STATE OF NEW YORK

8647

IN SENATE

January 7, 2026

Introduced by Sen. GONZALEZ -- 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 voting machines and systems

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

Section 1. Subdivision 1 of section 7-200 of the election law, as amended by chapter 181 of the laws of 2005, is amended to read as follows:

1. The board of elections of the city of New York and other county boards of elections may adopt any kind of voting machine or system approved by the state board of elections, or the use of which has been specifically authorized by law; and thereupon such voting machine or system may be used at any or all elections and shall be used at all general or special elections held by such boards in such city, town or village and in every contested primary election in the city of New York and in every contested primary election outside the city of New York in which there are one thousand or more enrolled voters qualified to vote. **No voting machine or system shall be approved by the state board of elections unless such machine or system meets the requirements of section 7-202 of this title and has been tested pursuant to section 7-206 of this title against the standards set forth in the voluntary voting system guidelines adopted by the United States election assistance commission on December thirteenth, two thousand five; provided, however, that the provisions of this subdivision requiring compliance with such guidelines shall apply solely to those components of a voting system that function to record, cast, or tabulate votes, and shall not apply to electronic poll books or systems utilized solely for the purpose of marking accessible absentee ballots pursuant to paragraph (c) of subdivision two of section 8-400 of this chapter.** No more than two types of voting machines or systems may be used by any local board of elections at a single election. Notwithstanding the other provisions of this subdivision, any local board of elections may borrow or lease for use on an experimental basis for a period of not more than one year

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

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each, voting machines or systems of any type approved by the state board of elections.

§ 2. Subdivision 1 of section 7-201 of the election law, as amended by chapter 181 of the laws of 2005, is amended to read as follows:

1. Any person or corporation owning or being interested in any voting machine or system may apply to have the state board of elections examine such machine or system. Such applicant shall pay to the board before the examination a fee equal to the cost of such examination. The state board of elections shall cause the machine or system to be examined **for compliance with the requirements of section 7-202 of this title** and a report of the examination to be made and filed in the office of the state board. Such examination shall include a determination as to whether the machine or system meets the requirements of section 7-202 of this title and a thorough review and testing of any electronic or computerized features of the machine or system. Such report shall state an opinion as to whether the kind of machine or system so examined can safely and properly be used by voters and local boards of elections at elections, under the conditions prescribed in this article and the requirements of the federal Help America Vote Act. If the report states that the machine or system can be so used, and the board after its own examination so determines, in accordance with subdivision four of section 3-100 of this chapter, the machine or system shall be deemed approved, and machines or systems of its kind may be adopted for use at elections as herein provided. The voting machine or system shall be examined by examiners or testing laboratories to be selected for such purpose by the state board. Each examiner or laboratory shall receive compensation and expenses for making an examination and report as to each voting machine or system examined by [~~him~~] **such examiner** or [~~it~~] **such laboratory**. Neither any member of the state board of elections nor any examiner or owner or employee of any testing laboratory, shall have any pecuniary interest in any voting machine or system. Any form of voting machine or system not so approved, cannot be used at any election.

§ 3. Section 7-202 of the election law is amended by adding a new subdivision 1-a to read as follows:

1-a. In addition to the requirements set forth in subdivision one of this section, no voting machine or system shall be approved by the state board of elections unless such machine or system complies with the voluntary voting system guidelines adopted by the United States election assistance commission on December thirteenth, two thousand five; provided, however, that the provisions of this subdivision requiring compliance with such guidelines shall apply solely to those components of a voting system that function to record, cast, or tabulate votes, and shall not apply to electronic poll books or systems utilized solely for the purpose of marking accessible absentee ballots pursuant to paragraph (c) of subdivision two of section 8-400 of this chapter.

§ 4. Section 7-206 of the election law is amended by adding a new subdivision 5 to read as follows:

5. The examination and testing of any voting machine or system by the state board of elections, or by any examiner or testing laboratory selected by such board, shall be conducted to ensure compliance with the voluntary voting system guidelines adopted by the United States election assistance commission on December thirteenth, two thousand five.

§ 5. This act shall take effect immediately.