

STATE OF NEW YORK

3357

2019-2020 Regular Sessions

IN ASSEMBLY

January 29, 2019

Introduced by M. of A. CARROLL, D'URSO, MOSLEY, BLAKE -- Multi-Sponsored
by -- M. of A. GALEF -- read once and referred to the Committee on
Election Law

AN ACT to amend the election law, in relation to requiring an automatic
manual recanvass and audit of votes where the difference between votes
cast for two candidates that determines a candidate's nomination or
election to office is less than one-half of one percent of total
ballots cast

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

Section 1. The election law is amended by adding a new section 9-207
to read as follows:

§ 9-207. Automatic manual recanvass and audit of votes. 1. Within
fifteen days after each general, special or primary election, and within
seven days after every village election, where the difference between
the votes cast for two candidates for nomination or election to office
that determines the nomination or election is less than one-half of one
percent of the total number of ballots cast on which the contest
appeared, the board of elections of each county, or a bipartisan commit-
tee of or appointed by said board, shall manually recount the votes cast
in each election district in which the contest appeared on the ballot,
including any overvotes, undervotes, blank votes or their equivalent.
No person who was a candidate at such election shall be appointed to
membership on the committee.

2. Such board of elections or bipartisan committee shall conduct a
complete manual audit of voter verifiable paper audit records on which
the contest appeared from every voting machine or system within the
jurisdiction of such board or committee. Said board or committee shall
also make a recanvass of any election day paper ballots that have not
been scanned and were hand counted pursuant to subdivision two of

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

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1 section 9-110 of this article, as well as of any absentee and military,
2 special federal, special presidential and emergency ballots.

3 3. Before making such recanvass and audit, the board of elections,
4 with respect to each election district to be recanvassed and audited,
5 shall give notice in writing to the voting machine custodian thereof, to
6 the state and county chair of each party or independent body which shall
7 have nominated candidates for the said general or special election or
8 nominated or elected candidates at the said primary election and to each
9 individual candidate whose name appears on the office ballot, of the
10 time and place where such canvass and audit is to be made; and the state
11 and county chair of each such party or independent body and each such
12 individual candidate may send a representative to be present at such
13 recanvass and audit.

14 4. If upon such recanvass and audit conducted pursuant to this
15 section, it shall be found that the original canvass of the returns of
16 an election district has been incorrectly made, a statement in writing
17 shall be prepared giving the details for any corrections made for such
18 election district. The result of the recanvass and audit and such state-
19 ment shall be witnessed by the persons required to be present and shall
20 be filed with the board of elections. Such recanvass and audit of votes
21 made pursuant hereto shall thereupon supersede the returns filed by the
22 inspectors of election of the election district in which the canvass was
23 made.

24 5. A candidate for nomination or election to an office for which the
25 recanvass and audit is conducted pursuant to this section may concede
26 and waive his or her right to the recanvass and audit by filing a writ-
27 ten notice of waiver with the board of elections.

28 6. Where a recanvass and audit is conducted pursuant to this section,
29 no recanvass or audit of the same contest shall be required pursuant to
30 any other section of this title.

31 § 2. This act shall take effect immediately.