STATE OF NEW YORK

10299

IN ASSEMBLY

May 13, 2022

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

AN ACT to amend the election law, in relation to improving transparency regarding boards of elections and improving voter centricity

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

Section 1. The election law is amended by adding a new section 3-227 to read as follows:

§ 3-227. Open meetings. Boards of elections shall be deemed public bodies for the purposes of article seven of the public officers law, and meetings of commissioners of boards of elections shall be subject to open meetings requirements of such article.

§ 2. Subdivision 2 of section 4-104 of the election law is amended and a new subdivision 1-d is added to read as follows:

1-d. Any determinations regarding the designation of poll sites shall be proposed publicly at least thirty days prior to an election, and an opportunity shall be given for the public to comment. Such comments shall be purely advisory. The board of elections shall have the authority to make changes to poll sites at any time without public comment if deemed necessary, so long as five days' notice is provided, pursuant to subdivision two of this section.

2. If the board of elections, after designating a polling place, and after sending written notice of such polling place to each registered voter, designates an alternative polling place, it must, at least five days before the next election or day for registration, send by mail a written notice to each registered voter notifying him of the changed location of such polling place. If such notice is not possible the board of elections must provide for an alternative form of notice to be given to voters at the location of the previous polling place. **The board of elections shall also provide such notice by electronic mail and text message if such contact information is available.**

§ 3. Section 4-118 of the election law is amended by adding a new subdivision 3 to read as follows:

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

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3. At least thirty days prior to a primary election, each county board of elections shall publish a notice specifying: (a) the day of such primary election; (b) the hours during which such primary election will be held; (c) the public offices for which nominations are to be made and the party positions which are to be filled at such primary elections; (d) the registration deadline; (e) the mail ballot request deadline; (f) the mail ballot postmark deadline; (g) dates and times of early voting; (h) a mechanism by which voters can find their polling places, including information on the accessibility of such polling places; and (i) sample ballots for each polling place. Such publication shall be published prominently on the county board of elections website and social media channels and shall remain prominently displayed until the conclusion of the primary election. Such notices shall be available in all major languages spoken within the county. At least twenty-five days prior to a primary election, and consistently through the date of the primary election, the state board of elections shall use its website and social media channels to notify voters of such election and direct voters to information contained in the relevant county board's online notice pursuant to this subdivision.

§ 4. Section 4-119 of the election law is amended by adding a new subdivision 3 to read as follows:

3. Every board or body authorized to designate places for registration shall consistently have voter registration instructions prominently displayed on its website.

§ 5. Subdivision 1 of section 4-120 of the election law, as amended by chapter 413 of the laws of 2019, is amended to read as follows:

1. The board of elections shall publish once in each of the two weeks preceding a general election, or a special or village election conducted by the board of elections, a notice specifying the day of the election, and the public officers to be voted for within such county, or any part thereof at such election. The board of elections shall, as soon as practicable, but not less than [~~two weeks~~] **thirty days** prior to any **general,** special**, or village** election, **and consistently through the date of such election,** prominently display on its website **and social media channels** the date and hours of the election, the offices to be voted on in the county, part of a county, or the city of New York, [~~and a link to any poll site information or poll location tools, where available~~] **the registration deadline, the mail ballot request deadline, the mail ballot postmark deadline, dates and times of early voting, and a mechanism by which voters can find their polling places, including information on the accessibility of such polling places, and sample ballots. Such notice shall appear in all major languages spoken in the jurisdiction of such election**. Such information shall also be made available to local governments, municipalities, and community boards for publication on any public-facing internet website, web application, web domain or digital application, including a social network or search engine, to the extent that such publication is practicable. If constitutional amendments, or questions are to be submitted to the voters of the state, the notice**, including any online notice,** shall state that fact and that a copy of each such amendment or question may be obtained at the board of elections, by any voter. Such publication shall [~~be in~~] **include, but not be limited to,** two newspapers published within the county. If the county contains a city or cities, at least one of such newspapers shall be published in the city, or the largest city, if there be more than one.

