical locations.

Boards are required to acquire, if not already done, and maintain membership in the Center for Internet Security's Elections Infrastructure Information Sharing and Analysis Center (EL-ISAC)¹. Each year, no later than August 1st, boards must also certify that they are in compliance with the cyber security program and designate bi-partisan Elections System Security Officers².

Cyber Security

Systems

Election systems are extensive and include more than just the voting machines, election management systems, and voter registration system. Anything that interacts with these systems or any device or application that can be used to transmit data would be considered part of the election systems. This would include office computers, phones and tablets, electronic poll books, printers, fax machines, copiers, flash drives, servers, networks, and websites.

Within these systems, counties are required to determine a hierarchy of critical systems and data assets and determine the priority for restoring data³. Anytime a new information system that interacts with election data is implemented, the evaluation to fit it into the current hierarchy needs to be completed. Along with determining the cruciality of information systems, counties are required to keep an inventory of their devices and software that interact with election data⁴. This inventory needs to include network addresses, machine names, the purpose of each device,

¹ NYCRR §6220.3 (a)(19)

² NYCRR §6220.2

³ NYCRR §6220.3 (a)(1)

⁴ NYCRR §6220.3 (a)(2)

whether the device is portable, and who is using and responsible for each device. On a monthly basis a discovery tool will be run on the county boards network to confirm the hardware and software that is on the network. Any devices or software that are not approved or are unknown will be documented, investigated, and removed.

Software is continually evolving even within the same program. Developers regularly release patches for software that fix bugs, vulnerabilities, and improve the performance of a program⁵. These patches must be installed regularly, and automatically, if possible, as they will help to eliminate vulnerabilities and ensure that programs that interact with election data stay as secure as possible. Such updates need to be run on devices as well, including computers, laptops, servers, network equipment, and mobile devices. The only exception to installing patches, is for systems that require State Board certification or approval to use, such as voting machines. These systems can only be updated with express approval of the State Board.

Though patching software is important to remove vulnerabilities, it does not guarantee that a system does not have any vulnerabilities. County boards are required to regularly test for and develop remediation plans for vulnerabilities in their systems⁶. This testing must be broadly done and include assessments of code, web applications, and the network. In addition to the regular testing, once per year a penetration test will be conducted to see if it possible to break into the board's network. Vulnerabilities from this test will be added to your existing remediation plan.

At least once weekly, boards should fully backup their election data⁷. This backup will be securely stored at an off-site location and will not be connected to a network. This will ensure that counties will not lose their entire system and all their data should there be a security breach, such as a ransomware attack, or a catastrophic system failure. 90 days before the primary and the general a test restoring election data from the backup will be run to ensure the data remains useful, accessible, and fully functional⁸.

Restricting Access and Password Security

Boards can increase the security of their system by limiting the exposure of the system to outside communications and interactions⁹. Boards should segment their network, even from the wider county network, to provide additional security barriers to the election system and to limit the number of people that might be targeted to gain access to the system. To further limit the risk of outside groups gaining access to all election systems, the staff should be limited in their access

⁵ NYCRR §6220.3 (a)(3)

⁶ NYCRR §6220.3 (a)(4)

⁷ NYCRR §6220.3 (a)(5)

⁸ NYCRR §6220.3 (a)(6)

⁹ NYCRR §6220.3 (a)(7)

to systems. Access to programs and devices should only be given to staff that require it for their job and within that, only permissions that are necessary to perform that job should be given. For example, some staff may need to use a program, but not edit any information and so would not be given permissions in the program to edit information. Other employees whose job it is to input and update information would, in contrast, be given the permissions to modify data. No program, system, or device should be set up with a guest login or any type of login that would allow for multiple users to log on with the same account information¹⁰. If a county has a terminal that can be used by the public, a guest login can be used, however, this terminal must restrict the public's access to the board's system. A review of who has access to which systems should also be done regularly to make sure that access is revoked for people that no longer are working at the board or have switched positions and no longer require access to a given program, function, or device. Dedicated servers and devices for election-related tasks should also be used as much as possible. These servers and devices will only have software installed that is required to carry out its tasks.

Passwords or pass phrases are an important part of ensuring that only authorized people have access to a program or system. As with many everyday systems that are used, the strength of passwords or pass phrases are increased by the length and the addition of numerals and special characters and upper- and lower-case letters. Using a phrase instead of a single word will increase how secure the account will remain. However, even when using a pass phrase, it is important to not use a common phrase that could be guessed. Instead consider using the first letter of each word in a phrase. It is also important to change passwords or pass phrases at least annually, if not more often. This includes changing passwords from the default as soon as you receive access to a new system or program.

Multi-factor authentication should also be used whenever possible. One of the more common methods of this authentication is for the user to enter their log in information and then a onetime code is sent to the user to enter and complete the log in. This additional step will make it harder for a bad actor to access the system or program as they may not have access to the information required for the second step of the authentication.

Electronic Transfer of Data and Removable Media

Occasionally it is necessary for election data to be transferred between entities by email, such as with statewide transfers when doing list maintenance. When election information is transferred by email, the information should be encrypted and attached to the email. In a separate email or

¹⁰ NYCRR §6220.3 (a)(12)

phone call the password to decrypt the documents should be provided. This password should follow the same recommendations listed above to ensure a strong password.

Similarly, if data is being sent on a CD or DVD, the data should be encrypted on the disk and the password should be provided separately, generally by text, email, or a phone call. When using CD or DVD, be sure to use a write-once disk so that the information cannot be overwritten.

Removable media, such as flash drives or CF cards, that is used for election data should be sanitized before being used for the first time and before any election event. It is also recommended that a removable media be dedicated to one use. For example, you would have a flash drive for Election Night reporting, another flash drive for ballot PDF transfers, and so on.

Removable media should also be protected when it is not in use. This includes locking it in a secure location when it is not being used and using tamper evident seals on the exterior of the devices. A chain of custody log should also be used for removable media. More information removable media and securing and sanitizing it can be found in Appendix K.

Incident Response

The board of elections must have a plan to deal with an unauthorized actor successfully gaining access to the election system. This incident response should include the internal responses, responsibilities and levels of decision-making authority, and external and internal communications and information sharing plans¹¹. The response plan, particularly the incident response contacts, should also be reviewed, and updated prior to elections as necessary. The Incident Response Plan template can be found in Appendix J.

Examples of cyber security incidents are:

- Unauthorized entry, or attempted entry, to storage facilities, poll sites, Early Voting centers, or board of elections offices
- Phishing and spear-phishing
- Attempts to access, alter, or destroy board's critical information systems or website
- Attempts to hack, phish, or compromise professional e-mail accounts or social media accounts
- Attempts to interfere with votes through the mail

¹¹ NYCRR §6220.3 (a)(10)

- Unexplained disruptions at a polling place or training location for poll workers which block or inhibit voter participation
- Impacts to critical infrastructure that limit access to polling places or information, such as power, natural gas, water, internet, telephone, and transportation outages

When an incident does occur, it must first be reported to the New York State Division of Homeland Security Cyber Incident Response Team, whose contact information is in the [Resource Directory](#). After that, the New York State Board of Elections Secure Election Center should be notified and if necessary, the State Board will send employees and designees to the affected board to help them recover from the incident. The State Board can also help to notify and facilitate work with other relevant state and federal agencies.

Physical Security

Board Offices and Warehouse

The security of offices, warehouses, and storage areas that contain election systems and data is another key aspect of protecting election systems by preventing unauthorized access to systems and data, thus maintaining the integrity of elections. Though the board of elections is open to the public, access to all the staffs' offices and work and storage areas should be restricted. Card, code, or key access should be placed on all direct entrances and exits to the board's offices. Additionally, areas within the offices may require additional security measures. For instance, the area where petitions are kept must be lockable with bipartisan access, so neither party can have access to the locked area without the either party.

Warehouse and additional storage where voting machines and old records may be kept must also be secure through measures such as perimeter alarms, secure locks, video surveillance, or regular visits by security guards. The security in these areas should log who has accessed it. This can be accomplished using an electronic access system that logs who has accessed the area by card or passcode or manually through a paper sign-in log. These areas also need to be climate controlled within the specifications from voting machine vendor and have a sufficient electrical power supply to provide for the climate control systems, even during peak loads, along with security systems, lighting, and charging for voting systems.

Poll Sites

Security at poll sites is a little different from that at board offices or at the warehouses. Poll sites are open to the public and though voters are not allowed to loiter in the voting area, the poll site

must be easily accessible during voting hours. Voting machines and electronic poll books are not always going to be locked during voting periods, as they need to be used. However, even when machines are in use, the tamper detecting seals should be on the machines. Also, much of the security when the polls are open is provided by the poll workers. They will be observing voters and the machines to ensure that no one has unauthorized access to the machines while they are being used.

When machines and electronic poll books are not in use at poll sites, they must be secured until voting has concluded and can be brought back to the board of elections. The area within the poll site where the machines and electronic poll books are stored needs to have bipartisan access. An assigned bipartisan team will maintain custody of keys for scanners, ballot making devices, securing cabinets, as well as security seal logs and other security related documents.

Chain of Custody

Maintaining a documented chain of custody of election materials is a critical measure to ensuring the integrity of elections. Materials from the pens used to mark ballots and other supplies used at the poll site to security seals, voting machines, and voted ballots should have a chain of custody. This documentation provides verifiable evidence that all policies and procedures were followed to secure election materials at each step of its journey and can use controls such as locks, seals, audit logs, and witness signatures. Some of these controls may be used in concert with others to further ensure it has not been tampered with as it moves through the custody of various entities. For example, tags or seals are used on voting systems and security packs in addition to more extensive documentation that records each tag or seal number used and the signatures of each team or person that takes custody of the system or pack. Given the importance of these materials to election integrity, multiple levels of verification that the chain of custody has not been broken is advisable.

When developing chain of custody procedures keep in mind the importance of each item and the accountability of each person involved in a step. In the example used above, voting systems may have multiple levels of security but boards may also choose to transport the systems themselves or supervise the transport of the systems, whereas the transfer of Election Day supplies like maps, pens, signs, and cleaning supplies may just require a signature acknowledging the transfer of custody from the board to a poll worker. Also, whenever possible the chain of custody should be maintained by one bipartisan team taking custody of the election material from another bipartisan team. This will build further confidence in the legitimacy and integrity of the election and the processes underlying it.

A chain of custody for absentee ballots that have been mailed or given to a voter over the counter should be maintained as well. This includes being able to document when a voter applied for an absentee ballot, when it was mailed to the voter or given to them or their designee, when the ballot was received back from the voter, whether there was a defect that could be cured, and when and whether the ballot was counted or rejected. Boards should also document where and when they are storing voted and unvoted absentee ballots. This will ensure that absentee ballots are not misplaced. Access to the stored voted ballots should be logged.

A chain of custody must be kept when voting system are being delivered to county boards or sold back to the vendor, to another county or a disposal company at the end of the life of the system. Chain of custody must also be documented when voting systems are delivered to and from the system vendor for repairs. When the machine is returned from the vendor, the county board should conclude the chain of custody by performing a hash check on the machine. More information on this can be found in the “[Hash Check](#)” section.

Personnel Security

Given increased threats made against election officials across the country after the 2020 election, it would be wise to consider ways to increase the personal safety of board employees and poll workers. You should understand and have access to your county’s Workplace Violence Prevention Policy. Additional resources or concerns can be brought to the County Personnel or Safety Officer, the New York State Department of Labor’s Division of Safety and Health Public Employee Safety and Health (PESH) bureau. Should any threats or incidents occur, be sure to report them as required by your county’s Workplace Violence Prevention Policy.

Though PESH could do an official assessment, sample examination documents and training outlines are posted on the Department of Labor’s website¹². The points of safety concern and security measures listed in these documents could be used to do a self-assessment and develop a stronger, more comprehensive Workplace Violence Prevention Policy.

Poll sites may be difficult areas to secure or reduce factors that would ordinarily be taken to increase the safety of poll workers, due to the need for poll sites to be easily accessible to all voters. However, if there are sites where altercations consistently occur, you can provide additional training in de-escalation techniques to the poll workers. If a situation does occur at

¹²dol.ny.gov/workplace-violence-prevention-information

the board offices or a poll site that staff or workers are not able to handle, the police can be called¹³.

Training for All Board Employees

Each year the State Board sends out cyber security training that must be completed by all county and State board employees¹⁴. This training is used to ensure that all staff are aware of common security threats that could be used to gain entry to election systems. Threats like phishing schemes are targeted specifically at board staff to try and get them to provide sensitive information, such as passwords, that would allow the access to election systems.

The State Board may periodically run tabletop exercises to further train county board staff through simulated situations. When these exercises occur, boards are required to participate.

Training on Workplace Violence is also required to be completed annually by board of employee employees.

¹³ ELN §3-402 (3)

¹⁴ NYCRR §6220.3 (a)(18)

Registration and Enrollment

Sections

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[Use of Registration Records for Other Districts Conducting Elections](#)

The key to successful voter registration processes at boards of elections is a complete understanding of deadlines for the receipt of completed applications, and the subsequent determination of each applicant's eligibility to participate in an election.

Voter registration applications can be used to register to vote, as well as to file a change of name, address, or party enrollment with the board. Once a voter is registered in a county, a change of name or address can take almost any form and should be treated in the same manner as the traditional registration application. A change of address can even be processed on Election Day and, depending upon the voter's status and particular circumstances, may permit that voter to cast a valid ballot.

Regardless of when the request is made, a voter should always receive an application for voter registration. While voters can register at any time, the board should make it clear that if a relevant registration deadline has passed, the voter will not be eligible to vote till the next election. A voter will be told their eligibility status, either when they are at the counter completing an application, or when they receive a notice via mail which acknowledges or rejects their application. Voters may also determine their voter status but calling the board or using the voter registration lookup tool on a county or State Board's website¹.

The workload associated with voter registration can vary through the year. Naturally as registration deadlines approach for an election event the number of registration applications received will increase. However, the largest variation is likely be to over the four-year election cycle, with presidential and gubernatorial race years having significantly more registration applications than local race years. Referring to previous years with similar races should allow

¹ voterlookup.elections.ny.gov

your board to more accurately develop appropriate staffing plans each year based on the expected voter registration submissions.

Registration and enrollment records are the most basic records a board keeps, and are among the most important, as they are the proof of whether a person is eligible to vote, where, in which elections, and for which offices. Each employee of the board must be thoroughly familiar with the provisions of the Election Law governing the registration and enrollment of voters. These provisions include qualifications, procedures to be followed, eligibility dates, and other similar aspects of the process.

Boards should keep in mind that each year, as part of required year-end reporting, a Voter Registration Action Plan must be filed with the State Board². This plan summarizes your board's registration activities for the year just ending, and outlines voter registration-related projects and goals for the year ahead. Tracking projects or defining new goals throughout the year will help in your drafting of this required report. A sample of this report can be found in Appendix J.

Registration

Voter registration can be a sensitive process for applicants, and it is inevitable that complaints may arise. Commissioners and all employees of boards of elections represent the public face of voter registration, and indeed the entire election process, and should treat all applicants with appropriate courtesy and respect. It is the responsibility of commissioners to convey information to voters on the availability of mail registrations forms, when registration cutoff dates for an election occur, and other important information; this can be done through news and social media platforms and on the county board of elections' website. It is in the best interest of every board of elections to inform the electorate as widely as possible of the information necessary to register to vote.

Commissioners at boards of elections are often confronted with the question of residency requirements for voters. The courts have addressed certain aspects of these issues, and a summary of the cases related to this topic can be found in the *Election Law Case Update*, which is distributed to all boards each year, and which can also be found on the State Board of Elections Election Law webpage under Laws, Rules, and Opinions³. Additional information and assistance on this issue is available by calling the State Board.

² ELN §3-212

³ elections.ny.gov/ElectionLaw

Every application should be processed in a bipartisan manner⁴, which can be easily accomplished by having a registration clerk of one party review the application and enter it into the county board’s voter registration system. A registration clerk of the opposite party should review the same form and proofread the data entry work completed by the first clerk, ensuring that both clerks agreed on the status of that voter’s application.

Voter Qualifications

The basic requirements to be an eligible voter are, being a U.S. citizen, at least 18 years old, and being a resident of the county for at least 30 days at the time of the election⁵.

Young adults may pre-register beginning at 16 years old⁶, and often do so as part of high school “Participation in Government” classes or when they apply for learner’s permits at DMV offices. Keep in mind that all youths who have pre-registered should be added to your active files in a timely manner especially if they will be 18 years old during the upcoming voting period, as 17-year-olds are allowed to vote during the Early Voting period if they will be 18 on Election Day.

Military and Overseas Voters

Military voters include qualified voters who are in actual military service, voters who have been discharged from military service within 30 days of an election, or the spouse, parent, child or dependent of a qualified military voter⁷ and are entitled to vote as fully as if they were present at their polling place. Their voter registration file should be marked or coded indicating they are a military voter.

US citizens who move overseas without knowing whether they might return and whose last residence was in New York prior to the move are entitled to vote from their last residential address. US citizens who have never resided in the US but have a parent whose last US residential address was in New York are entitled to vote from their parents’ New York address. These voters are entitled to vote in all elections for the federal public offices or federal level party positions⁸. Their voter registration file should be marked or coded indicating they are a special federal voter.

US citizens living overseas who own or maintain a New York property to which they can return are a separate category from overseas voters who do not know or expect to return to the US⁹.

⁴ NYCRR §6217.5

⁵ ELN §5-102

⁶ ELN §5-507

⁷ ELN §10-102

⁸ ELN §11-200

⁹ NYCRR §6219.1

These voters are entitled to vote as fully as if they were present at their polling place. Their voter registration file should be marked or coded indicating they are an Active UOCAVA voter.

Military and overseas voters may request a registration application via fax or email. If a county board receives a Federal Post Card Application (FPCA) from a voter that is not currently registered as a military or overseas voter, the FPCA will be treated as a registration form¹⁰. While the FPCA is the official registration form, the Federal Write-In Absentee Ballot (FWAB) can also be used as a registration form. Completed FPCAs and FWABs that are submitted via email may be used to register a voter, however, the voter's status cannot become active until a copy of the application with a wet signature is received.

Confidential Voters

Confidential voters are victims of domestic violence or a crime as defined by the NY Penal Law Article 130 that have registered with the board of elections to have their voter registration protected from public disclosure¹¹. Confidential voter information should not be released on any voter lists produced by the board, provided in response to any FOIL request, or shared with other counties in a registration information transfer should the voter move.

As of October 28th 2021, voters can register to be a confidential voter by submitting, in-person or by mail, a signed statement that they are a victim of domestic violence or wish for their registration to be kept confidential due to a threat of physical or emotional harm to themselves or family or household members¹². The signed statement can be in the form of the New York State Application for Confidential Registration, a copy of which can be found in Appendix A. Confidential voter status is applicable for four years from a board's acceptance of the statement, though such voters are welcome to continue their confidential voter status by submitting another sworn statement or confidential registration application.

It is recommended that county boards not enter confidential registration information into voter registration systems, even if the system is built to handle confidential voters. Instead, boards should keep the confidential registrations separate from other registrations in a secure location. This will help prevent confidential information from accidentally being transmitted to the NYSVoter or being released through FOIL requests or registered voter lists.

¹⁰ ELN §10-106 (7a)

¹² ELN §5-508 (2)(b)

¹¹ ELN §5-508 (2)(a)

Please note that when redistricting occurs, these voters will need their district information manually checked and readjusted as necessary. For further guidance on handling confidential voter registrations, please refer to the *Confidential Voter Registration Process Rev. 11-2021*.

Homeless Voters

Those New York residents that do not have a permanent address are allowed to register and vote, assuming they meet the qualifications laid out above. Homeless voters should be advised to supply a location where they stay at night, whether it a street corner, park, a shelter, or another location. This will allow the board to assign the voter to the correct polling location. The voter should also provide a mailing address where they could receive notices from the board. This address could be a shelter, outreach center, or another place that would be willing to accept the mail.

Please note that when redistricting occurs, these voters will need their district information manually checked and readjusted as necessary.

Types of Registration Opportunities

Mail

It is the intent of the Election Law that mail registration forms be circulated “widely and freely” throughout every county to make the registration process less cumbersome, less confusing, and more accessible for all voters. Mail registration forms should be available at a variety of locations in every county. Many county boards have been creative when it comes to where dispensers might be located to enable voters to easily obtain mail registration forms. This partial list may give you some suggestions for such placements in your county:

- Post Offices
- Banks
- Libraries
- Real Estate Offices
- Hospital Waiting Rooms
- Credit Unions
- Senior Citizen Centers
- Recreation Facilities
- Property Title Offices

- Printed in local newspapers, weekly publications, newsletters, etc.
- Church bulletins

The form is revised periodically to increase the ease of use, readability, and to reflect changes in requested information and recognized political parties.

National Voter Registration Act: DMV and Agency-Based Registration

Federal provisions of the National Voter Registration Act (NVRA), and its implementing legislation in New York, added a new dimension to voter registration. The NVRA provides for voter registration opportunities to be made available as part of the driver's license (or non-driver license ID) application process at the Department of Motor Vehicles¹³, as well as designating several other state agencies where voter registration opportunities are provided, including the Department of Social Services, Department of Health, and Department of Labor¹⁴. Even though other service-providing agencies are part of this program, in addition to the Department of Motor Vehicles, the NVRA program itself used to be commonly referred to as the Motor Voter Law.

Though they may be in a different format from the State Board produced form, the voter registration applications produced at these NVRA sites are to be considered, in all respects, the same as New York State voter registration applications. The NVRA requires a considerable amount of documentation on the part of a county board, relating to the processing of forms from NVRA sources, including the source (site code number) and disposition of each application received, all of which must be tracked. The [NVRA Dot-Coded Tracking Report](#) is discussed in the Reporting Requirements section later in the guide.

Voters are able to submit their voter registration applications through the online DMV if they have a New York issued license or non-driver ID. County boards are required to regularly download registration information that is transmitted from the DMV and enter it into the board's system.

Automatic Voter Registration

As of January 2024, the DMV and other designated agencies are required to add an integrated voter registration application into existing applications for their agency¹⁵. These applications will be required to include an option for applicants to opt-out of registering to vote rather than having

¹³ ELN §5-212

¹⁵ ELN §5-900

¹⁴ ELN §5-211

to opt-in to vote. These registrations will be transmitted to State Board through the electronic voter registration system.

Online Voter Registration

In April 2021, legislation was signed to create a system allowing New Yorkers to register online to vote¹⁶. This system allows the online electronic completion and submission of the voter registration application, including the voter’s signature or, if necessary, an electronic signature. As of May 2023, the system is in use and can be found at elections.ny.gov/OnlineVoterReg.

Over the Counter Registration

Over the counter registration is defined as registration that occurs in-person at the board. As you must maintain a count of these applications for reporting and other purposes, be sure to flag or code them so you will be able to track them.

New applications may not necessarily result in immediate registration, however, there is no reason to not accept an in-person registration form from anyone. The eligibility of that person will be decided when the form is processed, and an “[Acknowledgment Notice](#)” will advise the voter of the next election at which they may vote¹⁷. If a voter is completing the form at your office, and a deadline is at hand, in some cases the voter can be advised of their status at that time. If the voter is not satisfied with the status of the application, the voter can seek a court order, which if granted, will require you to process the form at once and add that name to the list of active, eligible voters¹⁸.

Registration During Early Voting

In September 2023, legislation was signed to formalize the process for registering to vote on the first day of Early Voting, after the last day to register was brought to the constitutional minimum of 10 days. If a qualified person comes to an early voting site on the first day of early voting and is not registered to vote, the person shall be given the opportunity to register to vote and enroll in a party¹⁹. If the person chooses to register, they will then have the opportunity to vote by affidavit ballot while they are at the poll site. Please note, the chance to register to vote at an early voting site **only occurs on the first day of Early Voting**, if they are not previously registered elsewhere in New York State.

¹⁶ ELN §5-800

¹⁷ ELN §5-210

¹⁸ ELN §16-108 (1)

¹⁹ 2023 NY Chapter 479

Local Registration

Local registration is required to be conducted in presidential years only and consists of in-person voter registration at various poll sites throughout your county. It takes place on two days and must include evening and Saturday hours²⁰. While the State Board will advise of the need to schedule those dates in presidential years, you will need to remember, in the summer preceding a presidential year, to arrange and budget for poll site usage and the additional services of election inspectors who will staff those sites. The State Board will also send you the log sheets and reporting forms on which local registration is to be recorded, certified, and then filed with the State Board.

Voter Registration Systems

Information from the voter registration applications is entered into the county board of elections' registration system. Whether home-grown or vendor-provided, this system must remain current with reporting requirements for NVRA, security protocols, and must be able to meet all functions that are required by Election Law. As regulations change, requirements for voter registrations systems may also change causing a current system to no longer be compliant. Should this happen, the State Board will notify the county and the system will need to be updated to be compliant once more.

Information on system requirements and operational concerns can be obtained by contacting the State Board. If you are considering changing to a new voter registration system, be sure to notify the State Board. All new voter registration systems must be evaluated by the State Board to confirm compliance with all published requirements²¹. Only once a system has received formal approval can it be used by a county board.

NYSVoter

While voter registration is initially processed within your county-based voter registration system, that system is synchronized with the State Board's statewide database, called NYSVoter. This system is an invaluable tool for counties in maintaining accurate voter records. It was developed to comply with the federal Help America Vote Act (HAVA) which required that each state maintain a single, centralized list of voters²². NYSVoter uses the DMV client ID number or the

²⁰ ELN §5-202

²¹ NYCRR §6217.3

²² NYCRR §6217.1

last four digits of a voter’s social security number, as provided by the voter, to verify a voter’s identity. Using information provided by the Office of Court Administration and the New York City and New York State Departments of Health, NYSVoter identifies potential matches for those who have become ineligible due to felony conviction and incarceration, those adjudicated incompetent by a court, or deceased voters. NYSVoter also compares voter registration data provided by the counties to identify possible duplicate voter records between counties.

NYSVoter is a secured system that requires a computer using the Virtual Private Network (VPN) connection between the county board and the State Board, a username, and a password. Guidelines for the use of the NYSVoter system are found in the system itself, at the following link: nysvoter.elections.state.ny.us/vrdbweb/HomePage. On the left side of the screen that will appear, you can click on the heading HELP, for on-the-spot assistance. If you need more help or your question is not answered in NYSVoter’s internal help tool, please call the State Board for assistance.

When new registration data is sent to NYSVoter by a county, the system compares each new voter record to existing voter records within the database. When a possible duplicate is found, NYSVoter flags that voter record for further attention or handling²³. Whereas NYSVoter can identify potential matches between counties, most local voter registration systems can identify potential in-county matches. For more information on the process to identify such voters, please consult documents provided by your voter registration system vendor.

If a change of address is detected, affected counties are notified so they can resolve the issue²⁴. The county the voter has moved from will cancel the voter record and the county the voter has moved to will add the voter based on the information provided by the old county. This function enables you to update your county voter list quickly and accurately. More information on this process can be found in the “[Transfer of Registration](#)” section.

State Board staff is ready to assist you with any questions relating to the NYSVoter process. The corresponding training manual, as well as forms used in database monitoring and oversight processes (called NYSVoter audits), can be requested from the State Board.

Processing Voter Registration Applications

To process voter registration applications, commissioners should review ELN §§5-210 (5) - 5-210 (12). These paragraphs describe a board’s duties with respect to processing all registration forms,

²³ NYCRR §6217.8

²⁴ NYCRR §6217.7

regardless of their source. In addition to the provisions of Election Law, boards should prepare written procedures which deal with each step of processing voter registration applications; from receipt and review to data entry to proofreading and the production of acknowledgment or rejection notices. Every employee of the board responsible for voter registration processing should be acquainted with these procedures and the sections of Election Law from which they are generated.

Upon receipt of an application for registration, your registration clerks should review the form for compliance²⁵. If the clerks are satisfied that the form has been completed properly, the voter's information should be entered into the county board's voter registration system and compared against existing local and NYSVoter records for a possible duplicate voter registration. If the clerks determine that the voter is not currently registered in the county, the clerk should follow your board's procedures for adding this person to the files.

If it is determined that the applicant is already registered and is updating their registration with an address change or enrollment change, please see ["Transfer of Registration"](#) and ["Change of Party Enrollment"](#).

Here are suggested guidelines for developing procedures for the processing of forms.

- Set aside a resource area in the office, where all materials used to process registrations can be kept together. If work is done at individual desks or workstations, be sure staff has all necessary tools at hand.
- To ensure the bipartisan processing of voter registration applications, each member of a bipartisan team will evaluate forms, enter data, and process accordingly. Team members' batches of processed forms is then proofread by the other team member of the opposite party. This will ensure not only the bipartisan evaluation of the form itself, but also its validity and the information it contains.
- Commissioners or their deputies should work together to resolve conflicts regarding the rejection of applications.
- All forms should be time or date stamped when they are received, either in-person or via the mail, and should be processed in a timely manner to ensure that unprocessed applications do not accumulate.
- Notify applicants promptly of the acceptance or rejection of their applications. When applications are deemed incomplete (missing at least one of the following elements: name, residential address, date of birth, affirmation of citizenship), send those voters a

²⁵ ELN §5-210 (5),(8)

notice advising them of the problem, and include a new form. Make a notation on the incomplete form, of the date the notice and new form were mailed. When the new, completed form is returned, attach the two, for record retention purposes. If the needed information is never received from the voter, they will remain unregistered.

