

STATE OF NEW YORK

3489

2019-2020 Regular Sessions

IN ASSEMBLY

January 29, 2019

Introduced by M. of A. ZEBROWSKI, LUPARDO, GALEF, SCHIMMINGER, BUCHWALD
-- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to the preservation of
ballots and records of voting machines

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

1 Section 1. Subdivision 3 of section 3-222 of the election law, as
2 amended by chapter 282 of the laws of 2011, is amended to read as
3 follows:

4 3. [~~Except~~] Following certification of the election, except as herein-
5 after provided, [~~packages of~~] all protested, void and wholly blank
6 ballots, [~~open packages of~~] ten unused ballots for each ballot lot or
7 style printed and all absentee and military, special federal, special
8 presidential and emergency ballots and ballot envelopes, if any, opened
9 or unopened, shall be preserved for two years after the election. Sealed
10 packages of unused ballots shall be retained for four months, and may
11 then be destroyed, provided a certificate articulating the election
12 district identifying data and numbers of such ballots is filed with the
13 balance of ballots described in this section, for the balance of the two
14 year retention period. Except as hereinafter provided, boxes containing
15 voted paper ballots, if any shall be preserved inviolate for four months
16 after the election, or until one month before the next election occur-
17 ring within five months after a preceding election if such boxes are
18 needed for use at such next election and if the officer or board in
19 charge of such voted paper ballots is required by law to furnish ballot
20 boxes therefor. Provided, however, that such ballot boxes and such
21 packages may be opened, and their contents and the absentee and mili-
22 tary, special federal, special presidential and emergency ballots and
23 ballot envelopes may be examined, upon the order of any court or justice
24 of competent jurisdiction. Boxes and envelopes containing absentee,
25 military and emergency ballots voted at a general or special election,

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

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1 for the office of member of the senate or assembly, [~~packages of~~] all
2 void, protested and wholly blank ballots, unopened absentee and military
3 ballot envelopes and [~~the packages of~~] ten unused ballots for each
4 ballot lot or style printed, in connection with such election, also may
5 be opened, and their contents and such envelopes also may be examined,
6 by direction of a committee of the senate or assembly to investigate and
7 report on contested elections of members of the legislature. Unless
8 otherwise ordered or directed by such a court, justice or committee,
9 such boxes shall be opened and their contents and such packages and the
10 envelopes containing voted ballots and ballot envelopes shall be
11 destroyed, at the expiration of the period during which they are
12 required by the provisions of this section to be preserved, except that
13 instead of being destroyed, they may be sold and the proceeds paid over
14 in the manner provided with respect to the sale of books, records and
15 papers pertaining to an election.
16 § 2. This act shall take effect immediately.