

STATE OF NEW YORK

7147

2023-2024 Regular Sessions

IN ASSEMBLY

May 11, 2023

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

AN ACT to amend the election law, in relation to availability of elec-
tronic ballot images

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

1 Section 1. Subdivision 1 of section 3-222 of the election law, as
2 amended by chapter 169 of the laws of 2011, is amended to read as
3 follows:

4 1. Except as hereinafter provided, removable memory cards or other
5 similar electronic media shall remain sealed against reuse until such
6 time as the information stored on such media has been preserved in a
7 manner consistent with procedures developed and distributed by the state
8 board of elections. Provided, however, that: (i) the information stored
9 on such *memory card or other similar* electronic media and all the data
10 and figures therein may be examined upon the order of any court or judge
11 of competent jurisdiction or may be examined at the direction of a
12 committee of the senate or assembly to investigate and report upon
13 contested elections of members of the legislature voted for by the use
14 of voting machines utilizing such electronic media and such data and
15 such figures examined by such committee in the presence of the officer
16 having the custody of voting machines and electronic media; and (ii) the
17 electronically rendered image of each cast ballot produced by each
18 ballot scanner used at an election and the cast vote record that shows
19 how the ballot image was interpreted shall be copied from the memory
20 cards or other similar electronic media by the board of elections no
21 later than one week after such election, and such copied electronic
22 images of cast ballots and the cast vote records shall be public records
23 of the board of elections available upon request.

24 § 2. This act shall take effect immediately.

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

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