In the case of a village election, such publication shall be made in a newspaper of general circulation in such village and shall include an abstract of any proposition to be voted upon at such election.

At least twenty-five days prior to a general, special, or village election, and consistently through the date of such election, the state board of elections shall use its website and social media channels to notify voters of such election and direct voters to information contained in the relevant county board's online notice pursuant to this subdivision.

§ 6. Subdivision c of section 4-132 of the election law, as amended by section 3 of part XX of chapter 55 of the laws of 2019, is amended to read as follows:

c. A booth or device in each election district for the use of voters marking ballots. Such booth or device shall be so constructed as to permit the voter to mark his or her ballot in secrecy and shall be furnished at all times with [~~an appropriate marking device~~] **a pencil having black graphite or a pen having black or blue ink. Ballot marking devices shall be maintained and serviced prior to each election. Paperwork shall be created and signed by the commissioners that each ballot marking device that is intended to be put into use in the upcoming election has been serviced and is in good working condition**.

§ 7. Section 7-118 of the election law is amended by adding a new subdivision 5 to read as follows:

5. Any determinations regarding the form and content of ballots and ballot envelopes, including but not limited to the determination of candidates and questions to appear on the ballot pursuant to section 4-114 of this chapter and the certification of ballots pursuant to this title or any other relevant provision of this chapter, shall be proposed publicly at least thirty days prior to adoption, and an opportunity shall be given for the public to comment on the form and content of the ballots. Such comments shall be purely advisory.

§ 8. The election law is amended by adding a new section 8-107 to read as follows:

§ 8-107. Choice of polling place. Any voter registered to vote in any election district within a county shall be entitled to vote at any polling place within that county. Each board of elections shall ensure that each polling place within its jurisdiction shall have sufficient ballots for each election district to facilitate this section. The state board of elections shall promulgate regulations to ensure that auditing of votes shall remain simple, accurate, affordable, and secure, including by requiring marks on ballots to determine the relevant election district so ballots can be quickly and easily sorted by election district. Nothing in this section shall be read to permit a board of elections to reduce the number of polling places below existing requirements.

§ 9. Subdivision 3 of section 8-600 of the election law, as added by chapter 6 of the laws of 2019, is amended to read as follows:

3. Any voter may vote at any polling place for early voting established pursuant to subdivision two of this section in the county where such voter is registered to vote[~~; provided, however, if it is impractical to provide each polling place for early voting all of the election district ballots or if early voting at any such polling place makes ensuring that no voter has not previously voted early during such election, the board of elections may assign election districts to a particular early voting poll site~~]. All voters in each county shall have one or more polling places at which they are eligible to vote throughout

the early voting period on a substantially equal basis. [~~If the board of elections does not agree by majority vote to plan to assign election districts to early voting poll sites, all voters in the county must be able to vote at any poll site for early voting in the county.~~]

§ 10. Subdivision 1 of section 5-206 of the election law, as amended by chapter 263 of the laws of 1991, is amended to read as follows:

1. Each political party or independent body duly nominating or entitled to nominate candidates for offices to be filled at the election may, by a writing signed by the duly authorized chairman or secretary of the county, city, town or village committee of such political party or independent body, and delivered to and filed with one of the inspectors of election, appoint not more than two watchers to attend any meeting or meetings of the inspectors for an election district held for the registration of voters thereof. **Additionally, the committee on open government may, by a writing signed by a designee of the committee, and delivered to and filed with one of the inspectors of election, appoint as many watchers as the committee deems appropriate. Any resident of New York state may apply to be a watcher, and the committee shall appoint all qualified applicants subject to limits in quantity that they shall deem reasonable. If more qualified individuals apply than the committee deems able to serve as watchers without creating a disruption to the process, the committee shall select the most qualified applicants to serve as watchers. Partisan affiliation, or lack thereof, shall not be a valid criterion to determine qualification or lack thereof.**