- If a signature is missing, send those voters a notice requesting the signature, but go ahead and register the voter. If they do not provide a signature, they will be allowed to vote by affidavit²⁶.
- When notifying applicants of the acceptance of their registration, you must also advise the applicants of their polling place location and provide other information that will save phone calls later.
- Do not delay the investigation of any application when an investigation is called for²⁷. Before the rejection of an application, be sure all information has been sufficiently reviewed and agreed to prior to notifying the voter of their status.
- Investigations should be conducted in a manner which reflects favorably on the integrity and thoroughness of the board, its staff, and any law enforcement officials assisting your board with this aspect of the process²⁸.
- Keep an accurate record of all types of applications received

Once an application is received, the board has seven days to verify the identity of the applicant²⁹.

Acceptance of a Voter Registration Application

When an application of registration has been accepted, an “[Acknowledgment Notice](#)” is required to be sent to the voter. This notice should include information on where the voter’s polling location is, as well as, when the next election they are eligible to vote in is occurring³⁰. A sample is available in the Appendix B.

If the board is unable to verify the identity of a voter, or more information is required, an acknowledgment notice will still be sent to the voter. This acknowledgement notice will inform the voter that they have not been verified and will request additional information needed to complete the verification process. The notice requesting additional information will also inform the voter how to provide it to the board. The board will flag the voter’s registration as needing additional information until it has been received.

²⁶ ELN §5-804 (2)

²⁷ ELN §§5-210 (9), (12)

²⁸ ELN §5-210 (13)

²⁹ 2023 NY Chapter Law 113

³⁰ ELN §5-210 (9)

Rejection of a Voter Registration Application

An application for registration may be rejected by a board of elections for several reasons³¹, including a person currently in jail for having committed a felony or a person judged incompetent. Commissioners and any staff members responsible for voter registration processing should review Election Law and the board’s internal written procedures to become familiar with reasons for rejection. All facts and supporting evidence should be reviewed thoroughly before rejecting the application of any prospective voter.

In all cases, the applicant should be provided with an appropriate “[Rejection Notice](#)”, which sets forth the reason(s) for the rejection. This notice must be sent within seven days of the filing of the application and shall also tell the voter how to contact the board to dispute the reasons for rejection³². A sample is available in the Appendix B.

Rejection Determinations and Hearings

Should an applicant’s registration form be rejected, the applicant may apply in-person or by mail, within two weeks of the last day to register or five days after the receipt of a rejection notice, for a final determination of their right to register³³. Upon notification, the board should undertake an investigation of the voter’s application. The voter has the right to personally appear before the board. The board shall make a final determination no later than one week after the application is made.

All hearings held by the board with regards to a voter’s application for registration shall be conducted in a bipartisan and professional manner.

Challenge of Voter Registration

Voter registrations may be challenged both at the time of application as well as once the voter is registered.

If a person is challenged at the time of application, he or she must answer the questions on the challenge affidavit form before signing it³⁴. The applicant will be registered if a majority of the board is satisfied by the answers provided by the applicant. If the board is not satisfied by the

³¹ ELN §§5-102, 5-106

³² ELN §5-210 (9), 2023 NY Chapter Law 113

³³ ELN §5-224

³⁴ ELN §5-218

answers, and so the applicant is not registered, a copy of the challenge affidavit will be provided to the applicant.

If a person's voter registration is challenged once they are registered, the challenger is required to submit to the board of elections an affidavit detailing who the voter they are challenging is, the reasons they believe the voter should not be registered, and how they know this information. The board of elections will notify the voter whose registration has been challenged within five days of receiving the affidavit and will investigate the voter's qualifications³⁵.

Use of Voters' Check Cards

Voters' check cards are executed by the board of elections in an election district when a voter is challenged or at the request of any commissioner.

Upon the request by a county board, the police or sheriff's department is required to investigate a registration, to determine whether that person resides at the address listed on the check card, and the length of time at such residence³⁶. These types of investigations must be completed within five days of receipt of the check card. A sample of the form to be completed by the investigating office can be found in Appendix B.

Employees of the board should be thoroughly trained in the procedures relating to the use of voters' check cards and the filing and custody of completed voters' check cards and challenge affidavits.

List Maintenance

List maintenance is a critical activity, required under NVRA, that the boards should be doing on an ongoing basis. It is the addition, removal, and updating of voter registration information to ensure that the records accurately reflect who is eligible to vote in a given election. Data for the list maintenance comes from several sources including:

- Directly from the voter
- USPS change of address notices
- Notices from the DMV
- Notices from voter registration agencies
- Notices from Department of Health

³⁵ ELN §5-220

³⁶ ELN §5-702

- Notices from courts
- National Change of Address (NCOA)
- Mail check cards
- Affidavit ballots
- Other states
- Other county boards of election

All list maintenance transactions must be appropriately documented. Form letters and official notices should be updated and revised as necessary to be sure they continue to be clearly understood and reflect current dates and voter options, as necessary. The State Board provides templates for notices used by county boards, and when changes are made, they are promptly shared with county boards. Detailed information on the form of these notices is provided in the [“List Maintenance Directory”](#).

During the year, reports from various government agencies are forwarded to the board of elections regarding the status of certain voters in your county. These electronic reports include official records of deaths from the Department of Health, records of convictions by the courts, mental competency determinations made by courts, and other such information regarding possible changes in a voter’s status³⁷.

The Department of Motor Vehicles must deliver to the State Board of Elections, the names of all licensed drivers of voting age, who have voluntarily surrendered their driver’s license in order to obtain a license in another state. The DMV also shares change of address information when the voter opts to share the information with their respective county boards, though this will change when [“Automatic Voter Registration”](#) legislation goes into effect in 2024.

The State Board distributes some of this data through the NYSVoter statewide database, while other pieces of data are provided in hard copy, depending on how it is received by the State Board. Counties should follow the NYSVoter User Help link within the NYSVoter system, the State Board’s [“List Maintenance Directory”](#), and your own internal procedures, for dealing with each aspect of maintaining a current and accurate voter registration file.

National Change of Address (NCOA)

A helpful provision of the NVRA is the annual requirement that voter registration files be compared to National Change of Address (NCOA) information in February³⁸. Information

³⁷ ELN §5-708

³⁸ ELN §5-708 (5)

resulting from this process triggers changes to a voter's record and the accompanying notice to that voter of the action taken. The NCOA process is completed and paid for by the State Board, working through records as they exist in the NYSVoter database. The State Board will advise you once the NCOA matching is completed so that you can begin to review that data to determine if NCOA has flagged the right voter for the right reason, and to send any appropriate notice to each voter impacted by this list maintenance process.

Mail Check and Informational Notice

A routine “[Mail Check and Informational Notice](#)” must be mailed to every registered voter in the county each year beginning in April and running into May³⁹. These notices usually take the form of a post card or letter, a sample of which is in the Appendix B. In addition to enrollment and eligibility information, the notice contains information a voter will need to know before voting, including dates and times of the primary and general elections, locations of Early Voting and Election Day poll sites, their accessibility status, and other useful information.

Because of the high volume of mail brought about by the mail check and informational notice mailing and the importance of the delivery of such notifications, the county board should make every effort to consult and work with local postal authorities to ensure that the purpose of the mail check is carried out. This should include making local post offices aware of what your card looks like, the number of cards you expect to send, and the date on which you expect to mail these cards. Providing the post office with a sample of the notice, and even marking the notice for placement of the post office's informational return stickers, will help you use their information more easily and effectively, and will help your mail receive the official treatment it deserves.

Voters who register after the mail check has occurred will receive their voting information through the acknowledgment and transfer notices that are sent to new registrants or transfers. These notices contain similar information to the Mail Check and Informational Notice.

Mail check cards returned with address changes should be processed as the appropriate type of transfer depending on whether the new address is located in-county, out-of-county, or in another state. Regardless of the type of transfer, the mail check card should become part of the voter's official record.

³⁹ ELN §4-117

Whenever a mail check card is returned to your board as undeliverable, you must take the appropriate List Maintenance Directory steps. If questions arise as to the correct steps to take with returned mail, call the State Board for guidance.

Transfer of Registration

County boards of election are required to transfer the registration and party enrollment of any voter appearing in NYSVoter for whom a notice of change of address within New York has been received or for whom a ballot in an affidavit ballot envelope that has a new address provided on it, has been received. The board must process a change of address before an election if they receive the notification at least 10 days before the election⁴⁰.

If it is determined that the applicant is already registered in New York, this transaction is termed a “transfer.” Be sure to have staff review transfer applications that may also include a change of party enrollment or a pending change of party enrollment. In such cases, staff should be familiar with how to process the enrollment change. For more information on enrollment changes, please see [“Change of Party Enrollment.”](#)

Any letters, notes, or other correspondence received directly from voters indicating a change of address should include the following:

- Voter’s name
- Old address
- New address
- Date of birth
- Voter signature

In this manner, a match can be made by board staff and the next step in the transfer process can be taken.

If applicants mark on the new voter registration application that they were previously registered in another state, please send this information to the State Board and it will be sorted and distributed accordingly.

Samples of transfer notices and the State Board’s Transfer Guidance are available in the Appendix B.

⁴⁰ ELN §5-208 (3)

If a county receives a notice of a voter moving to their county and it is found that the person was not previously registered. The county will send a “[Rejection Notice](#)” and voter registration form to the person⁴¹.

In-County

If you are notified that a voter has moved to a new address within your county, you should compare the signature, if provided, to the one on file. Assuming the signatures match, the voter maintains their serial number, you add the new address information to your system, archive previous address information, and send a “[Transfer Notice](#)” to the voter⁴². Should the transfer notice be returned to the board as undeliverable without a forwarding address, the address on the voter’s registration will revert to the original address and a “[Confirmation Notice](#)” will be sent to the voter at the original address⁴³.

Be sure to have staff review how to process transfer applications that may also include a change of party enrollment.

Between Counties

When a voter moves between two counties in New York, both counties are required to take steps to ensure the successful transfer of the voter’s registration. Information between the two counties needs to be securely shared. More information on this can be found in the *Encrypted Documents Guidance* section of the *Transfer Guidance*.

The prior county board is required to send the new county the voter’s new address, date of birth, signature, and other relevant voter information to help identify the voter including the voter’s serial number. The prior county will then place the voter in inactive status and send a “[Confirmation Notice](#)” to the old address to notify the voter of the changes⁴⁴. Once the voter is registered in the new county, the voter will appear in NYSVoter as a duplicate voter when the new county has registered them, thus indicating the prior county that the voter’s old registration can be cancelled and a “[Cancellation Notice](#)” can be sent to the voter’s old address⁴⁵.

The new county board of elections will add the voter the rolls, transferring the voter’s information into their records. Once this is complete, a “[Transfer Notice](#)” will be sent to the

⁴¹ ELN §5-208 (8)

⁴² ELN §5-208

⁴³ ELN §5-208 (6)

⁴⁴ NYCRR §6217.7 (i)

⁴⁵ NYCRR §6217.7 (f)

voter's new address⁴⁶. Should the transfer notice be returned to the board as undeliverable without a forwarding address, the voter's registration will be handled in the same way as if an acknowledgement notice was undeliverable, and a "Confirmation Notice" will be sent out and the registration will be placed in inactive status⁴⁷.

An important exception to transferring voters between counties, is that Confidential Voters (victims of domestic violence) cannot have their information transferred between counties.

To Another State

The State Board of Elections routinely receives notifications of voters previously registered in New York State who have moved and are now registered in other states. These notifications are sorted and forwarded to the appropriate county board of elections. Counties will then send out a "Cancellation Notice" to the voter's old address⁴⁸.

Cancellation of Registration

A voter's registration will be canceled if, since the time of their last registration, the voter⁴⁹:

- Died
- Personally requested cancellation
- Is incarcerated for a felony disqualifying them from voting
- Has been adjudged as incompetent by the courts
- Refused to take a challenge oath
- Has been in inactive status and has not voted in two federal general elections
- Met any other cancellation criteria provided in the Election Law

If a voter is believed to no longer be qualified, your board will send out a "Cancellation Notice" letting the registrant know that they may come to the board or answer in writing to explain why their registration should not be cancelled and that if a response is not received in 14 days the registration will be cancelled⁵⁰. Under no circumstances should a registration be cancelled unless supported by sufficient documentation.

⁴⁶ NYCRR §6217.7 (d)

⁴⁷ ELN §5-208 (6)

⁴⁸ ELN § 5-402

⁴⁹ ELN §5-400

⁵⁰ ELN §5-402

The form of your board’s cancellation notice should be reviewed periodically as to content and wording. The notice should be in plain language and contain clear and concise instructions. A sample can be found in Appendix B.

Cancellation of Military Voter Registration

If a mailing is sent to a voter’s military address and is returned as undeliverable, the board will determine whether the voter is residing at their permanent address⁵¹. If they are, the board will no longer send military ballots, and would instead send a standard absentee ballot if requested by the voter, until military ballot status is applied for again and new military address is provided.

If the military voter is not residing at their permanent address, the board will send a “[Confirmation Notice](#)” to the last military address and the place the military voter’s registration in inactive status.

Incompetence Maintenance

Voters who have been deemed incompetent by a court lose the right to vote and their voter registration should be purged in the voter registration system. On a quarterly basis, the Office of Court Administration will transmit information on those that have been judged to be incompetent to the State Board, which will use NYSVoter to identify potential matches and notify counties of such matches⁵². Care should be taken when reviewing the voter registrations for matches to ensure that correct voter is purged.

Felon Maintenance

Voters who have been convicted of a felony and are currently incarcerated lose the right to vote and are removed from the voter rolls. Information on convicted felons is provided to the State Board at least quarterly through the Office of Court Administration⁵³ and can be found on NYSVoter at the Felon Management link. The Department of Corrections and Community website⁵⁴ can be used to find additional information when determining whether a voter should be purged because they were convicted of a felony. Information on registering felons can be found in “[Processing the Registration or Re-registration of a Voter with a Felony Conviction Flag](#)”.

⁵¹ ELN §10-109

⁵² ELN §5-708 (3)

⁵³ ELN §5-708 (2)

⁵⁴ nysdoccslookup.doccs.ny.gov

Felon maintenance is difficult because the Office of Court Administration is not always reliable about sending records for those that have been incarcerated in a timely manner or only once per incarceration. This can make it hard for a board to determine whether this is a new record, a delayed record, a possible repeat notification, or a new record due a reincarceration. Boards should pay close attention to the information being provided to determine whether a voter's record should be purged. The goal of felon maintenance is to ensure there is an accurate history of when a person who was convicted of a felony was registered to vote, when their registration was purged due to their incarceration, and when they reregistered to vote because they were no longer incarcerated.

More information on felon maintenance can be found in the NYSVoter manual. The Election Operations Unit can also be contacted if you have concerns about a felon notification that has been received.

Death Maintenance

When voters have died, they should be removed from the voter rolls. The Department of Health sends information to the State Board monthly on the death certificates that have been issued⁵⁵. Counties have access to this information through NYSVoter at the Deceased Management link. When reviewing potential death matches, make sure that all available resources and information are used to confirm the system has found an actual match. Obituaries, death certificates, or other information provided by family members can also be used to remove voters if deemed sufficient by the board. Such documents should be scanned or otherwise attached to the voter's record for documentary purposes.

Party Enrollment

When a voter enrolls in a party it allows them the opportunity to vote in the primaries that are occurring for that party and can determine whether they are able sign a given candidate's petition. Many people will enroll in a party when they register to vote, though a change of party enrollment can occur after a voter is registered or when they process a name or address change.

A newly registered voter must be registered with a party ten days prior to the Primary Day in order to participate if the voter is enrolled in a party with a closed primary⁵⁶. Voters can change their enrollment immediately for much of the year, however, as discussed below, there is a period prior to the primary when enrollment changes are not processed till after Primary Day.

⁵⁵ ELN §5-708 (1)

⁵⁶ ELN §5-302 (4), 2023 NY Chapter Law 113

Disagreements regarding the effective date of any enrollment must be resolved by a decision of both commissioners, or their deputies when so designated.

Change of Party Enrollment

A change of party enrollment may be made by any voter during the days of local registration, by mail, or on any agency-based registration form, including through the online DMV system. Generally, a change of enrollment takes effect immediately, which means for a valid application, the day it is received. Changes of enrollment filed from February 15th to seven days after the June primary will take effect on the seventh day after the primary⁵⁷. Information regarding changes of enrollment, including pending changes, are considered public record.

Again, disagreements arising from changes in enrollments should be resolved in a bipartisan way, by both commissioners or their deputies. Any changes, alterations, or corrections of a suspicious nature should be promptly investigated and resolved by the board.

A change in party enrollment may also be triggered when a recognized party no longer meets the requirements to be recognized and becomes an independent body and vice versa. Voters of such parties will not be required to request the enrollment change; the county will make the adjustment and send out a notice to such voters informing them of the change. If the party is becoming an independent body the notice will explain the situation and provide the voter with an opportunity to select a new enrollment or be told that if no new enrollment is chosen, that they will be designated as having no party enrollment.

Correction of Party Enrollment

The correction of any party enrollment may be made upon application of a voter who believes a mistake has been made regarding their enrollment. Affidavits for correction of enrollment must be filed within one year of the date of the voter's last registration⁵⁸. This procedure must be followed with care and under no circumstances should an affidavit for correction of enrollment be approved without prior knowledge and consent of both commissioners, or their deputies.

Maintenance of Registration Files

All the above list maintenance actions or events will prompt changes to be made to the registration files of a board. Boards should also routinely run the data validation reports, such

⁵⁷ ELN §5-304 (3)

⁵⁸ ELN §5-306

as the Failed Audit report in NYSVoter, purge duplicate name records, and ensure the integrity of voter registration files. If the duplicate voter registrations occur in different counties, it should be treated as a transfer between counties⁵⁹. Keep in mind that NYSVoter does not flag duplicate voter records within the same county, but you are still responsible to check for duplicate voter records that may be in your county.

When performing list maintenance activities, remember there are blackout periods, including an annual period between June 1st and the General Election or 90 days before a spring primary election⁶⁰, when voters cannot be made inactive if there is no known current address.

Re-Activating the Inactive Voter

An inactive voter can do one of the following things to restore their voter status to ACTIVE⁶¹:

- Contact the county board in writing, to confirm the voter's current address
- Advise the county board, in writing, of any change in the voter's address which can be used to move the voter record to the voter's new election district
- Respond to a confirmation notice which the board has sent to the voter
- Sign a petition indicating that they still reside at the same address which the board has on file (a fact the board would likely discover during a petition challenge proceeding)
- Cast a ballot in an affidavit envelope which states that a voter resides at such address
- Vote in an election conducted with registration lists prepared for town, village clerks, school districts, improvement districts and fire districts⁶²

Processing the Registration or Re-Registration of a Voter with a Felony Conviction Flag

Since September 2021, when felons are released from prison, they are eligible to reapply to vote⁶³. Inmates will be notified verbally and in writing prior to their release that their voting rights will be restored upon their release. The Department of Corrections and Community Supervision will be required to provide the inmate due to be released with a voter registration application form and a declination form and offer assistance to fill out the appropriate form. The inmate can also request that the department submit the completed application to the appropriate county board or the State Board upon their release.

⁵⁹ NYCRR §6217.8

⁶⁰ ELN §5-712 (4)

⁶¹ ELN §5-213 (3)

⁶² ELN §5-612 (7)

⁶³ ELN §5-106

The Department of Corrections and Community Supervision will also be required to notify all people currently on parole verbally and in writing of their eligibility to vote. As with inmates, parolees will be provided a voter registration application form, a declination form, and assistance to complete the chosen form. Parolees are also able to take the advantage of the option for the department to submit the complete application.

Inmates due to be released and parolees must also be provided with information regarding the importance and process for voting. In addition to this, the State Board will provide information on these changes to attorneys, judges, corrections officials, parole and probation officers, and the public.

Whenever the board has reason to question a person's eligibility to re-register after a notice of a felony conviction, the board is authorized to seek additional information to resolve any question before making a determination⁶⁴. When such a person's eligibility is being questioned because of a felony conviction notice, do not ask for supporting documentation, as it is unlikely that the applicant will be able to provide it.

Answers to the occasional question you may have about a person's eligibility may be found at the Department of Correctional Services website⁶⁵. Information is updated monthly on persons who have served time in state facilities, including release dates from prison and parole supervision. At the home page, click on "Inmate Lookup", enter the person's first and last name, and submit the request. The results page will list name, sex, birth date, status, facility and department identification number, or DIN. Click on the DIN for the person whose information you are verifying. This brings up a Commitment History page, and if you click on the DIN one more time, you get the Inmate Information Page. Scroll to the end, and you will find maximum release date. Check the current date against the listed date to determine whether the applicant or application before you is eligible to register.

Registration Records for Newly Established Election Districts

Whenever an election district is created, abolished, or altered the board must make the necessary corrections on the records of all voters or ensure those records are automatically identified with new election district identifiers by updating your voting system's street finder with that same new data. Boards must notify the affected voters of the election district changes and any related change to a poll site⁶⁶. This requirement can be met through the mail check process, but boards must be sure that any such notice is provided to affected voters at least 20 days before

⁶⁴ ELN §5-210 (11)

⁶⁶ ELN §5-610

⁶⁵ doocs.ny.gov

an election. Changes to election districts and poll sites must also be shared with the State Board's IT Unit, so that NYSVoter files can be updated.

Door-to-Door Check of Registrations

Though not a practical concept, the Election Law does permit a door-to-door check of all registered voters in any or all election districts to be conducted in any year upon the written, filed request of any one commissioner of the county board⁶⁷. If such a scenario should arise in your county board, please call the State Board for further directions or alternate suggestions. The board will need to employ a sufficient number of employees for the purpose of conducting such checks.

Discontinuance of Central File Registration Records

All Boards provide digitized poll books on Election Day, which include voter data and an image of each voter's signature, for comparison on Election Day. Due to this, many boards have moved to a full-document image voter registration system eliminating tedious and error-prone tasks of maintaining paper files⁶⁸, opening up additional file space, and allowing staff to be available for other tasks. We strongly encourage all boards to evaluate the benefits of migrating to such a system and staff at the State Board is happy to discuss the advantages of such a move.

Though county boards are using full-document image voter registration systems, they still must obtain approval from the State Board before converting old voter registrations to digital records⁶⁹. After the migration of information to the digital system has been completed, the county board will need to submit a letter to the State Board Election Operations Unit requesting approval to destroy the original, active registration records⁷⁰. When the letter of approval is received from the State Board, the registration records can be destroyed after the two-year retention period⁷¹ from when the records were scanned has been met.

Use of Registration Records for Other Districts Conducting Elections

Jurisdictions that have responsibility for their own elections (villages, schools, water, fire, improvement, or other special districts) may ask the county board for lists of registered voters, military and permanent absentee voters, and inactive voters⁷². Additionally, those jurisdictions

⁶⁷ ELN §5-710

⁶⁸ ELN §5-600

⁶⁹ NYCRR §6212

⁷⁰ NYCRR §6207.1

⁷¹ RR&D Guide 90061

⁷² ELN §5-612

may ask boards to provide voting equipment for use in their elections⁷³. If this occurs it is in the best interest of commissioners to arrange for an annual meeting with the clerks or other officials in these special districts, to clarify the rules regarding the availability and use of these lists, costs of provided equipment and materials, and any other areas of mutual interest or concern. If a jurisdiction was to use materials provided by their county board of elections, the board can charge for the use of voting machines, for providing ballots, printed poll books, and address labels. A sample of the costs charged to other jurisdictions can be found in Appendix K.

Questions that may arise from your office or voters regarding village, school, and other special district elections can be directed to the appropriate body responsible for that election. For example, school elections should be directed to the State Education Department or the school district clerk and village elections should be directed to the village clerk.

⁷³ ELN §3-224

List Maintenance Directory

Sections

[Acknowledgment Notice](#)

[Acknowledgment Notices with Request for Additional Information](#)

[Cancellation Notice](#)

[Confirmation Notice](#)

[Mail Check and Information Notice](#)

[Rejection Notice](#)

[Transfer Notice](#)

In Appendix B you will find the *List Maintenance Directory* which will provide you with useful information, including a flow chart that will help track what ought to happen when you generate or get mail, sample forms of such notices, and information on undeliverable labels. These will allow you to better administer the tasks associated with list maintenance activities and accurately maintain voter registration files.

The flow chart lets you follow a path which begins at some action point on the left side of the page, and follows through to its appropriate end, on the right. Simply look on the left for the type of document you have in hand, and what the sticker or other postal notation tells you. Then, track to your right for your next step, send any appropriate notice, and keep records accordingly.

Please keep in mind that the production of notices and postage-paid requirements must be implemented by you at the local level with your printer of choice, even if that is you, and with your local postal business center.

The List Maintenance Directory and the included flow chart are a living document and will be updated to reflect any modifications in state and federal legislation, as well as to improve the usability of the document. It is available as a separate document and we recommend you distribute it to appropriate staff so that they will have easy access to the advice and samples provided within.

If you have questions, please call at any time.

Description of List Maintenance Notices

Acknowledgment Notice

See ELN §5-210 (9)

The acknowledgment notice is to be in a form approved by the State Board.

To Be Sent: Via first class mail, non-forwardable or return postage guaranteed

When: The acknowledgment notice is to be sent as soon as practicable, and in any event no later than seven¹ days after receipt of the voter registration application

To Whom: All applicants whose voter registration application has been accepted by your board

What: A notice that confirms the approval of the voter's registration and party enrollment. The following must be included:

- A statement that "if this piece of mail is received by someone not residing at the address given in the notice, please mark same and drop it back in the mail"
- Effective date of registration and enrollment
- Date and hours of the next election primary or general at which the voter will be eligible to vote
- Polling place address information and accessibility status
- Information on the availability of absentee ballots, and the phone number for requesting same
- Phone numbers for service as Election Day worker, location of polling places, additional registration forms, and other miscellaneous information
- A statement that the voter may notify the board of any inaccuracy in the notice

If this notice is returned as undeliverable, immediately send a "[Confirmation Notice](#)" and flag voter as inactive.

Acknowledgment Notice with Request for Additional Information

Also referred to as: HAVA ID Letter

See ELN §5-210 (9)

The acknowledgment notice is to be in a form approved by the State Board.

¹ 2023 NY Chapter Law 113

To Be Sent: Via first class mail, non-forwardable or return postage guaranteed

When: The acknowledgment notice is to be sent as soon as practicable, and in any event no later than seven² days after receipt of the voter registration application, with a second notice being sent out after 45 days if the applicant’s identity has not been verified

To Whom: All applicants whose identity has not been able to be verified in the seven-day period by your board.

What: A notice that confirms the approval of the voter’s registration and party enrollment and requests the voter to provide additional information to verify their identity. The following must be included:

- A statement that “if this piece of mail is received by someone not residing at the address given in the notice, please mark same and drop it back in the mail”
- Effective date of registration and enrollment
- Date and hours of the next primary or general election at which the voter will be eligible to vote
- Polling place address information and accessibility status
- Information on the availability of absentee ballots, and the phone number for requesting same
- Phone numbers for service as Election Day worker, location of polling places, additional registration forms, and other miscellaneous information
- A statement that the voter may notify the board of any inaccuracy in the notice
- Request of the information needed to verify the identity of the voter, including their signature³
- A statement that “the failure to contact the board of elections and correct any inaccuracies in the application or provide requested additional information may result in a request for identification at the polls in order to cast a voter on a voting machine.”

The acknowledgement notice should include a postage paid card on which the voter may provide the requested information.

² 2023 NY Chapter Law 113

³ ELN §§5-210 (9), 5-804, 5-902

If this notice is returned as undeliverable, immediately send a “Confirmation Notice” and flag voter as inactive.

Though a postcard form can be used, you may receive more responses if you send this notice in a letter form. Voters can be concerned about their signature showing on the postcard form and the letter format would allow the signature to be enclosed in an envelope when it is returned to the board of elections.

Cancellation Notice

See ELN §5-402

This notice is to be in a form approved by the State Board.

To Be Sent: Via first class mail, forwardable

When: The cancellation notice is to be sent promptly, **UNLESS:**

- You received a personal request to cancel the registration from the voter
- The voter’s registration has been inactive for two federal general elections and the board has not received any information that the voter still resides in the same county or city

OR

- If the voter has died

in which case, a notice does not need to be sent.

To Whom: Any voter the board has reason to believe is no longer qualified to vote

What: A notice that the voter may appear before the board or answer in writing by mail, stating the reasons why their registration should not be cancelled

- A statement if voter does not appear or answer within 14 days, the registration will be cancelled
- Advise that the voter may re-register and how to do so
- Provide the deadline for registration
- Phone number for additional registration forms and days and hours of local registration and location of local registration places
- Notice includes a postage paid return card with a space for voter to indicate the reasons for their continued eligibility to vote in that county

- Space to provide current address
- Statement that failure to return the card will result in cancellation

Confirmation Notice

See ELN §5-712

The confirmation notice is to be in a form prescribed by the State Board.

