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

7954

2013-2014 Regular Sessions

I N A S S E M B L Y

June 12, 2013

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

AN ACT to amend chapter 3 of the laws of 2011 amending the election law relating to the number and use of voting machines in village elections, chapter 170 of the laws of 2011 amending the town law relating to the types of voting machines used in certain elections and chapter 359 of the laws of 2010 amending the education law relating to use of lever voting machines, in relation to making the provisions of such chapters permanent; to amend the election law, the town law, and the education law, in relation to the use of voting machines in certain elections and to repeal sections 3 and 6 of chapter 170 of the laws of 2011 amending the town law relating to the types of voting machines used in certain elections relating thereto

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

Section 1. Section 2 of chapter 3 of the laws of 2011 amending the election law relating to the number and use of voting machines in village elections, as amended by chapter 482 of the laws of 2012, is amended to read as follows:

S 2. This act shall take effect immediately [and shall expire and be deemed repealed December 31, 2014].

S 2. Section 7 of chapter 170 of the laws of 2011 amending the town law relating to the types of voting machines used in certain elections, as amended by chapter 482 of the laws of 2012, is amended to read as follows:

S 7. This act shall take effect immediately [provided, however, that sections one, two, four and five of this act shall expire and be deemed repealed December 31, 2014, when upon such date the provisions of sections three and six of this act shall take effect].

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

LBD11403-01-3

S 3. Sections 3 and 6 of chapter 170 of the laws of 2011 amending the town law relating to the types of voting machines used in certain elections are REPEALED.

S 4. Section 8 of chapter 359 of the laws of 2010 amending the education law relating to the use of lever voting machines, as amended by chapter 482 of the laws of 2012, is amended to read as follows:

S 8. This act shall take effect immediately [and shall expire and be deemed repealed December 31, 2014].

S 5. Section 15-114 of the election law is amended by adding a new subdivision 3 to read as follows:

3. SHOULD THE VILLAGE UTILIZE SUCH MECHANICAL LEVER VOTING MACHINES IN ANY ELECTION, THE VILLAGE MUST ALSO PROVIDE AT LEAST ONE VOTING SYSTEM THAT MEETS THE REQUIREMENTS OF PARAGRAPHS A, B, AND C OF SUBDIVISION TWO OF SECTION 7-202 OF THIS CHAPTER. THE VILLAGE NEED ONLY MAKE SUCH VOTING SYSTEM AVAILABLE IN ONE POLLING PLACE; HOWEVER, IT MUST BE ACCESSIBLE TO ALL VOTERS WITHIN THE VILLAGE THAT REQUIRE THE USE OF SUCH SYSTEM.

S 6. Section 212 of the town law, as amended by chapter 170 of the laws of 2011, is amended to read as follows:

S 212. Annual election and notice thereof. The district commissioners of such improvement district shall publish at the expense of the district the notice of each election of improvement district commissioners held pursuant to this article. Such notice shall be published at least once in one or more newspapers having general circulation in the district and the first publication thereof shall be at least twenty days before the day of such election. The notice of annual election shall specify the time when and the place or places where such election shall be held and the hours during which the polls will be open for the receipt of ballots. Notice of such election shall also be posted on the websites of the district and the town in which the district is located, if such websites are maintained, on the signboard of the town, and conspicuously posted in three or more designated public locations within the district, on or about the day on which such notice is published. Such election shall be held at a suitable place or places within the district designated by the district commissioners and the polls shall remain open from six o'clock in the evening until nine o'clock in the evening and such additional consecutive hours prior thereto as the district commissioners may determine and specify in the notice of such election. The board of commissioners of such district shall designate for each district election not less than two nor more than four resident taxpayers to act as election inspectors and ballot clerks for each designated polling place. The board of commissioners shall fix the compensation of such election inspectors and ballot clerks in an amount not to exceed ten dollars per hour each for every hour or part thereof of such service and such compensation shall be a charge against the district. The board of commissioners shall cause to be prepared the ballots for all elections, and may authorize the use of voting machines, including lever voting machines, at any annual or special election of the district. When using voting machines as described in 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. SHOULD THE BOARD OF COMMISSIONERS UTILIZE SUCH MECHANICAL LEVER VOTING MACHINES IN ANY ELECTION, THE BOARD OF COMMISSIONERS MUST ALSO PROVIDE AT LEAST ONE VOTING SYSTEM THAT MEETS THE REQUIREMENTS OF PARAGRAPHS A, B, AND C OF SUBDIVISION TWO OF SECTION 7-202 OF THE ELECTION LAW. THE BOARD OF COMMISSIONERS NEED ONLY MAKE SUCH VOTING SYSTEM AVAILABLE IN ONE POLLING PLACE; HOWEVER, IT MUST BE ACCESSIBLE TO ALL VOTERS WITHIN

THE IMPROVEMENT DISTRICT THAT REQUIRE THE USE OF SUCH SYSTEM. Provided, however, that nothing in this section shall be construed to require the board of elections to maintain the care, custody or control of lever voting machines. After the polls shall have been closed at any election, the election inspectors and ballot clerks at each polling place shall immediately canvass the ballots cast and shall publicly announce the result of the vote at that polling place. Within twenty-four hours the chairman of the board of commissioners, election inspectors and ballot clerks shall execute and file a certificate of the result of the canvass with the board of commissioners of the improvement district and with the clerk of the town in which said district is located.