§ 11. Subdivision 9 of section 5-210 of the election law, as amended by chapter 44 of the laws of 2016, is amended to read as follows:

9. The county board of elections shall, promptly and in any event, not later than twenty-one days after receipt by it of the application, verify the identity of the applicant. In order to do so, the county board of elections shall utilize the information provided in the application and shall attempt to verify such information with the information provided by the department of motor vehicles, social security administration and any other lawful available information source. If the county board of elections is unable to verify the identity of the applicant within twenty-one days of the receipt of the application, it shall immediately take steps to confirm that the information provided by the applicant was accurately utilized by such county board of elections, was accurately verified with other information sources and that no data entry error, or other similar type of error, occurred. Following completion of the preceding steps, the county board of elections shall mail (a) a notice of its approval, (b) a notice of its approval which includes an indication that such board has not yet been able to verify the identity of the applicant and a request for more information so that such verification may be completed, or (c) a notice of its rejection of the application to the applicant in a form approved by the state board of elections. Notices of approval, notices of approval with requests for more information or notices of rejection shall be sent by nonforwardable first class or return postage guaranteed mail on which is endorsed such language designated by the state board of elections to ensure postal authorities do not forward such mail but return it to the board of elections with forwarding information, when it cannot be delivered as addressed and which contains a request that any such mail received for persons not residing at the address be dropped back in the mail. The voter's registration and enrollment shall be complete upon receipt of the application by the appropriate county board of elections. The failure of a county board of elections to verify an applicant's identity

shall not be the basis for the rejection of a voter's application, provided, however, that such verification failure shall be the basis for requiring county board of elections to take the additional verification steps provided by this chapter. The notice shall also advise the registrant of the date when his registration and enrollment is effective, of the date and the hours of the next regularly scheduled primary or general election in which he will be eligible to vote, of the location of the polling [~~place~~] **places** of the election district **and county** in which he is or will be a qualified voter, whether such polling [~~place is~~] **places are** accessible to physically handicapped voters, an indication that physically handicapped voters or voters who are ill or voters who will be out of the city or county on the day of the primary or general election, may obtain an absentee ballot and the phone number to call for absentee ballot applications, the phone numbers to call for location of polling places, to obtain registration forms and the phone number to call to indicate that the voter is willing to serve on election day as an inspector, poll clerk or interpreter. The notice of approval, notice of approval with request for more information or notice of rejection shall also advise the applicant to notify the board of elections if there is any inaccuracy. The form of such mail notification shall be prescribed by the state board of elections and shall contain such other information and instructions as it may reasonably require to carry out the purposes of this section. The request for more information shall inform the voter that "THE FAILURE TO CONTACT THE BOARD OF ELECTIONS AND CORRECT ANY INACCURACIES IN THE APPLICATION OR PROVIDE REQUESTED ADDITIONAL INFORMATION MAY RESULT IN A REQUEST FOR IDENTIFICATION AT THE POLLS IN ORDER TO CAST A VOTE ON A VOTING MACHINE." If such notice is returned undelivered without a new address, the board shall forthwith send such applicant a confirmation notice pursuant to the provisions of section 5-712 of this article and place such applicant in inactive status. The state board of elections shall prepare uniform notices by this section as provided for in subdivision eight of section 3-102 of this chapter.

§ 12. Subdivision 1 of section 5-226 of the election law is amended to read as follows:

1. If any voter has been registered in a wrong election district, the board of elections shall, if he is a qualified voter in any election district within the jurisdiction of such board, change his registration to the correct election district. The board of elections shall thereupon give immediate notice by mail to such voter that his registration has been corrected, and also the location of the polling [~~place~~] **places** of the election district in which he is a qualified voter.

