

1445--B

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I N A S S E M B L Y

January 10, 2011

Introduced by M. of A. MILLMAN, REILLY, P. RIVERA, MAISEL, GALEF, CASTRO, THIELE -- Multi-Sponsored by -- M. of A. COOK, LUPARDO, MAGEE, ROBINSON -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again amended on third reading, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the election law, in relation to determinations by county canvassing boards and publication of lists of nominations

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

1 Section 1. Subdivisions 1, 2 and 3 of section 9-212 of the election
2 law, as amended by chapter 635 of the laws of 1990, are amended to read
3 as follows:
4 1. The canvassing board shall determine each person elected by the
5 greatest number of votes to each county office, and each person elected
6 by the greatest number of votes to each city, town or village office of
7 a city, town or village of which it is the board of canvassers. The
8 canvassing board shall also determine whether any ballot proposal
9 submitted only to the voters of the county, or only to the voters of a
10 city, town or village of which it is the board of canvassers, as the
11 case may be, has by the greater number of votes been adopted or
12 rejected. ALL SUCH DETERMINATIONS SHALL BE IN WRITING AND SIGNED BY THE
13 MEMBERS OF THE CANVASSING BOARD OR A MAJORITY OF THEM AND FILED AND
14 RECORDED IN THE OFFICE OF THE BOARD OF ELECTIONS.
15 2. [All such determinations shall be in writing and signed by the
16 members of the canvassing board or a majority of them and filed and
17 recorded in the office of the board of elections. Except in the city of
18 New York and in the counties of Nassau, Orange and Westchester, the
19 board of elections shall cause a copy of such determinations, and of the
20 statements filed in its office upon which such determinations were
21 based, to be published once in each of the newspapers designated to

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

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1 publish election notices and the official canvass.] A STATEMENT OF THE
2 DETERMINATIONS, AS REQUIRED BY SUBDIVISION ONE OF THIS SECTION, SHALL BE
3 POSTED ON THE INTERNET WEBSITE OF THE BOARD. SUCH STATEMENT SHALL BE
4 REFERRED TO AS A "STATEMENT OF CANVASS." The statement of canvass to be
5 [published] POSTED ON THE INTERNET WEBSITE OF THE BOARD, however,
6 [shall] NEED not give the vote by election districts but shall contain
7 [only] the total vote for a [person] CANDIDATE, or the total vote for
8 and the total vote against a ballot proposal, cast within the county, or
9 within the portion thereof, if any, in which an office is filled or
10 ballot proposal is decided by the voters if the canvass of the vote
11 thereon devolves upon the county board of canvassers. Such totals shall
12 be expressed in arabic numerals. NOTHING IN THIS SUBDIVISION SHALL BE
13 CONSTRUED TO LIMIT THE ABILITY OF THE BOARD TO POST CANVASS RESULTS,
14 INCLUDING BUT NOT LIMITED TO, ELECTION DISTRICT RESULTS, ON ITS INTERNET
15 WEBSITE.

16 3. The board of elections shall prepare and forthwith transmit to each
17 person determined by the canvassing board to have been elected a certi-
18 fied statement, naming the office to which such canvassing board has
19 declared him OR HER elected.

20 S 2. Subdivisions 1 and 3 of section 4-122 of the election law, as
21 amended by chapter 359 of the laws of 1989, are amended to read as
22 follows:

23 1. The county board of elections shall publish, AND CONSPICUOUSLY POST
24 ON ITS WEBSITE, at least six days before an election, a list containing
25 the name [and residence] of every candidate for public office to be
26 voted for within its jurisdiction at such election.

27 3. [The] IN ADDITION TO BEING CONSPICUOUSLY POSTED ON THE BOARD OF
28 ELECTIONS WEBSITE, THE list described in subdivision one of this section
29 shall be published at least once in [not less than two nor more than
30 four newspapers] A NEWSPAPER OF GENERAL CIRCULATION in the county. In a
31 county containing a city, [at least one] such publication shall be in a
32 daily newspaper published in a city therein, if there be such a newspa-
33 per. In the case of a village election held at a time other than the
34 time of a general election, such publication shall be in a newspaper
35 having general circulation in such village. [So far as is consistent
36 with this section, one such newspaper shall represent each of the major
37 political parties.] Should the board of elections find it impossible to
38 make such publication six days before election it shall make it at the
39 earliest possible day thereafter before the election.

40 S 3. This act shall take effect immediately.