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

7601

2011-2012 Regular Sessions

I N A S S E M B L Y

May 10, 2011

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

AN ACT to amend the election law, in relation to the opening of polls

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

Section 1. Subdivision 2 of section 8-102 of the election law, as amended by chapter 164 of the laws of 2010, is amended to read as follows:

2. The keys to the ballot scanner and ballot marking device shall be delivered to the inspectors at least [one-half] ONE hour before the time set for the opening of the polls, in a sealed envelope, on which shall be written or printed the ballot scanner or ballot marking device serial number and location of the polling place, as reported by the voting machine custodian. IN THE CITY OF NEW YORK, THE POLICE OFFICER OR PEACE OFFICER DESIGNATED BY THE POLICE COMMISSIONER OF THE CITY OF NEW YORK PURSUANT TO SUBDIVISION SIX OF SECTION 8-104 OF THIS TITLE SHALL DELIVER SUCH KEYS IN ACCORDANCE WITH THE TERMS OF THIS SECTION. The envelope containing the keys shall not be opened until at least one inspector from each of the two parties shall be present in the polling place and shall have examined the envelope to see that it has not been opened. Before opening the envelope, such election inspectors present shall examine the serial number on the machine, and shall see if they are the same as the numbers written on the envelope containing the keys. If found not to agree, the envelope must not be opened until the voting machine custodian, or other authorized person, shall have been notified and shall have arrived at the polling place for the purpose of re-examining such machine and shall certify that it is properly arranged. If the serial number on the machine is found to agree with the number on the envelope, the inspectors, except as hereinafter provided, shall turn on the machine. The inspectors shall carefully examine the printed record produced by the machine to see that each counter registers zero,

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

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and shall allow watchers to examine the printed record. The inspectors shall then sign a certificate showing the delivery of the keys in a sealed envelope, the serial number on the machine, the number registered on the protective counter, that all the counters are set at zero and that the public counter is set at zero. The machine shall remain secured against voting until the polls are formally opened and shall not be operated except by voters when voting or by election officials upon the instructions of the board of elections. If any counter is found not to register zero, the inspectors of election shall immediately notify the board of elections.

S 2. Subdivision 6 of section 8-104 of the election law, as amended by chapter 413 of the laws of 1991, is amended to read as follows:

6. In the city of New York, during days of primary, general, special and community school board elections, at each premises wherein a polling place or places are located, at least one police officer or peace officer designated by the police commissioner of such city pursuant to the provisions of article two of the criminal procedure law shall be assigned for duty AT ALL TIMES, from ONE HOUR BEFORE the opening OF THE POLLS until the [closing of the polls] COMPLETION OF THE CANVASS AS SET FORTH IN ARTICLE NINE OF THIS CHAPTER AFTER THE POLLS HAVE BEEN CLOSED. Additional police officers or peace officers may be assigned as is deemed appropriate by the police commissioner of such city.

S 3. This act shall take effect immediately.