§ 13. Subdivision 1 of section 5-500 of the election law, as amended by chapter 373 of the laws of 1978, is amended to read as follows:

1. There shall be two records of the registration of each voter. Except as otherwise provided in this chapter, one record shall be sent, at the time of every election, to the polling [~~place~~] **places** where the voter is entitled to vote, and shall be known as the "registration poll record". Between elections it shall be kept in the main office or a branch office of the board of elections. The other record shall be kept constantly in such main office or branch office and shall be known as the "central file registration record". The two types of records shall be prepared in different colors.

§ 14. Subdivision 1 of section 5-601 of the election law, as amended by chapter 599 of the laws of 1991, is amended to read as follows:

1. [~~A physically disabled voter whose polling place is located in a building that is not accessible shall be entitled to vote in any other election district whose polling place is located in a building which is accessible, provided that the candidates and ballot proposals on the ballot in such other election district are the same as those on the ballot in the election district in which such voter resides.~~] **Each county is required to provide accessible polling places.**

§ 15. Subdivision 26 of section 7-104 of the election law, as added by chapter 411 of the laws of 2019, is amended to read as follows:

26. All paper ballots of the same kind for the same [~~polling place~~] **election district** shall be identical. **Each voter is entitled to the use of an individual, durable, voter-verifiable paper ballot of the voter's vote that shall be privately and independently marked in the polling place and made available for private and independent inspection and verification by the voter before the voter's vote is cast and counted, and provide for the voter's ability to privately and independently change such votes or correct any error before the ballot is cast and counted. For purposes of this subdivision, the term "individual, voter-verifiable paper ballot" means either: (a) a paper ballot marked by the voter by hand; or (b) a paper ballot marked through the use of a nontabulating ballot marking device or system, provided that voters shall have both options available in every polling place, and further provided that machines purchased prior to the effective date of this section may continue to be used.**

§ 16. Subdivision 3 of section 7-106 of the election law, as amended by chapter 411 of the laws of 2019, is amended to read as follows:

3. All paper ballots of the same kind for the same [~~polling place~~] **election district** shall be identical.

§ 17. Subdivision 6 of section 7-122 of the election law, as amended by chapter 411 of the laws of 2019, is amended to read as follows:

6. On the reverse side of such inner affirmation envelope shall be printed the following statement:

AFFIRMATION

I do declare that I am a citizen of the United States, that I am duly registered in the election district shown on the reverse side of this envelope and I am qualified to vote in such district; that I will be unable to appear personally on the day of the election for which this ballot is voted at [~~the~~] **a** polling place [~~of the election district~~] in which I am a qualified voter because of the reason given on my application heretofore submitted; that I have not qualified nor do I intend to vote elsewhere, that I have not committed any act nor am I under any impediment which denies me the right to vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of absentee voter, I shall be guilty of a misdemeanor.

Date.....20..... .....
Signature or mark of voter

.....
Signature of Witness (required only if voter does not sign his or her own name)

.....
Address of Witness

§ 18. Subdivision 3 of section 8-100 of the election law is amended to read as follows:

3. In any election district in which a primary of any party is uncontested, no primary of such party shall be held. In any election district in which the primaries of all parties are uncontested on the day of any primary election, no primaries shall be held on such day [~~and the polling place shall not be opened for voting~~].

§ 19. Paragraph (i) of subdivision 1 of section 8-102 of the election law, as amended by chapter 164 of the laws of 2010, is amended to read as follows:

(i) Inspect **and test** the ballot scanner and ballot marking device to see that [~~it is~~] **they are** in good working order. **If the ballot marking device is a tabulating machine, the tabulating function shall be tested.** Inspect the placement of privacy booths to preserve the secrecy of voting; inspect the screen of the ballot scanner and ballot marking device; inspect the polling place to make certain there is no way that anyone can view any voting action by a voter at the ballot scanner, ballot marking device, or in a privacy booth; and affix a conspicuous notice, in the form prescribed by the state board of elections, in a prominent place near the ballot scanner and in the privacy booth, instructing the voter on how to properly mark a ballot in order to have his or her vote counted. Such notice shall be printed in English and such other languages as the board of elections may determine to be appropriate.

