

STATE OF NEW YORK

829

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

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

AN ACT to amend the election law, in relation to the examination of voting machines by the state board of elections

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

1 Section 1. Subdivisions 1 and 3 of section 7-201 of the election law,
2 as amended by chapter 181 of the laws of 2005, are amended to read as
3 follows:

4 1. Any person or corporation owning or being interested in any voting
5 machine or system may apply to have the state board of elections examine
6 such machine or system. Such applicant shall pay to the board before the
7 examination a fee equal to the cost of such examination. The state board
8 of elections shall cause the machine or system to be examined and a
9 report of the examination to be made and filed in the office of the
10 state board. Such examination shall include a determination as to wheth-
11 er the machine or system meets the requirements of section 7-202 of this
12 title and a thorough review and testing of any electronic or computer-
13 ized features of the machine or system. Such report shall state an opin-
14 ion as to whether the kind of machine or system so examined can safely
15 ~~[and]~~, properly, and securely be used by voters and local boards of
16 elections at elections, under the conditions prescribed in this article
17 and the requirements of the federal Help America Vote Act. If the report
18 states that the machine or system can be so used, and the board after
19 its own examination so determines, in accordance with subdivision four
20 of section 3-100 of this chapter, the machine or system ~~[shall]~~ may be
21 deemed approved, and machines or systems of its kind may be adopted for
22 use at elections as herein provided. The state board of elections, in
23 its discretion, may reject the use of a machine or system on the grounds
24 that it is not proper, safe, or secure even if such machine or system

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

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1 meets the requirements of section 7-202 of this title. The voting
2 machine or system shall be examined by examiners or testing laboratories
3 to be selected for such purpose by the state board. Each examiner or
4 laboratory shall receive compensation and expenses for making an exam-
5 ination and report as to each voting machine or system examined by him
6 or it. Neither any member of the state board of elections nor any exam-
7 iner or owner or employee of any testing laboratory, shall have any
8 pecuniary interest in any voting machine or system. Any form of voting
9 machine or system not so approved, cannot be used at any election.

10 3. If at any time after any machine or system has been approved pursu-
11 ant to the provisions of subdivision one or two of this section, the
12 state board of elections has any reason to believe that such machine or
13 system does not meet all the requirements for voting machines or systems
14 set forth in this article, it shall forthwith cause such machine or
15 system to be examined again in the manner prescribed by subdivision one
16 of this section. If the opinions in the report of such examinations do
17 not state that such machine or system can safely ~~and~~, properly and
18 securely be used by voters at elections under the conditions prescribed
19 by this article, the state board of elections shall forthwith rescind
20 its approval of such machine or system. After the date on which the
21 approval of any machine or system is rescinded, no machines or systems
22 of such type may be purchased for use in this state. The state board of
23 elections shall examine all machines or systems of such type which were
24 previously purchased, to determine if they may continue to be used in
25 elections in this state.

26 § 2. This act shall take effect immediately.