

7371

I N   S E N A T E

May 14, 2014

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Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend chapter 3 of the laws of 2011 amending the election law relating to the number and use of voting machines in village elections, chapter 170 of the laws of 2011 amending the town law relating to the types of voting machines used in certain elections and chapter 359 of the laws of 2010 amending the education law relating to use of lever voting machines, in relation to making the provisions of such chapters permanent; to amend the election law, the town law, and the education law, in relation to the use of voting machines in certain elections and to repeal sections 3 and 6 of chapter 170 of the laws of 2011 amending the town law relating to the types of voting machines used in certain elections relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 2 of chapter 3 of the laws of 2011 amending the  
2     election law relating to the number and use of voting machines in  
3     village elections, as amended by chapter 482 of the laws of 2012, is  
4     amended to read as follows:  
5     S 2. This act shall take effect immediately [and shall expire and be  
6     deemed repealed December 31, 2014].  
7     S 2. Section 7 of chapter 170 of the laws of 2011 amending the town  
8     law relating to the types of voting machines used in certain elections,  
9     as amended by chapter 482 of the laws of 2012, is amended to read as  
10    follows:  
11    S 7. This act shall take effect immediately [provided, however, that  
12    sections one, two, four and five of this act shall expire and be deemed  
13    repealed December 31, 2014, when upon such date the provisions of  
14    sections three and six of this act shall take effect].  
15    S 3. Sections 3 and 6 of chapter 170 of the laws of 2011 amending the  
16    town law relating to the types of voting machines used in certain  
17    elections are REPEALED.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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1 S 4. Section 8 of chapter 359 of the laws of 2010 amending the educa-  
2 tion law relating to the use of lever voting machines, as amended by  
3 chapter 482 of the laws of 2012, is amended to read as follows:

4 S 8. This act shall take effect immediately [and shall expire and be  
5 deemed repealed December 31, 2014].

6 S 5. Section 15-114 of the election law is amended by adding a new  
7 subdivision 3 to read as follows:

8 3. SHOULD THE VILLAGE UTILIZE SUCH MECHANICAL LEVER VOTING MACHINES IN  
9 ANY ELECTION, THE VILLAGE MUST ALSO PROVIDE AT LEAST ONE VOTING SYSTEM  
10 THAT MEETS THE REQUIREMENTS OF PARAGRAPHS A, B, AND C OF SUBDIVISION TWO  
11 OF SECTION 7-202 OF THIS CHAPTER. THE VILLAGE NEED ONLY MAKE SUCH VOTING  
12 SYSTEM AVAILABLE IN ONE POLLING PLACE; HOWEVER, IT MUST BE ACCESSIBLE TO  
13 ALL VOTERS WITHIN THE VILLAGE THAT REQUIRE THE USE OF SUCH SYSTEM.

