

Checks and Balances in New York: The Post-Election Day Process

American elections are run by local and state officials alongside tens of thousands of our friends and neighbors from both political parties. These bipartisan teams count, canvass, and audit ballots — whether in person or by mail — verifying identities, inspecting ballots, and ensuring each is counted as intended. This rigorous process leads to the final step: certification. This is the straightforward phase of the process, in which election officials declare the winners.

This memo outlines the checks and balances in New York that ensure all state and local rules are followed. Importantly, this is nonpartisan educational research intended for 501(c)(3)-compliant purposes only. It is not to be used for any partisan, political, or electioneering activities by any organization.

Counting: Technology and Bipartisan Oversight Work to Triple-Check Results for Accuracy

New York primarily uses paper ballots that are read by optical-scan ballot scanners. State law allows local boards to use direct recording electronic machines or optical scan machines.¹ The state also provides accessible ballot marking devices for voters with disabilities to vote privately and independently.² New York law mandates specific processes for checking voting equipment so that the counting process is accurate.³

Quality-Tested Technology Leads to Trustworthy Results

The state board must approve all voting systems in New York elections, and any local board can use no more than two types of voting machines or systems for a single election.⁴ New York law requires that all voting systems be tested by the state board of elections, which must consist of members of the two major political parties.⁵ To ensure that voting systems cannot be accessed or altered remotely, the systems cannot have internet-access capabilities. Voting machines must utilize secure locking devices to immediately freeze the

¹ N.Y. Elec. Law § 7-202

² [Voting Machines](#), New York State Board of Elections

³ N.Y. Elec. Law § 7-206

⁴ N.Y. Elec. Law § 7-202

⁵ N.Y. Elec. Law § 3-100; § 7-206

recording mechanism once polls close, completely preventing any additional votes from being entered.⁶

Local boards conduct system checks before each election to guarantee that all system hardware, memory, and report printers are fully integrated and functioning.⁷ Officials must manually process a physical "test deck" of ballots. If an error occurs, the issue must be corrected. The system cannot be approved until it passes two consecutive, error-free tests. For additional transparency, officials must send written notice to candidates allowing them to inspect machines up to two days before the election.

Transparent Processes Instill Confidence

New York law requires any voting system to allow each voter to privately and independently verify the votes they selected before their ballot is counted.⁸ Voters have the opportunity to correct any error. Officials begin tabulating Election Day ballots immediately after the close of polls, while early voting and mail ballots follow a specific pre-canvassing process.⁹ Officials must allow candidates or accredited watchers access to the polling place during the canvass period.¹⁰ After the results tape is printed, bipartisan inspectors conduct a physical reconciliation at the polling site, cross-referencing the scanner's public counter against the total number of signatures in the electronic poll books to ensure every physical ballot is accounted for.¹¹

Audits Verify Accuracy of Results Before Canvassing

The state board of elections confirms tabulation equipment is working appropriately before the election by conducting pre-election audits of every voting machine of a type and every ballot counting machine.¹² Additionally, local boards must annually test the machines and report the results of those tests. The annual testing requires feeding a trial recording of at least 800 votes into each machine to mathematically show that the machine registers and tabulates high-volume data flawlessly.¹³

Canvassing: Elected Officials Ensure Totals Are Correct

County Canvass: Public meeting of the Board of Canvassers

In New York, the county board of elections serves as the county board of canvassers, and is

⁶ N.Y. Elec. Law § 7-202

⁷ N.Y. Comp. Codes R. & Regs. tit. 9, § 6210.2

⁸ N.Y. Elec. Law § 7-202(e)

⁹ N.Y. Elec. Law § 9-102

¹⁰ N.Y. Elec. Law § 9-102(3)

¹¹ N.Y. Elec. Law § 9-102; § 9-106

¹² N.Y. Elec. Law § 7-206

¹³ N.Y. Elec. Law § 7-206(2)

responsible for canvassing the votes cast within the county for state, county, city and town offices.¹⁴ The board must also perform a complete recanvass of the tabulated result tape from each ballot scanner to cross-reference with the number on the official return of canvass.¹⁵ Canvassing is available for public viewing by poll watchers, candidates, and political party representatives.¹⁶

State Canvass: State Officials Confirm and Compile County Results

For the state canvass, the state board of elections serves as the state board of canvassers.¹⁷ The board must meet on or before December 15 to officially canvass the certified abstracts sent by the counties.¹⁸ A minimum quorum of three board members is required to execute the state canvass, which systematically compiles and calculates the total votes cast for federal, statewide, state senate, and state assembly offices.¹⁹

Certification: The Voters Have Spoken

Once local canvassing is complete, the board must certify the results and send a certified abstract of the results to the state board of elections. If a county board fails to deliver the certified abstract within 25 days after the election, the state board must dispatch a special messenger to demand and secure the certified statement of the canvassing board.²⁰

Upon completion of the state canvass, the state board of elections formally files the tabulated statements of the voters. The certified copy is sent to each individual elected to office. For federal congressional offices, the state board sends a general certificate under the seal of the state to the U.S. House of Representatives.²¹

Secure Democracy Foundation is a nonpartisan, 501(c)(3) nonprofit organization building stronger elections, state by state. Our work is state-focused, informed by election policy insights from a national perspective, and realized by seizing common ground.

¹⁴ N.Y. Elec. Law § 9-204

¹⁵ N.Y. Elec. Law § 9-214

¹⁶ N.Y. Elec. Law § 9-209

¹⁷ N.Y. Elec. Law § 9-216(1)

¹⁸ N.Y. Elec. Law § 9-216(2)

¹⁹ Id.

²⁰ N.Y. Elec. Law § 9-214

²¹ N.Y. Elec. Law § 9-216(4)