S 7. Subdivision 29 of section 176 of the town law, as amended by chapter 170 of the laws of 2011, is amended to read as follows:

29. May authorize the use of voting machines, including lever voting machines, at any annual or special election held within the fire district. When using voting machines as described in 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. SHOULD THE BOARD OF FIRE COMMISSIONERS UTILIZE SUCH MECHANICAL LEVER VOTING MACHINES IN ANY ELECTION, THE BOARD OF FIRE COMMISSIONERS MUST ALSO PROVIDE AT LEAST ONE VOTING SYSTEM THAT MEETS THE REQUIREMENTS OF PARAGRAPHS A, B, AND C OF SUBDIVISION TWO OF SECTION 7-202 OF THE ELECTION LAW. THE BOARD OF FIRE COMMISSIONERS NEED ONLY MAKE SUCH VOTING SYSTEM AVAILABLE IN ONE POLLING PLACE; HOWEVER, IT MUST BE ACCESSIBLE TO ALL VOTERS WITHIN THE FIRE, FIRE ALARM AND FIRE PROTECTION DISTRICTS THAT REQUIRE THE USE OF SUCH SYSTEM. Provided, however, that nothing in this section shall be construed to require the board of elections to maintain the care, custody or control of lever voting machines.

S 8. Paragraph g of subdivision 2 of section 1951 of the education law, as amended by chapter 359 of the laws of 2010, is amended to read as follows:

g. If the board of cooperative educational services shall so determine, voting machines, including lever voting machines, may be used for recording the vote at such meeting. Before any such machine is used at any such meeting, the inspectors of election shall examine it and see that all the counters are set at zero (000) and that the ballot labels are properly placed, and that the machine is in all respects in proper condition for use. The use of such machine shall be deemed a compliance with any provision of law requiring the vote to be by ballot. The board of cooperative educational services may purchase the necessary voting machine or machines; or if the county board of elections shall consent thereto, such machines belonging to the county or belonging to the town in which any part of said board of cooperative educational services shall be located may be used at any such meeting, the expense of delivery and returning and setting up, and any other expense connected therewith shall be defrayed by the board of cooperative educational services; but such machines belonging to the county shall not be so used at the time or times when they may be required under the election law. SHOULD THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES UTILIZE SUCH MECHANICAL LEVER VOTING MACHINES IN ANY ELECTION, SUCH BOARD MUST ALSO PROVIDE AT LEAST ONE VOTING SYSTEM THAT MEETS THE REQUIREMENTS OF PARAGRAPHS A, B, AND C OF SUBDIVISION TWO OF SECTION 7-202 OF THE ELECTION LAW. THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES NEED ONLY MAKE SUCH VOTING SYSTEM AVAILABLE IN ONE POLLING PLACE; HOWEVER, IT MUST BE ACCESSIBLE TO ALL VOTERS WITHIN THE SCHOOL DISTRICT THAT REQUIRE THE USE OF SUCH SYSTEM. Nothing in this subdivision shall be construed to require the board of

elections to maintain the care, custody or control of lever voting machines.

S 9. Subdivision 1 of section 2035 of the education law, as amended by chapter 359 of the laws of 2010, is amended to read as follows:

1. If the trustees or board of education of any school district shall so determine, voting machines, including lever voting machines, may be used for recording the vote on elections and questions, or either, at the school district meetings or elections, annual and special, or either, in such district. Before any such machine is used at any such meeting or election, the inspectors of election shall examine it and see that all the counters are set at zero (000) and that the ballot labels are properly placed, and that the machine is in all respects in proper condition for use. The use of such machine shall be deemed a compliance with any provision of law requiring the vote to be by ballot. Such trustees or board of education, with district funds available, may purchase the necessary voting machine or machines; or, if the county board of elections shall consent thereto, such machines belonging to the county or belonging to the town in which any part of said school district shall be located, may be used at any such meeting, the expense of delivery and returning and setting up, and any other expense connected therewith, to be defrayed by the school district; but such machines belonging to the county shall not be so used at the time or times when they may be required under the election law. SHOULD THE TRUSTEES OR BOARD OF EDUCATION UTILIZE SUCH MECHANICAL LEVER VOTING MACHINES IN ANY ELECTION, SUCH TRUSTEES OR BOARD MUST ALSO PROVIDE AT LEAST ONE VOTING SYSTEM THAT MEETS THE REQUIREMENTS OF PARAGRAPHS A, B, AND C OF SUBDIVISION TWO OF SECTION 7-202 OF TH ELECTION LAW. THE TRUSTEES OR BOARD OF EDUCATION NEED ONLY MAKE SUCH VOTING SYSTEM AVAILABLE IN ONE POLLING PLACE; HOWEVER, IT MUST BE ACCESSIBLE TO ALL VOTERS WITHIN THE SCHOOL DISTRICT THAT REQUIRES THE USE OF SUCH SYSTEM. Nothing in this subdivision shall be construed to require the board of elections to maintain the care, custody or control of lever voting machines.

S 10. This act shall take effect immediately.