14 S 6. Section 212 of the town law, as amended by chapter 170 of the  
15 laws of 2011, is amended to read as follows:

16 S 212. Annual election and notice thereof. The district commissioners  
17 of such improvement district shall publish at the expense of the  
18 district the notice of each election of improvement district commission-  
19 ers held pursuant to this article. Such notice shall be published at  
20 least once in one or more newspapers having general circulation in the  
21 district and the first publication thereof shall be at least twenty days  
22 before the day of such election. The notice of annual election shall  
23 specify the time when and the place or places where such election shall  
24 be held and the hours during which the polls will be open for the  
25 receipt of ballots. Notice of such election shall also be posted on the  
26 websites of the district and the town in which the district is located,  
27 if such websites are maintained, on the signboard of the town, and  
28 conspicuously posted in three or more designated public locations within  
29 the district, on or about the day on which such notice is published.  
30 Such election shall be held at a suitable place or places within the  
31 district designated by the district commissioners and the polls shall  
32 remain open from six o'clock in the evening until nine o'clock in the  
33 evening and such additional consecutive hours prior thereto as the  
34 district commissioners may determine and specify in the notice of such  
35 election. The board of commissioners of such district shall designate  
36 for each district election not less than two nor more than four resident  
37 taxpayers to act as election inspectors and ballot clerks for each  
38 designated polling place. The board of commissioners shall fix the  
39 compensation of such election inspectors and ballot clerks in an amount  
40 not to exceed ten dollars per hour each for every hour or part thereof  
41 of such service and such compensation shall be a charge against the  
42 district. The board of commissioners shall cause to be prepared the  
43 ballots for all elections, and may authorize the use of voting machines,  
44 including lever voting machines, at any annual or special election of  
45 the district. When using voting machines as described in article seven  
46 of the election law, such voting machines shall be used in accordance  
47 with the provisions contained in article nine of the election law.  
48 SHOULD THE BOARD OF COMMISSIONERS UTILIZE SUCH MECHANICAL LEVER VOTING  
49 MACHINES IN ANY ELECTION, THE BOARD OF COMMISSIONERS MUST ALSO PROVIDE  
50 AT LEAST ONE VOTING SYSTEM THAT MEETS THE REQUIREMENTS OF PARAGRAPHS A,  
51 B, AND C OF SUBDIVISION TWO OF SECTION 7-202 OF THE ELECTION LAW. THE  
52 BOARD OF COMMISSIONERS NEED ONLY MAKE SUCH VOTING SYSTEM AVAILABLE IN  
53 ONE POLLING PLACE; HOWEVER, IT MUST BE ACCESSIBLE TO ALL VOTERS WITHIN  
54 THE IMPROVEMENT DISTRICT THAT REQUIRE THE USE OF SUCH SYSTEM. Provided,  
55 however, that nothing in this section shall be construed to require the  
56 board of elections to maintain the care, custody or control of lever

1 voting machines. After the polls shall have been closed at any election,  
2 the election inspectors and ballot clerks at each polling place shall  
3 immediately canvass the ballots cast and shall publicly announce the  
4 result of the vote at that polling place. Within twenty-four hours the  
5 chairman of the board of commissioners, election inspectors and ballot  
6 clerks shall execute and file a certificate of the result of the canvass  
7 with the board of commissioners of the improvement district and with the  
8 clerk of the town in which said district is located.

9 S 7. Subdivision 29 of section 176 of the town law, as amended by  
10 chapter 170 of the laws of 2011, is amended to read as follows:

11 29. May authorize the use of voting machines, including lever voting  
12 machines, at any annual or special election held within the fire  
13 district. When using voting machines as described in article seven of  
14 the election law, such voting machines shall be used in accordance with  
15 the provisions contained in article nine of the election law. SHOULD  
16 THE BOARD OF FIRE COMMISSIONERS UTILIZE SUCH MECHANICAL LEVER VOTING  
17 MACHINES IN ANY ELECTION, THE BOARD OF FIRE COMMISSIONERS MUST ALSO  
18 PROVIDE AT LEAST ONE VOTING SYSTEM THAT MEETS THE REQUIREMENTS OF PARA-  
19 GRAPHS A, B, AND C OF SUBDIVISION TWO OF SECTION 7-202 OF THE ELECTION  
20 LAW. THE BOARD OF FIRE COMMISSIONERS NEED ONLY MAKE SUCH VOTING SYSTEM  
21 AVAILABLE IN ONE POLLING PLACE; HOWEVER, IT MUST BE ACCESSIBLE TO ALL  
22 VOTERS WITHIN THE FIRE, FIRE ALARM AND FIRE PROTECTION DISTRICTS THAT  
23 REQUIRE THE USE OF SUCH SYSTEM. Provided, however, that nothing in this  
24 section shall be construed to require the board of elections to maintain  
25 the care, custody or control of lever voting machines.