To Be Sent: Via first class, forwardable or return postage guaranteed mail

When: Confirmation notices can be sent at any time, HOWEVER, no confirmation notice shall be sent between June 1st and the General Election, or in the 90 days before a federal or presidential primary election **UNLESS:**

- You receive an acknowledgment notice which is returned to the BOE as undeliverable
- OR**
- You receive a notice indicating a change of address to an address not in your county

To Whom:

- Voters when mail sent to them is returned marked “undeliverable” by the post office and fails to carry a forwarding address. This notice should be sent to the voter’s OLD ADDRESS
- Any voter for whom the board receives notice via the USPS or NCOA, that the voter has moved and left no forwarding address. This notice should be sent to the voter’s OLD ADDRESS
- Any voter for whom the board receives an unsigned notice of a change of address that is not in your county. In these instances, the notice should be sent to the voter’s NEW ADDRESS, however if the notice is returned, resend notice to the OLD ADDRESS. A change of address notice can come via tasks associated with:
 - DMV or NVRA agencies⁴
 - USPS or NCOA
 - Any federal, state, or local agency
 - A notice of forwarding address on mail sent to a voter by the board and returned by the postal service

⁴ ELN §5-211 (11), 5-212 (6)

What: A notice that confirms a change of address for a voter is accurate and the address is valid.

- Notice includes a postage-paid card on which the voter may either confirm the fact that they still reside at the address to which the notice was sent, or may notify the board of any change of address
- Request that the voter reply with their current address
- A statement that voters who have not moved or who moved within the county or city and who do not respond may be required to vote by affidavit ballot and that if they do not vote in any election up to and including the second federal election after such notice, their registration may be cancelled
- Include a space for the voter to indicate their desire to serve as an Election Day worker
- A statement that if this notice has been sent because of a new address in another county, that the voter's information has been forwarded to the new county board of elections for purposes of transferring the voter to the new address.
- If sent to addresses in New York State, include a mail registration form and information on how to re-register in the new county

All voters to whom a confirmation notice is sent shall be flagged as inactive, and their voter history should be tracked through two federal general elections, after which if they have not voted, they may then be cancelled. No cancellation notice is required to be sent to voters cancelled because of this particular list maintenance task.

Mail Check and Information Notice

See ELN §4-117

This notice is to be in a form approved by the State Board.

To Be Sent: By mail, "Return Service Requested"

When: Beginning third Tuesday in April, ending second Friday in May⁵

To Whom: Every voter who has remained registered without a change of address.
Do not send mail check notices to voters in inactive status.

What: A notice that confirms the address of active voters and provides information on the elections for the year.

⁵ ELN §4-117

- A statement that “If this piece of mail is received by someone not residing at the address given in the notice, please mark same and drop it back in the mail”
- Include days and hours of the primary and general elections **(in bold print, PRIMARY MUST BE IN CAPITALS)**
- Include the dates, hours, and location(s) of Early Voting for the general and primary elections or include instructions of how to obtain Early Voting information through the board’s website and telephone number
- Polling place address information and accessibility status **(in bold print)**
- If the location of the polling place for the voter’s election district has moved, the communication shall contain the following legend, **“Your polling place has been changed. You now vote at...” (in bold print)**
- How to get an absentee ballot if a voter will be out of the city or county on the day of an election or who is ill or physically disabled, or make alternate voting arrangements, if voter is disabled
- Phone numbers to indicate desire to serve as an Election Day worker, to obtain additional voter registration forms, and other miscellaneous information
- A statement that “If you move from the address listed on this notice, you must notify the board of elections of your new address or vote an affidavit ballot at the polling place for your new address.” (in other than bold type)
- If a ballot proposal is going to be voted on at any election and an abstract for the proposal is available, it may be included

Rejection Notice

See ELN §5-210 (9)

The rejection notice is to be in a form approved by the State Board.

To Be Sent: Via first class mail, non-forwardable or return postage guaranteed

When: The rejection notice is to be sent as soon as practicable, and in any event no later than seven⁶ days after receipt of the voter registration application

To Whom: All applicants whose application has been rejected by your board

What: A notice indicating the board is rejecting the application and the reasons for this decision.

⁶ 2023 NY Chapter Law 113

- A statement that “if this piece of mail is received by someone not residing at the address given in the notice, please mark same and drop it back in the mail”
- Identify the issue(s) leading to the rejection and how the applicant can correct the deficiency
 - Missing at least one of the following: name, residential address, date of birth, or affirmation of citizenship
 - Incarcerated felon
- Include a form with the notice that the applicant can use to correct their application (voter registration form, signature form letter, form letter with check boxes, etc.)
- Provide a date by which applicant must respond to be eligible to vote in the next possible election
- A statement that the voter may notify the board of any inaccuracy in the notice

Many boards use an envelope and a form letter for this notice, rather than a post card. The letter can have a listing of common problems, and a place for a staff person to check which item(s) caused the rejection. The form letter can further provide a “miscellaneous” section which can be used by staff to identify a unique problem. In most instances, the applicant is required to complete a new form, which is included with the notice. Always provide the board’s phone number in this type of notice, so the applicant can obtain additional information or assistance.

Transfer Notice

See ELN §§5-208 (1), 5-208 (5)

The transfer notice is to be in a form approved by the State Board.

To Be Sent: Via first class, forwardable or return postage guaranteed mail

When: As soon as practicable, after the board transfers the voter to their new address

To Whom:

- Any voter for whom the board receives notice of a change of address within the county or state. A notice of change of address can come from:
 - DMV or any NVRA participating agency’s change of address program
 - NCOA processing
 - Mail returned by the post office containing a forwarding address
 - New York State or National Voter registration form
 - Confirmation notice response card

- USPS notices to correspondents of change of address
- Applications for registration from persons already registered in New York
- Any notice sent to the board by a voter
- Any voter who casts an affidavit ballot that sets forth the voter's new New York address

What: A notice that confirms the transferring of a voter's registration after being notified by the voter of an address change.

- A statement that tells the voter "Your current voter registration record has been transferred to your new address"
- Notice must include a postage paid return card, on which the voter may notify the board of any address correction
- Notice and return card shall advise the voter that they are to "return this card only if the address to which the notice has been sent is not the voter's current address."
- Postage-paid return card shall include a space to indicate the voter's desire to serve as an Election Day worker
- If the transfer is made based on the casting of an affidavit ballot, the notice shall inform voter of whether such ballot was counted

If this transfer notice is returned as undeliverable and without a forwarding address, the board shall return the voter to their original address and send a confirmation notice to same. The voter is then flagged "inactive."

Designation and Nomination of Candidates

Sections

[Certificate of Nomination and Caucuses](#)

[Petitions](#)

[Supporting Papers](#)

[Preparing for the Filing Period](#)

[Filing Procedures](#)

[Notice of Defect and Cures for Petitions](#)

[Judicial Proceedings on Petitions](#)

[Unscheduled Vacancies in an Office](#)

[Nominations for Justice of the Supreme Court](#)

[Propositions](#)

[Ballot Certification](#)

- ∴ **Designation:** is the method by which candidates for party nomination for public office or party position are selected¹. Party designation of a candidate for nomination for any statewide office is made by the State Committee of the Party, or by filing a designating petition. Designation of candidates for nomination for county, city, town, or village offices are made by the filing of a designating petition.
- ∴ **Endorsement:** is the “official approval” of a nominee by a party committee but does not place a candidate’s name on the ballot.
- ∴ **Nomination:** is the selection of a candidate an office to be filled at a GENERAL or SPECIAL election². Party nominations in towns and villages where primaries are not held, are made at a caucus. Party nominations for the office of Justice of the Supreme Court are made at Judicial District Conventions. Individuals and independent bodies (i.e., not political parties) may also nominate by petition. The law has specific provisions for this ballot access process.
- ∴ **Party Caucus:** is a public meeting at which towns and villages may nominate candidates. To vote at a caucus, attendees must be enrolled in that political party³. County boards may be asked to provide a list of enrolled voters for use at a caucus. After the caucus nominates its candidates, a certificate of nomination signed by the presiding officer and secretary of the caucus, is required to be filed. Candidates not enrolled in the party nominating them at a caucus must file an acceptance, however the party need not file an authorization.
- ∴ **Primary:** is an election at which only enrolled members of a party may vote, unless otherwise specified by the party’s rules. This occurs when more candidates of the same

¹ ELN §1-104 (7)

² ELN §1-104 (11)

³ ELN §1-104 (28)

party have been nominated for an office to be filled by the voters than there are vacancies or if an opportunity to ballot petition has been filed⁴.

Certificates of Nomination and Caucuses

A candidate for statewide office can be placed on the ballot without a petition if they receive 50% of the vote to nominate from their state committee⁵. If a candidate receives 25% or more of the vote at such a state committee meeting, they have the right to make a written demand within seven days of the meeting to be placed on the primary ballot.

Towns that have a population of more than 750,000 inhabitants according to an official census, nominate their town officials by party nominations⁶. Again, a candidate must receive at least 50% of the committee vote to be nominated. Towns with a population below 750,000 nominate candidates for town offices by caucus or primary election as the rules of their county committee dictates.

Notification of party caucus that are held to nominate candidates for town offices must be given to the public prior to the caucus⁷. A notice must be posted and filed with the county board of elections and the town clerk at least 10 days before the day of the caucus. A notice also must be placed in either the newspaper one to two weeks before the caucus or at 10 public places around the town at least 10 days before the day of the caucus. The notice will detail the time, place(s), and purpose of the caucus. Only enrolled party voters can participate in the nomination of candidates at these caucuses.

Petitions

Printing Petitions

Sample petitions and cover sheets can also be found in Appendix C and are available on the State Board's website⁸. These blank petitions can be copied by you and distributed to those persons requesting direction on this matter. However, printing of petition paperwork is the responsibility of the individual candidate, or the committee supporting the candidate. The State Board also produces a booklet entitled *Running for Elective Office in New York State*, which is posted to the State Board's website for easy access.

⁴ ELN §6-160

⁵ ELN §6-104 (2)

⁶ ELN §6-108 (1)

⁷ ELN §6-108 (3)

⁸ elections.ny.gov/RunningOffice

The sample forms are just that, samples. While many candidates may use the forms that are provided by the State Board they are not required to, so long as their form is substantially the same and includes all the elements required to pass review. To see what is required for a petition to pass review, see the Petition Review Work Sheet included in Appendix D.

Designating Petitions

Recognized parties can nominate candidates for the primary through designating petitions. Though much of the time the candidate is already a party member, parties may also nominate a candidate who is not an enrolled member with a designating petition and a certificate of authorization. Candidates not enrolled in the party nominating them, are also required to file a certificate of acceptance. More information on authorizations and acceptances can be found in the “[Supporting Papers](#)” section. Only enrolled members of the party passing a designating petition and who is qualified to vote for the designated office may sign. The New York State Election Law sets forth the form of this petition⁹.

Judicial candidates are not required to submit authorizations or acceptances when they run on party lines that are not the party they are enrolled in.

Opportunity to Ballot

The opportunity to ballot (OTB) petition creates a primary where one otherwise would not exist, either due to having only a single candidate file valid ballot access documents for that party’s line, or if no filings for a particular office on a particular party line were filed at all. As of October 2021, the opportunity to ballot petition will only allow a candidate to be a write-in for the party in which they are enrolled¹⁰. The New York State Election Law sets forth the form of this petition¹¹.

An opportunity to ballot is handled in the same manner as a designating petition. Be sure to notify the winning OTB contest candidates immediately. The write-in nominee has five days from receipt of your notice to accept or decline. If the nomination is declined, the party may substitute a candidate¹².

⁹ ELN §6-132 (state, county, town elections)
ELN §6-204 (village election run by county)
ELN §15-108 (village election run by village)

¹⁰ ELN §§6-164
¹¹ ELN §§6-164, 6-166
¹² ELN §6-146 (3), (4)

Independent Nominating Petitions

To run for office on a line other than a recognized party line, one must file an independent nominating petition¹³. Independent bodies do not have primaries, instead candidates that run on an independent line are placed on the ballot for the general election. The New York State Election Law sets forth the form of this petition¹⁴. Independent candidates are required to select a name for their party and an emblem, both of which are placed on the petition¹⁵. There are a few restrictions on words or names that can be used in a party name¹⁶. For example, a candidate that is choosing a name for their independent body may not include: American, United States, National, New York State, Independent, Independence, or Empire State.

Any registered voter who has not already signed a designating petition, and who is qualified to vote for an office, may sign an independent nominating petition for that office. If you participated in a caucus for village offices, you cannot sign a village independent nominating petition.

Cover Sheets

Any petition containing 10 or more sheets is required to be submitted with a cover sheet affixed. If a petition has multiple volumes, a cover sheet on the first volume is required to indicate the total number of volumes for the petition. Each subsequent volume needs the volume number indicated on the cover sheet. The New York State Election Law sets forth the form of this cover sheet¹⁷.

Supporting Papers

Acceptances

An acceptance is required from a candidate designated or nominated by a party of which they are not an enrolled member, except for judicial candidates¹⁸. Acceptances are also required to be filed by persons who have been advised by your office that they have won an OTB contest¹⁹. Acceptances must be acknowledged and are not valid if not filed in a timely manner. For more information see section [“Receipt and Acknowledgement to Candidates.”](#)

¹³ ELN §6-138

¹⁴ ELN §6-140 (state, county, town elections)
ELN §6-206 (village election run by county)
ELN §15- 108 (village election run by village)

¹⁵ ELN §6-138 (3)

¹⁶ ELN §2-124

¹⁷ NYCRR §§6215.2, 6215.8

¹⁸ ELN §6-146

¹⁹ ELN §6-146 (3)

Authorizations

An authorization, sometimes referred to as a “Wilson-Pakula,” must be filed when a candidate is not enrolled in the party which has designated him or her. Again, no authorization is required to be filed for judicial candidates and for nominations of non-enrolled candidates made at a party caucus. Authorizations must be filed by the party committee, acknowledged, and filed in a timely manner²⁰. Check the political calendar and be sure party officials are aware of the authorization deadlines.

Declinations

A declination must be filed when a candidate has been nominated but does not wish to run for an office for which they have been nominated²¹. A candidate may only decline the nomination or designation during the declination period, if they are nominated for another office by the same party, or if they are nominated for an office to be filled at the general election but were not nominated at the primary election. Once the declination period has passed, the candidate must remain on the ballot unless they become disqualified. Declinations must be acknowledged and filed timely. If a declination is filed, the board must notify the committee on vacancies immediately, as a certificate of substitution may then be filed.

Substitutions

A substitution may be filed by the committee to fill vacancies listed on a designating or nominating petition or on a certificate or nomination. The substitution must include an appended acceptance by the candidate, duly acknowledged and appended to the certificate of substitution. Substitution certificates are not valid if not filed timely.

A substitution made after a primary is to be made by the appropriate members of the county committee or may be made in accordance with party rules.

²⁰ ELN §6-120 (3)

²¹ ELN §6-146

Preparing for the Filing Period

Political Calendar

The annual political calendar published by the State Board contains deadlines and certain other dates relevant to petitions and nominations. These dates should be shared with the news media and all interested candidates, party leaders, and others interested in ballot access.

The filing calendar can be subject to change as determined by emergencies that may arise²². If there is a change to the filing period made at the state level, the State Board will send out notification of the change to each of the county boards.

Offices to be Filled

Municipal Clerks are responsible for certifying to you those offices which are to be filled at each election and must also file with you the appropriate language for any propositions or amendments that are to appear on the ballot. The following list provides some direction on this point:

- From city, town, and village clerks, you should receive a listing of those local offices to be filled at the General Election no later than February 1st of each year²³
- From city, town, and village clerks, if there are such political subdivision ballot proposals or questions required to appear on the ballot at the General Election, you will receive such text three months before the General Election²⁴
- From your County Clerk, you should receive a listing of county offices to be filled at the General Election no later than February 1st of each year
- From the State Board, on February 1st of each year, you will receive a listing of offices to be filled at the General Election²⁵
- From the State Board, if there are statewide ballot proposals or questions required to appear on the ballot at the General Election, you will receive such text three months before the General Election²⁶
- From the State Board, 55 days before an election, you will receive the certified name, party designation, etc., of candidates for statewide offices (including when appropriate, candidate information for state committee positions and delegate/alternate delegates

²² ELN §3-108 (5)

²³ ELN §4-106 (2)

²⁴ ELN §4-108 (1)(b)

²⁵ ELN §4-106 (1)

²⁶ ELN §4-108 (1)(a)

to judicial district conventions), and those for US Senate, US House of Representative, State Senate, Assembly, and Justices of the Supreme Court²⁷

- The county board, 54 days before an election, will certify the name, party designation, etc., of candidates for local offices

The dates for receiving the listed above should become part of your planning calendar. By doing so, your staff will know when to expect these documents, and you can contact appropriate entities if those certifications do not arrive.

Office Preparation Procedures

- Discuss office routine for handling petitions with your employees. Designate various employees to do specific tasks and determine security procedures to be used during the petition filing period.
- Be sure that staff understands that documents must be received at least between the hours of 9:00 a.m. and 5:00 p.m.²⁸, unless otherwise specified by law, such as in the case of Westchester and New York City.
- Be sure that staff understands which offices file at the county board and which file at the State Board²⁹.
- Prepare and update in advance the necessary form letters you will be using. These letters include acknowledgments for petitions and nominations, notices related to the objection process and objection hearings, including notices of board determinations.
- Be sure your computer-based candidate management system has archived previous data and has been properly updated with current information. If you still handle this function manually, prepare a record book to be used to log petitions and nominations and all other corresponding information. In either format, this information shall constitute a permanent record. Computer systems should print out a final version of this log, and boards should consider binding it for future reference. Computer data should also be backed-up on a variety of formats, for archive purposes.
- Any in-house worksheets or charts should be prepared in advance of the filing period, to cover among others, the following subjects:
 - From official party calls, the number of Judicial District Delegates and alternates authorized for each party, and whether such petition is to be filed with your county board.

²⁷ ELN §§4-110, 4-112

²⁸ ELN §1-106 (1), 3-214 (3)

²⁹ RFO- Where to File Petitions

- Spreadsheet indicating the number of signatures required in the various political subdivisions or districts of the county for the filings you are to receive.

Filing Procedures

Be sure that staff understand they should not offer advice to candidates on whether a petition has been completed correctly while the candidate is turning in the petition and that once a petition has been placed in the hands of a staff member at the time of filing, it cannot be returned to the candidate for any reason.

Security

Security procedures should be planned and discussed thoroughly by the commissioners and the employees responsible for petition filing. Petitions should be secured in a location requiring bipartisan action to access. Filing systems can differ, so discuss what works best for your board: file by city and town, by office and district, by candidate, alphabetically, by party, etc. In addition to a petitions file, consider a file folder for each candidate, where acceptances, declinations, authorizations, copies of correspondence sent and received, etc. can be placed. These folders can be reused after the two-year retention cycle, but you will have to purchase enough folders for your first two years of filing. Your time stamp machine should similarly be kept secure to prevent tampering or alteration of the internal clock.

Receipt and Acknowledgement to Candidates

A receipt should be provided to the filer of the document. The easiest and perhaps most complete receipt is a photocopy of the cover sheet or first page of the filing if no cover sheet is included. Be sure the photocopy clearly displays the date and time stamp imprinted by your board's time stamp machine. Some candidate management software systems can generate a receipt once the document is entered.

Log all petitions, certificates, and any associated documents as they are received and log all pertinent information required by your candidate management system. Acknowledge your receipt of petitions and certificates by letter or postcard to the candidate(s) designated, nominated, or committee to receive notices. Acknowledgment of filings must be sent to candidates for public office³⁰, but not those for party positions, though some boards do send notices to all candidates for any office. This notice shall also state the last day to decline and how

³⁰ ELN §6-144

the candidate's name shall appear on the ballot. A sample of this notice can be found in Appendix D.

Document Examination/Review

- Petitions, as well as all other ballot access documents (nominations, acceptances, declinations, substitutions, authorizations, etc.) must be examined as to proper form, and for petitions, that they appear to bear the proper number of signatures. This is called the *prima facie* review.
- Documents should be examined for compliance within two days of receipt³¹. Where cures are permitted, a notice is required to be sent via over-night delivery, when the petition is deemed not to conform NYCRR §6215.
- Petitions are presumed to be valid on their face. Do not go beyond the face of the petition in this examination process until specific objections are filed.
- Be sure that when your prima facie review is conducted you follow your board's security procedures. The review is to be conducted in a bipartisan way, by commissioners, deputies, or their designees. Whenever possible, this review should occur on the same day that documents are filed with you. This will ensure that you begin each filing day without a backlog from the previous day and will also help with timely observations and cure notices to the candidates. See "[Notice of Defect and Cures for Petitions](#)"
- Petitions are presumed to be valid unless both commissioners agree to invalidate on their face (prima facie review) on the grounds of insufficient signatures, late receipt of the filing, or because of reasons set forth in specific objections that were filed.
 - A petition is considered late if it is submitted in-person or postmarked after the deadline or if it is received by the board more than two business days after the postmark deadline³²
- The State Board has created Prima Facie Review Forms which are helpful in conducting the prima facie review discussed above. These forms can be found in the Appendix D.

Handling Objections

Make sure that you know who may object to documents filed with you, and when objections and specific objections must be filed.

- General objections

³¹ NYCRR §6215.7

³² ELN §1-106 (1)

- Must be received within three days of the board of elections receiving, in-person or by mail, the document that is being objected to³³. If the deadline lands on a weekend or holiday, it rolls over to the next business day.
- A person has standing to object if they would be able to vote for that office at the general election or primary election if it is a party position.
- Can be a simple letter stating who the objector is and their address, who is being objected to, the party on the petition or certificate, and what office the candidate(s) is running for. An example of a general object can be found in the *Guidance on Changes to Specifications of Objections* in Appendix D.
 - Boards may choose to have a template for this available on their website
- Specific objections
 - Must be received within six days of when the general objections were submitted in-person or postmarked to the board³⁴. If the deadline lands on a weekend or holiday, it rolls over to the next business day.
 - Specific objections are required to clearly identify what is being objected to, including particular voters, all objections to a given voter should be grouped together, and if symbols or abbreviations are used, a definition sheet must be provided³⁵.
 - Specific objections to any petition will be reviewed, if a general objection has been filed and proof has been provided that a copy of the specific objections has been delivered in-person or sent by overnight mail to the candidate(s) that are being objected to or committee to receive notice for OTBs.
 - Proof that specific objections have been provided to the appropriate people must be received by the board accompanying the specific objections or two business days following the filing of the specific objections, whichever is later
 - A complete review should be made of the specific objections made against the petition. Have employees check the petition against the specific objections and prepare worksheets to be presented to the board for the hearing process. The research of these specifications should be handled on a bipartisan basis. The State Board has created documents which may be helpful to you in recording the result of this research. These forms can be found in the Appendix D.
 - Notice should be given to objectors and candidates by overnight mail of when specific objections were filed, the board's findings, copies of the specific objection research, and a determination on the validity of petition or certificate.
 - Notice can be given by electronic correspondence of the objector or the candidate³⁶.

³³ ELN §6-154 (2)

³⁴ ELN §6-154 (2)

³⁵ ELN §6-154 (3), NYCRR §6204.1

³⁶ 2023 NY Chapter Law 77

- The board should allow objectors and candidates the opportunity to submit written responses or oral presentations on the validity of specific objections and the finding of the board
 - Unless a majority vote of the board determines the filing does not meet to the criteria of prima facie.

More information on handling objections, specific objections, and petition hearing please see Appendix D for *Guidance on Changes to Specifications of Objections*.

Petition Review Hearings

Petitions that receive specific objections are reviewed more closely for the objections listed by the people that filed them. As noted in the “[Handling Objections](#)” section, the research on the objections is handled by a bipartisan team prior to the petition hearing. A copy of the completed worksheet(s) of objections for a petition is included with the notice advising the candidate of when their petition review hearing will occur³⁷. This reduces the chance that each line will be addressed at the hearing. Instead, a summary of the findings will be presented at the hearing, specific questions by attendees can be addressed, and additional information can be presented challenging the board’s findings to try and have the validity/invalidity recommendation reversed.

While some boards conduct these hearings with just the commissioners present, others conduct more inclusive hearings at which all parties involved may attend. Keep the hearings as bipartisan as possible to avoid complaints by candidates or objectors. For example, a bipartisan team conducts each hearing, with one party taking the role of the hearing officer, who conducts the hearing itself, and the other party taking the role of the clerk, who keeps the minutes of the hearing. These roles are switched amongst the parties to ensure equal representation in both capacities.

Accurate minutes need to be taken at the hearings to determine the validity of specific objections and petitions since the results of the hearing should become part of your board’s permanent records. This will promote transparency, strengthen trust in the integrity of electoral processes, and avoid possible litigation citing violations of New York’s Open Meeting and Freedom of Information Laws.

When a determination is made as to whether a certificate or petition is valid or invalid, notice will be given to each candidate named on the certificate or petition.

³⁷ ELN §6-154 (4)

Notice of Defect and Cures for Petitions

Though it is required that petitions be reviewed within two business days of when it was received³⁸, we strongly recommend that all petitions be reviewed the day they are received. This will ensure that candidates are notified of curable deficiencies in time to be corrected. Curable deficiencies are issues with:

- Submitted cover sheet
- Whether the sheets of the volumes were fastened
- Name of the party or independent body
- Emblem for independent body
- Candidate name
- Candidate residence
- Office
- District

Once a petition has been deemed to be insufficient, a written notice will be sent out to the candidate for overnight or next day delivery. If the deficiency is curable the candidate will have three business days from the date the petition was determined to be deficient to cure the petition and ensure that the board of elections has received the cure³⁹.

Please see Appendix D for a sample of the Notice of Opportunity to Cure Curable Defects.

Judicial Proceedings on Petitions

If a candidate disagrees with a decision the board of elections has made regarding a petition, a case can be brought in front of a New York Supreme Court or the applicable county court⁴⁰. Such cases need to be brought within a specific time period depending on what the case will be addressing. The Table of Summarizing Actions, found in the *Election Law Update*, nicely lays out relevant information regarding these judicial proceedings. Below are common reasons candidates would go to court relating to petitions and when the corresponding time frames⁴¹.

Proceedings to invalidate a petition must commence within 14 days from the last day to file petitions. The respondent board must be served within this time.

³⁸ NYCRR §6215.7

³⁹ NYCRR §6215.7 (d)

⁴⁰ ELN §16-100

⁴¹ ELN §16-102

Proceedings to challenge a certificate of nomination must commence within 10 days from the day of the filing of the certificate. The respondent board must be served within this time.

Proceedings to validate petitions must commence within 14 days from the last day to file a petition, or within three business days after a determination of invalidity, whichever is later.

Proceedings to validate a certificate of nomination must commence within 10 days after the holding of the meeting.

Unscheduled Vacancies in an Office

Vacancies occurring three months before the general election will appear on the current year's general election ballot unless the vacancy has been filled by a special election⁴². Vacancies occurring less than three months before the general election will appear on the ballot in the following general election and an appointment can be made to the position in the meantime. These vacancies will be certified by municipal clerks in the upcoming February as detailed in "Offices to be Filled". Political committee vacancies are addressed in the "Party Committee Vacancies" section and questions on vacancies can always be posed to staff at the State Board.

Occurring between Filing and Primary

If a vacancy occurs more than seven days before the last day to file a designating petition, prospective candidates can follow the regular petition process. If no valid petitions are submitted, the contest would be a write-in contest.

If a vacancy occurs less than seven days before the last day to file petitions, the party committee may fill the vacancy⁴³ by filing a certificate of nomination no later than 30 days after the primary⁴⁴. In towns that select candidates at a caucus, vacancies occurring after the caucus deadline will be filled by the party committee.

⁴² ELN §6-158 (14)

⁴³ ELN §6-116

⁴⁴ ELN §6-158 (6)(a)

Occurring between Primary and Three Months Prior to General Election

If a vacancy occurs after the seventh day before the primary, a certificate of nomination needs to be filed either no later than 30 days after the primary or 10 days after the vacancy is created, whichever is later.

Occurring Shortly Prior to Election

Primary: If a candidate passes away or is disqualified between the noon on the Tuesday before a primary and the close of polls on primary day, the vacancy will not be filled until after canvassing is complete⁴⁵. Votes cast for that candidate will be cast and counted. If the candidate wins, at that time another candidate can be nominated or the vacancy can be filled as provided by law or the rules of the party.

General: If a candidate passes away or is disqualified between the Tuesday before a general or special election and the close of polls on Election Day, the vacancy cannot be filled before the election⁴⁶. The votes cast for the candidate will be canvassed for that candidate and should the deceased or disqualified candidate win, the lack of a qualified candidate to assume office would create a vacancy to be filled.

Special Elections

The governor will call for a special election, unless otherwise provided for by authorized local law, resolution or ordinance, when a vacancy occurs for a position that cannot be filled by appointment or when an official dies or is disqualified before their official term begins⁴⁷. The date by which the vacancy must occur for a special election to be called varies by office. For example, if a vacancy occurs in an office of a Congressional Representative before July 1st of the last year of the office's term, then the governor would call for a special election. However, if the vacancy occurred in most state or local offices, the governor would call a special election only if the vacancy occurred before April 1st of the last year of the term of office⁴⁸.

If a special election is not called as it should be or a vacancy is not filled by appointment prior to the general election, the office will appear on the ballot at the general election.

⁴⁵ ELN §6-152

⁴⁶ ELN §6-150

⁴⁷ PBO §3-42 (3)

⁴⁸ PBO §3-42 (4)

Nominations for Justice of the Supreme Court

Nominations for Justice of the Supreme Court are made at a judicial convention, by duly elected or appointed delegates or alternate delegates.

Delegates and alternate delegates follow the same designating petition process as other offices. Petitions are filed according to party rules and primaries may occur. Information on where the petitions need to be filed can be found in *Running for Elective Office in New York State* and on the State Board's website⁴⁹.

