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

1442

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 3 of section 3-222 of the election law, as amended by chapter 282 of the laws of 2011, is amended to read as follows:

3. [Except] FOLLOWING CERTIFICATION OF THE ELECTION, EXCEPT as hereinafter provided, [packages of] ALL protested, void and wholly blank ballots, [open packages of] TEN unused ballots FOR EACH BALLOT LOT OR STYLE PRINTED and all absentee and military, special federal, special presidential and emergency ballots and ballot envelopes, if any, opened or unopened, shall be preserved for two years after the election. Sealed packages of unused ballots shall be retained for four months, and may then be destroyed, provided a certificate articulating the election district identifying data and numbers of such ballots is filed with the balance of ballots described in this section, for the balance of the two year retention period. Except as hereinafter provided, boxes containing voted paper ballots, if any shall be preserved inviolate for four months after the election, or until one month before the next election occurring within five months after a preceding election if such boxes are needed for use at such next election and if the officer or board in charge of such voted paper ballots is required by law to furnish ballot boxes therefor. Provided, however, that such ballot boxes and such packages may be opened, and their contents and the absentee and military, special federal, special presidential and emergency ballots and ballot envelopes may be examined, upon the order of any court or justice of competent jurisdiction. Boxes and envelopes containing absentee,

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

LBD00427-01-3

military and emergency ballots voted at a general or special election, for the office of member of the senate or assembly, [packages of] ALL void, protested and wholly blank ballots, unopened absentee and military ballot envelopes and [the packages of] TEN unused ballots FOR EACH BALLOT LOT OR STYLE PRINTED, in connection with such election, also may be opened, and their contents and such envelopes also may be examined, by direction of a committee of the senate or assembly to investigate and report on contested elections of members of the legislature. Unless otherwise ordered or directed by such a court, justice or committee, such boxes shall be opened and their contents and such packages and the envelopes containing voted ballots and ballot envelopes shall be destroyed, at the expiration of the period during which they are required by the provisions of this section to be preserved, except that instead of being destroyed, they may be sold and the proceeds paid over in the manner provided with respect to the sale of books, records and papers pertaining to an election.

S 2. This act shall take effect immediately.