STATE OF NEW YORK

4187

2021-2022 Regular Sessions

IN ASSEMBLY

February 1, 2021

Introduced by M. of A. CRUZ -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to requirements for voting machines or systems; and to repeal certain provisions of such law relating thereto

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

Section 1. Paragraphs e, j, s and t of subdivision 1 of section 7-202 of the election law, as added by chapter 181 of the laws of 2005, are amended and two new paragraphs u and v are added to read as follows:

e. provide the voter an opportunity to privately and independently **review and** verify [~~votes selected~~] **such voter's marked paper ballot** and the ability to privately and independently change such votes or correct any error before the ballot is cast and counted;

j. retain all paper ballots cast [~~or produce and retain a voter verified permanent paper record which shall be presented to the voter from behind a window or other device before the ballot is cast,~~] in a manner intended and designed to protect the privacy of the voter; such ballots [~~or record~~] shall allow a manual audit and shall be preserved in accordance with the provisions of section 3-222 of this chapter;

s. permit alternative language accessibility pursuant to the requirements of section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a) such that it must have the capacity to display the full ballot in the alternative languages required by the federal Voting Rights Act if such voting machine or system is to be used where such alternative languages are required or where the local board deems such feature necessary; [~~and~~]

t. not include any device or functionality potentially capable of externally transmitting or receiving data via the internet or via radio waves or via other wireless means[~~.~~]**;**

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

LBD06174-01-1

u. count only a voter's handmade mark except when necessary to comply with subdivision two of this section and shall not utilize bar code or matrix code for the process of vote casting and canvassing; and

v. meets the United States election assistance commission's most recently adopted voluntary voting systems guidelines.

§ 2. Subdivision 4 of section 7-202 of the election law, as added by chapter 181 of the laws of 2005, is amended to read as follows:

4. Local boards of elections which obtain voting machines pursuant to this chapter [~~may determine to~~] shall purchase [~~direct recording electronic machines or~~] optical scan machines in conformance with the requirements of this chapter.

§ 3. Subdivision 4 of section 7-201 of the election law is REPEALED.

§ 4. Section 7-203 of the election law is amended by adding a new subdivision 5 to read as follows:

5. Local boards of elections shall not provide for more than one ballot marking device that produces electronically generated ballots in a polling location except when the local board determines that additional machines are needed to accommodate the needs of individuals with disabilities.

§ 5. This act shall take effect immediately.