STATE OF NEW YORK

10808

IN ASSEMBLY

July 15, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Bichotte) -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to the date of receipt by the board of elections of certain absentee ballots received by a board of elections that do not bear or display a dated postmark

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

Section 1. Subdivision 1 of section 8-412 of the election law, as amended by chapter 91 of the laws of 2020, 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. **For purposes of this section, any absentee ballot received by the board of elections no later than seven days following the day of the election 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.**

§ 2. Subdivision 1 of section 8-412 of the election law, as amended by chapter 155 of the laws of 1994, 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 [~~before~~] **of the** election and received by such board of elections not later than seven days following the day of election to be cast and

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

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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 sent by way of the United States postal service and received by the board of elections no later than seven days following the day of the election 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.**

§ 3. This act shall take effect immediately and shall apply to elections occurring on or after such effective date; provided, however that the amendments to subdivision 1 of section 8-412 of the election law made by section one of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 7 of chapter 91 of the laws of 2020 when upon such date the provisions of section two of this act shall take effect.