S T A T E O F N E W Y O R K

1448

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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

AN ACT to amend the election law, in relation to canvass of write-in votes

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

Section 1. Paragraph (a) of subdivision 2 of section 9-102 of the election law, as amended by chapter 647 of the laws of 1982, is amended to read as follows:

(a) The inspectors shall canvass the machine vote by opening the counting compartments in the presence of the watchers and all other persons who may be lawfully within the polling place, giving full view of all the counter numbers. The chairman of the board of inspectors shall, under the scrutiny of an inspector of a different political party, in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the designating number and letter on each counter, AND the result as shown by the counter number[, and then shall read the votes recorded for each office on the write-in ballots]. IF THE VOTING MACHINE RECORDS WRITE-IN VOTES ON A REGISTER OR ROLL IN A SEPARATELY SEALED COMPARTMENT, A BOARD OF ELECTIONS MAY, BY RESOLUTION ADOPTED AT LEAST THIRTY DAYS BEFORE THE DATE OF AN ELECTION, DETERMINE TO CANVASS THE WRITE-IN VOTES CAST FOR EACH OFFICE ON THE WRITE-IN REGISTER OR ROLL EITHER AT THE TIME OF THE RECANVASS CONDUCTED PURSUANT TO SECTION 9-208 OF THIS ARTICLE OR DIRECT THAT THE CHAIRMAN OF THE BOARD OF INSPECTORS SHALL, UNDER THE SCRUTINY OF AN INSPECTOR OF A DIFFERENT POLITICAL PARTY, READ THE VOTES RECORDED FOR EACH OFFICE ON THE WRITE-IN BALLOTS AT THE CLOSE OF THE POLLS. He OR SHE shall also in the same manner announce the vote on each ballot proposal. The vote as registered shall be entered on the returns of canvass in ink, by an inspector, other than the chairman, under the scrutiny of an inspector

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

LBD00269-01-9

of a different political party, in the space which has the same designating number and letter, after which the figures shall be verified by being called off in the same manner from the counters of the machine by an inspector of opposite political faith from the chairman. The return of canvass, which shall show the total number of votes cast for each office, the number of votes cast for each candidate, as shown on his counter and the number of votes for persons not nominated shall then be filled out. Such return shall be signed by each inspector. The counter compartment of the voting machine shall remain open until the official returns and all other reports have been fully completed and verified by the board of inspectors.

S 2. This act shall take effect on the same date as the reversion of paragraph (a) of subdivision 2 of section 9-102 of the election law, pursuant to section 3 of chapter 92 of the laws of 2001, as amended, takes effect.