

5385

2011-2012 Regular Sessions

I N S E N A T E

May 16, 2011

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to the requirement to lock voting machines

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

1 Section 1. Subdivision 1 of section 3-222 of the election law is  
2 amended to read as follows:  
3 1. Except as hereinafter provided, [voting machines] REMOVABLE MEMORY  
4 CARDS OR OTHER SIMILAR ELECTRONIC MEDIA shall remain [locked] SEALED  
5 against [voting for a period of thirty days or] REUSE until [fifteen  
6 days before the next election, if such machines are needed for use at  
7 such next election] SUCH TIME AS THE INFORMATION STORED ON SUCH MEDIA  
8 HAS BEEN PRESERVED IN A MANNER CONSISTENT WITH PROCEDURES DEVELOPED AND  
9 DISTRIBUTED BY THE STATE BOARD OF ELECTIONS. Provided, however, that  
10 [a machine may be unlocked if a discrepancy discovered in the recanvass  
11 of voting machines required by this chapter makes it necessary to exam-  
12 ine the machine to determine if it has malfunctioned and provided  
13 further that a machine may be opened] THE INFORMATION STORED ON SUCH  
14 ELECTRONIC MEDIA and all the data and figures therein MAY BE examined  
15 upon the order of any court or judge of competent jurisdiction or may be  
16 [opened by] EXAMINED AT THE direction of a committee of the senate or  
17 assembly to investigate and report upon contested elections of members  
18 of the legislature voted for by the use of [such machine] VOTING  
19 MACHINES UTILIZING SUCH ELECTRONIC MEDIA and such data and such figures  
20 examined by such committee in the presence of the officer having the  
21 custody of [such machine] VOTING MACHINES AND ELECTRONIC MEDIA.  
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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