

STATE OF NEW YORK

5934--C

2023-2024 Regular Sessions

IN ASSEMBLY

March 24, 2023

Introduced by M. of A. CUNNINGHAM, ANDERSON, PAULIN, SHIMSKY, BURGOS, SEPTIMO, CRUZ, DE LOS SANTOS, SAYEGH, CARROLL, EPSTEIN, WOERNER, STECK, SHRESTHA, THIELE, ARDILA, SIMONE, LEVENBERG, DINOWITZ, JACKSON, SIMON, McDONALD, TAPIA, BICHOTTE HERMELYN, MAMDANI, CHANDLER-WATERMAN, TAYLOR, JACOBSON, DAVILA, GALLAGHER -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- 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 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.

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

LBD10156-11-4

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

3 26. All paper ballots of the same kind for the same [~~polling place~~]
4 election district shall be identical. Each voter voting in a polling
5 place is entitled to the use of an individual, voter verifiable paper
6 ballot of the voter's vote and the opportunity to mark it privately and
7 independently. For the purposes of this title, the term "individual,
8 voter verifiable paper ballot" means a human readable paper ballot that
9 is either (a) marked by the voter by hand; or (b) marked through the use
10 of a nontabulating ballot marking device. Voters shall have both options
11 in paragraphs (a) and (b) of this subdivision available in every polling
12 place.

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

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

17 § 5. Voting machines and systems purchased prior to the effective date
18 of this act may continue to be used and maintained if they are designed
19 and constructed to utilize individual, voter-verifiable paper ballots.

20 § 6. This act shall take effect immediately.