STATE OF NEW YORK

7144

IN SENATE

(Prefiled)

January 3, 2018

Introduced by Sen. KAVANAGH -- 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 requiring the board of elections or a bipartisan committee to conduct a risk-limiting audit of voter verifiable audit records

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 9-211 of the election law, as amended by section 515 of the laws of 2015, is amended to read as follows:

§ 9-211. Audit of voter verifiable audit records. 1. (a) Within fifteen days after each general or special election, and within seven days after every primary or village election conducted by the board of elections, the board of elections or a bipartisan committee appointed by such board shall conduct a risk-limiting audit of the voter verifiable audit records from [~~three percent of~~] the voting machines or systems within the jurisdiction of such board in accordance with the regulations promulgated pursuant to paragraph (b) of this section. Such audits may be performed manually or via the use of any automated tool authorized for such use by the state board of elections which is independent from the voting system it is being used to audit. Voting machines or systems shall be selected for audit through a random, manual process. At least five days prior to the time fixed for such selection process, the board of elections shall send notice by first class mail to each candidate, political party and independent body entitled to have had watchers present at the polls in any election district in such board's jurisdiction. Such notice shall state the time and place fixed for such random selection process. The audit shall be conducted in the same manner, to the extent applicable, as a canvass of paper ballots. Each candidate, political party or independent body entitled to appoint watchers to attend at a polling place shall be entitled to appoint such number of watchers to observe the audit.

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

LBD13929-01-7

(b) The state board of elections shall promulgate regulations for the use of risk-limiting audits required by paragraph (a) of this section. The number of voter verifiable audit records selected for such audits shall be determined pursuant to such regulations that make use of statistical methods and are designed to limit the risk of certifying an incorrect outcome.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law and shall apply to any election held 180 days or more after it shall have taken effect; provided that the state board of elections is authorized to immediately adopt, amend and promulgate such rules and regulations as may be necessary and desirable to effectuate the purposes of this act.