

1509

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 audit of voter verifi-
able records

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

1 Section 1. Section 16-113 of the election law, as added by chapter 181
2 of the laws of 2005, is amended to read as follows:
3 S 16-113. Audit of voter verifiable records. The supreme court, by a
4 justice within the judicial district, or the county court, by a county
5 judge within his or her county, IN A SPECIAL PROCEEDING by any candidate
6 or his or her agent, may direct a manual audit of the voter verifiable
7 audit records applicable to any candidate running for office within such
8 judicial district or county where (1) the uniform statewide standard
9 promulgated by regulation by the state board of elections pursuant to
10 subdivision three of section 9-211 of this chapter with respect to
11 discrepancies between manual audit tallies and voting machines or
12 systems tallies requires a further voter verifiable record audit of
13 additional voting machines or systems or all voting machines or systems
14 applicable to such election, or (2) where evidence presented to the
15 court otherwise indicates that there is a likelihood of a material
16 discrepancy between such manual audit tally and such voting machine or
17 system tally which creates a substantial possibility that the winner of
18 the election as reflected in the voting machine or system tally could
19 change if a voter verifiable record audit of additional voting machines
20 or systems or of all voting machines or systems applicable to such
21 election were conducted.
22 S 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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