STATE OF NEW YORK

2871

2023-2024 Regular Sessions

IN SENATE

January 25, 2023

Introduced by Sen. COMRIE -- 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 the time election day workers must be at poll sites to prepare for the opening of polls, including receiving voting system keys and other ancillary election day supplies

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

Section 1. The opening paragraph of subdivision 1 and subdivision 2 of section 8-102 of the election law, as amended by chapter 164 of the laws of 2010, are amended to read as follows:

The inspectors of election, and clerks, if any, shall meet at the polling place at least [~~one-half~~] **one** hour before the time set for opening the polls of election. The inspectors of election shall:

2. The keys to the ballot scanner and ballot marking device shall be delivered to the inspectors at least [~~one-half~~] **one** hour before the time set for the opening of the polls, in a sealed envelope, on which shall be written or printed the ballot scanner or ballot marking device serial number and location of the polling place, as reported by the voting machine custodian. The envelope containing the keys shall not be opened until at least one inspector from each of the two parties shall be present in the polling place and shall have examined the envelope to see that it has not been opened. Before opening the envelope, such election inspectors present shall examine the serial number on the machine, and shall see if they are the same as the numbers written on the envelope containing the keys. If found not to agree, the envelope must not be opened until the voting machine custodian, or other authorized person, shall have been notified and shall have arrived at the polling place for the purpose of re-examining such machine and shall certify that it is properly arranged. If the serial number on the machine is found to agree with the number on the envelope, the inspectors, except as hereinafter

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

LBD04682-01-3

provided, shall turn on the machine. The inspectors shall carefully examine the printed record produced by the machine to see that each counter registers zero, and shall allow watchers to examine the printed record. The inspectors shall then sign a certificate showing the delivery of the keys in a sealed envelope, the serial number on the machine, the number registered on the protective counter, that all the counters are set at zero and that the public counter is set at zero. The machine shall remain secured against voting until the polls are formally opened and shall not be operated except by voters when voting or by election officials upon the instructions of the board of elections. If any counter is found not to register zero, the inspectors of election shall immediately notify the board of elections.

§ 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.