STATE OF NEW YORK

IN ASSEMBLY

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Paulin) --
   read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to audits by hand recount
   of voter verifiable audit records

   **The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:**

 1   Section 1. Subdivision 1 of section 9-211 of the election law, as
 2 amended by chapter 5 of the laws of 2019, is amended to read as follows:
 3   1. Within fifteen days after each general or special election, within
 4 thirteen days after every primary election, and within seven days after
 5 every village election conducted by the board of elections, the board of
 6 elections or a bipartisan committee appointed by such board shall audit
 7 the voter verifiable audit records from three percent of voting machines
 8 or systems within the jurisdiction of such board. Such audits [~~may~~]
 9 **shall** be performed [~~manually or via the use of any automated tool~~
10 ~~authorized for such use by the state board of elections which is inde-~~
11 ~~pendent from the voting system it is being used to audit~~] **by a hand**
12 **recount**. Voting machines or systems shall be selected for audit through
13 a random, manual process. At least five days prior to the time fixed for
14 such selection process, the board of elections shall send notice by
15 first class mail to each candidate, political party and independent body
16 entitled to have had watchers present at the polls in any election
17 district in such board's jurisdiction. Such notice shall state the time
18 and place fixed for such random selection process. The audit shall be
19 conducted in the same manner, to the extent applicable, as a canvass of
20 paper ballots. Each candidate, political party or independent body enti-
21 tled to appoint watchers to attend at a polling place shall be entitled
22 to appoint such number of watchers to observe the audit.
23   § 2. This act shall take effect immediately.

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