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

5546--A

Cal. No. 1000

2011-2012 Regular Sessions

I N S E N A T E

June 1, 2011

Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the county law, in relation to the use of lever voting systems at a referendum; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Subdivision 2 of section 102 of the county law, as amended by chapter 431 of the laws of 1963, is amended to read as follows:

2. The board of elections shall cause any such proposition to be submitted to the qualified electors of the county in the manner provided in the election law. The method and manner of submission, preparation and provision of ballots and ballot labels, use of voting machines, qualification of voters, correcting registers, and conducting the election, canvassing the result and making and filing the returns, and all other procedure with reference to the submission of any such proposition, shall be the same as in the case of any other proposition to be submitted to the electors of a county at a general or special election as provided by law. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, AT A REFERENDUM, THE USE OF VOTING MACHINES SHALL INCLUDE THE USE OF LEVER VOTING SYSTEMS. LEVER VOTING SYSTEMS SHALL MEAN LEVER MACHINES AND ONE BALLOT MARKING DEVICE (BMD) PER POLLING PLACE. WHEN USING VOTING MACHINES AS DESCRIBED IN TITLE TWO OF ARTICLE SEVEN OF THE ELECTION LAW, SUCH VOTING MACHINES SHALL BE USED IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN ARTICLE NINE OF THE ELECTION LAW. PROVIDED, HOWEVER, THAT NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO REQUIRE THE BOARD OF ELECTIONS TO MAINTAIN THE CARE, CUSTODY OR CONTROL OF LEVER VOTING SYSTEMS. If a majority of the votes cast

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

LBD11872-02-1

on any such proposition shall be in the affirmative, the resolution shall be approved.

S 2. This act shall take effect immediately and shall expire and be deemed repealed December 31, 2011.