

STATE OF NEW YORK

5934--A

2023-2024 Regular Sessions

IN ASSEMBLY

March 24, 2023

Introduced by M. of A. CUNNINGHAM -- 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 enacting the "voting integrity and verification act of New York (VIVA NY)"

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

1 Section 1. This act shall be known and may be cited as the "voting
2 integrity and verification act of New York (VIVA NY)".

3 § 2. Section 1-104 of the election law is amended by adding two new
4 subdivisions 40 and 41 to read as follows:

5 40. Notwithstanding any other provision of law, the term "nontabulat-
6 ing ballot marking device" means a voting machine that cannot and does
7 not count or transmit votes and does not retain any official record of
8 the voters' selections, but can mark or print voters' selections and
9 have those selections printed on an individual, voter verifiable paper
10 ballot.

11 41. The term "human readable paper ballot" means a paper ballot where
12 all the candidates, ballot proposals and selections that could be tabu-
13 lated are readable without assistance, other than eyeglasses or other
14 standard personal vision enhancing devices.

15 § 3. Subdivision 26 of section 7-104 of the election law, as added by
16 chapter 411 of the laws of 2019, is amended to read as follows:

17 26. All paper ballots of the same kind for the same [~~polling place~~]
18 election district shall be identical. Each voter voting in a polling
19 place is entitled to the use of an individual, voter verifiable paper
20 ballot of the voter's vote and the opportunity to mark it privately and
21 independently. For the purposes of this title, the term "individual,
22 voter verifiable paper ballot" means a human readable paper ballot that
23 is either (a) a marked by the voter by hand; or (b) marked through the
24 use of a nontabulating ballot marking device. Voters shall have both

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

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1 options in paragraphs (a) and (b) of this subdivision available in every
2 polling place. Voting machines purchased prior to the effective date of
3 the chapter of the laws of two thousand twenty-three that amended this
4 subdivision may continue to be used and maintained if they are designed
5 and constructed to utilize individual, voter verifiable paper ballots.

6 § 4. Subdivision 3 of section 7-106 of the election law as amended by
7 chapter 411 of the laws of 2019, is amended to read as follows:

8 3. All paper ballots of the same kind for the same [~~polling place~~]
9 election district shall be identical.

10 § 5. This act shall take effect immediately.