

STATE OF NEW YORK

8754

2017-2018 Regular Sessions

IN ASSEMBLY

October 30, 2017

Introduced by M. of A. STECK, FAHY, McDONALD -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to requiring a carrier of an absentee ballot to provide certification to the board of elections of his or her status as a carrier of an absentee ballot and criminalizing the provision of an absentee ballot in the absence of proper documentation requesting such ballot; and in relation to providing that applications for absentee ballots are public records and open to public inspection

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 8-406 of the election law, as amended by chapter
2 296 of the laws of 1988, is amended to read as follows:
3 § 8-406. Absentee ballots, delivery of. 1. If the board shall find
4 that the applicant is a qualified voter of the election district
5 containing his residence as stated in his statement and that his state-
6 ment is sufficient, it shall, as soon as practicable after it shall have
7 determined his right thereto, mail to him at an address designated by
8 him, or deliver to him, or to any person designated for such purpose in
9 writing by him, at the office of the board, such an absentee voter's
10 ballot or set of ballots and an envelope therefor. If the ballot or
11 ballots are to be sent outside of the United States to a country other
12 than Canada or Mexico, such ballot or ballots shall be sent by air mail.
13 However, if an applicant who is eligible for an absentee ballot is a
14 resident of a facility operated or licensed by, or under the jurisdic-
15 tion of, the department of mental hygiene, or a resident of a facility
16 defined as a nursing home or residential health care facility pursuant
17 to subdivisions two and three of section two thousand eight hundred one
18 of the public health law, or a resident of a hospital or other facility
19 operated by the Veteran's Administration of the United States, such
20 absentee ballot need not be so mailed or delivered to any such applicant

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

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1 but, may be delivered to the voter in the manner prescribed by section
2 8-407 of this ~~chapter~~ title if such facility is located in the county
3 or city in which such voter is eligible to vote.

4 2. In the event that a voter wishes to designate an individual to
5 deliver an absentee ballot to such voter, the voter shall make applica-
6 tion to the board of elections of the district in which the voter is
7 eligible to vote for an absentee ballot as provided in this title or
8 shall request such ballot by letter as set forth in paragraph (d) of
9 subdivision two of section 8-400 of this title. Such voter shall attach
10 to his or her application for an absentee ballot or to his or her appli-
11 cation letter, a completed "certification for a carrier of an absentee
12 ballot" in the form specified in this subdivision. Upon approval of such
13 voter's application for an absentee ballot, a copy of the completed
14 certification form shall be attached to the absentee ballot. If a voter
15 does not wish to return his or her completed ballot by mail, he or she
16 may provide such completed ballot only to the individual who is the
17 certified carrier of the voter's absentee ballot for return of the
18 ballot to the board of elections of the district in which the voter is
19 eligible to vote. The carrier of the absentee ballot shall ensure that
20 the completed ballot is returned to the appropriate board of elections
21 in a timely manner.

22 Certification for a Carrier of an Absentee Ballot

23 I hereby affirm, under penalties of perjury, the following:

- 24 1. I am carrying the absentee ballot for _____ voter because I
25 am a [] Relative [] Friend or Neighbor [] Worker for a political
26 campaign or party [] Other (specify) _____
27 2. I have reviewed the qualifications for voting by absentee ballot
28 which are stated on the absentee ballot application and I have
29 reviewed them with the voter. The voter is qualified to vote by
30 absentee ballot.
31 3. I have not advised the voter that he or she may vote by absentee
32 ballot for purposes of convenience or because the voter simply does
33 not want to go to the polls on election day. Nor has the voter made
34 any such statements to me.
35 4. I have advised the voter that the polls are open from 9 a.m. to 9
36 p.m. on general election day or 12 noon to 9 p.m. on primary day and
37 that the voter may not claim to be out of the county if he or she is
38 in the county when the polls are open.
39 5. I will not give this voter's ballot to any other person. Only the
40 voter and I will handle this ballot.
41 6. I understand and agree that the board of elections will contact me to
42 verify the truth of these statements. The valid phone number at
43 which the board of elections may contact me is _____.

44
45 (Signature)

46 § 2. Section 8-400 of the election law is amended by adding a new
47 subdivision 11 to read as follows:

48 11. Any election officer who permits an absentee ballot to be carried
49 or mailed to a voter without a fully executed and signed absentee ballot
50 application or a letter of request for an absentee ballot on file with
51 the board of elections as provided for in paragraph (d) of subdivision
52 two of this section shall be guilty of a felony as provided for in
53 section 17-106 of this chapter.

54 § 3. Subdivision 1 of section 3-220 of the election law, as amended by
55 chapter 104 of the laws of 2010, is amended to read as follows:

1 1. All registration records, certificates, applications for absentee
2 ballots, lists, and inventories referred to in, or required by, this
3 chapter shall be public records and open to public inspection under the
4 immediate supervision of the board of elections or its employees and
5 subject to such reasonable regulations as such board may impose,
6 provided, however, that a voter's driver's license number, department of
7 motor vehicle non-driver photo ID number, social security number and
8 facsimile number shall not be released for public inspection. No such
9 records shall be handled at any time by any person other than a member
10 of a registration board or board of inspectors of elections or board of
11 elections except as provided by rules imposed by the board of elections.

12 § 4. Subdivision 7 of section 8-402 of the election law is amended to
13 read as follows:

14 7. The board shall keep a record of applications for absentee ballots
15 as they are received, showing the names and residences of the appli-
16 cants, and their party enrollment in the case of primary elections, and,
17 as soon as practicable shall, when requested, give to the chairman of
18 each political party or independent body in the county, and shall make
19 available for inspection to any other qualified voter upon request, a
20 complete list of all applicants to whom absentee voters' ballots have
21 been delivered or mailed, containing their names and places of residence
22 as they appear on the registration record, including the election
23 district and ward, if any, and in the city of New York and the county of
24 Nassau, the assembly district, and their party enrollment in the case of
25 primary elections. All applications for absentee ballots shall be
26 public records and open to public inspection under the immediate super-
27 vision of the board of elections or its employees and subject to such
28 reasonable regulations as such board may impose.

29 § 5. This act shall take effect immediately.