

Section 6210.19 is amended as follows:

§ 6210.19 Minimum number of voting machines

(a) The purpose of these determinations is to establish the minimum number of required voting machines and privacy booths needed for each polling place based upon **whether the voting system is used on election day or for the early voting period, and [,]** the type of voting system and the number of registered voters (excluding voters in inactive status) assigned to use that specific voting device in accordance with NYS Election Law, sections 7-200, **[and] 7-203 and 8-600.**

(b) [Determinations by type of voting system.] Minimum Number of Voting Machines For Election Day Polling Sites

(1) Direct recording electronic voting systems.

(i) There shall be at least one direct recording electronic voting device for every 550 registered voters (excluding voters in inactive status) **[at the] assigned to a** polling place.

(2) Precinct based optical scan voting systems.

(i) There shall be at least one scanning device for every 4,000 registered voters (excluding voters in inactive status) **[at the] assigned to a** polling place.

(ii) Privacy booths:

(a) there shall be at least one privacy booth for every 300 registered voters (excluding voters in inactive status), except that in a general election for

governor, or at elections at which electors for President of the United States are selected there shall be at least one privacy booth for every 250 registered voters (excluding voters in inactive status);

(b) at polling places that accommodate more than 6,000 registered voters (excluding voters in inactive status), there shall be one privacy booth for every 350 registered voters (excluding voters in inactive status) in a general election for governor, or at elections at which electors for President of the United States shall be selected; and one privacy booth for every 400 active voters in all other elections; and

(c) a sufficient number of the privacy booths must be accessible to voters with disabilities.

(c) Minimum Number of Voting Machines for the Early Voting Period

(1) Direct recording electronic voting systems.

(i) There shall be at least one direct recording electronic voting device for every 3,000 registered voters (excluding voters in inactive status) assigned to the early voting period polling place; provided, however, no early voting site shall have less than two direct recording electronic device.

(2) Precinct based optical scan voting systems.

(i) There shall be at least one scanning device for every 25,000 registered voters (excluding voters in inactive status) assigned to the early voting polling place; provided, however, no early voting site shall have less than two optical scanners.

(ii) Privacy booths:

(a) there shall be at least one privacy booth for every 4,200 registered voters (excluding voters in inactive status), except that in a general election for governor, or at elections at which electors for President of the United States are selected there shall be at least one privacy booth for every 3,600 registered voters (excluding voters in inactive status);

(b) a sufficient number of the privacy booths must be accessible to voters with disabilities.

(d) Obligations of the county boards of elections.

(1) County boards shall deploy sufficient voting equipment, election workers and other resources so that voter waiting time at a poll site does not exceed 30 minutes. Each county board of elections may increase in a non-discriminatory manner, the number of voting devices used in any specific polling place. **If the voter waiting time at an early voting site exceeds thirty minutes the board of elections shall deploy such additional voting equipment, election workers and other resources necessary to reduce the wait time to less than thirty minutes as soon as possible but no later than the beginning of the next day of early voting.**

(2) The inspectors in each election district **and at each early voting site** shall record the number of persons using audio, tactile or pneumatic switch ballot devices. The county board of elections shall furnish additional voting machines equipped with audio, tactile or pneumatic switch ballot devices

when it appears that the number of persons historically using such devices warrant additional devices.

(d) The State Board of Elections may authorize a reduction in the number of voting devices provided in these regulations upon application of a county board of elections which demonstrates that such a reduction will not create excessive waiting time by voters. **The request for such a reduction shall be made by both commissioners, in writing, to the co-executive directors of the state board and shall set forth the rationale being used for the requested reduction. The request for such reduction shall be made no later than twenty days before the beginning of the early voting period.**

(e) Provisions of this section applicable to early voting shall apply in relation to any election at which early voting is held pursuant to title VI of article 8 of the election law as enacted by chapter 6 of the laws of 2019.