

# STATE OF NEW YORK

5934

2023-2024 Regular Sessions

## IN ASSEMBLY

March 24, 2023

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

AN ACT to amend the election law, in relation to enacting the "voting  
integrity and verification act of New York (VIVA NY)"

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

1 Section 1. This act shall be known and may be cited as the "voting  
2 integrity and verification act of New York (VIVA NY)".

3 § 2. Section 1-104 of the election law is amended by adding a new  
4 subdivision 40 to read as follows:

5 40. Notwithstanding any other provision of law, the term "nontabulat-  
6 ing ballot marking device or system" means a voting machine or system  
7 that can mark a voter's selections on a paper ballot, but is not  
8 intended, designed or constructed to count votes.

9 § 3. Subdivision 26 of section 7-104 of the election law, as added by  
10 chapter 411 of the laws of 2019, is amended to read as follows:

11 26. All paper ballots of the same kind for the same [~~polling place~~]  
12 election district shall be identical. Each voter is entitled to the use  
13 of an individual, durable, voter verifiable paper ballot of the voter's  
14 vote that shall be privately and independently marked in the polling  
15 place and made available for private and independent inspection and  
16 verification by the voter before the voter's vote is cast and counted,  
17 and provide for the voter's ability to privately and independently  
18 change such votes or correct any error before the ballot is cast and  
19 counted. For the purposes of this subdivision, the term "individual,  
20 voter verifiable paper ballot" means either (a) a paper ballot marked by  
21 the voter by hand; or (b) a paper ballot marked through the use of a  
22 nontabulating ballot marking device or system; provided that voters  
23 shall have both options available in every polling place, and further  
24 provided that machines purchased prior to the effective date of this  
25 subdivision that are intended, designed and constructed to mark, tabu-

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

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1 late or mark and tabulate individual voter verifiable paper ballots may  
2 continue to be used.

3 § 4. Subdivision 3 of section 7-106 of the election law as amended by  
4 chapter 411 of the laws of 2019, is amended to read as follows:

5 3. All paper ballots of the same kind for the same [~~polling place~~]  
6 election district shall be identical.

7 § 5. This act shall take effect immediately.