

Local Law Number 5 Of 2015

County Of Ulster

A Local Law Establishing An Automatic Re-Canvassing Procedure In And For The County Of Ulster, State Of New York

BE IT ENACTED, by the County Legislature of the County of Ulster, New York, as follows:

SECTION 1. LEGISLATIVE INTENT AND PURPOSE.

- a. The Ulster County Legislature hereby determines that it is appropriate and necessary to adopt a Local Law requiring the automatic re-canvassing of all paper and optical scan ballots cast for a given contest provided that certain criteria as set forth herein has been satisfied.
- b. The County of Ulster is authorized to enact a local law requiring an automatic re-canvassing of the ballots cast in accordance with the New York State Election Law and New York State Municipal Home Rule Law.
- c. No provision of this Local Law is intended to supplant or contradict any provision of New York State Election Law.

SECTION 2. DEFINITIONS.

- a. COUNTY: County of Ulster, State of New York.
- b. ELECTION: any primary, regular or special election for municipal office, or referendum held within the County of Ulster, State of New York.
- c. MARGIN OF VICTORY: difference between the number of votes cast for the winner certified by the Ulster County Board of Elections and the next highest vote getter.

SECTION 3. REGULATION.

- a. Forthwith after a primary, regular or special election for municipal office, the Ulster County Board of Elections shall manually re-canvass all paper ballots for a given election where one person is to be elected in an election contest if the following criteria is met:

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1. The margin of victory is less than one-half ($1/2$) of one (1) percent of the total votes cast, minus blanks and voids, in any particular contest where the total number of votes cast is less than 3,000; or
 2. The margin of victory is less than two-tenths ($2/10$) percent of the total votes cast, minus blanks and voids, in any particular contest where the total number of votes cast is 3,000 or greater.
- b. Forthwith after a primary, regular or special election for municipal office the Ulster County Board of Elections shall manually re-canvass all paper ballots for a given election where more than one person is to be elected in a single election contest if the following criteria is met:
1. The margin of victory between the candidate who won the election with the least votes and the candidate who won the election with the most votes is less than or equal to one-half ($1/2$) of one (1) percent of the votes cast for the candidate who won the contest with the least votes.
- c. Forthwith after an election or referendum wherein the difference between a “Yes” and “No” on a question was less than one-half ($1/2$) of one (1) percent of the total number of votes cast, minus blanks and voids, for a question but not more than two (2) thousand votes, the Ulster County Board of Elections shall manually re-canvass all paper ballots for the election.
- d. An automatic re-canvassing as provided for in this Local Law shall only occur after the Board of Elections completes the canvassing and re-canvassing procedures, but prior to the certification of the original vote count in accordance with the New York State Election Law.
- e. The method of automatic re-canvassing as prescribed in this Local Law shall be in accordance with the New York State Election Law.

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- f. Cost of Automatic Re-Canvassing: The cost of any automatic re-canvassing provided for in this Local Law shall be borne by the Ulster County Board of Elections.
- g. The losing candidate in a contest that meets the criteria as set forth above may waive the automatic recount provisions of this local law by giving written notice to the Ulster County Board of Elections within five days after the certification of the election results.

SECTION 4. SEVERABILITY.

If any part or provision of this Local Law or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction such judgment shall be confined in its operation to the part of the provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances and the Ulster County Legislature hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 5. EFFECTIVE DATE.

This Local Law shall take effect upon its filing with the New York State Secretary of State.

Adopted by the County Legislature: March 17, 2015

Deemed Approved by the County Executive: April 16, 2015