

8399

2011-2012 Regular Sessions

I N A S S E M B L Y

June 15, 2011

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

AN ACT to amend the election law, in relation to the preservation of
ballots and records of voting machines

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] FOLLOWING CERTIFICATION OF THE ELECTION, EXCEPT as herein-
5 after provided, [packages of] ALL protested, void and wholly blank
6 ballots, [packages of] TEN unused ballots FOR EACH BALLOT LOT OR STYLE
7 PRINTED and all absentee and military, special federal, special presi-
8 dential and emergency ballots and ballot envelopes, if any, opened or
9 unopened, shall be preserved for two years after the election. Except as
10 hereinafter provided, boxes containing voted paper ballots shall be
11 preserved inviolate for four months after the election, or until one
12 month before the next election occurring within five months after a
13 preceding election if such boxes are needed for use at such next
14 election and if the officer or board in charge of such voted paper
15 ballots is required by law to furnish ballot boxes therefor. Provided,
16 however, that such ballot boxes and such packages may be opened, and
17 their contents and the absentee and military, special federal, special
18 presidential and emergency ballots and ballot envelopes may be examined,
19 upon the order of any court or justice of competent jurisdiction. Boxes
20 and envelopes containing absentee, military and emergency ballots voted
21 at a general or special election, for the office of member of the senate
22 or assembly, [packages of] ALL void, protested and wholly blank ballots,
23 unopened absentee and military ballot envelopes and [the packages of]
24 TEN unused ballots FOR EACH BALLOT LOT OR STYLE PRINTED, in connection
25 with such election, also may be opened, and their contents and such

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

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