

STATE OF NEW YORK

10637

IN ASSEMBLY

May 10, 2018

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

AN ACT to amend the election law, in relation to recounts of election votes

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

Section 1. Section 9-208 of the election law is amended by adding a new subdivision 1-a to read as follows:

1-a. Subsequent to the recanvass provided for by subdivision one of this section, and prior to the certification of the final vote count of any general, special or primary election, an additional recanvass of all votes cast in the election shall be conducted by the board of elections or bipartisan committee under any of the following circumstances:

(a) The difference in ballots cast for the candidates for any position is ten or less votes or one-half of one percent of the ballots cast for such position, whichever shall be greater. The board of elections or bipartisan committee shall count all ballots cast for the race in question by hand, including those ballots scanned by a ballot scanner. The cost of the recanvass shall be paid by the jurisdiction conducting the recanvass.

(b) A losing candidate requests a recanvass of the votes cast for the position he or she ran for.

(i) The requesting candidate may provide the county board of elections or bipartisan committee with a list of up to three precincts that are to be recanvassed first and may waive the balance of the recanvass after these precincts have been counted.

(ii) The recanvass shall be completed within five days of the filing of request for recanvass. If the recanvass is conducted in two stages, as provided in subparagraph (i) of this paragraph, the recanvass shall be completed within five days of the second stage.

(iii) Such recanvass shall be conducted at the requesting candidate's expense and the requesting candidate shall file with the jurisdiction conducting the recanvass a bond, cash, or surety in an amount set by the jurisdiction conducting the recanvass for the payment of the recanvass

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

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1 expenses; provided, however, that if upon the recanvass, the requesting
2 candidate is found to be the winner of the race, the cost of the recan-
3 vass shall be paid by the jurisdiction conducting the recanvass.

4 (c) Upon the original recanvass of the results of a referendum or
5 proposition, and prior to the certification of the final vote count, any
6 voter eligible to vote on the ballot question, in a county, school
7 district or municipal election may initiate a recanvass of the paper
8 ballots upon either the following conditions:

9 (i) The difference between the approval votes and the disapproval
10 votes on a question is less than one-half of one percent of the total
11 number of votes cast. Such recanvass shall be conducted at the expense
12 of the jurisdiction conducting the recanvass.

13 (ii) The difference between the approval votes and the disapproval
14 votes on a question is more than one-half of one percent of the total
15 number of votes cast. The requesting voter shall file for a recanvass by
16 submitting a petition including signatures from twenty-five voters
17 eligible to have voted on the referendum or proposition. Such recanvass
18 shall be conducted at the expense of the requesting voter and the
19 requesting voter shall file with the jurisdiction conducting the recan-
20 vass a bond, cash, or surety in an amount set by the jurisdiction
21 conducting the recanvass for the payment of the recanvass expenses;
22 provided, however, that if upon the recanvass, the voting results on the
23 referendum or proposition are reversed the cost of the recanvass shall
24 be paid by the jurisdiction conducting the recanvass.

25 (d) A request for a recanvass pursuant to the terms of this subdivi-
26 sion shall be made within five days of the completion of the original
27 recanvass.

28 § 2. This act shall take effect immediately and shall apply to
29 elections conducted on or after such effective date. Effective imme-
30 diately, the addition, amendment and/or repeal of any rule or regulation
31 necessary for the implementation of this act on its effective date are
32 authorized to be made and completed on or before such effective date.