§ 20. Subdivision 14 of section 8-407 of the election law, as added by chapter 296 of the laws of 1988, is amended to read as follows:

14. Any person, political committee or independent body entitled to appoint watchers for the election district in which any such facility is located at the election for which such absentee ballots are cast, shall be entitled to appoint a watcher to attend such board of inspectors at such facility. **The committee on open government shall appoint any qualified individual who has applied to be a watcher at such facility subject to logistical limits of space and expediency.**

§ 21. Paragraph (g) of subdivision 3 of section 8-414 of the election law, as added by chapter 727 of the laws of 2021, is amended to read as follows:

(g) counted or rejected such voter's completed absentee ballot and, if rejected, a brief statement of the reason for rejection **and instructions on how to cure pursuant to subdivision three of section 9-209 of this chapter**.

§ 22. Subdivisions 1 and 2 of section 8-500 of the election law, as amended by chapter 418 of the laws of 2019, are amended to read as follows:

1. At any general, special, town or village election, any party committee, any independent body whose candidates are upon the ballot, and any political committee supporting or opposing a ballot proposal may have for each [~~election district three~~] **polling place four** watchers at any one time, not more than one of whom may be within the guard rail at any one time. Watchers shall be appointed by the chair or other officer of any such party committee, independent body or political committee. **Additionally, the committee on open government shall appoint all qualified applicants to serve as watchers at any polling place for which they apply, subject to limits in quantity that the committee shall deem**

reasonable. If more qualified individuals apply than the committee deems able to serve as watchers without creating a disruption to the process, the committee shall select the most qualified applicants to serve as watchers. Partisan affiliation, or lack thereof, shall not be a valid criterion to determine qualification or lack thereof.

2. At any primary election, any party committee and any candidate on the ballot may have for each [~~election district three~~] **polling place four** watchers at any one time, not more than one of whom may be within the guard rail at any one time. Watchers shall be appointed by the chair or other officer of any such party committee or by any candidate. **Additionally, the committee on open government shall appoint all qualified applicants to serve as watchers at any polling place for which they apply, subject to limits in quantity that the committee shall deem reasonable. If more qualified individuals apply than the committee deems able to serve as watchers without creating a disruption to the process, the committee shall select the most qualified applicants to serve as watchers. Partisan affiliation, or lack thereof, shall not be a valid criterion to determine qualification or lack thereof.**

§ 23. Subdivision 1 of section 9-102 of the election law, as amended by chapter 437 of the laws of 2019, is amended to read as follows:

1. As soon as the polls of the election are closed, the inspectors of election thereat shall, in the order set forth herein: (a) place an inspector at the ballot scanner to prevent further voting; (b) reconcile the paper ballots pursuant to section 9-106 of this title; (c) remove surplus ballots, if any, pursuant to section 9-108 of this title; (d) scan the ballots contained in the emergency box or other secure storage container pursuant to section 9-110 of this title; (e) hand count and secure ballots that cannot be scanned pursuant to section 9-110 of this title; (f) initiate the ballot scanner, close the poll mechanism, print the tabulated results tape, [~~and~~] post the results tape [~~or~~] **publicly, outside the guard rail where any member of the public can view, photograph, and video it, and** announce its contents [~~or both~~]; (g) remove one of the portable memory devices from the ballot scanner for the purpose of reporting the unofficial tally of election results pursuant to section 9-126 of this title; (h) post or announce the results of any hand counts and sign the return of canvass pursuant to subdivisions 2 and 3 of this section; (i) close, lock and seal the machine; and (j) sign the close of poll certificate, as provided by the board of elections.

