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

1942

2009-2010 Regular Sessions

I N A S S E M B L Y

January 14, 2009

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

AN ACT to amend the election law, in relation to secure electronic voting machines and software

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

Section 1. Legislative declaration. The legislature hereby declares that no electronic voting system shall at any time contain or use any undisclosed software. Any voting system containing or using software shall disclose the source code, object code, and executable representation of that software to the state board of elections, and such board shall make that source code, object code, and executable representation available for inspection upon request to any local election board.

S 2. Section 7-202 of the election law is amended by adding a new subdivision 5 to read as follows:

5. NO ELECTRONIC VOTING SYSTEM SHALL BE USED IN AN ELECTION FOR STATE OFFICE UNLESS THE MANUFACTURER OF SUCH SYSTEM MEETS THE FOLLOWING REQUIREMENTS:

A. THE MANUFACTURER SHALL CONDUCT BACKGROUND CHECKS ON INDIVIDUALS WHO ARE PROGRAMMERS AND DEVELOPERS BEFORE SUCH INDIVIDUALS WORK ON ANY SOFTWARE USED IN CONNECTION WITH THE ELECTRONIC VOTING SYSTEM.

B. THE MANUFACTURER SHALL DOCUMENT THE CHAIN OF CUSTODY FOR THE HANDLING OF SOFTWARE USED IN CONNECTION WITH THE ELECTRONIC VOTING SYSTEM.

C. THE MANUFACTURER SHALL ENSURE THAT ANY SOFTWARE USED IN CONNECTION WITH THE ELECTRONIC VOTING SYSTEM IS NOT TRANSFERRED OVER THE INTERNET.

D. THE MANUFACTURER SHALL PROVIDE THE CODES USED IN ANY SOFTWARE USED IN CONNECTION WITH THE ELECTRONIC VOTING SYSTEM TO THE STATE BOARD OF ELECTIONS AND MAY NOT ALTER SUCH CODES ONCE CERTIFICATION HAS OCCURRED UNLESS SUCH SYSTEM IS RECERTIFIED.

E. THE MANUFACTURER SHALL IMPLEMENT PROCEDURES TO ENSURE INTERNAL SECURITY, AS REQUIRED BY THE STATE BOARD OF ELECTIONS.

F. THE MANUFACTURER SHALL MEET SUCH OTHER REQUIREMENTS AS MAY BE ESTABLISHED BY THE STATE BOARD OF ELECTIONS.

S 3. 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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