STATE OF NEW YORK

8290

IN SENATE

April 26, 2018

Introduced by Sen. AKSHAR -- 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 the preservation of ballots and information stored on electronic media

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

Section 1. Subdivisions 1 and 2 of section 3-222 of the election law, subdivision 1 as amended by chapter 169 of the laws of 2011 and subdivision 2 as amended by chapter 282 of the laws of 2011, are amended to read as follows:

1. Except as hereinafter provided, removable memory cards or other similar electronic media shall remain sealed against reuse until such time as the information stored on such media has been preserved in a manner consistent with procedures developed and distributed by the state board of elections. **Such information shall be preserved for two years after such election. At the expiration of such time, such preserved information shall be deleted by the officer or board having charge of it.** Provided, however, that the information stored on such electronic media **or preserved from such electronic media,** and all the data and figures therein may **only** be examined upon the order of any court or judge of competent jurisdiction or may be examined at the direction of a committee of the senate or assembly to investigate and report upon contested elections of members of the legislature voted for by the use of voting machines utilizing such electronic media and such data and such figures examined by such committee in the presence of the officer having the custody of voting machines and electronic media**, and provided, further, that such information or data shall be exempt from disclosure pursuant to article six of the public officers law**.

2. Voted ballots shall be preserved for two years after such election and the packages thereof may be opened and the contents examined only upon order of a court or judge of competent jurisdiction, or by direction of such committee of the senate and assembly if the ballots relate to the election under investigation by such committee, **and provided, further, that such ballots shall be exempt from disclosure pursuant to**

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

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article six of the public officers law, and at the expiration of such time, such ballots [~~**may be disposed of at the discretion of**~~] **shall be destroyed by** the officer or board having charge of them.

§ 2. This act shall take effect immediately.