

1509

2009-2010 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2009

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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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