STATE OF NEW YORK

8296--A

2023-2024 Regular Sessions

IN ASSEMBLY

November 27, 2023

Introduced by M. of A. DINOWITZ, CARROLL -- read once and referred to the Committee on Election Law -- recommitted to the Committee on Election Law in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to the procedure for the recanvass of votes in election districts

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

Section 1. This act shall be known and may be cited as "The Count Every Vote Act of New York".

§ 2. 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, paragraphs (d) and (e) as amended by chapter 474 of the laws of 2023, 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~~] **hand** recount of all ballots [~~for~~] **cast on which** a particular contest **appeared**:

i. Where the margin of victory is twenty votes or less; or

ii. Where the margin of victory is 0.5% 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) For the purposes of this section, the term margin of victory shall mean the [~~margin between all votes cast in the entire contest~~] **difference between the number of votes cast for the winning candidate who received the fewest votes and the losing candidate who received the most votes; or the difference between the number of votes cast for and against a ballot proposal** following the recanvass of votes.

(c) **For the purposes of this section, the margin of victory percentage of one-half of one percent (0.5%) or less shall be calculated by dividing the margin of victory defined in paragraph (b) of this subdivision**

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

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by the total number of ballots cast on which the contest appeared and then multiplying the quotient by one hundred.

(d) Where the contest [~~involves~~] appeared on the ballot in two or more counties, portions of two or more counties, or a portion of one or more counties and a portion of the city of New York, the margin of victory, as defined in paragraph (b) of this subdivision, 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~~] those jurisdictions. The margin of victory percentage shall be determined as required by paragraph (c) of this subdivision.

[~~(d)~~] (e) No board of elections shall commence a full [~~manual~~] hand recount of a particular contest unless and until such board of elections has completed and announced the results of the recanvass required by subdivision one of this section, for each applicable election district.

[~~(e)~~] (f) The result of the [~~manual~~] full hand recount of ballots required by paragraph (a) of this subdivision shall supersede the returns filed by the inspectors of election of [~~the~~] every election district in which the canvass was initially made.

§ 3. This act shall take effect immediately.