STATE OF NEW YORK

4926

2021-2022 Regular Sessions

IN ASSEMBLY

February 9, 2021

Introduced by M. of A. PAULIN, ABINANTI, GOTTFRIED, PICHARDO, REYES, J. RIVERA, MONTESANO, SAYEGH, GALEF, THIELE, SIMON, COOK, DeSTEFANO, ASHBY -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to requests for proposals for voting machines and contracts for purchase of voting machines or systems

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

Section 1. Subdivision 1 of section 7-201 of the election law, as amended by chapter 181 of the laws of 2005, is amended to read as follows:

1. [~~Any person or corporation owning or being interested in any voting machine or system may apply to have~~] **Any commissioner of** the state board of elections [~~examine such machine or system~~] **may solicit requests for proposals for voting machines or systems to be certified by such board for use in New York state**. [~~Such applicant~~] **All such requests for proposals shall contain a provision stating that any person or entity submitting a proposal** shall pay to the board before the examination **of such proposed voting machine or system,** a fee equal to the cost of [~~such examination~~] **examining such voting machine or system**. The state board of elections shall cause the machine or system to be examined and a report of the examination to be made and filed in the office of the state board. Such examination shall include a determination as to whether the machine or system meets the requirements of section 7-202 of this title and a thorough review and testing of any electronic or computerized features of the machine or system. Such report shall state an opinion as to whether the kind of machine or system so examined can safely and properly be used by voters and local boards of elections at elections, under the conditions prescribed in this article and the requirements of the federal Help America Vote Act. If the report states that the machine or system can be so used, and the board after its own examination so

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

LBD02104-01-1

determines, in accordance with subdivision four of section 3-100 of this chapter, the machine or system shall be deemed approved, and machines or systems of its kind may be adopted for use at elections as herein provided. The voting machine or system shall be examined by examiners or testing laboratories to be selected for such purpose by the state board. Each examiner or laboratory shall receive compensation and expenses for making an examination and report as to each voting machine or system examined by him or it. Neither any member of the state board of elections nor any examiner or owner or employee of any testing laboratory, shall have any pecuniary interest in any voting machine or system. Any form of voting machine or system not so approved, cannot be used at any election.

§ 2. Subdivisions 1 and 2 of section 7-204 of the election law, as amended by chapter 181 of the laws of 2005, are amended to read as follows:

1. All contracts for purchase of voting machines or systems of types approved by the state board of elections shall include, but not be limited to, requirements that the vendors provide assistance in training board of elections personnel in the operation of such machines or systems and any ancillary equipment, assistance in the conduct of all elections conducted during the first year in which each such machine or system is used and at least [~~five~~] ten years of service for all such machines or systems and ancillary equipment.

2. All such contracts shall also require the vendor to guarantee in writing to keep such machines and systems in good working order for at least [~~five~~] ten years without additional cost and to perform satisfactorily its training and service obligations under the contract and to give a sufficient bond conditioned to that effect.

§ 3. This act shall take effect immediately.