26 S 8. Paragraph g of subdivision 2 of section 1951 of the education  
27 law, as amended by chapter 359 of the laws of 2010, is amended to read  
28 as follows:

29 g. If the board of cooperative educational services shall so deter-  
30 mine, voting machines, including lever voting machines, may be used for  
31 recording the vote at such meeting. Before any such machine is used at  
32 any such meeting, the inspectors of election shall examine it and see  
33 that all the counters are set at zero (000) and that the ballot labels  
34 are properly placed, and that the machine is in all respects in proper  
35 condition for use. The use of such machine shall be deemed a compliance  
36 with any provision of law requiring the vote to be by ballot. The board  
37 of cooperative educational services may purchase the necessary voting  
38 machine or machines; or if the county board of elections shall consent  
39 thereto, such machines belonging to the county or belonging to the town  
40 in which any part of said board of cooperative educational services  
41 shall be located may be used at any such meeting, the expense of deliv-  
42 ery and returning and setting up, and any other expense connected there-  
43 with shall be defrayed by the board of cooperative educational services;  
44 but such machines belonging to the county shall not be so used at the  
45 time or times when they may be required under the election law. SHOULD  
46 THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES UTILIZE SUCH MECHANICAL  
47 LEVER VOTING MACHINES IN ANY ELECTION, SUCH BOARD MUST ALSO PROVIDE AT  
48 LEAST ONE VOTING SYSTEM THAT MEETS THE REQUIREMENTS OF PARAGRAPHS A, B,  
49 AND C OF SUBDIVISION TWO OF SECTION 7-202 OF THE ELECTION LAW. THE BOARD  
50 OF COOPERATIVE EDUCATIONAL SERVICES NEED ONLY MAKE SUCH VOTING SYSTEM  
51 AVAILABLE IN ONE POLLING PLACE; HOWEVER, IT MUST BE ACCESSIBLE TO ALL  
52 VOTERS WITHIN THE SCHOOL DISTRICT THAT REQUIRE THE USE OF SUCH SYSTEM.  
53 Nothing in this subdivision shall be construed to require the board of  
54 elections to maintain the care, custody or control of lever voting  
55 machines.

1 S 9. Subdivision 1 of section 2035 of the education law, as amended by  
2 chapter 359 of the laws of 2010, is amended to read as follows:

3 1. If the trustees or board of education of any school district shall  
4 so determine, voting machines, including lever voting machines, may be  
5 used for recording the vote on elections and questions, or either, at  
6 the school district meetings or elections, annual and special, or  
7 either, in such district. Before any such machine is used at any such  
8 meeting or election, the inspectors of election shall examine it and see  
9 that all the counters are set at zero (000) and that the ballot labels  
10 are properly placed, and that the machine is in all respects in proper  
11 condition for use. The use of such machine shall be deemed a compliance  
12 with any provision of law requiring the vote to be by ballot. Such trus-  
13 tees or board of education, with district funds available, may purchase  
14 the necessary voting machine or machines; or, if the county board of  
15 elections shall consent thereto, such machines belonging to the county  
16 or belonging to the town in which any part of said school district shall  
17 be located, may be used at any such meeting, the expense of delivery and  
18 returning and setting up, and any other expense connected therewith, to  
19 be defrayed by the school district; but such machines belonging to the  
20 county shall not be so used at the time or times when they may be  
21 required under the election law. SHOULD THE TRUSTEES OR BOARD OF EDUCA-  
22 TION UTILIZE SUCH MECHANICAL LEVER VOTING MACHINES IN ANY ELECTION, SUCH  
23 TRUSTEES OR BOARD MUST ALSO PROVIDE AT LEAST ONE VOTING SYSTEM THAT  
24 MEETS THE REQUIREMENTS OF PARAGRAPHS A, B, AND C OF SUBDIVISION TWO OF  
25 SECTION 7-202 OF THE ELECTION LAW. THE TRUSTEES OR BOARD OF EDUCATION  
26 NEED ONLY MAKE SUCH VOTING SYSTEM AVAILABLE IN ONE POLLING PLACE; HOWEV-  
27 ER, IT MUST BE ACCESSIBLE TO ALL VOTERS WITHIN THE SCHOOL DISTRICT THAT  
28 REQUIRES THE USE OF SUCH SYSTEM. Nothing in this subdivision shall be  
29 construed to require the board of elections to maintain the care, custo-  
30 dy or control of lever voting machines.

31 S 10. This act shall take effect immediately.