

STATE OF NEW YORK

1014

2023-2024 Regular Sessions

IN SENATE

January 9, 2023

Introduced by Sens. COONEY, BROUK -- 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 recounts of ballots conducted by the board of elections or a bipartisan committee appointed by the board

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

1 Section 1. Subdivision 4 of section 9-208 of the election law, as
2 added by section 1 of part JJ of chapter 55 of the laws of 2020, is
3 amended to read as follows:

4 4. (a) The board of elections or a bipartisan committee appointed by
5 the board shall conduct a full manual recount of all ballots for a
6 particular contest:

7 i. Where the margin of victory is [~~twenty~~] ten votes or less; or

8 ii. Where the margin of victory is [~~0.5%~~] 0.25% or less; or

9 iii. In a contest where one million or more ballots have been cast and
10 the margin of victory is less than 5,000 votes.

11 (b) The board of elections or a bipartisan committee appointed by the
12 board shall conduct a full recount, manually or via the use of any auto-
13 mated tool authorized for such a use by the board of elections, which is
14 independent from the voting system it is being used to recount, of all
15 ballots for a particular contest where the margin of victory is less
16 than or equal to 0.5% but greater than 0.25%.

17 (c) For the purposes of this section, the term margin of victory shall
18 mean the margin between all votes cast in the entire contest following
19 the recanvass of votes.

20 [~~(c)~~] (d) Where the contest involves portions of two or more counties,
21 the margin of victory shall be determined by the state board of
22 elections based on the most recent recanvass results for the contest
23 submitted by the boards of elections of the counties involved.

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

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1 [~~(d)~~] (e) The result of the [~~manual~~] recount of ballots shall super-
2 sede the returns filed by the inspectors of election of the election
3 district in which the canvass was initially made.

4 (f) Any candidate who is deemed to be losing a contest by the margins
5 set forth in this subdivision shall, prior to any recount being
6 conducted, have the ability to reject a recount and concede victory of
7 such contest.

8 § 2. This act shall take effect immediately.