§ 24. Paragraphs (a) and (b) of subdivision 2 of section 9-102 of the election law, as amended by chapter 437 of the laws of 2019, are amended to read as follows:

(a) The inspectors shall canvass the ballot scanner tabulated results by printing the results tape in the presence of the watchers and all other persons who may be lawfully within the polling place, giving full view of the tabulated results tape numbers**, and printing extra copies thereof for each person present who requests a copy**. An inspector shall, under the scrutiny of an inspector of a different political party, [~~either~~] **both** post the results tape [~~or~~] **publicly, outside the guard rail where any member of the public can view, photograph and video it and** read and announce in the order of the offices as their titles are arranged on the tabulated results tape, in distinct tones the public office or party position, candidate name, political party and the results as shown on the tabulated results tape and then shall announce the number of write-in votes recorded for each office. The inspectors

shall also in the same manner post [~~or~~] **and** announce the results for each ballot proposal.

(b) The results on the tabulated results tape shall be entered on or the tabulated results tape (representing the aggregate results of votes cast on the ballot scanner or the results by election district as applicable) shall be affixed to the return of canvass for that ballot scanner or election district pursuant to section 9-120 of this title by an inspector under the scrutiny of an inspector of a different political party, in the space indicated. If any election day paper ballots were hand counted pursuant to this section and subdivision two of section 9-110 of this title, an inspector shall, under the scrutiny of an inspector of a different political party, [~~either~~] **both** post [~~or~~] **publicly, outside the guard rail where any member of the public can view, photograph and video it and** read and announce the results of such hand count. The tally sheet of any such hand counting shall be signed by the inspectors conducting same and affixed to or recorded on the return of canvass. The return of canvass and tabulated results tape shall be signed by two inspectors of each major political party.

§ 25. Paragraph (a) of subdivision 3 of section 9-102 of the election law, as amended by chapter 437 of the laws of 2019, is amended to read as follows:

(a) During the canvass time any candidate or duly accredited watcher who may desire to be present shall be admitted to the polling place. **Such candidate or duly accredited watcher shall be given a copy of the poll tapes as long as such copies are able to be produced by the machine and written requests of such copies are presented to the local board of elections, in advance in writing, or in person to the inspector, either verbally or in writing, at least half an hour prior to the closing of the polls.** During the proclamation of the result, ample opportunity shall be given to any person lawfully present to compare the results so posted or announced with the sum of the votes appearing on the tabulated results tape and any hand counted election day ballots, if any, and any necessary corrections shall then and there be made on the return of canvass by the inspectors. Thereafter, the voting machine shall be closed and locked. The first copy of the results tape for each voting machine [~~should~~] **shall** be posted **publicly outside the guard rail where any member of the public can view, photograph and video it** on the wall of the polling place forthwith; provided, however, that if only one copy of such results tape can be printed by any such machine at any election, such copy shall be used in preparation of the returns of canvass required by this title **and any member of the public who is present and wishes to may view, photograph and video it**. **Any poll watcher who has requested access shall be permitted to view the number of voters who have signed in at each table, the summary report of voters who have signed in, the public and protective counter numbers for each scanner, as well as verify that the electronic poll book router is working correctly. Poll watchers may also confirm that the ballot-marking device was working correctly and that access compliant with the Americans with Disabilities Act of 1990 to the polling location is available.**

§ 26. Subdivision 5 of section 9-102 of the election law, as amended by chapter 437 of the laws of 2019, is amended to read as follows:

5. The inspector or other courier assigned by the board filing the returns shall deliver to the board or officer from whom received, the keys of the voting machine, enclosed in a sealed envelope having indorsed thereon a certificate of the inspectors stating the number of the machine, the election district(s), ward(s) or assembly district(s)

where it has been used, the number on the seal and the number on the protective counter. In the city of New York, **at least two** police officers or peace officers designated by the police commissioner of such city shall provide such delivery of the devices.

§ 27. Subdivision 2 of section 9-124 of the election law, as amended by chapter 437 of the laws of 2019, is amended to read as follows:

2. Each box, envelope, or container containing the ballots and stubs, if any, and all items described in subdivision one of this section shall be deposited by [~~an inspector~~] **at least two inspectors** designated for that purpose with the [~~officer or board~~] **officers** from whom or which the board of inspectors received it. In the city of New York, every such box, envelope, or container shall be delivered at the polling place to **at least two** police or peace officers designated by the police commissioner of such city, who shall deposit them with the board of elections.

