

Proposed Local Law Number 11 Of 2015

County Of Ulster

A Local Law Amending Local Law No. 5 of 2015, 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. Section 2. b. of Local Law No. 5 of 2015 is hereby amended to read as follows:

b. ELECTION: any primary, regular or special election for municipal office, or referendum held within the County of Ulster, State of New York. **This Local Law shall not extend to any contests for municipal office or referendum if such contest or referendum crosses beyond the geographical borders of the County of Ulster, State of New York.**

SECTION 2. Section 3. a. of Local Law No. 5 of 2015 is hereby amended to read as follows:

a. Forthwith after a primary, regular or special election for municipal office **and prior to certification of the final vote count**, 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:

SECTION 3. Section 3 b. of Local Law No. 5 of 2015 is hereby amended to read as follows:

b. Forthwith after a primary, regular election for municipal office, **and prior to certification of the final vote count**, 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.

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County Of Ulster

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SECTION 4. Section 3 b. 1. of Local Law No. 5 of 2015 is hereby amended to read as follows:

1. The margin of victory between the candidate who won the election with the least votes and the candidate who ~~won~~ **lost** 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.

SECTION 5. Section 3. c. of Local Law No. 5 of 2015 is hereby amended to read as follows:

c. Forthwith after an election or referendum **and prior to the certification of the final vote count** 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, **and prior to certification of the final vote count,** the Ulster County Board of Elections shall manually re-canvass all paper ballots for the election.

SECTION 6. Section 3. d. of Local Law No. 5 of 2015 is hereby amended to read as follows:

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.

SECTION 7. Section 3. e. of Local Law No. 5 of 2015 is hereby amended to read as follows:

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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County Of Ulster

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SECTION 8. Section 3 g. of Local Law No. 5 of 2015 is hereby REPEALED and a new Section 3 g. is added to read as follows:

~~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.~~

g. The losing candidate in a contest that meets the criteria as set forth above may waive the automatic re-canvass provisions of this local law by giving written notice to the Ulster County Board of Elections 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.

SECTION 9. 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 10. EFFECTIVE DATE.

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

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Adopted by the County Legislature: August 18, 2015

Approved by the County Executive: September 17, 2015