The official roll call for judicial conventions is prepared by the State Board of Elections after the certification of the Primary in case any primaries occurred for these positions. County boards must provide the State Board with the names and addresses of delegates and alternates filing petitions in their respective county, as well as the winners of any primary elections for these positions, so that the State Board may prepare accurate roll calls. The compiled roll call will then be provided to those persons who convene the various conventions throughout the State, or to the state party chairs, who will then distribute them to conveners or local party leaders.

Propositions

The processing and handling of amendments, proposals, propositions, or referendums is largely handled by entities other than boards of elections. Boards receive the certified language for statewide propositions from the State Board of Elections and for local propositions from the respective jurisdiction's clerk. Below is a more detailed overview of ballot propositions so you have an idea of what can be expected.

Statewide

There are three categories that prompt a statewide proposition to be placed on the ballot. The first are changes to the law that result in an amendment of the New York State Constitution. Before such issues can be placed on the ballot for a referendum, the legislation needs to be passed by two subsequently elected state legislatures. The second category are bond acts, and lastly, the third is whether a Constitutional Convention should be held. This question is put to the voters every 20 years, the last time being in 2017.

⁴⁹ elections.ny.gov/RunningOffice

At least three months before the general election, the State Board transmits to each County Board the text of each proposition, the form of submission, and an abstract of the proposition. The Attorney General advises the State Board on the language of the form of submission and the abstract.

Local

Propositions from local municipalities can be placed on the ballot only if there is constitutional or statutory authority to do so. Statutory authority may be found in multiple different provisions of law including, but not limited to, the Municipal Home Rule Law, Town Law, County Law, General Municipal Law, and Village Law. No advisory propositions can be placed on the ballot to see how the voters feel about an issue and the voters may only approve or disapprove a proposition.

Generally, the language for local proposals, propositions, or referendums being put before voters of a county, city, town, village, or special district are written by the municipal clerk with advice from the principal law officer. A certified copy of the text of the proposition and a statement of the form in which it is to be submitted must be sent by the clerk to boards at least three months before the general election and are placed on the ballot by the county boards⁵⁰.

There are multiple different issues that may give rise to the need for a local proposition. However, the examples outlined below should not be considered an exhaustive list of the types of local ballot propositions.

The following are changes that are subject to a mandatory referendum⁵¹ which include, but are not necessarily limited to:

- New city charters
- Changes to the membership or composition of certain local legislative bodies
- Changes to the veto power of elected chief executive officers
- Changes in the law of succession for certain local officials
- Creating or abolishing an elective office
- Changing the method of nominating, electing, or removing an elective officer
- Limiting the power of an elective officer
- Changes in a city of boundaries of wards or other districts from which members the county board of supervisors are elected

⁵⁰ MHR §25, TWN §92, ELN §4-108

⁵¹ MHR §23

- Changes in laws related to public utility franchises
- Reductions in salary, increase in hours of employment, or changes to working conditions for city officers or employees in certain situations
- Changes to laws in a city relating to membership or terms of office of the civil service commission

In certain towns, a petition can be filed to have certain issues placed on the ballot or a town board can vote to place the issue on the ballot⁵². These issues include, but are not necessarily limited to:

- Erecting a monument in commemoration of a person or event
- Purchasing, leasing, constructing, or altering a town hall, town lockup or other necessary building for town purposes, or acquiring lands for such buildings
- Demolishing any town building
- Establishing airports, landing fields, public parking places, public parks or playgrounds
- Improving any navigable waterway
- Providing for the collection and disposition of garbage and other waste

Certain issues are subject to a permissive referendum and are placed on the ballot because a petition was filed in opposition to a local law⁵³. Examples include, but are not necessarily limited to:

- Dispensing with laws requiring a public notice or hearing as condition precedent to official action
- Changing laws relating to:
 - Public bidding, purchases or contracts
 - Assessments of real property or benefit assessments
 - The exercise of the power of condemnation
 - The authorization or issuance of bonds or other obligations
 - Auditing the accounts of the local government
 - The alienation or leasing of real property of the local government
- Increasing salary of an elective officer during their term outside of an already agreed upon schedule
- Establishing a county general hospital
- Adopting a law relating to apportionment
- Creating or abolishing the office of manager in a village

⁵² TWN §81

⁵³ MHR §24

Ballot Certification

County certifications for primary and general elections must not be made later than 54 days before a general or primary election⁵⁴. The county certification occurs the day after the ballot certification is issued by the State Board⁵⁵. The State Board will also certify to the county boards the presidential and vice-presidential write-in candidates no later than seven days before the general election.

⁵⁴ ELN §4-114

⁵⁵ ELN §§4-110, 4-112

Ballots, Poll Books, and Voting Equipment

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Ballots

Building ballots is a term that is heavily laden with many responsibilities and has its own language. Some terms are explained here for you:

- ∴ **Full - face ballot:** means that all offices and propositions being voted on can be viewed at a single glance and must be on the same ballot, which may mean two or more ballots attached via perforations or multiple pages, so as to reflect that full-face concept. One side of the ballot should have nothing on it.
- ∴ **Orientation:** is the manner in which the ballot is presented to voters. In every county except the five counties that make up New York City, the ballot is in a landscape orientation, meaning contests run horizontally and parties appear vertically. In New York City, a portrait-style orientation is used, which places parties in the horizontal position with contests appearing in the vertical position
- ∴ **Program a ballot:** is a term used to encompass the tasks required to configure a ballot-contests, political subdivision information, candidate names, parties, number to be voted for, etc., using a certified election management system

Voting system vendors provide several training opportunities. Boards should take advantage of these opportunities and consider doing so on a regional basis to share costs. The State Board also provides hands-on voting system orientation and training opportunities in Albany and conducts webinar training events. Call the Election Operations Unit for details and to arrange for a personalized session.

At commissioner conferences, vendor user groups are held at which county board personnel are encouraged to share problems, ideas for improvements, success stories, and other information

which may be of interest to other counties using your same type of voting system. These sessions allow vendors to learn what changes to their systems are needed or desired, and boards learn from the experiences of others so that problems can be avoided, and success stories can be repeated.

Form of Ballots

Building, sometimes called laying out or configuring, ballots correctly is an extremely important and complex task that requires close attention. Staff members who are responsible for this task will become more experienced with each ballot they build. When time permits, designated staff should build practice or test elections to become more familiar with the voting system's process and the exact steps required to create a ballot PDF. Being practiced and comfortable with the ballot programming software could be particularly helpful when, from time to time, the laws governing ballot layout change, for example when the "[Voter Friendly Ballot Act](#)" was passed.

County boards are responsible for laying out, printing, and appropriately distributing ballots for each election district in each election. Additional ballots may need to be built for different types of voters¹, for example, Special Federal Voters who are not able to vote for state and local offices. You have the same responsibilities for types of envelopes used for certain ballots, absentee, affidavit, etc. Each ballot style needs to be identified using marks which can be read by the voting machines, as well as by text that can be read by people².

The State Board specifies designs for various ballots and shares these with county boards and printers, for your convenience. Sample templates can be found in Appendix E.

County boards that do not print their own ballots should receive proofs of each unique item being printed (ballots, canvass, and tally sheets, etc.) from their printer vendor. Commissioners, or deputies, should proofread and approve all proof sheets before the items are printed. Ensuring that all candidates, contests, and other relevant information are correctly listed is a vital component of ensuring the public's trust in the integrity of election. Every possible precaution should be taken to avoid problems.

If your county board does its own printing, be particularly careful. Be sure to have a detailed procedure, that is followed, that requires another team of people to review work in addition to the staff who did the initial layout and proofing. Utilize the same sign-off procedure mentioned above, for proof sheets, prior to the actual production of ballots.

¹ ELN §§7-122 – 7-125

² NYCRR §6210.7 (d)

Before printing ballots, be sure that you know the paper specification for the voting system that you use. This will include such things as the paper weight, grain and color of stock, and dimensions of the ballot faces³.

Voter Friendly Ballot Act

The Voter Friendly Ballot Act⁴ was passed to ensure that voters are able to vote on a ballot which is straightforward and easy to read. Amongst various changes, ballots must use sans serif fonts, the text must be printed flush with the left side, standard capitalization will be used, and no text will be smaller than 9-point font size. A summary of the changes due to the Voter Friendly Ballot Act are included in Appendix E, along with some ballots. Carefully review ELN §§7-104, 7-106 - 7-114 for the regulations on ballot format. Further information on creating a ballot can be also found in the *Voter Friendly Ballot Act Changes*.

Candidates that are nominated by multiple parties will appear on the ballot on each party line. However, candidates running on multiple independent body lines or party and independent body lines are limited in the number of times on they can appear on the ballot. With the exception of candidates for the office of governor, state senator, or member of assembly, who can appear on the ballot as many times as they are nominated⁵, candidates shall have the number of lines as enumerated below:

- Nominated by one or more parties: One line for each party for which they were nominated⁶
- Nominated by one or more independent bodies: One line for the independent body of the candidate's choice⁷
 - If the candidate was nominated for multiple independent bodies, the other bodies names will appear in the box on along with the candidate's name⁸
- Nominated by one party and two or more independent bodies: Two lines, one line for the party or which they were nominated and one line for the independent body of the candidate's choice⁹
 - If the candidate was nominated for multiple independent bodies, the other bodies names will appear in the box on along with the candidate's name

³ NYCRR §6210.7

⁴ NY 2019 Chapter Law 411

⁵ ELN §7-104 (5)

⁶ ELN §7-104 (4)(b)

⁷ ELN §7-104 (4)(a)

⁸ ELN §7-104 (4)(e)

⁹ ELN §7-104 (4)(d)

- Nominated by at least one party and at least one independent body: One line for each party for which they were nominated¹⁰
 - Candidate can choose on which party line they would the independent body's name to appear in the box along with the candidate's name

Ballot Accountability

County boards are required to be able to quickly account for ballots that are used, unused, spoiled, emergency, or affidavit ballots during voting periods. This can be done through ballots that have numbered stubs or county boards can establish procedures for accounting for ballots that do not use numbered stubs. Regardless of whether numbered ballot stubs are used, for each election and each ballot style boards are required to be able to account for the number of ballots¹¹:

- Issued to voters
- Not issued to voters
- Spoiled
- Emergency ballots
- Affidavit ballots
- Not returned (for absentee ballots)
- Returned but not included in tabulation because multiple ballots were returned (for absentee ballots)
- Used for testing or sample purposes

Ballots with multiple pages must be labelled with a sheet number and be connected but separable for scanning, as occur with ballots with stubs, or the ballot pages must be labelled with the sheet number and the total number of sheets that make up the ballot.

Ballots in Additional Languages

You may also be required to produce ballots with additional languages¹². Each version of the ballot style with additional language must have English along with a maximum of two additional languages¹³.

¹⁰ ELN §7-104 (4)(c)

¹¹ NYCRR §6210.10 (a)

¹² ELN §5-802 (2)

¹³ ELN §7-104 (9)

Public and Candidate Viewing of Ballots

Sample Ballot

As of January 1st, 2021, county boards must submit a copy of the candidate and contest information contained on each of its ballot styles to the State Board so that this information can be provided to voters through the State Board website, in a way that is accessible to those using a computer screen-reading program¹⁴.

Copies of the sample ballots must be sent to each school that houses a grade nine through 12 at least one week before the general election so they can be posted in a convenient place. The county board can satisfy this requirement by publishing the sample ballots on their website and notifying the schools. Sample ballots may be mailed to each eligible voter at least three days before the election, or in lieu of that, a copy of such sample ballot can be published at least once within the week preceding the election in newspapers or posted on a website maintained by the board¹⁵.

Sample ballots are also required to be open for public inspection at the board of elections for 50 days before the election for which the ballot was prepared¹⁶.

Poll Books

Poll books of all forms are used during each election to check voters in and confirm whether the voter will be able to vote on machines or will need to vote by affidavit ballot at a given poll site.

Printed Poll Books

For each election a poll book needs to be printed with the registered voters in each election district¹⁷. The printed list for each ED needs to be in alphabetical order and include voters' names, address, date of birth, party enrollment, date of registration, an image of the voters' signatures, and a spot for voters to sign on Election Day¹⁸. Poll books must also include notations for voters that are required to show identification¹⁹.

¹⁴ ELN §7-118 (3)

¹⁵ ELN §7-118 (3)

¹⁶ ELN §7-128

¹⁷ ELN §4-134 (2)

¹⁸ NYCRR §6212.9

¹⁹ ELN §8-302 (2a)

The poll book is also required to be bound or fastened so all pages are securely held together. Each page on the poll book is required to have the election district, assembly district, legislative district, town, ward, etc. where the election district is located, the date of the election that the list was prepared for, the page number, and the range of names listed on the page. During primary elections, separate poll books may be generated for each party with a primary²⁰.

Electronic Poll Books

Electronic poll books perform the same function as poll book, however, instead of voters' information being printed on paper and bound together, the information is kept on a tablet. Voters will be required to sign the electronic poll book, just as they would a regular poll book, to vote. Electronic poll books systems are particularly useful during Early Voting because they can be set up to securely share information on whether a voter has checked-in in near real time. Electronic poll books also make it easier to upload Early Voting voter history to the county voter registration system prior to Election Day²¹ instead of manually entering the information into the system. More information on using electronic poll books during Early Voting can be found in the *Guide to Early Voting*.

Condensed Poll Books

When using electronic poll books, it is necessary for a paper copy of the poll book to be at each poll site in case of a catastrophic failure of the electronic poll books²²; for this a condensed poll book can be printed. This form allows more voter names to be printed on a sheet than the standard poll book format. The condensed list should include voters that are inactive as well as active.

Lists of Inactive Voters

As of January 2020, boards are required to provide a list of inactive voters to poll workers²³. This information may be provided on a separate printed list or may be contained within the electronic poll book. If the voter's current address is confirmed to be in the election district, an affidavit ballot will be provided to the voter. If the voter's current address is not in the election district, the voter will be redirected to the correct polling location and will be allowed to vote by affidavit ballot at that polling location.

²⁰ ELN §5-506 (c)

²¹ NYCRR §6211.6 (b)

²² ELN §1-104 (38)(c)

²³ 2023 ELN Update, Inactive Voters

Ballot-on-Demand

Ballot-on-Demand systems allow poll workers to print out different ballot styles as they are needed according to the EDs of the voters who check in. Ballot-on-Demand is generally used during Early Voting in conjunction with electronic poll books when voters may be allowed to vote at any poll site, requiring that all ballot styles be available to each poll site. County boards are also beginning to utilize these systems beyond Early Voting.

Voting Machines

The term “voting machines” is often replaced with the term “voting systems” or “scanners.” Regardless of the term you use in your county, voting equipment is owned by each respective county board of elections and each board should recognize and embrace its responsibilities in this area of operations²⁴, ensuring that:

- There are enough machines in good working order for use in any election, as well as a sufficient number of spare machines²⁵
- Machines are working properly, documenting that serviceability, and documenting and rejecting machine that is not operating satisfactorily
- All machines are properly prepared and programmed for each election
- Machines are delivered on time and properly placed within the poll site for Election Day use²⁶

Voting systems must be stored in facilities that are:

- Environmentally sound, to ensure proper operating temperatures, sufficient air circulation, etc.
- Especially configured to secure systems, detect, and prohibit unauthorized access to software, computers, and the voting systems themselves

More information on requirements for the storage facilities can be found in Appendix K in the Room, Power, etc., Procedure.

You may loan your voting machines to municipalities, school, fire, water, and other special districts, when available²⁷. Be sure that any such group that wants to use your voting systems

²⁴ NYCRR §6210.5

²⁵ ELN §7-203, NYCRR §6210.19

²⁶ ELN §7-207 (4)

²⁷ ELN §3-224

understands the costs involved and have been provided with a list of what can be charged. A sample of such a list can be found in Appendix K. Contact the State Board at any time, for help in responding to these types of requests. It is important for the board to maintain a chain of custody on their voting machines. Even if machines are lent out to other municipalities or special districts, the board should have a record of who took delivery of the machines and who received the machines back at the board when they are received. Voting systems that have left the custody of the board should be tested before they are used in an election to ensure they have not been tampered with. For more information, please see the “[Hash Check](#)” section.

Only the county board of elections can appoint custodians and technicians²⁸. Voting system technicians and custodians are generally responsible for preparing, programming, testing, and deploying voting machines for use in an election, and where such systems are in use, for central count voting systems. Custodians and technicians must be available for prompt service of machines which may experience operating issues during election voting times.

Counties must arrange for all required training from voting systems vendors²⁹, and in some instances, from the State Board. Vendors will have voting system manufacturers' technical and training guides which can be used as additional training and reference resources. Use of new voting systems require substantial training of staff and will prompt changes in traditional work processes. The State Board can be helpful in reviewing and modifying your procedures as they relate to this part of your board's operations. Once your technicians and custodians are properly trained, they can and should assist in training your election inspectors and poll site coordinators to use the voting machines and ballot marking devices.

If you are considering the purchase of any type of voting system, we strongly suggest you consult the State Board's Election Operations Unit at an early stage, as the State Board is required to provide staff support to county boards in the acquisition and use of the new equipment. Be aware that the State Board has statutory authority to promulgate Rules and Regulations regarding voting system requirements, as well as to draft procedures which address the ownership, maintenance, and use of all voting equipment.

²⁸ ELN §3-302, NYCRR §6210.6

²⁹ NYCRR §6209.9

Types of Voting Systems

Optical Scan Voting Machine

An optical scan voting system, also commonly referred to as voting machines, are the systems to be used at poll sites on which voters cast their ballots. It is an electronic voting system which uses a scanner to read marked paper ballots and tally the results. Should a ballot contain an overvote, undervote, or write-in the system will recognize this and react appropriately.

Direct Recording Electronic Equipment

Direct Recording Electronic (DRE) voting systems record a vote onto electronic media such as a touchscreen, push-button, or other electronic mechanism³⁰. Though the vote is recorded on the electronic media, New York requires that a paper receipt, also known as a Voter Verifiable Paper Audit Trail, be produced as well that contains all the information stored in the electronic record³¹.

Ballot Marking Devices

Ballot Marking Devices (BMDs) are used in connection with voting machines to assist disabled voters in marking ballots independently and privately. These BMDs, as they are commonly referred as, include headsets, paddles, sip-and-puff devices, and other helpful features.

At least one BMD is required to be available in every poll site³². Election inspectors should be fully aware of how their BMD works and be prepared to assist voters in the event it is requested.

Central Count

Central count voting systems are used by county boards to centrally count all absentee, affidavit, and other special ballots³³. The State Board staff is always ready to assist boards in any aspect of central count system preparedness.

Automated Audit Tools

An automated audit tool is a device or software that was configured to tabulate votes that were cast on a voting system. This tool has been developed and programmed separately from the

³⁰ NYCRR §6209.1 (i)

³¹ NYCRR §6209.2 (f)(ii)

³² ELN §7-202 (2)

³³ NYCRR §6209.1 (g)

election management software³⁴ and is used to help conduct the required post-election 3% audit. Results produced by the automated audit tool will be manually compared to results produced by the voting systems.

Automated audit tools are subject to approval by the State Board before a county can begin to use a new audit system. They are also subject to pre-election testing and post-election auditing procedures³⁵.

Voting Machine Certification

All new voting systems are required to be certified by the State Board of Elections prior to counties purchasing and using the system. This ensures that all voting systems have been properly tested to confirm that they meet all applicable state and federal requirements³⁶. The Election Operations Unit handles this process, and you are urged to contact the unit if you have issues with existing equipment or intend to purchase additional equipment³⁷. The State Board also certifies any upgrades or modifications to voting systems. Such changes may not be used by the county until it has been certified by the State Board.

Escrowed Software

All certified software³⁸ used by voting machines, systems, or equipment are held in escrow with the State Board of Elections³⁹. This ensures that all counties receive the software, and subsequent updates, for their machines from the same official source, and that it has been reviewed and certified for use in New York. Voting system software must be provided to counties by the State Board; it may not be provided by the vendor directly to the county board. Should voting machines be delivered with the software preloaded, contact the State Board before using them.

Acceptance Testing

Before a county can use new voting machines, the machines must undergo acceptance testing⁴⁰. The voting system vendor is supposed to notify the State Board that they will be delivering new systems to a county so that the State can reach out and set a time for acceptance testing. However, if the new systems are arriving shortly and you have not heard from the State Board,

³⁴ NYCRR §6210.20 (b)

³⁵ NYCRR §§6210.20 (a)(c)

³⁶ ELN §7-202, NYCRR §§6209.2 - 6209.8

³⁷ ELN §7-204

³⁸ NYCRR §6209.1

³⁹ ELN §7-208

⁴⁰ NYCRR §6209.10

please reach out to the Election Operations Unit. Within 72 hours of the new systems being delivered to the county, the Election Operations Unit will send out a county disk with the software required for the acceptance testing and will set up a time for the on-site testing. After the county completes all configuration requirements and a State Board employee is on-site, the certified software will be installed to complete the acceptance testing process. While on-site, the State Board employee will also perform a hash check and will then demonstrate how to perform the hash check and other functional tests on the system, including scanning a test deck. The State Board employee will assist in the functional testing of each test for the time they are at the board, however, the county will be responsible for completing testing on the remaining systems after the State Board employee has left. The results from the acceptance testing will be documented and signed off on by the county board and the State Board.

If an issue with the new equipment reveals itself during acceptance testing, the vendor will be required to correct the issue with 15 days of the acceptance testing.

Re-examination and Decertification

When a voting machine vendor makes a change in an operation or material of any feature or component of a voting machine or system which has already been certified by the State Board, the modified machine or system must be submitted for re-examination and reapproval as the State Board of Elections deems necessary⁴¹.

If the State Board at any time has reason to believe that any certified machine or system does not meet all the requirements for voting machines or systems, it can have the machine or system re-examined⁴². If the resulting report does not state that the machine or system can safely and properly be used by the voters at elections, the State Board will rescind its approval of the machine or system. After the approval has been rescinded, county boards will not be able to purchase the machines or system, and all previously purchased machines or systems will need to be examined to determine whether they may continue to be used in elections.

Pre-Election and Annual Maintenance

All voting machines are required to be tested at least once every calendar year⁴³. An easy way to accomplish this is to rotate the machines used at each election event so that all machines get deployed during the year. However, if there are any machines that do not get deployed, the

⁴¹ ELN §7-201 (2)

⁴² ELN §7-201 (3)

⁴³ NYCRR §6210.2 (b)

machines will need to be tested by December 31st. The results for the pre-election testing for each machine is recorded on the maintenance log provided by the State Board⁴⁴. This log should be sent back to the State Board Election Operations Unit when the testing is completed for each election event and at the end of the year if needed. In addition to the testing described below, vendors may have maintenance and diagnostic tests that need to be performed on the machines.

As with most other board activities, the machine testing should be handled by a bipartisan team⁴⁵.

Hash Check

A hash check is a test that compares the software running on the voting machine to the officially approved software currently held in escrow with the State Board. This ensures that there has been no tampering of the software loaded on to the voting machine. When the test is run, a series of characters will be produced at the end and if the characters produced by the machine matches the characters produced by the State Board, the machine has been verified to have the same software as the official copy held by the State Board.

Hash checks need to be run on every machine on an annual basis, or whenever the voting machine has been out of the custody of board of elections. For example, if a school or village uses voting machines for their elections, hash checks will need to be run on each machine used for that election when they are returned. This also applies if a machine is sent out for repair, even to the voting machine vendor. When the machine is returned, the county board is required to run a hash check to ensure the software is still the approved version⁴⁶.

The hash check procedure will need to be performed during each Pre-Qualification Test and Maintenance Test. The results are recorded on the Maintenance Log sent out by the State Board. This log should be sent after pre-qualification testing has been completed for each election event and at the end of the year if any machines were not deployed for an election event throughout the year.

Pre-Qualification Testing

If a voting system uses a touchscreen, push-button, or other electronic mechanism, a keypad or pneumatic switch, or alternative language displays, all need to be tested with the test deck to

⁴⁴ NYCRR §6210.2 (i)

⁴⁶ NYCRR §6210.5

⁴⁵ NYCRR §6210.8

ensure they are working properly⁴⁷. All ballot configurations need to be tested⁴⁸, along with ballots that include write-in candidates, and ballots that are intended to fail. Ballots intended to fail include overvotes, undervotes, and no votes⁴⁹. Ballots where a candidate has been voted for on multiple lines needs to be tested to ensure the machine will count only the first vote for the candidate.

If a machine does not pass the pre-qualification test and the error is identified and corrected, the test must be run and come back error-free twice in a row before the machine can be considered to have passed⁵⁰. Any machine that is unable to pass the test twice in a row cannot be used until the problem is identified, resolved, and has passed the test twice in a row.

Test Decks

Test decks must be prepared for each election to test the logic and accuracy of the voting software. The deck is prepared by the county board with a pre-determined number of valid votes for each candidate, for each write-in position, and for each voting option on propositions on the ballot. The test deck is built to verify the voting system election configuration, the ballot style, at the system is accurately casting and counting votes within each ballot style.

The following sub-decks should be built to properly test all aspects of the system's logic and accuracy.

- Election Verification
- Over-vote
- Under-vote
- Blank ballot
- "Vote for" Ballot
- Print Validation Ballot
- BMD

More detailed information on test decks, purpose of each sub-deck, and how to build them can be found in the *Test Deck Procedure*.

⁴⁷ NYCRR §6210.2 (b)

⁴⁸ NYCRR §6210.2 (e)

⁴⁹ NYCRR §6210.8

⁵⁰ NYCRR §6210.2 (c)(1)

Absentee, UOCAVA, Special, and Affidavit Ballots

Sections

[Absentee Ballots](#)

[Military, Special Federal, and Active UOCAVA Ballots](#)

[Special Ballots](#)

[Affidavit Ballots](#)

Absentee ballots are available, upon application or in-person (also known as over the counter), so that voters who find themselves in specific circumstances, may vote by mail. There are several classes of ballots available to certain voters in very specific circumstances, each with its own special procedures and deadlines. It is important to observe the appropriate provisions for each, as your failure to do so may result in the invalidation of ballots and the disenfranchisement of voters. Samples of the different absentee and special ballot applications and the affidavit form can be found in Appendix F.

Absentee Ballots

Absentee Ballot Application

To receive an absentee ballot, voters must first apply for the ballot with an absentee ballot application. The State Board produces a standard application that can be found on our website¹, along with an application for an accessible absentee ballot. Voters can apply for an absentee ballot by submitting an absentee ballot application, mailing or faxing a letter containing all the needed information², or applying in-person at the board of elections. If a voter applies by letter or fax, the board will issue the absentee ballot and will include an application for an absentee ballot to be completed with the ballot³. Beginning April 1st, 2022, county boards were able to accept electronic absentee ballot applications through the State Board run portal⁴. The board accepts absentee ballot applications received by mail up to 15 days before the election⁵ and voters can apply in-person for an absentee ballot up until the day before the election⁶.

Counties will log all absentee ballot applications that are received and review them. If it is determined that an application is valid, an absentee ballot should be sent out to the voter. As there are multiple categories of absentee voters, each with their own terms of eligibility, be sure

¹ ELN §8-400 (10)

² ELN §8-400 (3)

³ ELN §8-400 (2)(d)

⁴ ELN §§8-400 (2), 8-408

⁵ ELN §8-400 (2)(c)

⁶ ELN §8-400 (2)(a)

that the information provided by the voter is accurately captured in your voter registration system.

Accessible Absentee Ballot

Counties boards are required to make all their absentee ballots accessible to be read by a screen reader. As soon as the absentee ballot styles have been built, the files should be uploaded to the accessible absentee ballot system⁷. The vendor will make the files accessible and when that is complete, the absentee ballot layouts should be tested to ensure they are properly accessible to all voters and will be read by a text-to-speech reader correctly.

The application for an accessible ballot provided by the State Board also needs to be available through the county board. A fully accessible version of the application for an accessible ballot is available on the State Board's website⁸ which can be linked to your own website. County boards can still receive requests for accessible absentee ballots via fax, USPS, or in-person, in addition to the State Board's online request form.

Once the application has been received by the county board and the voter has been entered into the accessible absentee ballot system, an email will be sent with a link where the voter can access and mark their ballot on the computer before printing it off⁹. The templates for the return and oath envelopes can be accessed online along with the voter's ballot, but the board will also mail an oath envelope and a postage paid return envelope to the voter.

Form of Absentee Ballots

Absentee ballots should follow the same form and regulations as ballots used at the poll sites on Election Day as much as possible, including having party positions on the absentee ballot¹⁰. However, they must be distinguished from Election Day ballots by having "Absentee Ballot" printed on the ballot.

Absentee ballot materials are required to have:

- Ballot
- Instructions¹¹: which may be printed on the ballot or language on where to find the instructions must be include on the ballot

⁷ enhancedballot.com/admin

⁸ elections.ny.gov/VotingAbsentee

⁹ newyork.enhancedballot.com

¹⁰ ELN §7-122 (1)(a), 2019 NY Chapter Law 615, 2022 NY Chapter Law 525

¹¹ ELN §7-122 (1)(b)

- Three envelopes¹²
 - Outgoing envelope (addressed to the voter): in which election materials are placed
 - Inner affirmation envelope: voter places their voted ballot inside, seals, and signs the oath
 - Return envelope: addressed to board of elections where the ballot sealed inside the inner affirmation envelope is placed
 - If the absentee ballot is mailed to the voter, domestic postage paid return envelope must be provided¹³
 - If the absentee ballot is given to the voter in-person, a domestic postage paid return envelope must be offered and provided if requested

Samples of the three types of envelopes can be found in Appendix F.

