STATE OF NEW YORK

9454--A

IN ASSEMBLY

March 7, 2022

Introduced by M. of A. LUNSFORD, WALKER, GONZALEZ-ROJAS, SIMON, SEAWRIGHT, TAPIA, GALEF, GLICK, JACOBSON, SILLITTI, NIOU, McDONALD -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to recounts of ballots conducted by the board of elections or a bipartisan committee appointed by the board

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

Section 1. Subdivision 4 of section 9-208 of the election law, as added by section 1 of part JJ of chapter 55 of the laws of 2020, is amended to read as follows:

4. (a) The board of elections or a bipartisan committee appointed by the board shall conduct a full manual recount of all ballots for a particular contest:

i. Where the margin of victory is [~~twenty~~] ten votes or less; or

ii. Where the margin of victory is [~~0.5%~~] 0.25% or less; or

iii. In a contest where one million or more ballots have been cast and the margin of victory is less than 5,000 votes.

(b) The board of elections or a bipartisan committee appointed by the board shall conduct a full recount, manually or via the use of any automated tool authorized for such a use by the board of elections, which is independent from the voting system it is being used to recount, of all ballots for a particular contest where the margin of victory is less than or equal to 0.5% but greater than 0.25%.

(c) For the purposes of this section, the term margin of victory shall mean the margin between all votes cast in the entire contest following the recanvass of votes.

[~~(c)~~] (d) Where the contest involves portions of two or more counties, the margin of victory shall be determined by the state board of elections based on the most recent recanvass results for the contest submitted by the boards of elections of the counties involved.

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

LBD14356-03-2

[~~(d)~~] **(e)** The result of the [~~manual~~] recount of ballots shall supersede the returns filed by the inspectors of election of the election district in which the canvass was initially made.

(f) Any candidate who is deemed to be losing a contest by the margins set forth in this subdivision shall, prior to any recount being conducted, have the ability to reject a recount and concede victory of such contest.

§ 2. This act shall take effect immediately.