

STATE OF NEW YORK

7116

2025-2026 Regular Sessions

IN SENATE

April 1, 2025

Introduced by Sen. CLEARE -- 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 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.

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

17 26. All paper ballots of the same kind for the same [~~polling place~~]
18 election district shall be identical. Each voter voting in a polling
19 place is entitled to the use of an individual, voter verifiable paper
20 ballot of the voter's vote and the opportunity to mark it privately and
21 independently. For the purposes of this title, the term "individual,
22 voter verifiable paper ballot" means a human readable paper ballot that
23 is either (a) marked by the voter by hand; or (b) marked through the use
24 of a nontabulating ballot marking device. Voters shall have both options

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

LBD04096-01-5

1 in paragraphs (a) and (b) of this subdivision available in every polling
2 place.
3 § 4. Subdivision 3 of section 7-106 of the election law, as amended by
4 chapter 411 of the laws of 2019, is amended to read as follows:
5 3. All paper ballots of the same kind for the same [~~polling place~~]
6 election district shall be identical.
7 § 5. Voting machines and systems purchased prior to the effective date
8 of this act may continue to be used and maintained if they are designed
9 and constructed to utilize individual, voter-verifiable paper ballots.
10 § 6. This act shall take effect immediately.