Return of Voted Absentee Ballots

Voted absentee ballots may be mailed to the voter’s county board of elections, or dropped off at the county board of elections, Early Voting poll sites, or Election Day poll sites. All absentee ballots received by mail, dropped at poll sites or at the board, are retained by the county board to be counted centrally¹⁴.

Absentee ballots that are dropped off in-person must be received by the poll sites or county board of elections in the county in which the voter is registered by the close of polls on Election Day. Absentee ballots dropped off at poll sites will be returned to the board for review and inclusion in the canvass process. New York Election Law does not prohibit people other than the registered voter or their designee from returning absentee ballots.

Absentee ballots that have been returned by mail must be postmarked no later than Election Day and must be received by the board no later than seven days after Election Day. Please note that the receipt deadline will differ for military and overseas ballots after a general election as discussed in the “[Military, Special Federal, and Active UOCAVA Ballots](#)” section. If an absentee ballot envelope is received without a postmark, it will be considered timely if it is received by the board of elections no later than the day after the election¹⁵.

Absentee ballots returned to an incorrect county board of elections, should be forwarded to the correct county if there is enough time for the ballot to be received by the correct county board by Election Day. For example, a ballot received a few days before Election Day should be time

¹² ELN §7-122 (3)

¹³ ELN §§8-400 (2)(e), 8-406 (2)

¹⁴ ELN §8-412

¹⁵ ELN §8-412 (1)

stamped and forwarded to the correct county. However, this is most likely not possible for ballots returned on Election Day. The process for forwarding voted emergency responder ballots is discussed in the “[Emergency Responders](#)” section.

Absentee Ballot Transmittal and Tracking System

As of April 1st, 2022, voters can request and track their absentee ballots through a portal established by the State Board of Elections¹⁶. County boards are required to have and maintain a system that is able to receive and process information from the State Board’s system. Though not required, it is recommended that such systems also be integrated with United Postal Service’s tracking system, as this will give more detailed tracking information for each ballot. These systems are required to be accessible for voters with disabilities.

The tracking system does not require voters to create an account to check the status of their ballot. Instead, they are required to provide identifying information to locate their voter record and any relevant absentee information.

This system will provide information on the status of absentee ballots such as¹⁷:

- The date that board has received an absentee ballot application
- Whether a voter’s absentee ballot application was approved or rejected, and if rejected, a brief reason why
- When the voter’s absentee ballot was mailed by the board
- If a mailed absentee ballot was returned by the postal service as undeliverable
- When the voter’s completed ballot was received by the board
- If the voter’s returned ballot has a curable defect
- Whether the voter’s ballot was counted or rejected and, if rejected, a brief reason why

Nursing Homes

If a board of elections receives 25 valid absentee ballot applications from a qualifying facility it can bring absentee ballots to the facility to have residents cast their votes via absentee ballot prior to Election Day. A qualifying facility is a facility operated or licensed by the department of mental hygiene, a nursing home, a residential health care facility, an adult care facility, or hospital or other facility operated by the Veteran’s Administration¹⁸. A board can also decide to run this

¹⁶ ELN §§8-400, 8-408, 8-414

¹⁸ ELN §8-407

¹⁷ ELN §8-414

type of absentee voting at any qualified facility regardless of the number of absentee ballot applications that have been requested.

Starting on the 13th day before the election and ending the day before the election, this type of voting can start after 9 a.m. and must finish before 5 p.m. At least 20 days before the election the board should contact the facility to arrange for the day and time for absentee ballots to be brought to the facility.

These voted absentee ballots must be cast and sealed in the appropriate envelopes and returned to the inspectors to be returned to the board of elections. As with Election Day voting, if a resident is unable to mark the ballot, help can be requested from a bipartisan team from the board, or another person selected by the voter.

Notice of Defect and Cures for Absentee Ballot Voters

See ELN §9-209 (3)

To Be Sent: Via first class mail and contact the voter by phone and email if on file. See the *Canvassing Guidance for County Boards* and cure calendar for more detail.

When: The absentee ballot cure notice is to be sent within one day of the determination that a ballot needs to be cured

To Whom: All voters whose ballot affirmation envelope has a defect that can be cured

What: A notice shall be sent to any voter who has voted by absentee ballot when, after your staff's review or investigation, the ballot has been deemed defective for at least one of the following reasons:

- Affirmation envelope is unsigned
- Affirmation ballot envelope signature does not correspond to the registration signature and thus does not appear to verify the voter
- Affirmation envelope does not have the required complete witness to a mark
- Ballot is returned without an affirmation envelope in the return envelope
- Affirmation envelope is signed by the person that has provided assistance to the voter but is not signed or marked by the voter him or herself
- Voter has failed to sign the affirmation envelope and someone else has signed the affirmation (i.e., POA)

If the county board determines, in a bipartisan way, that an absentee ballot has a curable defect, a notice will be sent out to the voter explaining the reason why the ballot cannot currently be counted and the procedure for curing it. This notice will be sent to the address listed on the voter's registration, and if different, to the address specified on the application of an absentee ballot. If the board has additional contact information for a voter, such as an email address or a phone number, they can notify the voter of the need to cure their ballot by these methods in addition to the mailed notification.

Voters may cure the defects by filing a signed affirmation attesting to the same information required by the affirmation envelope and attesting that the signer of the affirmation is the same person who submitted the absentee ballot. The voter should return their cure affirmation in-person, by mail, or in another manner indicated by the cure notice, by the day before the election or within seven business days, whichever is later¹⁹. Depending on the defect that needs to be cured and whether the voter provided a wet signature on their application for an absentee ballot, the voter may be able to submit their cure by fax or email.

Notice of Non-Curable Defect for Absentee Ballot Voters

See ELN §9-209 (3)

To Be Sent: Via first class mail and contact the voter by phone and email if on file

When: The absentee ballot non-curable defect notice is to be sent within three business days of rejection

To Whom: All voters whose ballot affirmation envelope has a defect that cannot be cured

What: A notice shall be sent if it is determined that the absentee ballot has a defect that cannot be cured²⁰. A ballot should be deemed defective and cannot be cured for at least one of the following reasons:

- Ballot affirmation envelope is completely unsealed when it is received and the outer envelope was taped or unsealed
- Voter not found to be an eligible voter
- Multiple ballots received and it cannot be determined which one bears the later date
- For primary: voter not enrolled in the party for which they cast a ballot

¹⁹ ELN §9-209 (3)(e)

²⁰ ELN §9-209 (3)(h)-(i)

If the determination occurs before Election Day, the board should do as much as possible to contact the voter and let them know alternate ways to vote. If the determination occurs after Election Day, the notice will inform the voter that their ballot has been rejected.

Military, Special Federal, and Active UOCAVA Ballots

Military and Special Federal voters are protected by the Federal MOVE Act, which allows these voters to select a preferred method of ballot delivery and requires that ample time be afforded each voter to receive and cast their ballot to ensure it is received by the board of elections in a timely manner. If a county board is unable to distribute military or special federal ballots due to a court order, the State Board must be notified immediately²¹. If a county is unable to meet the deadline to distribute military and active UOCAVA ballots, the county board will notify the State Board in writing and provide a reason why the deadline cannot be met²². The *MOVE Act Guide* has been included in Appendix F.

Military, Special Federal, and Active UOCAVA ballots are canvassed along with other absentee ballots, as further detailed in the *Guide to Canvassing*. Keep in mind that statistical reporting will be required, so the numbers of each type of ballot transmitted, received, counted, or rejected, including special federal and presidential ballots, need to be captured.

Military, overseas, and special ballots may additionally have different absentee ballot applications from the standard absentee ballot application produced by the State Board. Templates for these can be found in Appendix F.

NYSBallot

NYSBallot²³ is New York's online system that allows Military, Special Federal, and Active UOCAVA voters to apply for, download, and track their ballots. Though these processes can be done online, ballots for such voters still need to be mailed back to county board. There are no options for the voter to return their ballot online or through email.

Though this system is run and maintained by the State Board, counties are required to upload their ballots each election so that eligible voters will be able to download their ballot. For more information on using NYSBallot or resolving issues related to the system, please contact State Board of Elections PIO or IT Support.

²¹ ELN §§10-108 (1)(c), 11-216 (3)(b)

²² ELN §10-108 (2)

²³ nysballot.elections.ny.gov

Military Ballots and Active UOCAVA

This ballot is issued to members of the armed forces, their spouses, and dependents²⁴.

Active UOCAVA also entitles a New Yorker now living outside the US who intends to return, to vote for all offices for which their US residency address would make them eligible, as though they were showing up at the polls.

Voters who are currently serving in the military, along with their spouse and dependents, may prefer to complete the Federal Post Card Application (FPCA) to receive an absentee ballot instead of the standard absentee ballot application. As with the standard application, the FPCA will be returned to the county board of elections. However, the FPCA can be returned by fax or email, along with mail²⁵. If a voter has sent in a FPCA and the voter is already a registered military voter, the form will be taken as an absentee ballot request²⁶. This absentee ballot application will be good for the next two regularly scheduled general elections held in even numbered years and each subsequent election in between²⁷. If a FPCA is received and the voter is not already registered, the FPCA can be used as a registration form; please refer to the Registration section [“Military and Overseas Voters.”](#)

For voters who are already registered as military or overseas voters, counties will send out an application for a military ballot between 90 and 75 days before the general election²⁸ in the method of transmission requested by the voter. A copy of this application is included in Appendix F.

County boards are required to send out absentee ballots to the military and all overseas voters already on file 46 days before the election. Requests for military absentee ballots can be made up until seven days before the election. The ballot should be sent out according to the preferred method indicated by the voter. If no preferred method was expressed or a fax number or email was not included, the county will send the ballot out by mail²⁹. If a county board denies an absentee ballot request, a notice is required to be sent to the voter explaining the denial³⁰.

If the board determines that the voter’s ballot application is valid, a ballot will be sent out to the voter no later than 46 days before the general or primary election if the application is already on

²⁴ ELN §10-102

²⁵ ELN §10-106 (3)(a)

²⁶ ELN §10-106 (7a)

²⁷ ELN §10-108 (1)

²⁸ ELN §10-106 (4)

²⁹ ELN §10-108

³⁰ ELN §10-104 (8)

file at that time³¹. The ballots should be sent out according to the voter’s requested preference and regardless of how the voter received the ballot, a physical ballot must be returned to the board of elections. Voted ballots must be received before the close of polls on Election Day or they must bear a postmark, dated endorsement of receipt from another US agency, or dated signature from the voter and one witness no later than the day of the election³². Ballots that bear the date of the election or before must be received by the board of elections no later than 13 days after the general or special election and seven days after the primary.

Due to the uncertainty and unreliability of military and UOCAVA voters receiving official ballots in time to vote and return the ballot, the option of a federal write-in absentee ballot (FWAB) can be used in addition to applying, completing, and returning an official ballot. More on the FWAB can be found below in the “[Federal Write-In Absentee Ballot](#)” section.

County boards are required to track the status of the military and active UOCAVA ballots that have been sent out and received from voters³³. This information is made available to the eligible voters through the NYSBallot website.

Special Federal

A special federal ballot is issued to a New Yorker now living outside the US who is unsure of their intent to return, to vote for federal offices such as President and Vice President, US Senator, Representative in Congress, and delegate to a national convention³⁴.

The special federal ballot follows the same rules and regulations as military and active UOCAVA ballots. The biggest difference is that a special ballot style will need to be created for special federal voters because they are not eligible to vote for all the races that may be on the ballot. A special federal ballot should only have the candidates running for federal level offices. This can also affect how often a special federal voter may be eligible to vote; these voters generally will be eligible to vote only in even year elections when representatives for Congress races are being run³⁵.

As with military voters, special federal ballot applications will allow an eligible voter to automatically receive a special federal ballot for the next two regularly scheduled general elections held in even numbered years and applicable special elections that occur in between³⁶. Once the duration on the application has concluded, the county will send out new applications

³¹ ELN §10-108

³² ELN §10-114

³³ ELN §10-125 (3)

³⁴ ELN §11-200

³⁵ ELN §11-206 (4)

³⁶ ELN §11-202

for all special federal voters between 60 and 40 days before the general and primaries elections in which the voters are be eligible to vote³⁷. Voter may also submit new applications of their own accord. A copy of this application is included in Appendix F.

Special federal voters are also able to designate how they would like to receive their ballots, whether by mail, email, or fax. Special federal ballot applications will be reviewed for the voter's eligibility and if the county board determines the voter is not eligible a rejection notice will be sent stating the reasons for the rejection³⁸. If the board determines that the voter's ballot application is valid, a ballot will be sent out to the voter no later than 46 days before the general or primary election if the application is already on file at that time³⁹. The ballots should be sent out according to the voter's requested preference and regardless of how the voter received the ballot, a physical ballot must be returned to the board of elections. Voted ballots must be received before the close of polls on Election Day or they must bear a postmark or dated endorsement of receipt from another US agency no later than Election Day⁴⁰. Ballots that bear the date of the election or before must be received by the board of elections no later than 13 days after the general or special election and seven days after the primary.

Special federal voters experience the same uncertainty and unreliability as military and UOCAVA voters regarding receiving official ballots in time to vote and return their ballots so they can be counted. Due to this, special federal voters are also able to submit a FWAB in addition to applying, completing, and returning an official ballot.

County boards are also required to track the status of special federal ballots that have been sent out and received from voters⁴¹. This information is made available to the eligible voters through the State Board's NYSBallot website. All special federal ballot applications or voted ballots that are received by the State Board or another New York board of elections must be forwarded to the proper board of election. County boards must forward these applications and ballots via first class mail⁴².

Federal Write-In Absentee Ballot

The federal write-in absentee ballot (FWAB) is a ballot that can be printed off by military, active UOCAVA, and special federal voters. This ballot does not have pre-printed candidate selections that can be made. Instead, it has federal offices listed where a voter can write in the candidate they would like to cast a vote for. It also has space for voters to write-in state and local offices,

³⁷ ELN §11-210

³⁸ ELN §11-204 (2)

³⁹ ELN §11-204 (4)

⁴⁰ ELN §11-212

⁴¹ ELN §11-219 (3)

⁴² ELN §§11-216 (1)(2)

candidates, and ballot initiatives they are eligible to vote for. A copy of the FWAB can be found in Appendix F.

FWABs are used by voters that have not yet received a requested official ballot from their county board of elections. Such voters are allowed to submit a FWAB and later submit the official ballot if it is received. Voted FWABs must be received on the same timeline as official military or special federal ballots. At the time of canvassing the board will evaluate both ballots and decide which ballot to count based on the regulations. More information on this process can be found in “[Canvassing](#)”.

When a FWAB is received, the county should first check to see if the voter is registered and has already requested an official ballot. If the voter is not registered and has not requested a ballot, the FWAB can be opened and taken as a registration and ballot application request. The county should register the voter and send out an official ballot. If the voter is already registered but has not requested a ballot, the FWAB can be opened and taken as a ballot application. The county should use information on the FWAB to send out an official ballot. Only if the voter is both registered and has already requested an official ballot, can the FWAB be set aside to be canvassed with the absentee ballots⁴³. If a completed FWAB is received and there is no official ballot request on file, then the FWAB cannot be canvassed.

Special Ballots

Special ballots are additional ballot categories that require boards to follow different procedures from the majority of absentee and military or special federal ballots. As discussed in each of the sections below, this could mean that a different application may need to be completed to request a ballot, a unique ballot may need to be created, and different return envelopes may need to be provided to the voter, or the board may need to provide additional assistance, discretion, or the option to vote at the board of election’s office. Also, special ballots are not entered into the ballot tracking system that allows voters to track their ballots. A copy of the New York State Special Ballot Application can be found in Appendix F.

Special Presidential

A special presidential ballot entitles a person who has moved shortly before an election and has missed the registration deadline in their new county or state, to vote for President and Vice

⁴³ ELN §9-209 (4)(b)

President only, provided the person was a qualified voter at his or her previous New York residence before their departure from the state⁴⁴.

Voters who held a New York residence and have moved away from it within 30 days of the election are able to apply to the county board of elections of their recently vacated residence for a special presidential ballot⁴⁵. This application must be postmarked to the county board of elections no later than seven days before the election or the application must be dropped off at the board no later than the day of the election. A voter can apply for the ballot through a signed letter that includes the New York address where the voter was registered and the voter's new address along with date of the move. However, if the voter applies for a special presidential ballot by letter, the county will need to send out a special presidential ballot application with the ballot for the voter to complete, sign, and return with the voted ballot⁴⁶.

The county board will review and process the application. If it is determined that the voter is not eligible to receive a special presidential ballot, a notice will be sent out to the voter stating that the application has been rejected and the reasons why⁴⁷. If the application is approved a ballot will be provided to the voter.

Special Presidential ballots will be an additional and unique ballot style, containing only the contest for electors for President and Vice President.

Special presidential ballots that are dropped off must be received by the appropriate board of elections no later than the close of polls on Election Day. Special presidential ballots must be postmarked the day of the election and received by the board no later than seven days after Election Day⁴⁸. These ballots will be canvassed with other absentee and special ballots.

Religious Scruples

A person who does not want to vote at a poll site located on religious premises may request a ballot which must be voted in-person at the board office⁴⁹. This request needs to be made with a written request and should be made along the same timeline as absentee ballot applications. If the voter mails in the request, it needs to be postmarked no later than seven days before Election Day. If the voter drops off the request in-person, they can do so up until the day before Election Day. The county board will determine whether the voter's election district is located in a building used for religious purposes and if so, the voter will be allowed to cast their ballot at

⁴⁴ ELN §11-102

⁴⁵ ELN §11-104 (1)

⁴⁶ ELN §11-104 (2)(b)

⁴⁷ ELN §11-106

⁴⁸ ELN §11-110

⁴⁹ ELN §11-300

the county board. This voting must be done between the close of polls on Election Day and one week before Election Day. Religious scruples special ballots will be canvassed with other special ballots.

Board of Election Employees

This ballot allows board employees and Election Day workers whose Election Day assignments will keep them away from their polling place, to vote. Be sure that your poll worker training sessions include this information⁵⁰. The poll worker may submit a written statement to their county board of elections or to the inspectors of elections of their ED on the same timeline as absentee ballot requests. The statement should say the poll worker is unable to vote at their polling location due to their poll worker responsibilities. The county board will provide a special ballot to the poll worker prior to the close of polls on Election Day and the poll worker will be given sufficient time to vote before the polls have closed. Board of elections employee special ballots will be canvassed with other special ballots.

Victims of Domestic Violence

Individuals who are victims of domestic violence, also called confidential voters, may submit to the county board of elections a signed written statement swearing they are a victim of domestic violence, have left their residence, and due to the threat of harm want to cast a special ballot during the next election⁵¹. This written statement, which is separate from the Application for Confidential Registration, needs to be submitted annually to the board in-person or by mail and must be submitted along the same timeline as requesting an absentee ballot. Such a ballot application and ballot are not logged into the system for the voter to track online.

The county board will allow the voter to cast a special ballot at the board of elections by the close of polls on Election Day or by mail, following the rules and regulations for absentee ballots. Ballots cast by victims of domestic violence will be canvassed with other special ballots.

Emergency Responders

A person who serves as an emergency responder in times of emergency, as declared by the governor or a court, can request an emergency responder's ballot and how they would like to receive it⁵². The emergency responder can submit a letter, a special application, or an absentee

⁵⁰ ELN §11-302

⁵² ELN §11-308

⁵¹ ELN §11-306

ballot application by mail, fax, or email to the county board of elections at any time before the election. The absentee ballot application timeline does not apply to emergency responder ballots.

The county board will send out the ballot according to the method designated by the voter, overnight express delivery, fax, or email. This ballot may be returned to **any** board of elections in the state no later than the close of polls on Election Day. If the ballot is returned to a county where the voter is not registered, the board of elections will date and timestamp the ballot and immediately forward the ballot to the appropriate county board. The ballot will be considered timely if it was returned to the first board prior to the close of polls on Election Day. When the ballot has arrived at its proper board of elections it will be canvassed with all other special ballots.

Boards of elections are also required to provide any needed assistance to any emergency responders in applying for, casting, and returning their ballot by their chosen method, even if the responder may not be one of your voters.

Affidavit Ballots

Affidavit ballots allow voters whose registration records are not in the poll book on Election Day or during Early Voting, whose claimed party registration does not match the poll book at the primary, who are required to show ID but are unable to do so, who have moved, who have been issued an absentee ballot⁵³, who have registered to vote at an early voting poll site on the first day of early voting⁵⁴, or who appear to have voted according to the poll book, to cast a ballot in an election⁵⁵. These voters will mark a printed ballot, which then must be sealed inside of an envelope, upon which the voter must provide identifying information, the reason for casting an affidavit ballot and a signed statement, attesting to the truthfulness of the information provided.

Affidavit ballots are not counted at poll sites but must be accounted for and returned unopened to the county board for research before the canvassing process begins. A review of all affidavit ballots must be conducted within four business days of the election⁵⁶. More information on the canvassing can be found in the “[Canvassing](#)” section.

Affidavit ballot envelopes that are missing information may still be canvassed if it “substantially complies” with Election Law, meaning that the board can determine the voter’s eligibility based on the information provided on the envelope or the board’s records⁵⁷. If the voter does not

⁵³ ELN §9-209 (7)(b)

⁵⁴ 2023 NY Chapter Law 479

⁵⁵ ELN §8-302

⁵⁶ ELN §9-209 (7)(a)

⁵⁷ ELN §9-209 (7)(f)

include the address where they were previously registered on the affidavit ballot envelope, but the board is able to identify the voter in NYSVoter, the board can canvass the ballot. Though these changes may expand the number of affidavit ballots that can be canvassed, you should still document all errors so they can be reviewed carefully in future training sessions. Be sure that inspectors know they must ensure the completeness of each such affidavit because if they fail to do so, they could cause the loss of a person's vote.

During the research phase, if it is determined that an affidavit ballot cannot be counted, the appropriate notice to cure or notice of rejection must be sent to the voter. Information on the status each affidavit ballot is entered into the absentee ballot tracker so that voters will be able to view it⁵⁸. This information should include when the affidavit ballot was received, whether the ballot envelope was subject to a cure, and whether the affidavit ballot was counted or rejected. If the ballot was rejected, a brief statement for the reason of the reject should be included⁵⁹.

Notice of Defect and Cures for Affidavit Ballot Voters

See ELN §9-209 (7)(i)

To Be Sent: Via first class mail and contact the voter by phone and email if on file. See the *Canvassing Guidance for County Boards* and cure calendar for more detail.

When: The affidavit ballot cure notice is to be sent within one day of the determination that a ballot needs to be cured

To Whom: All voters whose affidavit ballot envelope has a defect that can be cured

What: A notice shall be mailed to any voter who has voted by affidavit when, after review or investigation, the ballot needs to be cured for one of the following reasons:

- a missing signature on the affidavit ballot envelope
- the signature on the envelope not matching the registration signature

The notice needs to state the reason for the cure and the process for curing the affidavit ballot envelope. The notice will be sent to the address given on the affidavit envelope. If the board has additional contact information for a voter, such as an email address or a phone number, they can notify the voter of the need to cure their ballot by these methods in addition to the mailed notification.

⁵⁸ ELN §9-209 (7)(k)

⁵⁹ ELN §§8-414, 9-209 (7)(k)

Voters may cure the defects by filing a signed affirmation attesting to the information on the affidavit envelope and attesting that the signer of the affirmation is the same person who submitted the affidavit ballot. The voter should return their cure affirmation in-person, by mail, or in another manner indicated by the cure notice, within seven business days.

Notice of Rejection for Affidavit Ballot Voters

See ELN §5-403

To Be Sent: Via first class mail

When: The rejection of affidavit ballot notice is to be sent promptly

To Whom: All voters whose affidavit ballot was rejected

What: A notice shall be mailed to any voter who has voted by affidavit ballot when, after review or investigation, the ballot has been rejected for one of the following reasons:

- Not a qualified voter of the assembly district and county⁶⁰
- Not enrolled in the party for which the primary election ballot was cast

If the affidavit envelope information was incomplete or completed incorrectly so the board of election is unable to register the voter, a voter registration form should be included along with information on where and how to register, re-register, enroll in a party, or update party enrollment.

⁶⁰ ELN §9-209 (7)(d)

Conduct of Elections

Sections

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Notice to Candidates

Transparency in how a board of elections is conducting their elections helps preserve the integrity of elections. To this point, New York State Election Law allows for candidates, their representatives, and party members to observe various activities throughout the election process. Notices informing candidates and party chairs to the time and place of these activities need to be sent out. Election activities that can be observed include pre-election machine testing, canvassing, recanvassing, and post-election audits. A template for this notice can be found in Appendix G.

When setting the times for each event, keep in mind that candidates and their designated representatives:

- Will be able to view ballots no later than 46 days before the election when the ballots will be used¹
- Will be able to view the logic and accuracy testing of voting machines or systems no later than 20 days prior to the election till no later than two days before an election²
- Will be able to be present at the rolling early canvass, prior to the election, which will begin no later than 4 days after receipt of first returned absentee, military, and special ballots³.
- Will be able to be present at the rolling canvass, after the election, which occur no later than 1 day after the receipt of returned absentee, military, and special ballots
- Need to be notified at least five days before 1st central scanner audit. This audit must occur no later than 3 days after an election⁴

¹ ELN §7-128 (2)(a)

² ELN §7-128 (3), NYCRR §§6120.2(d)(e)

³ ELN §9-209 (2)

⁴ ELN §9-211 (2)

- Will be able to be present at the canvass of affidavit ballots, which will begin no later than 4 business days after an election⁵
- Will be able to be present at the review of invalid absentee, military, special, undeliverable, or defected ballots that were not cured timely, which will be no later than 4 business days after an election⁶
- Will be able to view the recanvass within 15 days of a general or special election and within 20 days of a primary election⁷
- Need to be notified at least five days before the 3% audit. This audit must occur within 15 days after a general or special election, 13 days after a primary, and seven days after a village election run by a county board⁸.

Party representatives will be able to view that the machines and devices are properly prepared and in working order for use at the election⁹.

Pre-Election Preparations

The board of elections must ensure that voting system technicians and custodians have properly prepared the machines being used in each election district and that the machines have been properly placed at the polls. The board must take all steps to ensure that in Election Day supplies, inspectors will have keys, security seals, chain of custody documents, and other supplies essential for the proper use of and security for all voting equipment.

Election Districts and Poll Sites

The Election District (ED) is a defined geographic area which serves as the building block for each election conducted by the board¹⁰. Each election district should not have more than 950 voters (excluding those in inactive status), or 2,000 voters¹¹ (excluding those in inactive status) with the approval of the county board of elections.

Board of elections define and, when necessary, redefine EDs. Election districts must be redefined when the total number of voters, excluding those in inactive status, exceeds the maximum number of voters by 50 during the preceding general election¹². In addition, redistricting of larger political subdivisions, such as congressional, senatorial, and assembly districts, occurs every 10 years after the newest set of US census data is released. Redistricting of EDs must be made on

⁵ ELN §9-209 (7)

⁶ ELN §9-209 (8)

⁷ ELN §9-208

⁸ ELN §9-211 (1)

⁹ ELN §7-207 (2)(a)

¹⁰ ELN §4-100

¹¹ ELN §4-100 (3)(a)

¹² ELN §4-100 (4)

or before February 15th to take effect on April 1st, though no ED redistricting can occur between February 20th xxx7 and December 1st xxx0, unless necessitated by the redistricting of a larger political subdivision. If ED redistricting occurs as a result of redistricting in another political subdivision and there are candidates to be voted on in that election, the new districts will go into effect immediately.

The board designates poll sites for EDs in consultation with each respective political subdivision¹³. There are several reasons why a single poll site may serve more than one ED. There may not be any facilities that meet the board's requirements to be a poll site in a given election district or two small neighboring EDs may share the same poll site. Though a poll site may be outside an ED it is never remote from it. General and Primary Day poll sites and alternate poll sites must be designated by March 15th and the designation will be in effect for a year. Early Voting poll sites for the general election must be designated by May 1st and will also be in effect for at least a year. Early voting poll sites for primary or special elections will be designated no later than 30 days before the election¹⁴.

Deadlines for creating and changing ED and for selection Early Voting and Election Day poll sites should be reflected in your planning calendar, along with any necessary lead time.

Selecting Poll Sites and Poll Site Accessibility

Whenever possible, boards of elections should designate publicly owned or leased buildings as poll sites. These buildings are required to make space available for voting unless it is determined that the voting will unreasonably interfere with the usual activities of the building. Any entity which controls a building that receives a tax exemption, abatement, subsidy, grant or loan for construction, renovation, rehabilitation or operation for a state agency or political subdivision can also be required to provide space for voting or be denied the agency provided money¹⁵.

When designating poll sites, boards must ensure that they are accessible to all voters¹⁶. Additional information on poll site accessibility and completing the survey tool can be found in Appendix G. The completed accessibility surveys for each polling site are required to be submitted to the Public Information Office within five days of the designation as poll site¹⁷. As poll sites for the primary and general election days must be designated by March 15th of each year¹⁸, the accessibility surveys should be completed by March 20th. Boards should also consider creating files for each poll site with reasons why the site was selected, routine, after-hours, and

¹³ ELN §4-104

¹⁴ NYCRR §6211.1

¹⁵ ELN §4-104 (3) – (3d)

¹⁶ ELN §4-104 (1a)

¹⁷ NYCRR §6206.2

¹⁸ ELN §4-104 (1)

emergency contact information, photos, diagrams for the layout of voting equipment, privacy booths, check-in stations, paths of travel, and posted signage. Set-up instructions should be provided for making any temporary alternations necessary to ensure the accessibility of a site, such as ramps, cones, and door openers. All these elements are essential for successful poll site management and a smooth voting experience.

