



New York State Board of Elections

PROPOSED RESOLUTION 26-12

Resolution to Adopt Amendments to Section 6210.13(a)(12) of 9 NYCRR Subtitle V Related to Standards for Determining Valid Write In Votes, Pursuant to State Administrative Procedures Act (SAPA) § 202

WHEREAS, by the unanimous vote of the Commissioners present at a meeting held on December 9, 2025, the New York State Board of Elections, pursuant to the authority of Election Law §§ 3-102(1), 3-102(17), and 8-308(2), resolved to authorize Counsel's Office to file Proposed Rule Making with the New York Department of State related to standards for determining valid write in votes; and

WHEREAS, the notice of proposed rulemaking amending Section 6210.13(a)(12), with accompanying submissions as required by law, were duly filed with the Department of State and thereafter duly published in the New York State Register on June 17, 2026 (I.D. No. SBE-24-26-00024-P); and

WHEREAS, subsequent to the publication of proposed rulemaking, no public comments have been received and the statutory time period for comments has passed; and

WHEREAS, no amendments to the proposed rulemaking are proposed;

NOW THEREFORE BE IT RESOLVED that the amendments to Section 6210.13, attached hereto, is hereby adopted and the Office of Counsel is authorized to file a Notice of Adoption indicating that such Section shall be effective upon publication in the New York State Register, and that further authority is granted to the Office of Counsel to file such other documents as may be required for the publication of such Notice of Adoption in the New York State Register and to effectuate the amendments to Section 6210.13(a)(12) of Title 9 of the NYCRR.

9 NYCRR 6210.13(a)(12) is amended to read as follows:

(12) Write-in votes are votes cast for a person or persons whose name(s) do not appear on the official ballot.

(i) ~~[Write-in votes for persons whose names appear on the official ballot for that office or party position shall not be counted.]~~Any write-in vote for a candidate whether or not such candidate's name is on the ballot for that contest shall be counted for such candidate unless such write-in vote creates an invalid overvote in the contest.

(ii) A write-in vote may be cast by the use of a name stamp.

(iii) A write-in vote must be cast in the appropriate place on the machine, or it shall be void and not counted.

(iv) A voter need not write in the first and last name of a candidate in every situation; the standard is whether the election inspectors can reasonably determine the intent of the voter when they cast their ballot.