

PART 6202

EXAMINATION AND COPYING OF RECORDS

(Statutory authority: Election Law, § 3-102;
Public Officers Law, art. 6)

Sec.

6202.1 Examination and copying of records

Executive

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(a) Applicability. The provisions of this Part shall be applicable to all records of the State Board of Elections available for public inspection and copying.

(b) List of available records. A current list of all board records available for inspection and copying shall be maintained by the records access officer and such list shall be available for public inspection and copying.

(c) Location of records. All available records shall be located at 40 Steuben Street, Albany, New York 12207-2109.

(d) Hours of inspection. Records may be inspected and copied each day the office is open to the public, commencing one-half hour after such office hours begin and terminating 15 minutes before the close of such hours.

(e) To whom and where request made. A request for a particular record shall be made to the public information officer, who shall be the board's records access officer, or his designee.

(f) Form of request and identification. Where an applicant wishes to examine or copy an available record, he shall submit a written and signed request on a form to be provided by the board. Within five business days of the receipt of the request, the records access officer of the board shall make the requested records available, shall deny the request in writing, or shall furnish a written acknowledgment of the receipt of such request and a statement of the approximate date when such request will be granted or denied. If, within 10 business days after the date of the acknowledgment of the receipt of the request for records, access to the requested records is neither granted nor denied, the request shall be deemed to be denied and the applicant shall have the right to appeal in accordance with the provisions of subdivision (u) of this section.

(g) Description of record required. A request for a record shall adequately specify or describe the record sought to be inspected or copied.

(h) Number of records permitted. The records access officer, or his designee, shall have the discretion to limit the number of records of any type or types an applicant may request and receive at any one time.

(i) Treatment of records. No marks of any kind shall be made on any record provided for inspection.

(j) Area restriction. Inspection or copying of records shall be permitted only in the area designated by the records access officer for such purpose.

(k) Duplicate requests. If duplicate requests are received from applicants for a particular record, the applicant making the first request physically received by the board shall first receive the record.

(l) Limitation of examination time. The records access officer or his designee may fix reasonable limitations on the time any applicant may have to examine any record.

(m) Temporary unavailability of records. Where a record is in use by the board, or filing or intake procedures relating thereto have not been concluded, the filing of a request for such a record may be reasonably delayed until such a use or procedure is completed.

(n) Return for board business. Whenever a record made available for inspection or copying is required for the business of the board, the records access officer, or his designee, may require the return of the record. In such case the applicant shall return the record upon demand.

(o) Provision of photostatic copies. Photostatic copies of available records may be obtained from the board by ordering same at a fee of 25

cents per page plus postage.

(p) Provisions for use of telephone lines to transmit available records. Any request for board records to be transmitted over telephone lines shall be paid for at a fee of \$.65 per page.

(q) Provisions for producing data on computer printouts or magnetic media. The fee for producing any data on computer printouts or magnetic media shall be in an amount not to exceed the actual cost of reproduction.

(r) Mailing of data on computer printouts or magnetic media. If the board is requested to mail any computer tapes, computer discs or any other electronic recording, the cost of postage shall be in addition to the fee charged for the actual cost of production. Orders may be made by mail provided the requested computer printout or magnetic media is sufficiently identified.

(s) Release of records. No records shall be released by the board unless all fees and charges have been paid in advance.

(t) Individual accounts. Any person, corporation, association or other entity which wished to establish an account with the board for the purpose of facilitating payment for requested records may request the board to create such an account. Such account shall be created when the board receives a certified check, bank check or money order made payable to the New York State Board of Elections. The minimum amount required to establish such an account is \$100. Such funds shall be placed in a special account with balances maintained for each individual account. Each transmittal, mailing or receipt from the board shall contain a statement of the charges for the transaction and the balance remaining in the account.

(u) Denial of access. In the event a request for a record is denied on grounds other than that the board does not maintain such a record or no such record is found, the applicant shall be provided with a form advising him of his right to appeal the denial of the application to the State Board of Elections. Such appeal shall be made to the New York State Board of Elections. The board shall, within seven business days of the receipt of the appeal, fully explain in writing to the person requesting the record the reasons for denial, or provide access to the record sought.