

STATE OF NEW YORK

8941

IN ASSEMBLY

January 2, 2020

Introduced by M. of A. EPSTEIN -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to the recanvass of ballots in certain election contests

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 9-208 of the election law is amended by adding a
2 new subdivision 4 to read as follows:

3 4. The board of elections or the committee thereof shall manually
4 recount all ballots for a particular contest if the margin of victory in
5 the contest is equal to or less than:

6 (a) two votes where there are less than one hundred ballots cast;

7 (b) two plus one percent (1.0%) of the number of ballots more than one
8 hundred, where there are more than one hundred and less than one thou-
9 sand ballots cast;

10 (c) eleven plus one half of one percent (0.5%) of the number of
11 ballots more than one thousand, where there are one thousand and less
12 than one hundred thousand ballots cast;

13 (d) five hundred six plus one quarter of one percent (0.25%) of the
14 number of ballots more than one hundred thousand, where there are one
15 hundred thousand and less than five hundred thousand ballots cast;

16 (e) fifteen hundred six plus one tenth of one percent (0.1%) of the
17 number of ballots more than five hundred thousand, where there are five
18 hundred thousand and less than two million ballots cast;

19 (f) three thousand six plus one twentieth of one percent (0.05%) of
20 the number of ballots more than two million, where there are more than
21 two million ballots cast. Where the contest involves portions of two or
22 more counties, the margin of victory shall be determined by the state
23 board of elections based on the most recent recanvass results for the
24 contest submitted by the boards of elections of the counties involved.
25 The result of the manual recount of ballots shall supersede the returns
26 filed by the inspectors of election of the election district in which
27 the canvass was initially made. The losing candidate in a contest that
28 meets the criteria set forth in this subdivision may waive the manual
29 recount by giving written notice to the board of elections.

30 § 2. This act shall take effect immediately.

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

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