College or universities that have a campus with 300 or more registered voters on a contiguous property, must have a poll site on that campus or at a nearby location that university or campus and board agree on¹⁹. For example, University at Buffalo has three distinct campuses that are located around Buffalo and are not adjoined. Each campus would be considered independently to determine whether a poll site is required to be on or near the campus, so it could be that one of the campuses would be required have a poll site while the other two do not.

If a problem arises where a poll site for election day or early voting can no longer be used after it was designated and voters were previously notified, then the board of elections must designate an alternative location and inform the voters²⁰. A written notice must be mailed to each voter advising them of the change of location for the polling site at least five days prior to the election. An example of the notice can be found in Appendix G. If a change of location is forced within five days prior to the election, and written notification to each voter is not possible, the board of elections must find an alternate form of notice²¹. This includes posting signs at the old poll site directing voters to the new site and posting a notification of the change on the board of elections website and social media pages.

If the location of a polling place has changed from the last primary, general, or Early Voting period, the board must post a notice on yellow paper at the old polling location informing voters of the change in location and providing the address of the new location²².

Additional Considerations for Early Voting Poll Sites

Early Voting begins 10 days prior to any general, primary, run-off primary²³, or special election and concludes the second day before the given election. Since fewer polling locations are necessary during Early Voting periods than on Election Day, considering additional factors such as population density, travel time to polling sites, public transportation access, commuter traffic patterns, and proximity to other Early Voting poll site is critical to ensuring that all voters have access to the site(s). It is required that one poll site be in the municipality with the highest

¹⁹ ELN §4-104 (5-a)

²⁰ ELN §4-104 (2), 2023 NY Chapter Law 480

²¹ ELN §4-104 (2)

²² ELN §8-108

²³ Run-offs have been replaced by ranked choice voting

population in the county²⁴ or in the case of primary or special elections, in the municipality with the highest population that has an election²⁵. Early Voting poll locations must be open for at least eight hours on weekdays, weekends, or legal holidays²⁶. Early Voting poll locations should adhere to the same voter accessibility in set up and voting machines as Election Day poll locations. Additional information on designating poll sites for Early Voting can be found in the *Guide to Early Voting*.

Early Voting poll site designations for the general election need to be submitted to the State Board by May 1st of each year and Early Voting poll site designations for the primary election need to be submitted no later than 30 days before Primary Election Day. Accessibility report for an Early Voting site is also required to be submitted to the State Board no later than five days after the site is designated²⁷.

In addition to general voter convenience in poll sites, you should be concerned with comfort for the poll workers who must spend long hours there. At a minimum, they need access to a bathroom and a telephone for contacting the board should questions or issues arise. Do not overlook considerations for adequate lighting, heating, and ventilation, as poor conditions of this type have a negative effect on voters and especially on poll workers.

Preparing Poll Sites

The board of elections should be sure that arrangements have been made for the delivery of equipment prior to the opening of polls²⁸ and for inspectors and other election day workers to have access to the poll site at least one hour prior to opening. Distance markers and other signs, including those directing voters to the poll site and accessible entrances (if different from the main entrance), should be at the poll site and be ready for placement prior to the opening of the polls. As mentioned in the previous section, the board should create a floor plan for each poll site to be sure inspectors know where voting equipment, privacy booths, check-in tables, and signage should be positioned, and to make the best use of the available space both inside and outside of the poll site.

All necessary supplies for each election district should be clearly labeled and checked before being packed and delivered to poll sites. You should have written procedures for your staff to ensure the accuracy and security of this task. Wheeled carts to move supplies into poll sites once they have been packed and secured against tampering, will make the task easier. Regardless of

²⁴ ELN §8-600

²⁵ ELN §8-600 (2)(b)

²⁶ ELN §8-600 (4)(c)

²⁷ ELN §4-104 (1b)

²⁸ ELN §4-134

how this task is accomplished, the key to the successful opening of polls is to have everything at the poll site, ready for the inspectors and voters to use. In addition to poll books, ballots, various reporting and tracking forms, envelopes, security seals and packs, and other required supplies²⁹, you should also provide certain supplies for smooth operations. These include:

- Electronic Poll books for Early Voting
- Networking equipment (Wi-Fi routers, MiFi devices, hardwired connections, etc.) for Early Voting
- Ballot-on-Demand printers for Early Voting
- Enough ballot paper for Ballot-on-Demand printers for Early Voting
- Enough paper ballots to address Election Day turnout, including those for affidavit ballot purposes, as well as replacements for voided or spoiled ballots which must be re-issued to voters, etc.³⁰
- Affidavit ballot envelopes
- All reporting forms, tally sheets, and instructions for inspectors so that they can meet their Early Voting or Election Day responsibilities
- Poll site oaths and challenge report forms
- Markers, pens, and pencils for voters to use when completing their ballots
- Trouble logs for reporting all poll site problems, including voting system issues
- Sample ballots, bill of rights, and instructional materials to be posted for voters
- Specific directions for inspectors to follow for getting scanner memory cards, results tapes, and associated documents back to the county board so that vote counts can be reported
- Material to define the voting area³¹
- Separate boxes for receiving ballots
- Instruction booklet for inspectors
- Sufficient quantities of maps of EDs, towns, wards, etc., to redirected to voters to their correct poll site if they attempt to vote in an incorrect district
- An American flag
- Tape, thumb tacks, rubber bands, markers, pens
- Flashlights, batteries, extension cords, cell phones, etc.
- Lists of phone numbers to call for emergencies
- Contact information for election-related advice
- Contact information for assistance with voting equipment issues
- Contact information for law enforcement intervention when necessary

²⁹ ELN §§4-128 - 4-134

³¹ ELN §4-132

³⁰ ELN §4-128

- Useful reference guides or contact information as may be suggested or required by you or the State Board

Sample supply lists and forms used during voting periods are included in Appendix H.

Inspectors, coordinators, and poll clerks are expected to be at the polling place at least a half hour before voting begins³². If they have not done so already, they should elect a chairperson³³. This chairperson has specific responsibilities, including seeing that all Election Day workers sign all documents and pay vouchers at the end of the day, that results and supplies are properly returned to the board, and that all assigned tasks are conducted professionally and are accurately completed.

It is also important to work out an Election Day schedule that rotates duties and provides each inspector, coordinator, and poll clerk with opportunities for breaks and meals during the day³⁴. This is especially important at a poll site which has less than a full complement of workers.

Election Inspectors, Poll Clerks, and Election Coordinators

- ∴ **Election Inspector:** Poll worker who sets up the polling site, processes voters, and canvasses votes³⁵.
- ∴ **Poll Clerk:** Additional poll worker for polling sites that require more help than the four appointed election inspectors.
- ∴ **Election Coordinator:** Poll worker directs voters to their proper polling place, assists election inspectors and poll clerks, and performs other duties that may be assigned by the board of elections³⁶.
- ∴ **Board of Inspectors:** A group of four election inspectors who operate the polling site³⁷.

Any eligible voter (except candidates and certain members their relatives) enrolled in one of the state's two major parties and residing in the county (or City, for New York City) may serve as a poll worker³⁸. Students may also serve as poll workers if they are at least 17 years old and have received the permission of a legal guardian and the school district³⁹. These students are not required to be registered or pre-registered to work at the polls. Poll workers for each ED will be selected and appointed no later than July 15th of each year⁴⁰.

³² ELN §8-102

³³ ELN §3-400

³⁴ ELN §8-202

³⁵ ELN §3-400

³⁶ ELN §3-401

³⁷ ELN §3-402

³⁸ ELN §3-400 (6)

³⁹ EDN §4-65-1-3207-A

⁴⁰ ELN §3-404

The job of an inspector, poll clerk, or coordinator involve long workdays. Boards should make every effort to provide their inspectors with reasonable working conditions (comfortable seating, sufficient lighting, and table space, etc.) and of course, adequate pay. Splitting the election workday into shifts for inspectors is permitted⁴¹, but be mindful that taking such an approach may mean recruiting more poll workers, conducting more training sessions, and ensuring a secure chain-of-custody process for voting systems and documents. Innovations in recruitment techniques are often shared at conferences and workshops or can be discussed by calling the State Board.

Once voting equipment and various supplies are in the hands of the inspectors at the polls on Election Day, the primary responsibility for conducting the election rests with them. Commissioners and other board employees “back at the office” primarily support them, as do voting equipment custodians and technicians. Cities and towns are generally assigned a limited role if they play a role at all. Law enforcement officials must respond to calls to help keep order at the polls, if it determined that is needed. In some counties, the board arranges for law enforcement personnel to deliver and return Election Day supplies⁴². For each election, the State Board will provide you with a list of Supreme Court Judges who have been assigned by the Office of Court Administration to be on call to handle the issuance of court orders to voters who may need them⁴³.

The behavior of inspectors at the polls, in particular their courtesy, fairness, and their ability to keep order, probably do more to maintain citizens’ respect for the election process than any other aspect of your operations. This is because your inspectors are the public face of that process and your board. Be sure your training and support of inspectors is thorough, and that they have all the tools they need to ensure an accurate, free, and fair election.

Training

People recommended to serve as poll workers are required to receive appropriate training annually and pass an exam before being certified to serve⁴⁴. The State Board is responsible for creating a statewide curriculum for poll worker training and providing it to the boards. A copy of *New York State Poll Worker Training Manual* can be found in Appendix G. County boards might also consider engaging the services of a professional trainer, with experience in training adult learners. These professionals know how to deliver a message to a specific audience in a way that ensures maximum retention. This knowledge can be of great use in helping the county board

⁴¹ ELN §3-400 (7)

⁴² ELN §9-102

⁴³ ELN §8-302

⁴⁴ ELN §3-412

staff to shape their training curriculum to be more approachable and effective. Board staff can take the training techniques learned from the professional trainer and combine it with their nuanced knowledge of elections, particularly possible issues that could arise, to provide the best training program for poll workers.

County boards should consider whether using online training videos and presentations could be an additional tool that will benefit the poll workers being trained, either as prep before the in-person training or as a review or refresher after the training session. While it is important for boards to leverage expanding technology as a tool to improve training, please know that it should not completely replace in-person training sessions. It is important for poll workers to get hands-on experience and confidence in working with the machines and electronic poll books and other equipment prior to voting. Also remember that not all people have equal access or capability with technology. If you offer online training, be sure to have a way to deliver those training materials to people that may not have a computer or access to the internet or those that are not confident using a computer. The online training can be offered over a two-week period and within that time an in-person session must be offered⁴⁵.

Additionally, the State Board may make other poll worker training tools available, which can be used by inspectors, poll clerks, and coordinators as a refresher course just before an election or as a study tool before attending their training session. The State Board is also always available to provide advice on a variety of training matters.

Election Security

During voting periods, the board of elections needs to consider the security at each of their polling locations to ensure the safety and privacy of voters and poll workers, that voting machines remain secure and cannot be tampered with, and that there is a clear chain of custody of all machines and ballots.

Though much of the physical security of polling places will be handled when selecting and preparing the poll sites, poll workers should be aware of all the entrances and exits to access the polling places, as well as building safety features, such as fire alarms and first aid kits. Poll workers also need to be on the lookout for people who are using electronic devices in the voting area. It is requested that voters not use electronic devices in voting areas because things such as phones could impinge on the ability for voters to make their candidate selection and cast their votes in a private manner.

⁴⁵ ELN §3-412 (1)

Locks and seals on voting machines and ballot materials are used on voting days to ensure that no tampering of the materials has occurred; along with documents showing the chain of custody of election machines and materials.

Boards are required to develop contingency plans to ensure that elections can be run with as little disruption as possible should there be an emergency, such as a natural disaster, a fire in a poll site, or a power failure. Make sure that your contingency plans are updated regularly for contact information and that poll workers understand their role in ensuring the integrity of the election machines and materials during an emergency and all the parties that they may need to notify.

Preparing Paper and Electronic Poll Books

Prior to the election, county boards need to prepare their poll books with all voters that are eligible to vote in the election, including voters that might be 17 years old but will be 18 years old **on** Election Day. Information on which voters have been sent absentee ballots must be included in the Early Voting and Election Day poll books. If possible, counties should update poll books during Early Voting with additional voters that have been issued an absentee ballot. As discussed in the “[Poll Books](#)” section, required lists must also be prepared and included with poll books prior to the election.

Early Voting

In New York there are nine days of Early Voting prior to the primary, general, or special elections⁴⁶. Voters may choose to cast their vote during this time instead of voting on Election Day. As discussed in “[Selecting Poll Sites and Poll Site Accessibility](#)”, poll site selection is important because there are fewer poll sites during the Early Voting period. Since voters may not necessarily be voting at their Election Day poll site, be sure to clearly communicate where voters are able to vote during Early Voting and that it might be different from where they are allowed to vote on Election Day. You may choose to not assign voters specific Early Voting polling sites, instead allowing them to vote at any site⁴⁷.

If voters can vote at any Early Voting site, be sure to have detailed procedures for distributing ballots to ensure voters are receiving the proper ballot. If voters have been assigned to a specific Early Voting site, generate your poll books or electronic poll books as you would for Election Day.

⁴⁶ ELN §8-600

⁴⁷ ELN §8-600 (3)

Also provide information to poll workers that will allow them to redirect voters to the correct Early Voting poll site.

The voting history for people who vote during Early Voting must be updated and available to poll workers in near real time across all Early Voting sites within a county⁴⁸. This will ensure that a person is unable to cast their vote multiple times. Voter history for those voters who cast ballots during the Early Voting period must be entered into your voter registration system no later than Election Day⁴⁹. This can be accomplished daily or all at once.

More expansive and detailed information regarding the rules, regulations, procedures, and process of Early Voting can be found in the *Guide to Early Voting*.

Election Day

General Election Day is the Tuesday after the first Monday in November. All non-presidential federal, state, and local primaries are held on the fourth Tuesday in June⁵⁰. Polls are open from six in the morning to nine at night on Election Day, Primary Day, and during special elections⁵¹. Poll hours can vary during Early Voting but must still meet required minimums⁵².

If there is a disaster at the time of voting and a significant majority of registered voters in a political subdivision are unable to vote, please contact the State Board to see if the situation qualifies to have an additional day of voting added for those that were unable to vote⁵³.

Time Off to Vote

To help ensure that all New York voters can exercise their right to vote without the threat of losing income, employees are eligible for up to two hours of paid time off to vote if they don't have "sufficient time to vote." Sufficient time is considered to be four consecutive hours to vote either from the opening of polls to the beginning of their work shift, or four consecutive hours between the end of their shift and the closing of polls⁵⁴.

Employers are required to post a notice with information on being allowed time off to vote in a conspicuous place for employees to see. A copy of this notice can be found in Appendix H. If an

⁴⁸ NYCCR §6211.6

⁴⁹ NYCRR §6211.6 (b)

⁵⁰ ELN §8-100

⁵¹ ELN §8-100 (2)

⁵² ELN §8-600 (4)

⁵³ ELN §3-108

⁵⁴ ELN §3-110

employee requires this time off to vote, they must notify their employer at least two days prior and up to 10 days prior to when the employee is going to vote.

At the Polls

When inspectors arrive at the poll site, they should set it up⁵⁵ following the floor plan provided by the board, ensuring that there is adequate traffic flow and the delineation of task spaces which are respectful of voters at privacy booths, scanners, and ballot marking devices⁵⁶. Awkwardly arranged, hard to find, or messy-looking polling places make a poor public impression and can impact a voter's ability to cast his or her ballot. If problems stem from the floor plan or a better poll site layout becomes apparent to inspectors, be sure the inspectors understand they must contact the board before making changes. Also be aware that it is prohibited to make changes to entrances or exits to poll sites during polling hours unless it is necessary to maintain public safety due to an emergency or the change will increase accessibility⁵⁷. If a site is being used for the first time, it is helpful to have someone from the board visit the site during Election Day, to be sure the site is working as the board intended and is adequately serving the needs of voters in that site.

A serious problem can arise on Election Day when inspectors of only one party arrive for work at a poll site, preventing the opening of polls⁵⁸. Emergency inspectors must be on call to cover such situations and to cover for staff shortages resulting from a personal emergency. It is possible for inspectors working at a short-staffed poll to swear in any qualified voter of the appropriate party to serve as inspector⁵⁹, but board approval should always be obtained first. In general, a poll site known to be short-staffed will probably need some special attention by your staff throughout Election Day. If this scenario presents itself in a poll site that is serving multiple election districts, consider redistributing staff in that site when possible.

Identifying and addressing potential problems in advance allows for a smoother Election Day and helps to maintain confidence in the electoral process. When a problem does occur, it should be reported immediately to the county board and handled as professionally as possible. Particularly for issues that interrupt the voting process for a prolonged period, the board should anticipate that there may be increased attention on the part of the public or media. In these cases, commissioners should be prepared to clearly identify what occurred and how it was addressed.

⁵⁵ ELN §8-102

⁵⁶ ELN §8-202 (2)

⁵⁷ ELN §8-104

⁵⁸ ELN §8-102 (2)

⁵⁹ ELN §3-418

Properly designated poll watchers in possession of a Watcher’s Certificate, samples of which can be found in Appendix H, are entitled to be at the polls 15 minutes before voting begins⁶⁰, and often are. Their credentials should be checked, and they should be advised that they may not interfere with the conduct of the election. They should be treated politely and allowed to do their job, and your poll site workers should be clear that apart from your board’s staff or others specifically assigned by you, **no poll watcher, elected or appointed official, party official or candidate may help or interfere with election day tasks**: they may not perform any of the duties, official or otherwise, assigned to or reserved for the inspectors, coordinators or poll clerks. Consider large, color-coded stickers or name badges for poll watchers to clearly distinguish them from county board personnel, inspectors, coordinators, and voters.

Inspectors spend much of their day checking in voters⁶¹ and ensuring the voting is occurring smoothly. The responsibilities of being a poll worker are broken down in the *New York State Poll Worker Training Manual*. This manual provides information on assisting voters who have asked for help⁶², challenging voters⁶³, using affidavit ballots and emergency ballots, handling emergencies that may arise, and dealing with voting machines that have stopped working. Poll workers also need to be able to handle and process mutilated or spoiled ballots⁶⁴. If a voter makes a mistake on a ballot, they can bring it back to the poll workers, who will spoil the ballot, and a new ballot can be issued to the voter. A voter can receive up to three ballots if a mistake is made on two ballots.

Poll workers should regularly inspect the face of the ballot scanner and the BMD and the interior of the privacy booths, when not occupied, to ensure they have not been damaged or tampered with⁶⁵. Inspectors should do everything possible to prevent electioneering at the polls. They need to remember that not all electioneering is as obvious as aggressive interacting with voters or handing out pamphlets inside the 100-foot distance markers. A candidate, elected official, or other individual in the polling place greeting voters or lingering in the polling place after voting, voters or others wearing campaign buttons, or even a pencil imprinted with a candidate’s name left in a privacy booth, are all examples of electioneering⁶⁶. All poll site workers should keep a watchful eye out for these types of activities. If inspectors are unable to restore or maintain order, they should know from their training that they can call your office for help or call law enforcement officials when necessary⁶⁷.

⁶⁰ ELN §8-500

⁶¹ ELN §§8-300 – 8-304

⁶² ELN §8-306

⁶³ ELN §§8-504, 8-508

⁶⁴ ELN §8-316

⁶⁵ ELN §8-202 (2)

⁶⁶ ELN §8-104 (1)

⁶⁷ ELN §3-402 (3)

Some may feel that it's beneficial for commissioners, or other board staff, to visit the polls during the day to be sure the process is running smoothly throughout the county, however, this is not necessarily true. Having board staff on the road and away from their desks can make it more difficult for them to provide the assistance and support that voters and Election Day workers may need. Election Day monitors or poll site coordinators are better placed for providing the poll site overview, and boards would be well served in establishing such positions. Boards that have limited staff resources may arrange for assistance from members of community service organizations, in some cases hired per diem, to assist in this regard.

At nine, an inspector should stand at the end of line to prevent additional voters from trying to enter it. When all remaining voters have cast their ballots, the voting machines must be secured against further voting. The State Board training materials, supplemented by instructions specific to your board and your voting systems, should provide your inspectors with the guidance they need to do this job well.

After the polls close, it is essential that the inspectors perform all close of polls tasks accurately, while maintaining a professional and secure poll site. All tasks need to be handled by the inspectors without help from watchers or others. Information on the Election Night canvassing process can be found in the "[Canvassing](#)" section.

The challenge report⁶⁸ and other official documents must be properly completed and signed by the inspectors, all types of paper ballots should be properly reconciled and packaged, and all required materials, as identified by you, must be secured and returned to the board office on Election Night. Some supplies can be returned the day after the election rather than on Election Night, so be sure your training and instructional materials make it clear what comes back to the board and when. Supplies and voting equipment that is returned to the board after Election Night must be properly secured before the inspector closes the poll site for the night.

At the Board

During Election Day, activity at the board office is almost entirely in support of poll site operations. All staff should be on hand, ready to respond to inquiries or requests for assistance from poll workers and voters. Inquiries will often revolve around voter registration issues such as missing registration records, voters at the wrong poll site, affidavit ballots, courts orders, reports of possible electioneering, bad experiences, and the like. Hopefully, there will be no voting machine failures, but if they do happen, they demand immediate attention. The

⁶⁸ ELN §8-510

whereabouts of your custodians and technicians should be known at all times, so that once an issue is reported, they can quickly provide phone support or on-site assistance, as needed.

Below is a list of useful references for people staffing the board's phones during an election:

- A list of all polling places in the county with address, phone, and other contact information
- Useful phone numbers:
 - Inspectors
 - Local law enforcement officials
 - City and town clerks
 - Voting system custodians and technicians
 - Voting system vendor
 - State Board
- Maps or street finders clearly defining the boundaries of wards, election districts, assembly districts, etc.
- Current list of registered or eligible voters (be prepared in case your computer system goes down by having a printout produced just a day or two before Election Day)
- Facsimiles of all ballots in use in the county (perhaps posted centrally in the office)

The media may also ask for voter turnout data and for information on any unusual developments. You should have a definite plan in place to gather this information, and a policy for handling media inquiries. See the "[Public Information and Media Relations](#)" section or call the State Board for assistance.

All commissioners should be in the office and available throughout the day, as you may have to make a variety of official decisions, however, some may prefer to visit polls to observe, as mentioned above. Be sure that if you are out of the office, all county board staff know how to reach you. The State Board will also have staff on duty from before the polls open until after they close. We will be available to help, advise, and in some cases get information from you. Please contact the State Board at any time for any purpose.

Candidates, media representatives, and authorized "others" may be present for results collection, tabulation, and posting, but again, they may not "help" and should not in any way disrupt the process.

After the close of polls, poll workers need to return specified Election Day materials. As board staff receive the supplies, they should have a check-off list so that all supply cases, districts, and

poll sites can be accounted for. This allows problems to be detected easily and if a supply bag or district is missing, it will be easy to track down which poll workers are responsible for the missing delivery or data.

Election Night Unofficial Reporting

Unofficial results are to be made public after polls close, so the county board must remain open to receive and tabulate unofficial voting results as they are received from the various poll sites. Boards of elections are required to post running totals of the incoming results on your website and in a public place, but you can also share them by any other means that may serve your stakeholders' needs⁶⁹. Election results need to be downloaded from voting system memory cards into their election management systems (EMS) for aggregation. These aggregated unofficial results must then be exported from the air gapped EMS and brought to an internet-connected machine so that they may be uploaded to the State Board through NYSVoter. Commissioners should not leave the board till it has been confirmed that all the unofficial results have been transmitted to the State Board properly on Election Night. If the results are not fully received or there is a problem with the files that were sent, the Election Operations Unit will be calling you or your board.

Before Primary Day or Election Day, the State Board will require a zero file from each county be uploaded through NYSVoter. This is identical to the file that will be uploaded on Election Night but without any results and will allow the State Board to configure the results page to accept the information for each election district that is transmitted from the boards after the close of polls. It is critical that if any changes are made to the zero file after uploading to NYSVoter, the new file be uploaded to the system. If not, the results reported on the State Board's website may not be accurate.

Post-Election Activities

A board's principal concern after Election Day is determining vote results and their proper recording, reporting, and certification. These concerns involve such things as determining the validity of affidavit ballots, canvassing absentee, affidavit, and special ballots, recanvassing, conducting post-election audits, certifying official results, transmitting them to the appropriate recipients, and filing and storing election-related documents. Boards should also be sure to update voter registrations with any information that may have been corrected or provided by the voters on the poll book.

⁶⁹ ELN §9-126 (2)(b)

Be sure candidates and party chairs receive notices to your canvass, recanvass, and post-election audit events, as required by statute. A sample of this notice can be found in the Appendix G.

Statewide Data Match

Each county will provide a list of voters that requested absentee ballots and affidavit ballots directly to the State Board Election Operations Unit no later than three days after an election. This information is then compiled into one list and a cross reference is run to pull out possible duplicate voters. The State Board will send this data back to the county boards so that they can do further research to determine whether their possible duplicate affidavit or absentee ballots should be counted.

Voter history for Early Voting must be uploaded prior to Election Day and Election Day voter history must be uploaded by the third day after an election. Voter history for those that voted during Early Voting, on Election Day, or via absentee, military, special, special federal ballot, or affidavit ballot must also be uploaded to NYSVoter⁷⁰ no later than seven business days after the completion of canvassing.

Canvassing

As of April 1st, 2022, the time frame for canvassing has expanded. Review, preparation, and scanning of absentee ballots begins before Early Voting. However, as with Early Voting results, none of the ballots canvassed before Election Day can be tabulated till an hour before the close of polls on Election Night. After said close of polls, results from the early canvass, Early Voting, and Election Day will be tabulated and unofficial results will be released. Canvassing of absentee, affidavit, and special ballots will continue after Election Night and will conclude a couple weeks after the election, as all cures and ballots postmarked no later than Election Day are given time to be received by the board after the election. Specific receipt deadlines for each type of special ballot can be found in the “[Absentee, UOCAVA, Special, and Affidavit Ballot](#)” sections. The time between Election Day and affidavit ballot canvassing can be used to research affidavit ballots and FWABs, organize, and reconcile the ballots that will be canvassed⁷¹.

The following tips should be used to when completing the canvass:

⁷⁰ NYCRR §6211.6

⁷¹ NYCRR §6210.9 (a)(2)

- Work through each contest in each election district. If you encounter a problem with certifying results on time, contact the State Board immediately, for guidance
- Consider using an adding machine or software for calculations and attach the tapes to canvass or tally sheets, as this will facilitate proofreading and any subsequent spot-checking later
- Proofread all figures before tabulating blank, void, and scattered votes and totals
- Input this data into your election results system or program
- Don't hesitate to call the State Board for clarification or guidance, when necessary

The processes for canvassing at poll sites on Election Night are as follows⁷²:

- At close of polls, an inspector will be placed at the scanner to prevent further voting
- Paper ballots will be reconciled⁷³
- Any surplus ballots will be removed⁷⁴
- Scan any ballots contained in the emergency box or other secured storage container⁷⁵
- Hand count and secure any ballot that cannot be scanned
- Close voting machines, print the tabulated results tapes, and post or announce contents of the results tapes
- Remove portable memory devices to report unofficial tally of election results⁷⁶
- Post or announce results of hand counts and sign return of canvass⁷⁷
- Close, lock, and seal voting machines
- Sign close of poll certificate

Any absentee or special ballots that were dropped off at the poll site or affidavit ballots that were used, are not canvassed at the poll site. Instead, they are accounted for and returned to the board of elections⁷⁸.

A review of absentee, military, special federal, and other special ballot envelopes is required within four days of receipt if it is received before the election⁷⁹. If the ballot is received after the election, the envelope must be examined within one day. Envelopes should be arranged by ED so ballots from an ED can be assigned to a single set of clerks⁸⁰. Affirmation envelopes need to be reviewed to confirm whether the name on the envelope is found on the registration poll

⁷² ELN §9-102 (1)

⁷³ ELN §9-106

⁷⁴ ELN §9-108

⁷⁵ ELN §9-110

⁷⁶ ELN §9-126

⁷⁷ ELN §9-102 (2)(3)

⁷⁸ ELN §9-124 (1)

⁷⁹ ELN §9-209 (2)

⁸⁰ ELN §9-209 (1)

record, computer-generated list of registered voters, or the list of special presidential voters, that the postmark is valid, and whether the envelope is unsealed.

Assuming the name and address on the envelope is located on one of the lists, the signature on the envelope will be compared to the signature on the poll record, computer-generated list of registered voters, or list of special presidential voters⁸¹. If the signature matches, the ballot envelope will be opened, ballot(s) will be withdrawn, unfolded, stacked face down and deposited in a secure ballot box or envelope, or in the proper party container if canvassing for the primary.

As absentee, military, and other special ballots may be processed prior to Election Day, county boards are required to have procedures to ensure that a voter does not vote multiple times, to secure the ballots, and to prevent the release of results before close of polls on Election Day⁸². These procedures must be filed with the State Board.

Batches of absentee, military, and other special ballots that have been reviewed and prepared will be scanned at specific points prior to Election Day and after the close of polls on Election Day. The first batch will be scanned the day before the first day of Early Voting⁸³. The tabulation of these results cannot occur till one hour before the close of polls on Election Day. Any ballots that cannot be scanned will set aside and examined after the close of polls on Election Day⁸⁴.

