

A 9363 Carrozza (MS) Same as Uni. [S 6435](#) GRIFFO
Election Law
TITLE....Relates to HAVA voting machine and system
implementation; repeals certain provisions relating thereto
Currently on Assembly Committee Agenda
Election Law (CARROZZA)
OFF THE FLOOR, Thursday, July 26, 2007
07/26/07 referred to election law
07/26/07 reported referred to rules
07/26/07 reported
07/26/07 rules report cal.931
07/26/07 ordered to third reading rules cal.931
07/26/07 message of necessity - 3 day message
07/26/07 passed assembly
07/26/07 delivered to senate
07/26/07 REFERRED TO RULES
07/26/07 SUBSTITUTED FOR S6435
07/26/07 3RD READING CAL.2149
07/26/07 MESSAGE OF NECESSITY - 3 DAY
MESSAGE
07/26/07 PASSED SENATE
07/26/07 RETURNED TO ASSEMBLY
07/26/07 delivered to governor
08/06/07 signed chap.506

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NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A9363

SPONSOR: Carrozza (MS)

TITLE OF BILL: 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

PURPOSE OR GENERAL IDEA OF BILL: The state deadline for replacing existing voting machines is September 1, 2007. This bill extends this deadline and provides for an interim approach for HAVA implementation.

SUMMARY OF PROVISIONS: This bill will extend the deadline for replacing existing voting machines and for the placement of at least one accessible voting! machines per poll site, will provide an exemption from current voting machine standards for existing" voting machines until their replacement and will require at least one accessible ballot marking device per county until the replacement of existing machines. The State Board of Election will prescribe procedures for the implementation of this section.

JUSTIFICATION: In order to allow local boards of elections to use existing voting machines until their replacement is possible, this bill extends the deadline for replacement.

PRIOR LEGISLATIVE HISTORY:; Chapter 1981 of 2005

FISCAL IMPLICATIONS: None

EFFECTIVE DATE: Immediately

LAWS OF NEW YORK, 2007

CHAPTER 506

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

Became a law August 6, 2007, with the approval of the Governor. Passed on message of necessity pursuant to Article III, section 14 of the Constitution by a majority vote, three-fifths being present.

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

Section 1. Section 11 of 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, is REPEALED and a new section 11 is added to read as follows:

§ 11. Help America Vote Act voting machine and system implementation.

All voting machines currently in use in New York shall be replaced with voting machines or voting systems which meet the requirements of section 7-202 of the election law and the federal Help America Vote Act. Upon the replacement of such voting machines in New York, each polling place shall be equipped with at least one voting machine or voting system which is equipped for individuals with disabilities and provides individuals with disabilities with the same opportunity for access and participation as other voters and which meets the requirements of section 7-202 of the election law and the federal Help America Vote Act. Each board of elections shall attempt to the greatest degree practicable to replace existing voting machines with voting machines or systems which, from the perspective of a voter or poll worker, are functionally equivalent, provided, however, that nothing shall preclude a board of elections from selecting more than one type of voting system where such multiple systems are determined by such board to be necessary in order to meet the requirements of this act for such voting machine systems to be accessible to disabled voters or where such multiple voting machine systems are determined by such board to be necessary for other reasons.

Up to and until the replacement of existing voting machines by voting machines or voting systems which meet the requirements of section 7-202 of the election law, the provisions of this act which impose new standards for voting machines which were not required prior to the effective date of this act, including the amendments to section 7-202 of the election law made by section six of this act, shall not be applicable with respect to such existing machines. Up to and until the replacement of existing voting machines by voting machines or voting systems which meet the requirements of section 7-202 of the election law, each county shall provide at least one location with one or more ballot marking devices which are equipped for individuals with disabilities and provide individuals with disabilities with the same opportunity for access and participation as other voters and which are authorized by the state

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

board of elections pursuant to subdivision 4 of section 7-201 of the election law. The state board of elections shall prescribe procedures for implementing this section.

§ 2. This act shall take effect immediately.

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

JOSEPH L. BRUNO

Temporary President of the Senate

SHELDON SILVER

Speaker of the Assembly
