STATE OF NEW YORK

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1668--A

2019-2020 Regular Sessions

IN ASSEMBLY

January 16, 2019
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Introduced by M. of A. ABINANTI -- read once and referred to the Commit-
   tee on Election Law -- committee discharged, bill amended, ordered
   reprinted as amended and recommitted to said committee

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 Assem-
bly, do enact as follows:

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 1    Section 1. Section 9-208 of the election law is amended  by  adding  a
 2  new subdivision 1-a to read as follows:
 3    1-a. Subsequent to the recount provided for by subdivision one of this
 4  section,  and  prior to the certification of the final vote count of any
 5  general, special or primary election, an additional recount of all votes
 6  cast in the election shall be conducted by the  board  of  elections  or
 7  bipartisan committee under any of the following circumstances:
 8    (a) The difference in ballots cast for the candidates for any position
 9  is  ten or less votes or one-half of one percent of the ballots cast for
10  such position, whichever shall be greater. The  board  of  elections  or
11  bipartisan  committee shall count all ballots cast for the race in ques-
12  tion by hand, including those ballots scanned by a ballot  scanner.  The
13  cost  of  the  recount  shall be paid by the jurisdiction conducting the
14  recount.
15    (b) A losing candidate requests a recount of the votes  cast  for  the
16  position he or she ran for.
17    (i) The requesting candidate may provide the county board of elections
18  or bipartisan committee with a list of up to three precincts that are to
19  be  recounted first and may waive the balance of the recount after these
20  precincts have been counted.
21    (ii) The recount shall be completed within five days of the filing  of
22  request  for  recount.  If  the  recount  is conducted in two stages, as
23  provided in subparagraph (i) of this paragraph,  the  recount  shall  be
24  completed  within  five days of the second stage. The race under recount
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EXPLANATION--Matter in _italics_ (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 shall not be certified until the hand count is completed. The board of
2 elections or bipartisan committee shall count all ballots cast for the
3 race in question by hand, including those ballots scanned by a ballot
4 scanner.
5 (iii) Such recount shall be conducted at the requesting candidate's
6 expense and the requesting candidate shall file with the jurisdiction
7 conducting the recount a bond, cash, or surety in an amount set by the
8 jurisdiction conducting the recount for the payment of the recount
9 expenses; provided, however, that the cost of the recount shall be paid
10 by the jurisdiction conducting the recount if:
11 (1) upon the recount any candidate on the ballot other than the
12 winning candidate is found to be the winner of the race; or
13 (2) the ballot images for the race under recount differ from the
14 machine count on one or more ballot boxes. Ballot images shall be posted
15 on the county board of elections website no later than five days after
16 the election.
17 (iv) The cost per ballot for the hand count of ballots shall be estab-
18 lished and posted by each county board of elections before an election,
19 with a maximum fee of twenty-five cents per ballot. If it is not so
20 posted, the fee charged the candidate shall be twenty-five cents per
21 ballot.
22 (c) Upon the original recount of the results of a referendum or propo-
23 sition, and prior to the certification of the final vote count, any
24 voter eligible to vote on the ballot question, in a county, school
25 district or municipal election may initiate a recount of the paper
26 ballots upon either the following conditions:
27 (i) The difference between the approval votes and the disapproval
28 votes on a question is less than one-half of one percent of the total
29 number of votes cast. Such recount shall be conducted at the expense of
30 the jurisdiction conducting the recount. The board of elections or
31 bipartisan committee shall count all ballots cast for the race in ques-
32 tion by hand, including those ballots scanned by a ballot scanner.
33 (ii) The difference between the approval votes and the disapproval
34 votes on a question is more than one-half of one percent of the total
35 number of votes cast. The requesting voter shall file for a recount by
36 submitting a petition including signatures from twenty-five voters
37 eligible to have voted on the referendum or proposition. Such recount
38 shall be conducted at the expense of the requesting voter and the
39 requesting voter shall file with the jurisdiction conducting the recount
40 a bond, cash, or surety in an amount set by the jurisdiction conducting
41 the recount for the payment of the recount expenses; provided, however,
42 that if upon the recount, the voting results on the referendum or propo-
43 sition are reversed the cost of the recount shall be paid by the juris-
44 diction conducting the recount.
45 (d) A request for a recount pursuant to the terms of this subdivision
46 shall be made within five days of the completion of the original
47 recount.
48 (e) Recount costs incurred by a jurisdiction shall be reimbursed by
49 the state.
50 (f) The candidate, the public and the media shall receive advance
51 notice of the recount, and the recount shall be made public.
52 (g) No person who was a candidate at such election shall participate
53 in or supervise the recount but may be present to observe as provided by
54 existing law.
55 § 2. This act shall take effect immediately and shall apply to
56 elections conducted on or after such effective date. Effective imme-

1 diately, the addition, amendment and/or repeal of any rule or regulation
2 necessary for the implementation of this act on its effective date are
3 authorized to be made and completed on or before such effective date.