

STATE OF NEW YORK

S. 6435

A. 9363

2007-2008 Regular Sessions

SENATE - ASSEMBLY

July 26, 2007

IN SENATE -- Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by M. of A. CARROZZA, SILVER -- read once and referred to the Committee on Election Law

AN ACT to amend chapter 181 of the laws of 2005 amending the election law and the state finance law relating to enacting the Election Reform and Modernization Act of 2005, in relation to Help America Vote Act voting machine and system implementation and repealing certain provisions of such chapter relating thereto

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

1 Section 1. Section 11 of chapter 181 of the laws of 2005 amending the
2 election law and the state finance law relating to enacting the Election
3 Reform and Modernization Act of 2005, is REPEALED and a new section 11
4 is added to read as follows:

5 § 11. Help America Vote Act voting machine and system implementation.
6 All voting machines currently in use in New York shall be replaced
7 with voting machines or voting systems which meet the requirements of
8 section 7-202 of the election law and the federal Help America Vote Act.
9 Upon the replacement of such voting machines in New York, each polling
10 place shall be equipped with at least one voting machine or voting
11 system which is equipped for individuals with disabilities and provides
12 individuals with disabilities with the same opportunity for access and
13 participation as other voters and which meets the requirements of
14 section 7-202 of the election law and the federal Help America Vote Act.
15 Each board of elections shall attempt to the greatest degree practicable
16 to replace existing voting machines with voting machines or systems
17 which, from the perspective of a voter or poll worker, are functionally
18 equivalent, provided, however, that nothing shall preclude a board of
19 elections from selecting more than one type of voting system where such

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

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1 multiple systems are determined by such board to be necessary in order
2 to meet the requirements of this act for such voting machine systems to
3 be accessible to disabled voters or where such multiple voting machine
4 systems are determined by such board to be necessary for other reasons.

5 Up to and until the replacement of existing voting machines by voting
6 machines or voting systems which meet the requirements of section 7-202
7 of the election law, the provisions of this act which impose new stand-
8 ards for voting machines which were not required prior to the effective
9 date of this act, including the amendments to section 7-202 of the
10 election law made by section six of this act, shall not be applicable
11 with respect to such existing machines. Up to and until the replacement
12 of existing voting machines by voting machines or voting systems which
13 meet the requirements of section 7-202 of the election law, each county
14 shall provide at least one location with one or more ballot marking
15 devices which are equipped for individuals with disabilities and provide
16 individuals with disabilities with the same opportunity for access and
17 participation as other voters and which are authorized by the state
18 board of elections pursuant to subdivision 4 of section 7-201 of the
19 election law. The state board of elections shall prescribe procedures
20 for implementing this section.

21 § 2. This act shall take effect immediately.
