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the election law and the state finance law relating to enacting the Election Reform and Modernization Act of 2005, is REPEALED and a new section 11 is added to read as follows: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

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