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

966

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. JOHNSON -- 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 authorizing village elections to be conducted on mechanical lever voting machines; and to amend the town law, in relation to authorizing the use of mechanical lever voting machines at fire district elections

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

Section 1. Subdivision 1 of section 7-200 of the election law, as amended by chapter 181 of the laws of 2005, is amended to read as follows:

1. The board of elections of the city of New York and other county boards of elections may adopt any kind of voting machine or system approved by the state board of elections, or the use of which has been specifically authorized by law; and thereupon such voting machine or system may be used at any or all elections and shall be used at all general or special elections held by such boards in such city, town or village and in every contested primary election in the city of New York and in every contested primary election outside the city of New York in which there are one thousand or more enrolled voters qualified to vote; PROVIDED, HOWEVER, THAT SUCH MACHINES AND SYSTEMS SHALL NOT BE REQUIRED TO BE USED IN ANY VILLAGE ELECTION CONDUCTED PURSUANT TO ARTICLE FIFTEEN OF THIS CHAPTER AND THE USE OF MECHANICAL LEVER VOTING MACHINES SHALL BE AUTHORIZED FOR VILLAGE ELECTIONS. No more than two types of voting machines or systems may be used by any local board of elections at a single election. Notwithstanding the other provisions of this subdivision, any local board of elections may borrow or lease for use on an experimental basis for a period of not more than one year each, voting machines or systems of any type approved by the state board of elections.

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

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S 2. Subdivision 1 of section 7-203 of the election law, as amended by chapter 180 of the laws of 2005, is amended to read as follows:

1. The board of elections shall provide a sufficient number of voting machines to fully equip all election districts within its jurisdiction. Such voting machines shall be used at all general, special and primary elections conducted pursuant to this chapter; PROVIDED, HOWEVER, THAT THE USE OF SUCH VOTING MACHINES SHALL NOT BE REQUIRED DURING VILLAGE ELECTIONS CONDUCTED PURSUANT TO ARTICLE FIFTEEN OF THIS CHAPTER AND THE USE OF MECHANICAL LEVER VOTING MACHINES SHALL BE AUTHORIZED AT SUCH ELECTIONS.

S 3. Subdivision 29 of section 176 of the town law, as added by chapter 568 of the laws of 1949, is amended to read as follows:

29. May authorize the use of voting machines at any annual or special election held within the fire district and such voting machine shall be used in accordance with the provisions contained in article nine of the election law, PROVIDED THAT NO PROVISION OF LAW SHALL BE DEEMED TO PROHIBIT THE USE OF MECHANICAL LEVER VOTING MACHINES AT ANY SUCH ELECTION.

S 4. This act shall take effect immediately.