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

4088--B

Cal. No. 371

2013-2014 Regular Sessions

I N S E N A T E

March 7, 2013

Introduced by Sens. GOLDEN, LANZA, FELDER -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of 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 election law, in relation to authorizing the use of mechanical voting machines for non-federal elections in the city of New York; and in relation to the date upon which a run-off primary election is to be held in the city of New York during the 2013 calendar year; and providing for the repeal of certain provisions upon the expiration thereof

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. 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

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

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one year each, voting machines or systems of any type approved by the state board of elections. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, INCLUDING BUT NOT LIMITED TO ANY PROVISIONS OF THIS CHAPTER THAT WOULD RENDER IMPLEMENTATION OF THE AUTHORITY CONFERRED BY THIS SENTENCE INFEASIBLE OR IMPRACTICABLE, THE BOARD OF ELECTIONS OF THE CITY OF NEW YORK IS HEREBY AUTHORIZED TO PREPARE, DEPLOY AND UTILIZE MECHANICAL LEVER VOTING MACHINES IN AND FOR ANY NON-FEDERAL ELECTIONS CONDUCTED PURSUANT TO SECTION 8-100 OF THIS CHAPTER. SHOULD THE BOARD OF ELECTIONS OF THE CITY OF NEW YORK UTILIZE SUCH MECHANICAL LEVER VOTING MACHINES IN ANY SUCH ELECTION, THE BOARD MUST ALSO PROVIDE A VOTING SYSTEM THAT MEETS THE REQUIREMENTS OF PARAGRAPHS A, B AND C OF SUBDIVISION TWO OF SECTION 7-202 OF THIS TITLE IN EACH POLLING SITE.

S 2. Paragraph (b) of subdivision 1 of section 8-100 of the election law, as added by chapter 373 of the laws of 1978, is amended to read as follows:

(b) In the event a run-off primary election is required in the city of New York, it shall be held on the second Tuesday next succeeding the date on which the initial primary election was held; PROVIDED, HOWEVER, THAT IN THE EVENT THAT A RUN-OFF PRIMARY ELECTION IS REQUIRED IN THE CITY OF NEW YORK DURING THE TWO THOUSAND THIRTEEN CALENDAR YEAR, SUCH ELECTION SHALL BE HELD ON THE THIRD TUESDAY NEXT SUCCEEDING THE DATE ON WHICH THE INITIAL PRIMARY ELECTION WAS HELD.

S 3. This act shall take effect immediately; provided that section two of this act shall expire and be deemed repealed January 1, 2014.