

STATE OF NEW YORK

331

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. MYRIE, BIAGGI, MAYER, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

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:

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

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

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

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

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

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

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

30 § 3. This act shall take effect immediately.