

STATE OF NEW YORK

1091

2025-2026 Regular Sessions

IN ASSEMBLY

January 8, 2025

Introduced by M. of A. LUNSFORD, GLICK, SIMON, TAPIA, WALKER, CLARK, TAYLOR -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to recounts of ballots conducted by the board of elections or a bipartisan committee appointed by the board

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

1 Section 1. Subdivision 4 of section 9-208 of the election law, as
2 added by section 1 of part JJ of chapter 55 of the laws of 2020, para-
3 graphs (d) and (e) as amended by chapter 474 of the laws of 2023, is
4 amended to read as follows:

5 4. (a) The board of elections or a bipartisan committee appointed by
6 the board shall conduct a full manual recount of all ballots for a
7 particular contest:

8 i. Where the margin of victory is [~~twenty~~] ten votes or less; or

9 ii. Where the margin of victory is [~~0.5%~~] 0.25% or less; or

10 iii. In a contest where one million or more ballots have been cast and
11 the margin of victory is less than 5,000 votes.

12 (b) The board of elections or a bipartisan committee appointed by the
13 board shall conduct a full recount, manually or via the use of any auto-
14 mated tool authorized for such a use by the board of elections, which is
15 independent from the voting system it is being used to recount, of all
16 ballots for a particular contest where the margin of victory is less
17 than or equal to 0.5% but greater than 0.25%.

18 (c) For the purposes of this section, the term margin of victory shall
19 mean the margin between all votes cast in the entire contest following
20 the recanvass of votes.

21 [~~(c)~~] (d) Where the contest involves portions of two or more counties,
22 the margin of victory shall be determined by the state board of
23 elections based on the most recent recanvass results for the contest
24 submitted by the boards of elections of the counties involved.

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

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1 [~~(d)~~] (e) No board of elections shall commence a full manual recount
2 of a particular contest unless and until such board of elections has
3 completed and announced the results of the recanvass required by subdivi-
4 vision one of this section, for each applicable election district.

5 [~~(e)~~] (f) The result of the manual recount of ballots shall supersede
6 the returns filed by the inspectors of election of the election district
7 in which the canvass was initially made.

8 (g) Any candidate who is deemed to be losing a contest by the margins
9 set forth in this subdivision shall, prior to any recount being
10 conducted, have the ability to reject a recount and concede victory of
11 such contest.

12 § 2. This act shall take effect immediately.