

6767

2011-2012 Regular Sessions

I N   A S S E M B L Y

March 28, 2011

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

AN ACT to amend the election law, in relation to decreasing the amount  
of unused ballots to be stored following an election by requiring only  
ten unused ballots for each ballot lot or style printed to be stored  
for two years following an election

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

1     Section 1. Subdivision 3 of section 3-222 of the election law, as  
2 amended by chapter 163 of the laws of 1994, is amended to read as  
3 follows:  
4     3. Except as hereinafter provided, [packages] ALL of protested, void  
5 and wholly blank ballots, [packages of] TEN unused ballots FOR EACH  
6 BALLOT LOT OR STYLE PRINTED and all absentee and military, special  
7 federal, special presidential and emergency ballots and ballot envel-  
8 opes, if any, opened or unopened, shall be preserved for two years after  
9 the election. Except as hereinafter provided, boxes containing voted  
10 paper ballots shall be preserved inviolate for four months after the  
11 election, or until one month before the next election occurring within  
12 five months after a preceding election if such boxes are needed for use  
13 at such next election and if the officer or board in charge of such  
14 voted paper ballots is required by law to furnish ballot boxes therefor.  
15 Provided, however, that such ballot boxes and such packages may be  
16 opened, and their contents and the absentee and military, special feder-  
17 al, special presidential and emergency ballots and ballot envelopes may  
18 be examined, upon the order of any court or justice of competent juris-  
19 diction. Boxes and envelopes containing absentee, military and emergency  
20 ballots voted at a general or special election, for the office of member  
21 of the senate or assembly, [packages of] ALL void, protested and wholly  
22 blank ballots, unopened absentee and military ballot envelopes and the  
23 [packages of] TEN unused ballots FOR EACH BALLOT LOT OR STYLE PRINTED,

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

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1 in connection with such election, [also] may ALSO be opened, and their  
2 contents and such envelopes [also] may ALSO be examined, by direction of  
3 a committee of the senate or assembly to investigate and report on  
4 contested elections of members of the legislature. Unless otherwise  
5 ordered or directed by such a court, justice or committee, such boxes  
6 shall be opened and their contents and such packages and the envelopes  
7 containing voted ballots and ballot envelopes shall be destroyed, at the  
8 expiration of the period during which they are required by the  
9 provisions of this section to be preserved, except that instead of being  
10 destroyed, they may be sold and the proceeds paid over in the manner  
11 provided with respect to the sale of books, records and papers pertain-  
12 ing to an election.

13 S 2. This act shall take effect immediately.