

STATE OF NEW YORK

3993

2023-2024 Regular Sessions

IN ASSEMBLY

February 8, 2023

Introduced by M. of A. CARROLL, PAULIN, WOERNER, LUPARDO -- read once
and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to the examination of
voting machines by the state board of elections

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

1 Section 1. Subdivisions 1 and 3 of section 7-201 of the election law,
2 as amended by chapter 181 of the laws of 2005, are 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 the state board of elections examine
6 such machine or system. Such applicant shall pay to the board before the
7 examination a fee equal to the cost of such examination. The state board
8 of elections shall cause the machine or system to be examined and a
9 report of the examination to be made and filed in the office of the
10 state board. Such examination shall include a determination as to wheth-
11 er the machine or system meets the requirements of section 7-202 of this
12 title and a thorough review and testing of any electronic or computer-
13 ized features of the machine or system. Such report shall state an opin-
14 ion as to whether the kind of machine or system so examined can safely
15 [~~and~~], properly, and securely be used by voters and local boards of
16 elections at elections, under the conditions prescribed in this article
17 and the requirements of the federal Help America Vote Act. If the report
18 states that the machine or system can be so used, and the board after
19 its own examination so determines, in accordance with subdivision four
20 of section 3-100 of this chapter, the machine or system [~~shall~~] may be
21 deemed approved, and machines or systems of its kind may be adopted for
22 use at elections as herein provided. Notwithstanding that a machine or
23 system meets the requirements of section 7-202 of this title, the state
24 board, in its discretion, may reject the use of such machine or system
25 on the ground that it is not proper, safe and/or secure. The voting

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

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1 machine or system shall be examined by examiners or testing laboratories
2 to be selected for such purpose by the state board. Each examiner or
3 laboratory shall receive compensation and expenses for making an exam-
4 ination and report as to each voting machine or system examined by him
5 or it. Neither any member of the state board of elections nor any exam-
6 iner or owner or employee of any testing laboratory, shall have any
7 pecuniary interest in any voting machine or system. Any form of voting
8 machine or system not so approved, cannot be used at any election.

9 3. If at any time after any machine or system has been approved pursu-
10 ant to the provisions of subdivision one or two of this section, the
11 state board of elections has any reason to believe that such machine or
12 system does not meet all the requirements for voting machines or systems
13 set forth in this article, it shall forthwith cause such machine or
14 system to be examined again in the manner prescribed by subdivision one
15 of this section. If the opinions in the report of such examinations do
16 not state that such machine or system can safely ~~[and]~~, properly and
17 securely be used by voters at elections under the conditions prescribed
18 by this article, the state board of elections shall forthwith rescind
19 its approval of such machine or system. After the date on which the
20 approval of any machine or system is rescinded, no machines or systems
21 of such type may be purchased for use in this state. Notwithstanding
22 that a machine or system meets the requirements of section 7-202 of this
23 title, the state board, in its discretion, may rescind its approval of
24 such machine or system on the ground that it is not proper, safe and/or
25 secure. The state board of elections shall examine all machines or
26 systems of such type which were previously purchased, to determine if
27 they may continue to be used in elections in this state.

28 § 2. This act shall take effect immediately.