§ 28. Paragraphs (b) and (c) of subdivision 3 of section 9-124 of the election law, as amended by chapter 437 of the laws of 2019, are amended to read as follows:

(b) Records and supplies to be filed with a city, town or village clerk shall be so filed or delivered immediately after the completion of the returns of the canvass, by [~~an inspector~~] **at least two inspectors** designated by the board of inspectors. Returns, papers and registration poll records or computer generated registration lists to be filed with the board of elections shall be so filed by the chairman of the board of inspectors **and at least one inspector of a different party** within twenty-four hours after the completion of such returns. The [~~person~~] **at least two people** receiving such returns in the board of elections shall give to the [~~person~~] **people** delivering the returns a receipt stating therein the date and hour of delivery, the name of the person making the delivery, and to whom said returns were delivered and shall keep a duplicate of said receipt on file in the office of the board of elections. **Election returns shall always be under the supervision of at least two people at all times, or shall be in a locked, unoccupied area under video surveillance.**

(c) In the city of New York, the board of inspectors shall deliver to **at least two** police or peace officers designated by the police commissioner of such city, at the polling place the registration poll records or computer generated registration lists, challenge report, records, keys, other election supplies, including two copies of the returns of the canvass and any absentee, military, special federal, or special presidential ballots which may have been delivered to the poll site during election day, voted ballots, stubs, open packages of unused ballots and ballot envelopes. Such police or peace officers shall file the returns, the package of void and protested ballots, if any, and the absentee, military, special federal, special presidential ballots which may have been delivered to the poll site during election day; and emergency ballots, stubs and ballot envelopes, if any, [~~within twenty-four hours~~] **immediately** after the close of the polls, in the office of the board of elections or its branch office within the borough, as the case may be. **Such returns and other election documents shall be delivered into the custody of at least two election officials, who after receiving such returns shall give the persons delivering the returns a receipt stating therein the date and hour of delivery, the name of the persons making the delivery, and to whom said returns were delivered and shall keep a duplicate of said receipt on file in the office of the board of elections.**

§ 29. Subdivision 1 of section 9-126 of the election law, as amended by chapter 334 of the laws of 2013, is amended to read as follows:

1. In an election district of the county of Nassau, the chair of the board of inspectors, upon the completion of the return of canvass, and the announcement thereof in a primary or general election, shall deliver to [~~the~~] **at least two** police [~~officer~~] **officers** on duty at the polling place a statement signed by the board of inspectors stating the number of votes received by each person voted for and the number of votes cast for and the number of votes cast against each ballot proposal. Such [~~officer~~] **officers** forthwith shall convey the statement to the station-house of the police precinct in which such place of canvass is located, and shall deliver it inviolate to the officer in command thereof, who **in the presence of such officers** shall immediately transmit by telegraph, telephone or messenger, the contents of such statement to the officer commanding the police department of such county who**, in the presence of such officers,** shall immediately make the contents of such statement available for the press. The chair of the board of inspectors in each election district of such county shall make two copies of the statement hereinbefore provided for, which shall be taken to the police station, whence one such copy shall be transmitted without delay to police head-quarters, or such other location as may be designated by the officer commanding the police department, where it shall be made immediately available to the press for purposes of tabulation. The other copy shall be transmitted within twenty-four hours to the board of elections. All statements made pursuant to this section shall be preserved for six months by the police and shall be presumptive evidence of the result of such canvass.

§ 30. Subdivision 2 of section 9-126 of the election law, as amended by chapter 334 of the laws of 2013, is amended to read as follows:

2. (a) Except in the county of Nassau, the chair of the board of inspectors, upon completion of the return of canvass and the announcement thereof, in a general or primary election, **in the presence of such officers,** shall immediately communicate such results by telephone, or delivery, to the board of elections. Such results shall include the number of votes received by each person voted for and the number of votes cast for and against each ballot proposal.