The second batch of absentee ballots to be scanned will be done after the close of polls on the last day of Early Voting. Any ballots received and reviewed between the start of Early Voting and the end of Early Voting will be scanned through at this time. Tabulations for this set of ballots cannot be calculated till one hour before the close of polls on Election Day⁸⁵. Any ballots that cannot be scanned will set aside and examined after the close of polls on Election Day.

Absentee, military, special federal, and other special ballots received on Election Day and after will need to be processed by the county boards each day. Though scanning of these ballots does not need to be done at a specific time, boards may prefer to wait till after the 13th day after the general election day or the seventh day after the primary. At that point all ballots that could be valid will have been received.

Logistical and technical requirements on the actual scanning of ballots, may vary by the system being used for scanning. For more information on this, please contact the Election Operations Unit.

⁸¹ ELN §9-209 (2)(c)-(h)

⁸² ELN §9-209 (6)(b)(ii)

⁸³ ELN §9-209 (6)(b)

⁸⁴ ELN §9-209 (6)(b)(iii)

⁸⁵ ELN §9-209 (6)(e)

Three days after the election, each county will submit their data on voters that requested absentee ballots and completed affidavit ballots to the State Board Election Operations Unit⁸⁶. This data will then be compiled, and data match files will be sent back to the counties to help determine whether any returned ballots should be set aside and not canvassed because the voter was eligible to vote to in a different ED or voted by absentee ballot.

Affidavit ballots must be reviewed within four business days of the election⁸⁷. If an absentee ballot is received from a voter who also voted by affidavit ballot, the last valid absentee ballot received will be counted and the affidavit ballot will be set aside and not counted. If it is determined that a person was eligible to vote in an election, the board will cast and canvass their affidavit ballot for offices they are eligible to vote for if the voter appears at a polling place in the correct assembly district⁸⁸. During the affidavit review process candidates, political parties, and independent bodies may object to a board’s ruling that an affidavit ballot is invalid.

If a ballot is found to be invalid, the board must determine whether it can be cured. If so, cure notices will be sent out to voters for any absentee or affidavit ballots that can be cured. More information on cures can be found in the [“Notice of Defect and Cures for Absentee Ballots”](#) and [“Notice of Defect and Cures for Affidavit Ballot Voters”](#) sections. The cure affirmation must be returned to the board no later than seven business days after the board mailed out the cure notice or by the day before the election, whichever is later⁸⁹. At that point if the ballot is considered cured it will be prepared to be canvassed. Ballots that are not cured are set aside and not counted. Voters’ whose ballots cannot be counted must be notified as discussed in the [“Notice of Non-Curable Defects for Absentee Ballot Voters”](#) and [“Notice of Rejection and Affidavit Ballot Voters”](#) sections.

All ballot envelopes that were determined to be invalid and set aside, were undeliverable, or contained at least one curable defect that was not cured in a timely manner, will be reviewed within four business days of the election with watchers present⁹⁰. At this time, candidates, political parties, or independent bodies can to object to the determination that a ballot is invalid.

If a military or overseas voter sends in a FWAB and a certified ballot, the FWAB will be set aside and not be counted⁹¹. If two absentee ballots are received from the same voter, the ballot bearing the earlier date will be set aside and not counted. If the board cannot determine which envelope was received later, then both envelopes will be set aside and will not be counted. If

⁸⁶ NYCRR §6211.6 (d)

⁸⁷ ELN §9-209 (7)

⁸⁸ ELN §9-209 (7)(d)

⁸⁹ ELN §9-209 (3)(e)

⁹⁰ ELN §9-209 (2)(a)

⁹¹ ELN §9-209 (2)(b)(ii)

multiples of the same ballot are found in one envelope, the ballots contained in the envelope will be set aside and will not be counted. If the board is made aware that a voter has passed away on or before Election Day and their ballot has not yet been counted, then it will be pulled, and that ballot will not be counted.

Step-by-step canvassing procedures and more information about possible scenarios can be found in the State Board's *Guide to Canvassing*.

3% Audit

After each election an audit of the machine tabulated results must be conducted on 3% of each type voting machine or system, including the central count ballot scanners, by a bipartisan team⁹². The tally of votes for the audit can be done manually or by using an authorized automated tool that is independent from the voting systems. The machines or systems being chosen must be selected at random. The tallies from the audit will be compared against the tallies from each voting machine or system and these results will be reported to the State Board. If there is a discrepancy, the work from the tally that was just conducted will be checked. If this does not correct the discrepancy and the discrepancy could alter the vote share by 0.1% or more, the audit will be expanded to include more machines. Further information on the process for handling this can be found in the State Board's *Guide to Canvassing*.

As of 2022, at least two 3% audits will need to be conducted after each election that has early canvassing. The first audit will be on central count machines that were used to conduct the early canvassing, and this will occur within three days of the election⁹³. A second audit will occur on the voting machines that were used during Early Voting and Election Day and must be conducted within 15 days of the general or 13 days of the primary. Additional audits may need to take place on systems if they are used after the election to scan absentee, military, special federal, or special ballots that have been received on or after Election Day.

Recanvass

The results from Election Night must be recanvassed by a bipartisan team to ensure that totals were calculated accurately. Results from the memory cards from each of the machines will be compared to the results tapes produced on Election Night for each ED and totals for each candidate will be compared. Any ballots that were hand counted on Election Night will also be

⁹² ELN §9-211, NYCRR §6210.18

⁹³ ELN §9-211 (2)

recanvassed and the new results will be compared to the number that was recorded on Election Night⁹⁴. Lastly write-in votes will be recanvassed.

If a discrepancy is found, the ballots will be examined again to determine the correct result. If it is determined that the tape from Election Night and the reports from the memory card do not match, that machine will be included in the 3% audit process. Results from the recanvass will supersede the Election Night returns when preparing the Statement of Canvass and reporting official results⁹⁵.

Manual Recount

A manual recount will be conducted when the margin of victory is 20 votes or less or 0.5% or less⁹⁶. If a contest had a million or more ballots cast and the margin of victory is less than 5,000 a manual recount will also be required. If the contest that crosses county lines and involves two or more counties, the State Board will determine whether a manual recount is required based on results provided by all counties involved.

Manual recounts will be conducted by the board of elections, or a bipartisan committee appointed by the board.

Statement of Canvass

When the canvassing is complete, counties need to certify the results for all their races. The statements for canvass for some races need to be sent the State Board. These races include:

- For a Primary Election:
 - All Statewide offices
 - All members of Congress, Senate, and Assembly
 - All Delegates and Alternates to judicial and national conventions, including districts entirely within and partly within the county
 - All state committee party positions
- For a General Election:
 - All Statewide offices, constitutional amendments, propositions, and questions
 - All members of Congress, Senate, and Assembly
 - Justices of the Supreme Court

⁹⁴ ELN §9-208 (1)

⁹⁵ ELN §9-208 (3)

⁹⁶ ELN §9-208 (4)(a)

- Gubernatorial race statement of canvass by⁹⁷:
 - Election District
 - Assembly District
 - If nominated by multiple parties or bodies: the number of votes cast under each party or body

Counties should complete the Statement of Canvass template found in Appendix I for each of their races.

When completing the Primary Election Statement of Canvass, any Opportunity to Ballot Candidate should be listed on the Statement of Canvass. The candidate would not be included in the scattering or write-in category.

When completing the General Election Statement of Canvass for Presidential Electors, please note that only official write-in candidates can be listed. Any votes for write-in candidates not certified by the State Board during the Presidential General Election will be considered void votes and should be included in that vote category⁹⁸.

Election Records Retention

Removable Memory Cards

Removable memory cards and similar electronic media must remain sealed and secured against reuse until the information can be preserved in accordance with the Records and Disposition Schedule. Though the electronic media or data stored on it needs to be sealed, it must remain intact and accessible to be examined by order of any court of judge of the jurisdiction or by the direction of a committee of the senate or assembly⁹⁹.

Voted Ballots

Voted ballots are to be securely retained for two years after their given election. Like the removable memory cards, these ballots can be opened for examination by a relevant court order or committee of the senate or assembly¹⁰⁰.

⁹⁷ ELN §9-214

⁹⁸ ELN §9-206

⁹⁹ ELN §3-222 (1)

¹⁰⁰ ELN §3-222 (2)

Unused Ballots

Sealed packages of unused ballots can be retained for four months and then destroyed if a certificate identifying the election district, data, and the number of the ballots is completed and placed with the balance of the ballots being retained from the given election for two years¹⁰¹. Please see Appendix I for an example of the Certificate of Unused Ballots to be completed.

Counties can also choose to retain the sealed packages of unused ballots with all other ballots for the required two years before destroying them. In this case, the Certificate of Unused Ballots would not need to be completed.

The following ballots need to be retained for the mandated two-year period:

- Challenged ballots
- Void ballots
- Blank ballots
- Open packages of unused ballots
- Absentee ballots
- Military ballots
- Special federal ballots
- Special presidential ballots
- Emergency ballots
- Ballot envelopes

Voting Machine Programming and Maintenance Testing Records

All records and documents from programming and testing voting machines in connection with any election must also retained for two years¹⁰².

¹⁰¹ ELN §3-222 (3)

¹⁰² ELN §3-222 (4)

Public Information and Media Relations

Sections

[Public Relations](#)

[Voter Education and Outreach](#)

[Public Notices of the Board](#)

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[Handling Press Inquiries and Talking to the Press](#)

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Public Relations

What is Public Relations?

Every task performed, every interaction with a voter, public official, candidate, or the media, is a form of communication that affects how you are perceived by the public. Public relations is:

- The way in which a board communicates to all its audiences, be they internal or external
- With whom your board communicates, whether it is actively, passively, openly, tacitly, aggressively, or not at all (not communicating still says something very loudly)
- How your board communicates about itself explicitly, what you communicate about the services you provide, the way you conduct business in your office, how you deal with your staff, and the way you perceive and address the issues that affect your board and society as a whole

Who is the Public?

The answer to this question “Who is the Public?” often depends on your organization. We all know about the “general public,” however, an organization may have many different “publics” or “stakeholders.”

One of the first steps to successful public relations is to understand there are many different public entities and to define who they are. Below are individuals and organizations that boards of elections might consider including on its list of public entities or stakeholders:

- Voters
- Candidates

- A County Legislature
- A County Executive
- Mayors
- Supervisors
- Media
- Political Parties
- Public Interest Groups
- Community Groups
- County, City, Town, and Village Clerks
- Elections Inspectors and Poll Clerks
- Polling Place Coordinators
- Voting Machine Custodians and Technicians

Each of these stakeholders are interested in the county board of elections for different reasons and each has its own opinion on what a board of elections should do. Defining stakeholders will help you to assess what the needs and concerns of a particular entity and enable you to determine how most effectively address those needs and concerns.

Handling Public Inquiries

Public inquiries should always be handled courteously and promptly. As a public entity that is providing a public service, the public has a right to make reasonable requests for information and expect certain services ¹.

To increase responsiveness, consider keeping information that is commonly requested on your website or in a place and format that is readily accessible to all staff. Information that should be available “on the spot” include, but are not limited to, election results, candidate lists, enrollment data, Early Voting communication plans, poll site locations, hours of operation, and anything else that would not need to be redacted prior to its release. Posting commonly requested information on your website will help to reduce demand on staff time and resources. It will be discussed further under “[Freedom of Information](#)” but the subject matter list that is required to be compiled under the FOIL statute is a great help in determining what records should be easily available. The State Board does not require official FOIL requests for much of this type of information, and it is recommended that boards follow the State’s example here, so that the process does not injure your public image. Making people FOIL and wait for this type of information creates inconvenience and can prompt complaints and other unnecessary situations.

¹ ELN §§3-212 (3), 3-220 (1)

Staff should know where to find the subject matter list, the information listed on it, and a chart with associated costs, if any.

Information posted to your website should be routinely reviewed and updated, as applicable.

Voter Education and Outreach

While the need for voter education and outreach from trusted sources has always been important, it has recently become even more important due to the growing levels of mis- and disinformation. Using all methods and resources that you have access to is important to try and combat the growing trend.

Engaging voters in the electoral process beyond just voting helps to combat mis- and disinformation. Voters that become poll workers gain a deeper knowledge of the work being done at the board and the people doing that work. They also learn more about the voting equipment, procedures, safeguards, and redundancies that help to secure elections. These people can then spread their first-hand experience to others in the community becoming advocates for the board and helping to combat mis- and disinformation that may be spreading locally.

County Board of Elections' Websites

County boards are required to have a website on which they can post information. Below is a list of information or links that are required to be on the website:

- Information about Early Voting, if it was not included on the mail check notice²
- Dates, hours of the election, officers to be voted for, and a link to any poll site information or poll location tools³
 - Must be posted two weeks before a general, special, or village election
- Sample ballots must be posted, if not mailed out to each eligible voter or published in the newspaper and not provided to each school providing nine through 12 grade education⁴
- Access to an absentee ballot application portal⁵
- Access to the accessible absentee ballot application portal

² ELN §4-117

³ ELN §4-120

⁴ ELN §7-118

⁵ ELN §8-408

- Access to an absentee and affidavit ballot tracker system⁶
- Unofficial election results⁷
- FOIL information, subject matter list, and link to the committee on open government⁸
- Contribution limits of the county, town, city, and village offices on the ballot for that year⁹
- Maps of applicable election districts and downloadable digital GIS file formats such as shapefile, geodatabase, or KML¹⁰

Counties are encouraged to post information about commonly asked questions or commonly requested forms on their website. As previously discussed, this will allow voters to find the information without having to call the board to request it.

The Use of Digital and Social Media

Using digital media can offer a variety of benefits to boards of elections, from reducing the spread of misinformation to improving the public's access to resources. Establishing a strong presence online as a source of truthful election information is the strongest defense against malicious actors and has the secondary function of reducing the number of calls during elections because the public will be better informed and more easily able to find information. Linking to your main webpage on social platforms will provide an easy path for voters to check for needed information before they call the board.

Should your board decide to utilize a social media account (Facebook, X/Twitter, Instagram etc.), please ensure your social media account is verified by the social media company. This allows the public to know they are getting information from a trusted site. Since it is important to ensure that your social media accounts remain trusted sources of information, it is strongly recommended that two-factor authentication is used to reduce the chance that an outside actor will be able to gain access to your account.

If you do want to set up social media accounts, it is recommended that a shared county email address be used when setting up the account and that a username should clearly identify your board and should be distinguishable from other boards of elections.

It is a best practice to post on a regular cadence (monthly, weekly) to your site. Possibilities include upcoming deadlines, candidate lists, and Early Voting poll sites. Monitor your social

⁶ ELN §§8-414, 9-212

⁷ ELN §9-126

⁸ PBO §6-87

⁹ ELN §14-114

¹⁰ ELN §4-102 (5)(e), 2023 NY Chapter Law 89

media account for trending issues. While you do not have to respond to every post on your site, if one particular issue is trending, you may consider issuing a post. When posting, remember that the content should be accessible to ensure that all viewers will be able access to content of the post. If using graphics, consider adding alternative text.

Misinformation

With the increased use of social media by the public, the election community has experienced a dramatic increase in the amount of election misinformation that has been posted. One such example from the 2020 General Election is the viral tweet that started in Arizona saying that the use of a sharpie would invalidate a ballot. Many New York State county boards and the State Board received inquiries on this issue. The State Board’s Public Information Office immediately issued a press release to the media and posted on social media that the information was inaccurate.

Regular monitoring of social media accounts and social media is warranted to guard against misinformation campaigns. Should you come across election misinformation, please report it to the Public Information Office at the State Board.

Young Voter Education

Many people have stories about going into the voting booth with their parents when they were children or going to vote with their parents for the first time. Giving young people a chance to have hands on experience in the electoral process increases the chance that they will stay engaged in the system through their lives. To this end, students between eighth and 12th grade can observe voting at a poll site during the afternoon¹¹.

If your board has spare voting machines, they can also be set up to give students the chance to use the voting machine¹². The board would notify the school districts in your county at least four weeks before the election of where the machine is set up for the students’ use. If the schools would like to make the opportunity to use the machines available their students, they need to respond and let the board know.

As mentioned before, children accompanying their parents to vote is another method to engage people on voting even before they are of age to vote. Parents are allowed to bring their children

¹¹ ELN §8-106 (1)

¹² ELN §8-106 (2)

with them to observe them voting, so long as they provide appropriate supervision and the children do not interfere with voting¹³.

Public Notices of the Board

Throughout an election cycle, boards have specific legal responsibilities for publishing information regarding elections, questions to be voted on, and candidates. While some of these requirements can be fulfilled by posting information on the board's website, others require that notices be published in newspapers. Newspapers typically treat these notices as classified advertising, which incur a substantial cost, so you should plan and budget accordingly. However, it is possible that certain types of election information that you provide to the media can be treated as public service announcements or general press releases. For this reason, developing a working relationship with the media in your area is a mutually beneficial endeavor.

Notices about upcoming primary, special, and general elections must be published in newspapers within the week(s) before the voting day¹⁴. The notice should include:

- The date of the election
- The public officers that are on the ballot
- Party positions, if a primary
- Statement that a copy of the amendment or proposition can be obtained from the county board, if there is a constitutional amendment or statewide proposition on the ballot
- The abstract for any proposition to be voted on at the village election, if a notice for a village election

A list of candidates that are going to appear of the ballot must also be published at least six days before the election¹⁵. If possible, the list of candidates can be published with the notice for the election. Counties also need to provide a copy of their sample ballot to be public, either by publishing it in the newspapers, on the website, or by mailing it to voters¹⁶.

When counties hold local registration drives¹⁷, at the least during presidential years, they must publish the dates, hours, and locations where people can register to vote during the drive¹⁸.

¹³ ELN §8-106 (3)

¹⁴ ELN §§3-108 (2), 4-118, 4-120, 4-124

¹⁵ ELN §§4-122, 4-124

¹⁶ ELN §7-118 (3)

¹⁷ ELN §5-202

¹⁸ ELN §§4-119, 5-202 (4)

In addition to the election information that boards must provide notice about, board of elections are required to provide notice when public meetings are held. This is according to the New York State Open Meetings Law, which provides for the timing and manner in which public meetings are to be noticed¹⁹.

As discussed earlier, be sure to make the most use of your board's website for posting important information. It is recommended that information that is printed in the newspaper also be posted on the county board's website. This will allow the information to reach a broader group of people.

Media Relations

The media and boards of elections often have what can be described as a delicate relationship. This can be attributed to encounters usually occurring during your busiest times (i.e., Election Day and petition time), therefore, tensions can, and do, run high. However, the media can be very helpful in increasing voter awareness around how to register to vote, and where and when to vote. As a result of this, it is prudent to build relationships with your local media and share pertinent election deadlines and information with them. Below is some basic information on media expectations and guidelines on effective media relations.

Before Election Day

The State Board will advise media representatives that they are welcome at the polls, however, if they are planning on having representatives at the polls, they must first contact the county board of elections. Upon request, the board of elections will provide a letter of authorization allowing the media to be at the polling place, observe the canvass, and conduct exit polling. The letter will also prevent any possible misunderstandings between media representatives and inspectors. The most important thing to remember is that the board of inspectors is in control of the poll site. The media must have the inspectors' permission to enter a poll site and must remain outside the guardrails when in the poll site. Members of the media may not wear, display, or distribute any form of campaign material.

¹⁹ PBO §7-104

What to Expect on Election Day

On Election Day, the press tends to be viewed as the opponent. However, this is not the case, they are trying to do a job just like you. There are three main areas that the press focus on each election cycle: voter turnout, elections results, and exit polling.

One of the press's favorite questions on Election Day is, "How's the turnout?". Though technological advancements in systems used throughout New York have made this question easier to answer, counties may only be able to give a snapshot of voter turnout. Counties are required to track and report to the State Board the number people that voter each day during Early Voting²⁰. Electronic poll books and the absentee ballot tracking system have both helped provide a more accurate picture as well. Some electronic poll books come with features that counties can utilize that provide real-time updates on the number of voters that have checked in for poll sites that are using the electronic poll book system. The absentee tracking system allows counties to produce reports that will show how many voters have requested ballots, returned ballots, and had ballots counted when the report is pulled. Though counties do not need to guess as much as they have in the past, the information needs to be aggregated from different platforms and the most current numbers may not be at your fingertips when the press is asking. Thus, the press is not happy and the board of elections does not look as professional as it might, because it may not be able to answer such a question accurately.

For those of you who are unfamiliar with a turnout tracking system, a brief explanation is in order. Each board is asked to select five election districts which will provide a good representation of their county. The inspectors from those districts call in the number of people who have voted up to that point. The board already knows how many possible voters there are and so, with the information that is called in, are able to calculate a rough turnout for those persons calling in with this question. This is usually done at three different times on Election Day.

County boards are not required by law to participate in the turnout-tracking efforts. However, the benefits of participating outweigh the relatively small amount of time and effort needed respond to this type of question. It improves the perception that your board has its finger on the pulse of the electorate, encourages good media relations, and reduces the number of press calls concerning turnout. In the long-term it will also build a statistical database of turnout trends which can be useful in future projections (and even in budget and staff planning). Each year of participation will bring better, more accurate and reliable data. This will enable you to be more responsive to press inquiries in those years and build rapport with local reporters.

²⁰ NYCRR §6211.6 (i)

The press' other favorite inquiry is regarding the election results. Given the press is the public's major source for election results, it is important to develop a workable and reasonable arrangement for getting results to reporters on Election Night. It is prudent to remind the press and everyone who wants results on election night, that the numbers released are UNOFFICIAL and will remain so until the recanvass and certification of the election.

The many press representatives on Election Day are "stringers" for broadcast news affiliates. Major news networks and the wire services make these arrangements to gather election results quickly and relay them to other media and the public. Stringers often operate out of a county board and transmit the information back to their offices as quickly as it is provided. Reporters and stringers may also request to be present when votes are tallied at polling places. An effort should be made to accommodate this request since they, like you, are trying to do the job as best they can. However, accommodating the press does not mean letting them interfere with your job. If there are an excessive number of reporters, you may want to consider a "pool" arrangement.

Lastly, be prepared for requests to do exit polling. Exit polling cannot be conducted inside the polling place, however, it can be done outside the polling place, even within the 100-foot marker. The courts have held that exit polling does not constitute electioneering, so is acceptable within 100-feet of a poll site. Exit polling requests may be especially heavy during presidential years, particularly for the primary elections, however, there is no way of determining what election or public office might peak the media's interest in any given year.

Handling Press Inquiries and Talking to the Press

This is an area of public relations where there are many different effective strategies for interacting with the media. However, there are basic principles that form the foundation for all good media relations. Some of these principles include:

- Always tell the truth. This is probably the number one thing that should be remembered when talking to the press or public. You and your board risk damage and embarrassment by not telling the truth.
- Do not be afraid to say that you don't know the answer to a question. It is much better to say that you don't know than to "guess" and run the risk of giving incorrect information. Be frank with the reporter; explain that you don't know the answer but will find out and get the requested information as soon as possible. No one knows the answer to every question; you will look much less foolish saying you don't know than

you will giving incorrect information, and having it appear next to your name in bold print. Reporters also appreciate accuracy.

- If you do not want to read about it in the papers, hear it on the radio, or see it on TV, then do not say it to a reporter. This may sound like basic common sense, but it is important to remember.
- If you have time to prepare for a press interview, use it. You are rarely afforded the opportunity so be sure to take advantage. Normally you will have a general idea of the interview topic, so you should gather relevant background information and study it. Decide on your main points and how to most effectively communicate them.
- Often after you answer a reporter’s question there will be a prolonged silence. Do not fall into the trap of feeling obligated to fill that pause. If you have answered a question, stop and wait for the next one.
- Listen carefully when a reporter attempts to paraphrase your answers or statements. If a reporter says, “So what you are basically saying is...” make sure the paraphrase is accurate and challenge it if it is not. Do not let a reporter put words in your mouth.
- Be clear and concise. This is a simple but important principle, adhering to it will reduce the chances for confusion, misinformation, and incorrect quotes.
- If you feel compelled to provide information for historical or background purposes, but do not wish to have this information attributed to you, ask if you can speak “off the record” or “on background” before providing the information. If the reporter agrees, proceed, but be sure that you are back on the record for official publication purposes. Be careful with comments made on and off the record, and if you doubt the reporter’s intent to keep those comments confidential and to use them for enlightenment only, do not risk your integrity or professionalism in this way. It will make your life simpler if you try to avoid going “off the record” as much as possible.

Freedom of Information

The Freedom of Information Law was enacted with the idea that an open a government allows for a greater public understanding and participation in government. It allows people access to records on the decisions and policies of the government that affect them. Since boards of elections are government agencies, their records are public and are therefore covered by the Freedom of Information Law, which is found in the Public Officers Law. Various types of records and formats are subject to FOIL. These include, but are not limited to²¹:

- Reports

²¹ PBO §6-86 (4)

- Statements
- Memoranda
- Manuals
- Pamphlets
- Forms
- Maps
- Microfilms
- Computer tapes or discs
- Audio or visual recordings
- Data maintained electronically
- Paper Records

Requests are limited to existing records. An agency is not required under the law to create a record in response to a request. If the records do not exist, reply to the requestor and let them know the request cannot be fulfilled due to this reason.

If you have a website, you should post information about FOIL procedures, including contact information of the person from whom records may be obtained, the times and places such records are available for inspection and copying, and how to request records in-person, by mail or email. The posting must be linked to the Committee on Open Government website as well. Each agency is required to maintain²²:

- A record of the final vote of each member in every agency (board) proceeding in which the member votes
- A record setting forth the name, public office address, title and salary of every officer or employee of the agency (board)
- A reasonably detailed current list by subject matter, of all records in the possession of the agency (board), whether or not the records are accessible
 - The subject matter list should be updated annually with the dates of the most recent update conspicuously indicated on the list
 - The list should be posted on your website and the posting should be linked to the website of the Committee on Open Government

The board also needs to provide a way to accept FOIL requests via email using forms consistent with the forms developed by the Committee on Open Government²³. A sample of a FOIL request form and copy request form can be found in Appendix K.

²² PBO §6-87 (3)

²³ PBO §6-89 (3)(b)

Under FOIL, a records access officer or officers must be appointed to coordinate agency's response to public request for records²⁴; this person does not need to be an employee of the board. If your county or another county department has a records access officer, that person can be designated to handle your FOIL requests. County attorneys may also serve as the records access officer. Whenever an officer receives a request involving board records, the commissioners should be contacted to help process the request.

After receiving a written request for a record, the records access officer has five business days to provide the record, deny access to the record providing the reasons for denial in writing, or acknowledge in writing that the request was received and give the approximate date when the request will be granted²⁵. If the board is unable to provide the requested records within 20 business days of the acknowledgement, send a notice to the requestor stating why the request cannot be fulfilled in the 20-day period and when the request can be granted either in part or in full.

If voter information is being requested, the voter's license number, DMV non-driver photo ID number, social security number, or fax number cannot be released²⁶. NYSVoter's Voter Data Extract allows a voter's registration to be pulled up in the system without the protected information, so there is no need to redact the information before providing it. However, other systems may not have this feature. Before providing voter registration information, be sure to review it to ensure that it does not contain information that should be redacted.

For further information on open meetings, handling FOIL requests, and example FOIL requests and their responses, see the State Board's *Guidance on FOIL Requests and Open Meetings 7.15.2022 Final*. NYCRR §6202 also provides the regulations that the State Board uses for its FOIL requests.

Denial of Records

While the records are the board are public, there are specific types of records which may be exempt. If a requested records falls under one of the following categories you would deny the request²⁷.

- Are specifically exempted from disclosure by state or federal statute
- If disclosed would result in an unwarranted invasion of personal privacy

²⁴ PBO §6-87 (1)(b)(ii)

²⁵ PBO §6-89 (3)

²⁶ ELN §3-220 (1)

²⁷ PBO §6-87 (2)

- If disclosed would impair present or imminent contract awards or collective bargaining negotiations
- Are trade secrets, or are maintained for the regulation of commercial enterprise, and if disclosed would cause substantial injury to the subject enterprise
- Are compiled for law enforcement purposes and which if disclosed would:
 - Interfere with law enforcement investigations or judicial proceedings
 - Deprive a person of a right to a fair trial or impartial adjudication
 - Identify a confidential source or disclose confidential information relative to a criminal investigation
 - Reveal criminal investigative techniques or procedures, except routine techniques and procedures
- If disclosed could endanger the life or safety of any person
- Are inter-agency or intra-agency materials which are not:
 - Statistical or factual tabulations of data
 - Instructions to staff that affect the public
 - Final agency policy or determinations
 - External audits, including but not limited to audits performed by the comptroller and the federal government
- Are examination questions or answers that are requested prior to the final administration of such questions
- If disclosed would jeopardize an agency's ability to guarantee its information technology assets

FOIL denials must be made in writing and provide the name and address of the appeals officer²⁸. Failure to reply to a request would constitute a denial under the law and allow the requestor to proceed with an appeal.

Though it may not be a full denial of a FOIL request, keep in mind that information regarding confidential voters is not subject of FOIL and should not be included in records that are provided. For more information on handling confidential voters, see the "[Confidential Voters](#)" section.

Requests cannot be denied because they are large requests or locating, reviewing, or providing copies of the requested records is burdensome on the agency²⁹. If it will take time gather the records needed for a request, provide the requestor with a timeframe for when the request could be granted.

²⁸ PBO §6-89 (4)(a)

²⁹ PBO §6-89 (3)

Requests can be denied for being overly broad. If a request is overly broad, the requester can resubmit their FOIL with additional details on the documents they are requesting.

