STATE OF NEW YORK

1014

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. SIMONE -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to ballot drop-off locations

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

Section 1. Section 8-416 of the election law, as added by a chapter of the laws of 2024 amending the election law relating to authorizing boards of elections to establish absentee ballot drop-off locations, as proposed in legislative bills numbers S. 610 and A. 7243, is amended to read as follows:

§ 8-416. [~~Absentee ballot~~] **Ballot** drop boxes. 1. For the purposes of this title, the following terms shall have the following meanings:

(a) "[~~absentee~~] ballot drop box" shall mean a secure receptacle established by a board of elections whereby an absentee ballot **or early mail ballot** marked by a voter pursuant to section 8-410 **or 8-708** of this [~~title~~] **article** may be returned to the board of elections of the county or city of the voter's residence; and

(b) "[~~absentee~~] ballot drop-off location" shall mean a location consisting of a secured [~~absentee~~] ballot drop box at which [~~an absentee~~] **a** ballot marked by a voter pursuant to section 8-410 **or 8-708** of this [~~title~~] **article** may be returned to the board of elections of the county or city of the voter's residence.

2. Each board of elections is hereby authorized to establish one or more [~~absentee~~] ballot drop-off locations as an additional means for the delivery of absentee **or early voting** ballots marked by a voter to the board of elections of the county or city of the voter's residence. Each such board of elections shall provide notice of the location of every such [~~absentee~~] ballot drop-off location by posting such information on

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

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its website no later than the day the [~~absentee~~] ballot drop-off location is established.

3. The state board of elections is hereby authorized and directed to promulgate rules and regulations necessary for the implementation of the provisions of this section, including, but not limited to the location, chain of custody, pick-up times, proper labeling, and security of [~~absentee~~] ballot drop boxes established by boards of elections pursuant to this section.

§ 2. Section 8-410 of the election law, as amended by a chapter of the laws of 2024 amending the election law relating to authorizing boards of elections to establish absentee ballot drop-off locations, as proposed in legislative bills numbers S. 610 and A. 7243, is amended to read as follows:

§ 8-410. Absentee voting; method of. The absentee voter shall mark an absentee ballot as provided for paper ballots or ballots prepared for counting by ballot counting machines. [~~He or she~~] **Such absentee voter** shall make no mark or writing whatsoever upon the ballot, except as above prescribed, and shall see that it bears no such mark or writing. [~~He or she~~] **Such absentee voter** shall make no mark or writing whatsoever on the outside of the ballot. In cases where the express intent of the voter is unambiguous, any stray marks or writing shall not be a basis for voiding a ballot. After marking the ballot or ballots [~~he or she~~] **such absentee voter** shall fold each such ballot and enclose them in the envelope and seal the envelope. [~~He or she~~] **Such absentee voter** shall then take and subscribe the oath on the envelope, with blanks properly filled in. The envelope, containing the ballot or ballots, shall then be mailed or delivered to the board of elections of the county or city of [~~his or her~~] **such absentee voter's** residence or deposited in [~~an absentee~~] **a** ballot drop box established by the board of elections of the county or city of the voter's residence.

§ 3. Section 8-708 of the election law, as added by chapter 481 of the laws of 2023, is amended to read as follows:

§ 8-708. Early voting by mail; method of. The early mail voter shall mark an early mail ballot as provided for paper ballots or ballots prepared for counting by ballot counting machines. They shall make no mark or writing whatsoever upon the ballot, except as above prescribed, and shall see that it bears no such mark or writing. They shall make no mark or writing whatsoever on the outside of the ballot. In cases where the express intent of the voter is unambiguous, any stray marks or writing shall not be a basis for voiding a ballot. After marking the ballot or ballots they shall fold each such ballot and enclose them in the envelope and seal the envelope. They shall then take and subscribe the oath on the envelope, with blanks properly filled in. The envelope, containing the ballot or ballots, shall then be mailed or delivered to the board of elections of the county or city of their residence **or deposited in a ballot drop box established by the board of elections of the county or city of the voter's residence**.

§ 4. Subdivision 1 of section 8-412 of the election law, as amended by a chapter of the laws of 2024 amending the election law relating to authorizing boards of elections to establish absentee ballot drop-off locations, as proposed in legislative bills numbers S. 610 and A. 7243, is amended to read as follows:

1. The board of elections shall cause all absentee ballots received by it before the close of the polls on election day and all ballots contained in envelopes showing a cancellation mark of the United States postal service or a foreign country's postal service, or showing a dated

endorsement of receipt by another agency of the United States government, with a date which is ascertained to be not later than the day of the election and received by such board of elections not later than seven days following the day of election to be cast and counted except that the absentee ballot of a voter who requested such ballot by letter, rather than application, shall not be counted unless a valid application form, signed by such voter, is received by the board of elections with such ballot. For purposes of this section, any absentee ballot received by the board of elections by mail that does not bear or display a dated postmark shall be presumed to have been timely mailed or delivered if such ballot bears a time stamp of the receiving board of elections indicating receipt by such board on the day after the election. For the purposes of this section, an absentee ballot shall be deemed to be received by the board of elections before the close of the polls on election day if it is deposited in [~~an absentee~~] **a** ballot drop box before the close of polls on election day. Ballots received in accordance with this section shall be deemed timely and the failure of a board of elections to time stamp such ballots received in this manner on or before election day shall not prohibit the canvassing of such ballots. At the close of the polls on election day, the board of elections shall close every [~~absentee~~] ballot drop box and collect [~~absentee~~] ballots deposited in such [~~absentee~~] ballot drop box.

§ 5. Subdivision 1 of section 8-710 of the election law, as added by chapter 481 of the laws of 2023, is amended to read as follows:

1. The board of elections shall cause all early mail ballots received by it before the close of the polls on election day and all ballots contained in envelopes showing a cancellation mark of the United States postal service or a foreign country's postal service, or showing a dated endorsement of receipt by another agency of the United States government, with a date which is ascertained to be not later than the day of the election and received by such board of elections not later than seven days following the day of election to be cast and counted. For purposes of this section, any early mail ballot received by the board of elections by mail that does not bear or display a dated postmark shall be presumed to have been timely mailed or delivered if such ballot bears a time stamp of the receiving board of elections indicating receipt by such board on the day after the election. **For the purposes of this section, an early mail ballot shall be deemed to be received by the board of elections before the close of the polls on election day if it is deposited in a ballot drop box before the close of polls on election day. Ballots received in accordance with this section shall be deemed timely and the failure of a board of elections to time stamp such ballots received in this manner on or before election day shall not prohibit the canvassing of such ballots. At the close of the polls on election day, the board of elections shall close every ballot drop box and collect ballots deposited in such ballot drop box.**

§ 6. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2024 amending the election law relating to authorizing boards of elections to establish absentee ballot drop-off locations, as proposed in legislative bills numbers S. 610 and A. 7243, takes effect.