(b) The board of elections shall remain open after the close of the polls and shall receive and tabulate the voting results as they are received. The board of elections shall make such unofficial results available to the media and the state board of elections, and shall post running totals in a public place and on the internet as the results become known to it. **Such results shall be posted by election district, broken down by category, including early, election day, absentee, military, overseas, affidavit and write in. Results will be available in spreadsheet format.**

§ 31. Subdivision 3 of section 9-126 of the election law, as amended by chapter 334 of the laws of 2013, is amended to read as follows:

3. The results made public pursuant to this section shall be released as the unofficial tally. **(a) These results shall be released within twenty-four hours of the close of the polls on election day for all results tabulated before six o'clock a.m. on the day after the election. Results shall be updated no less frequently than once every twenty-four hours for results tabulated during each twenty-four hour period ending at six o'clock a.m. until all results are tabulated.**

(b) Results shall be released on an election district level and shall include results broken down by if the ballot was an election day, early, absentee, military, or provisional ballot.

(c) Results shall be available on the board of elections website and shall be able to be downloaded in spreadsheet format.

(d) Upon final certification of an election, final results shall be posted in the same manner as other results are posted in accordance with this subdivision.

(e) The board of elections shall promulgate regulations to maximize data transparency in reporting of results, while ensuring both data security and the privacy of each voter's votes.

§ 32. Paragraph (c) of subdivision 8 of section 9-209 of the election law, as added by chapter 763 of the laws of 2021, is amended to read as follows:

(c) Each such candidate, political party, government entity, and independent body shall be entitled to appoint such number of watchers to attend upon each central board of canvassers as the candidate, political party, government entity, or independent body was entitled to appoint at [~~the~~] such election in any [~~election district~~] one polling place for which the central board of canvassers is designated to act. The committee on open government shall appoint any qualified individual who has applied to be a watcher at such facility subject to logistical limits of space and expediency.

§ 33. Subdivision 1 of section 9-211 of the election law, as amended by chapter 763 of the laws of 2021, is amended to read as follows:

1. Within fifteen days after each general or special election, within thirteen days after every primary election, and within seven days after every village election conducted by the board of elections, the board of elections or a bipartisan committee appointed by such board shall audit the voter verifiable audit records from three percent of voting machines or systems within the jurisdiction of such board. Such audits may be performed manually or via the use of any automated tool authorized for such use by the state board of elections which is independent from the voting system it is being used to audit. Voting machines or systems shall be selected for audit through a random, manual process. At least five days prior to the time fixed for such selection process, the board of elections shall send notice by first class mail to each candidate, political party and independent body entitled to have had watchers present at the polls in any election district in such board's jurisdiction. Such notice shall state the time and place fixed for such random selection process. The audit shall be conducted in the same manner, to the extent applicable, as a canvass of paper ballots. Each candidate, political party, government entity or independent body entitled to appoint watchers to attend at a polling place shall be entitled to appoint such number of watchers to observe the audit. The committee on open government shall appoint any qualified individual who has applied to be a watcher at such facility subject to logistical limits of space and expediency.

§ 34. The election law is amended by adding a new section 9-213 to read as follows:

§ 9-213. Hearings. 1. Within two weeks of a board of elections transmitting certified statements from canvassing boards, the board of elections shall hold a public hearing to allow voters and non-voters to give feedback on the election process.

2. Hearings shall be recorded and open to the public, and they shall be made reasonably accessible for anyone who wishes to participate both in person and virtually.

§ 35. This act shall take effect January 1, 2023; provided, however, that if chapter 727 of the laws of 2021 shall not have taken effect on or before such date then section twenty-one of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2021 takes effect; provided further, however, that if chapter 763 of the laws of 2021 shall not have taken effect on or before such date then sections thirty-two and thirty-three of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2021 takes effect.