Appeals

As stated above, if access to a record is denied, the reason for the denial must be stated in writing and the records access officer must inform the individual of the right to appeal the denial. Any person denied access to a record may appeal within 30 calendar days³⁰.

After receiving an appeal, the agency head, governing body, or appeals officer has 10 business days to explain in writing why access has again been denied or grant access to the record³¹. Copies of all appeals, and the determinations made on those appeals, must be sent to the Committee on Open Government.

After the denial of an appeal, the requestor may seek judicial review of the denial. In court, the burden of proof will be on the board to prove that the record falls within one of the exceptions categories listed in the previous section to uphold the denial³². If the court overturns the denial, the requestor may receive reasonable attorneys' fees from your board for the denial³³.

Fees

As addressing FOIL requests does take time and resources, county boards are able to charge fees for providing records. If it takes more than two hours to prepare the requested records, counties can add the hourly salary of the lowest paid employee with the ability to prepare the request to the cost of the materials³⁴. If the county needs to engage an outside service to prepare the request, this can be added to the price charged to the requester. If an outside service or an employee will be spending more than two hours preparing the records, an estimate of the costs should be provided to the requestor.

If a request for identical records has been prepared in the previous six months and an electronic copy is available, it should be provided without a fee. Also, if requests for the same records come in from multiple people, before the request have been filled, the fees should be equally divided among the requestors³⁵.

³⁰ PBO §6-87 (4)(a)

³¹ PBO §6-87 (4)(a)

³² PBO §6-87 (4)(b)

³³ PBO §6-87 (4)(c)

³⁴ PBO §6-87 (1)(c)

³⁵ PBO §6-87 (1)(b)(iii)

An agency may charge up to \$0.25 per photocopy page of records up to 9 by 14 inches. Fees for copies of other records may be determined based on the cost of reproduction³⁶. The person requesting records can also be charged for the cost of storage devices or media provided them. Additional fees that the State Board charges for different forms of transmission can be found in NYCRR §6202.1 (o)-(r).

For further information on the Freedom of Information Law, contact the Committee on Open Government within the Department of State using the contact information found on the [Resource Directory](#), or call the State Board’s Public Information Office.

Open Meetings

Like the Freedom of Information Law, the Open Meetings Law is designed to provide transparency into the deliberations and decisions of public officials. County boards are required to allow public access to their annual reorganization meeting, hearings that determine ballot access, and other regularly scheduled meetings³⁷. When such meetings occur, public notice must be given, as mentioned under “[Public Notices of the Board](#),” minutes of meetings must be taken³⁸, and supporting documents, such as resolutions, proposals, regulations, or policies should be posted.

While meetings are required to be open to the public, either in-person or via video, public participation is not required. The board may decide whether the public is allowed to speak at meetings. In a similar vein, the public is allowed to photograph, record, or stream meetings. However, if such recording equipment is becoming intrusive and impacting the board’s ability to conduct business, you do retain the right to limit the equipment.

The public is always privy to motions involving an appropriation of public monies and the board cannot take formal action on the subject in an executive session. However, the public may not be privy to every discussion that a board needs to have. For such issues, the board would vote to move from a general open meeting to an executive session. There are restrictions for issues that would be prompt an executive session to be called. The following are subjects that can be discussed in executive session³⁹.

- Matters which will imperil the public safety if disclosed
- Any matter which may disclose the identity of a law enforcement agent or informer

³⁶ PBO §6-87 (1)(c)

³⁷ ELN §3-212

³⁸ PBO §7-106

³⁹ PBO §7-105

- Information relating to current or future investigation or persecution of a criminal offense which would imperil effective law enforcement if disclosed
- Discussions regarding proposed, pending, or current litigation
- Collective negotiations pursuant to Article 14 of the civil service law
- The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation
- The preparation, grading, or administration of examinations
- The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof

While the public does not attend the executive session, minutes should be taken of any action that is taken by formal voted and will be made available to the public after the meeting⁴⁰.

For further information, please see the *Guidance on FOIL Requests and Open Meetings 7.15.2022 Final* or the State Board.

⁴⁰ PBO §7-106 (3)

Reporting Requirements

Sections

- [Accessible Absentee Survey](#)
- [Annual Report](#)
- [Annual Statistical Survey](#)
- [Asset Management Maintenance Certification and Logs](#)
- [Continuity of Operations Plan](#)
- [Cyber Regulation Checklist](#)
- [Department of Justice Move Act Surveys](#)
- [Early Voting Communications Plan](#)
- [Early Voting Security Plan](#)
- [Grants](#)
- [Incident Response Contact List](#)
- [Manual Recount Survey](#)
- [Network Security Survey Checklist](#)
- [NVRA Dot-Coded Tracking Report](#)
- [Poll Site Survey](#)
- [Prevention of Public Release of Vote Results Prior to Election Day](#)
- [Procedure to Prevent Duplicate Voting](#)

The surveys, plans, and additional reports that are described in this section are collected by various units of the State Board. Templates for most of these are provided to the counties when the State Board requests the information, along with the date the surveys, plans, or reports is due.

Accessible Absentee Survey

The accessible absentee survey is collected after the primary and the general elections and gathers information on the number of accessible absentee ballots that were issued, received, counted, rejected, and reasons why any ballots were rejected. It also requests information on whether any complaints or feedback was received from voters with disabilities regarding the ballots. The Accessible Absentee Survey form can be found in Appendix J.

Annual Report

No later than January 31st each year, the county board must report to their legislative bodies on their activities and proceedings¹. A copy of this report needs to be filed with the State Board.

¹ ELN §3-212 (4)

The report needs to include a detailed section on programs to enhance voter registration, both the current status of programs and future activities and plans. These programs are designed to increase access to voter registration for the public, but particularly for sections of the population that have been historically underrepresented on the voter rolls. Programs also include outreach to schools, colleges, and universities in an effort to increase youth turnout and engagement in the electoral process.

Annual Statistical Survey

The State Board is required to compile and forward to the US Election Assistance Commission and the Federal Voting Assistance Commission, a report which details the impact and productivity of the NVRA. The Election Operations Unit have incorporated those reporting requirements into the annual survey documents you receive each year. The statistical summary and referenced documents outline data that must be tracked, maintained, and provided so that the Election Operations Unit can aggregate the reports for the federal entities accurately and on time. However, from time-to-time federal reporting requirements change and those changes must be accommodated by requesting new or different information from you. An example of the annual statistical survey has been included in Appendix J for your reference.

In many cases it may make sense for you to compile the requested data monthly, or weekly at bigger boards, so that annual reporting does not become a more tedious and burdensome project. To this end, the annual statistical report file will be available early in the year so that it can be worked on throughout the year. Periodic reminders will also be sent out noting which sections of the survey should now be able to be completed. The completed survey will be due back to the Election Operations Unit no later than January 31st of each year.

Please keep in mind that all records concerning the implementation of any procedure, policy, or activity related to ensuring the accuracy of voter registration lists must be available for public inspection and reproduction for at least two years (for example, names and addresses of persons to whom confirmation mailings were sent, and a record of voter responses to same).

Statistical Summary

Statistical summaries may include, but are not limited to the following:

- Financial summary
 - Budget and Primary and General election costs
 - Number of staff and salary

- Number of poll inspectors and salary
- Information on petition filings and caucuses
- Information on registration and enrollment
 - Number of registered voters
 - Number of registrations applications received and how and where from
 - Number of new registrants, transfers, enrollment changes, name changes duplicates, invalid
 - Number of registrations cancelled for each reason to cancel
 - Number of confirmation or cancellation notices sent
- Information on DMV and agency-based voter registration
 - Number of voters said they registered with DMV or an agency but were not on file
 - Number of voters that voted by court-order and affidavit ballot
 - Reason why voter may not have been on file
- Information on voter registration
 - Registration form inventory
 - Number of forms distributed and where
 - Postal and school programs
- Mail check information²
 - Number of cards mailed out
 - Number of cards returned and why
- Number of voters who contacted board regarding voter registration and why during primary and general
- Information on poll sites
 - Number of EDs
 - Number of poll sites and poll workers
 - Number of voters that used Early Voting sites
 - Number of poll sites that had multiple EDs
 - Number of voters with disabilities that asked and received assistance or brought someone to assist
- Information on HAVA ID verification during primary and general
 - Number of voters that needed to show ID
 - Number of voters that showed ID or voted by affidavit
- Information on optical scanners and BMDs
 - Number of scanners and BMDs used
 - Number of issues with scanners and BMDs and how they were dealt with
 - Number of spare scanners and BMDs for emergency

² ELN §4-117 (3)

- Electric poll books or paper poll books used and how
- Voter turnout
- Information regarding affidavit voting during primary and general
 - Number of valid and invalid affidavit ballots
 - Reason why affidavit ballots are valid or invalid
- Information on absentee ballots for primary and general
 - Number of military, special federal, active UOCAVA, permanent absentee, and absentee voters
 - Number of applications received
 - Number of ballots sent and returned
 - Number of ballots rejected and why
 - Number of court orders
 - Number of nursing homes visited, and ballots cast by voters at nursing homes
- Information on absentee and affidavit ballot cures for primary and general
 - Number of notices sent and returned
 - Number of notices not returned
 - Number of notices that were returned were found to be sufficient and insufficient

Asset Management Maintenance Certification and Logs

Each year counties are required to perform pre-qualification testing on all their voting systems³, provide copies of their maintenance log, and certify any testing done on the systems. The State Board Election Operations Unit will send out emails throughout the year to remind counties to provide their maintenance logs and the maintenance certification form. Identifying information of each voting system needs to be provided on the maintenance log, along with the type of testing that was performed on a system, whether the system passed, who performed the tests, which systems were repaired, new systems that were delivered, and which systems were disposed of. Information about the electronic poll books will also be entered onto the maintenance log. The maintenance certification form should be signed by the commissioners and provides the numbers and types of systems that were tested on a given date. The Maintenance Certification forms can be found in Appendix J. Please contact the Election Operations Unit for the Asset Management Log.

³ NYCRR §6210.2

Continuity of Operations Plan

County boards must submit a Continuity of Operation Plan each year no later than August 1st. This plan lays out a board's procedures for dealing with unexpected events that may impact its work at the office or voting at poll sites and should have procedures for a wide variety of scenarios from a ransomware attack or power failure at the board to a fire or flood at poll site. The plan should clearly state the roles of board employees or poll workers and their responsibilities to ensure the safety and security of people and equipment at the site and that operations can continue to the furthest extent possible.

Cyber Regulation Checklist

Each year, no later than August 1st, county boards are required submit a Cyber Regulation Checklist to the State Board. This checklist lays out the different required cyber security regulations and counties must specify they are meeting a given regulation. The Cyber Regulation Checklist can be found in Appendix j.

Department of Justice MOVE Act Surveys

When a federal election occurs the Department of Justice requires each county with a federal election to complete a survey regarding the transmission of ballots to Military, Special Federal, and Active UOCAVA voters. This survey is completed three time, once for the transmission of ballots 45 days prior to the election, once for the transmission of ballots between 45 and 15 days prior to the election, and once after the deadline for all Military, Special Federal, and Active UOCAVA ballots to have been received has passed. Counties must return the original copy of the survey to the Public Information Office.

The survey requires counties to report the number of UOCAVA ballots that were requested broken down by kind of UOCAVA voter they are and how they requested the ballot be sent to them. Then the counties must report when the ballots were transmitted and attest to whether all UOCAVA ballots that were requested were transmitted. Examples of the survey can be found in Appendix J.

Early Voting Communications Plan

The Early Voting Communications Plan specifies how the county is going to share information on Early Voting with the public⁴. This includes whether social media will be used, what media outlets are being used, whether information will be posted on the county board website and if there are additional methods of outreach or partners that will be used. This plan is due the State Board Public Information Office by May 1st of each year.

Early Voting Security Plan

County boards are required to complete an Early Voting Security Plan for each Early Voting site configuration⁵. This plan will detail how voted and unvoted ballots will be reconciled, how various election equipment will be secured, and what processes are done in a bipartisan manner. Amended plans or notification that no changes have been made need to be sent to the Election Operations Unit at the State Board no later than 60 days before an Early Voting period.

Grants

Federal and state grants are often available to county boards that they can use to cover costs for specified expenses. Grant programs vary in what expenses can be claimed, they can range from Early Voting expenses and electronic poll book systems to postage for absentee ballots, cybersecurity, poll worker training, and poll site improvement expenses. To make a claim, counties will need to submit paperwork including a claim for payment form, an invoice, receipt, or description of the goods or service, and proof of payment. Once the claim is approved, the payment will be submitted to the county's account attached to your vendor ID number. The Public Information Unit administers the grant money and can be contacted at grants@elections.ny.gov to learn what grants are available and more detailed information about the process for submitting claims. The Claim for Payment form can be found in Appendix J.

Federal HAVA Grants

Any equipment purchased with HAVA funds that has a value of over \$5,000 must be tracked until it is disposed. Photos, serial numbers, and information on the storage location of the equipment for items of \$5,000 or more must be submitted to the State Board of Elections for tracking purposes. HAVA grants include:

⁴ NYCRR §6211.7

⁵ NYCRR §6211.2

- **HAVA Education & Training:** can be used for voter education concerning voting procedures, voting rights and voting technology. Poll Worker Training can be used to train poll workers, provide training, etc.
- **HAVA Poll Site Improvement:** can be used to improve passenger drop off area, provide accessible ramps, etc.
- **HAVA “Shoebox” Funds:** can be used for any purpose supporting a federal election and the list of uses of this grant is widely permissible; that is how it got its nickname in New York. It was recommended that all receipts be saved in a “shoebox” and then at the end of the year the State Board would help counties determine which of the expenses could be claimed under this HAVA grant.

State Grants

- Early Voting Expansion
- Early Voting Aid to Localities
- E-Poll Book Capital Grant
- Absentee Postage
- Technology Innovation & Election Resource (TIER)
- Cybersecurity Remediation

Incident Response Contact List

As part of their incident response plans, county boards are required to identify clear roles and communication structure of people involved in the incident response plan as discussed in the “[Incident Response](#)” section. A contact list for the people who are involved in the incident response plan must be kept up to date and the State Board Secure Elections Center should be notified any time there is a change to the contact list⁶. Regardless of charges, counties must submit their contact list to the Secure Election Center at least twice a year, 90 days before a primary or general election. A template for the Incident Response Contact List can be found in Appendix J.

Manual Recount Survey

The Manual Recount Survey requests information on whether a county needed to conduct a manual recount. If a recount did occur, what condition triggered the manual recount, which

⁶ NYCRR §6220.3 (a)(10)

contest did it occur for, the number of ballots that had to be recounted, how long the process took, if there was a difference between the original machine count and the manual recount, and if the result of the contest changed. The Manual Recount Survey form can be found in Appendix J.

Network Security Survey Checklist

Counties that are using electronic poll book systems need to complete the Network Security Survey Checklist⁷. This provides a guideline for the counties on measures that should be in place to secure the network that will be used for the Early Voting electronic poll books. The checklist informs the State Board of the network security that is in place for each counties' electronic poll book system. The Network Security Survey Checklist can be found in Appendix J. Amended plans or notification that no changes have been made need to be sent to the Election Operations Unit at the State Board no later than 60 days before an Early Voting period.

NVRA Dot-Coded Tracking Report

County boards are required to complete tracking reports for coded mail-in (blue dot) registration forms and send them to the State Board. This report should cover the month prior and be sent into the State Board on the first of each month. Totals reflect the number of mail registration forms received by county boards from participating agency-based sites. The tracking report for the coded mail-in forms can be found in Appendix J.

Poll Site Survey

When a county board uses a new poll site or structural changes are made to an existing poll site, a poll site accessibility survey needs to be completed and sent to the State Board's Public Information Office. An evaluation of polling place accessibility should focus on those areas of a facility that are important to voting. These often include parking for voters, a drop off or landing area, the entrance to the polling place, and the pedestrian routes (both exterior and interior) that voters use to get to the voter check-in and voting area. The Poll Place Accessibility Survey is a checklist used both as a tool and as documentation.

The Department of Justice (DOJ) has provided guidance and educational resources on voting accessibility, such as a checklist for assessing polling places. The New York State Board of Elections has adopted this checklist to ensure all poll places meet the (DOJ) standard. The

⁷ NYCRR §§6211.2, 6211.6

checklist “survey” is designed to prompt the users on what to look at and where to measure. All answers and notes should be recorded on the checklist for use later in the planning process. When completed, the checklist should provide an indication of the level of accessibility at the polling place.

Poll place accessibility standards should include some of the items discussed below. For additional information, see the *Non-Technical Guide Describing Standards for Poll Site Accessibility*.

Things to Consider When Evaluating Polling Place Accessibility:

Signage: For wheelchair access, are there signs indicating the location of the wheelchair accessible entrance? If the main entrance is not the accessible entrance, are there signs pointing to the accessible entrance? Ensure signs are posted that will not be blown away or warped due to rain or snow.

Exterior Pathway: Ensure that the path is clearly marked and there are not any obstructions. Is the path of travel free of any objects, like window guards, signs, or overhangs that a person who has a vision disability might run into?

Ramps: Is there a ramp set up? Is the ramp stable? Is the transition from the ramp to the building less than ½”? Review the door handles. Can the handles be opened easily with a closed fist? Is an electric door opener or doorbell needed?

Interior Signage: Are there signs clearly marking the direction of the travel inside polling place? Is the interior hallway leading from the accessible entrance to the booths at least 36” wide? Is the hallway clear of protruding objects, debris, furniture, or other items that would make it too narrow for someone using a wheelchair or dangerous for someone using a cane to navigate?

Voting Area: Is there at least a 36-inch-wide aisle between voting booths? Are all electrical cords securely fixed to the ground? Is there 5’ clearance on 2 sides of the Ballot Marking Device and the ADA Accessible voting booth to allow wheelchair users to access the machine or booth? Do the screens for the BMDs and the accessible voting booths face the wall to ensure voters privacy?

A copy of the Department of Justice’s ADA Checklist for Polling Places can be found in Appendix G.

Prevention of Public Release of Vote Results Prior to Election Day

Counties that tabulate results from the early canvassing and from Early Voting before the close of polls on Election Day must submit a Procedure to Prevent Public Release of Election Results⁸. This procedure will detail how a county plans to ensure that results that have been tabulated will not be released until after the close of polls on Election Night. This includes ensuring that any lawfully present watchers will be unable to communicate with people outside of the canvass until 9 p.m. on Election Night. Amended plans or notification that no changes have been made need to be sent to the Election Operations Unit at the State Board no later than 60 days before an Early Voting period.

Procedure to Prevent Duplicate Voting

Counties must take steps to ensure that voters that have requested an absentee ballot or have chosen to cast their vote during Early Voting are not able to cast a ballot multiple times⁹. This procedure will detail how a county will use such things as voter registration and electronic poll book systems to track who has been sent an absentee ballot and whether a voter has checked in to vote for the current election before. The procedure will detail how the county will issue affidavit ballots to voters that do appear at a poll site when the electronic book system shows an absentee ballot has been issued or that the voter has already voted. Amended plans or notification that no changes have been made need to be sent to the Election Operations Unit at the State Board no later than 60 days before an Early Voting period.

⁸ ELN §9-209 (2)(d), NYCRR §6211.2 (b)

⁹ ELN §9-209 (2)(d), NYCRR §6211.6

Judicial Proceedings

Election Law Article 16 generally defines who may institute a proceeding, what court hears it, sets deadlines, etc.

Various sections of Article 16 pertain to certain other provisions of the Election Law and other chapters of this guide, such as election results, ballot access processes and documents, etc. A check of the contents listing at the beginning of Article 16 will indicate whether or not relevant topics and directives can be found there.

Hopefully, a county board will not have to be involved in court proceedings, but ranking board officials should be generally familiar with the Article, and carefully read appropriate sections when occasions arise. Note especially the various things that a board can be directed to do or supply to a court. Consult the State Board at any time, for direction or advice in this area of your operations.

Additional information on common actions that can be brought and could lead to judicial proceedings can be found in the *Election Law Update*. The Table Summarizing Actions clearly lays out this information.

Enforcement

Sections

[Handling Violations of the Elective Franchise](#)

[Handling HAVA Complaints](#)

County boards have duties relating to New York State Election Law mandates. For a full understanding of legal obligations and responsibilities, refer to the Election Law, related Rules and Regulations, and the *Formal Opinions of the State Board of Elections*. Enforcement powers are conferred upon county boards pursuant to Election Law §3-104.

It is a county board's responsibility to take steps to prevent violations of the election process. A few examples of effective preventive measures include:

- Eliminating electioneering from poll sites
- Conducting public information campaigns to inform people of their voting rights and instituting safeguards to protect those rights
- Ensuring compliance with the Help America Vote Act (HAVA)

Handling Violations of the Elective Franchise (Election Law Article 17)

County boards have the responsibility to accept, process, and resolve complaints relative to the elective franchise and are encouraged to develop a manual of procedures for addressing complaints.

If complainants are not satisfied with the actions or opinions of a county board, they often file complaints with the State Board. If it is determined that the matter is an operational one, the State Board will contact the county board for information. Some of these matters can be handled with a phone call and others require on-site discussions.

When the complaint rises to the level that the county board is unable to resolve it, the complaint may be referred to the State Board, along with an explanation of the county board's attempts to resolve the complaint. County boards must forward any books, records, documents, or other evidence obtained by the county board relative to the complaint.

Complaints relating to violation of the elective franchise may include, but are not limited to:

- Misdemeanors at, or in connection with, primary elections, caucuses, enrollment in political parties, committees, and conventions
- False registration
- Misconduct of election officers
- False affidavits; mutilation, destruction or loss of registry list or affidavits
- Misdemeanors concerning police commissioners or officers or members of any police force
- Soliciting media support
- Failure to furnish information; false information
- Removal, mutilation or destruction of election booths, supplies, poll-lists or cards of instruction
- Refusal to permit employees to attend election
- Misconduct in relation to certificate of nomination and official ballot
- Misconduct in relation to petitions
- Failure to deliver official ballots
- Misconduct of election officers
- Violations of election law by public officer or employee
- Misdemeanor in relation to elections
- Illegal voting
- Unlawful use of pasters (a slip of paper pasted over something, such as the name on a ballot)
- False returns; unlawful acts respecting returns
- Furnishing money or entertainment to induce attendance at polls
- Giving consideration for franchise
- Receiving consideration for franchise
- Offender a competent witness; witnesses' immunity
- Bribery or intimidation of elector in military service of United States
- Duress and intimidation of voters
- Conspiracy to promote or prevent election
- Pernicious political activities
- Political assessments
- Procuring fraudulent documents in order to vote
- Judicial candidates not to contribute
- Political contributions by owners of polling places prohibited
- Crimes against the elective franchise not otherwise provided for
- Destroying or delaying election returns

Handling HAVA Complaints

The Help America Vote Act (HAVA) of 2002 mandated that New York State establish a uniform, nondiscriminatory administrative complaint procedure that allows voters to remedy grievances. This procedure can be found in Election Law §3-104 and NYCRR §6216. HAVA complaints can relate to:

- Voting system standards
- Provisional voting and voting information requirements
- Computerized statewide voter registration list requirements
- Voters who register by mail

For detailed information, refer to the *HAVA Complaint Procedure- County Board Edition*.

Informal HAVA Complaints

County boards are encouraged to resolve complaints at the local level where appropriate. Any person who believes that there is a violation of any provision of Title III of HAVA, which has occurred, is occurring, or is about to occur, may file an Informal Complaint. Such complaints may be made to the appropriate county board of elections or the State Board of Elections in-person, by telephone, or in writing. Pursuant to law, the county board must assist any person with a disability, who requests assistance, to file an Informal Complaint. As a practical matter, the board should provide assistance to all persons requesting assistance.

Any Informal Complaint made to a county board of elections shall be addressed by election officials expediently and informally whenever possible. The county board shall notify the State Board Counsels Office of the receipt of a HAVA Informal Complaint by sending a copy of the completed HAVA Informal Complaint form (HAVA INF-1) to the Deputy Counsels.

Whenever a county board resolves a HAVA Informal Complaint, it should either provide the State Board with a copy of the county board's formal determination resolving the complaint **or**, if a formal determination has not been issued, a detailed outline of the steps taken to resolve the complaint.

If the county board is unable to resolve the Informal Complaint, the State Board should be notified. The notice must include a detailed outline of the steps taken by the county board to resolve the complaint and the reason(s) it was unable to be resolved.

Formal HAVA Complaints

Any person who believes that there is a violation of any provision of Title III of HAVA, which has occurred, is occurring, or is about to occur, may file a Formal Complaint. Any person wishing to file a formal complaint should be directed to the Deputy Counsels at the State Board of Election. Formal Complaints must be in writing, signed and sworn or affirmed by the Complainant and filed with the State Board Counsels Office. Any Formal Complaints (HAVA-1) received by the county boards must be forwarded to the State Board immediately upon receipt.

Pursuant to law, the county board must assist any person with a disability, who requests assistance, to make a Formal Complaint. As a practical matter, the board should provide assistance to all persons requesting assistance.

Resource Directory

New York State Board of Elections

40 North Pearl Street, Suite 5

Albany, NY 12207

Phone: 518-474-6220

Web Site: elections.ny.gov

Executive

Kristen Zebrowski Stavisky, Co-Executive Director P: 518-474-8100

Tom Connolly, Deputy Executive Director

Raymond Riley, Co-Executive Director P: 518-474-6236

Brendan Lovullo, Deputy Executive Director

F: 518-486-4068

Counsel's Office & Compliance

Brain Quail, Co-Counsel P: 518-474-6367

Vacant, Co-Counsel P: 518-474-2063

Campaign Finance Unit Call Center P: 518-474-8200

F: 518-486-6627

Enforcement

Michael Johnson, Chief Enforcement Counsel P: 518-486-7858

F: 518-457-5247

Election Operations

Amy Hild, Director of Election Operations P: 518-473-5086

Vacant, Deputy Director of Election Operations F: 518-486-4546

Public Information

Kathleen McGrath, Director of Public Information P: 518-474-1953

Jennifer Wilson, Deputy Director of Public Information F: 518-473-8315

Coordinator of NVRA Operations

Vacant, Coordinator of Special Projects P: 518-474-1953

Vacant, Coordinator, NVRA Operations F: 518-473-8315

Public Campaign Finance

Cheryl Couser, Program Manager
Carl Zeilman, Program Manager
Nicholas Cartagena, Co-Counsel
Bill McCann, Co-Counsel

P: 518-473-2784

F: 518-473-0873

Information Technology Unit

Mike Haber, Chief Information Officer
Hope Hardwick, Deputy Chief Information Officer
Ben Spear, Chief Information Security Officer
ITU Help Desk

P: 518-473-4803

F: 518-402-2393

NYSBOE Secure Elections Center

P: 833-292-3769

Civic Roundtable Community Platform

civicroundtable.com

New York State Consolidated Laws

nysenate.gov/legislation/laws/CONSOLIDATED

New York State Chapter Laws

public.leginfo.state.ny.us/navigate

**New York State Division of Homeland Security and
Emergency Services Cyber Incident Response Team (CIRT)**

P: 844-628-2478

**New York State Department of State
Committee on Open Government (Freedom of Information)**

One Commerce Plaza
99 Washington Avenue, Suite 650
Albany, NY 12231

dos.ny.gov

opengovernment.ny.gov

P: 518-474-2518

F: 518-474-1927

New York State Department of Motor Vehicles

dmv.ny.gov

DMVMotorVoter@dmv.ny.gov

US Election Assistance Commission

633 3rd Street NW, Suite 200
Washington, DC 20001

eac.gov

P: 866-747-1471 toll free

P: 301-563-3919

F: 301-734-3108

Federal Voting Assistance Program

Department of Defense
4800 Mark Center Drive, Suite 05E22
Alexandria, VA 22350-5000

fvap.gov
vote@fvap.gov
P: 800-438-8683 toll free

Federal Election Commission

1050 First Street, NE
Washington, DC 20463

fec.gov
P: 800-424-9530 toll free
P: 202-694-1100

US Census Bureau

4600 Silver Hill Road
Washington, DC 20233

census.gov
P: 800-923-8282 toll free
P: 301-763-4636

HATCH Act

1730 M Street NW, Suite 218
Washington, DC 20036

osc.gov
hatchact@osc.gov
P: 800-854-2824 toll free
P: 202-804-7002
F: 202-254-3700

SARA – State Archives and Records Administration

Local Government Records Services
Cultural Education Center, Room 10A63
Empire State Plaza
Albany, NY 12230

archives.nysed.gov
archinfo@nysed.gov
P: 518-474-6926

Commission on Judicial Conduct

Empire State Plaza
Corning Tower, Suite 2301
Albany, NY 12223

scjc.state.ny.us
cjc@cjc.ny.gov
P: 518-453-4600
F: 518-229-1757

Judicial Campaign Ethics Center

Office of Court Administration
25 Beaver Street, Room 867
New York, NY 10004

nycourts.gov/ip/jcec
JCEC@nycourts.gov
P: 888-600-5232
F: 212-401-9029

New York State Commission on Ethics and Lobbying in Government

540 Broadway
Albany, NY 12207

ethics.ny.gov
ethics.ny.gov/contact-us
P: 518-408-3976

Legislative Ethics Committee

Alfred E. Smith Building, Suite 1431
Legislative Office Building, Box 75
Albany, NY 12247

legethics.ny.gov
P: 518-432-7837 or 7838