STATE OF NEW YORK

10830

IN ASSEMBLY

July 17, 2020

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

AN ACT to amend the election law, in relation to providing voters an opportunity to cure deficiencies regarding absentee ballots

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

Section 1. Section 9-209 of the election law is amended by adding two new subdivisions 3 and 3-a to read as follows:

3. (a) Upon the board of elections determination at or before the time of canvass that an absentee ballot affirmation envelope is unsigned or that an affirmation ballot envelope signature does not correspond to the registration signature or there is no required witness to a mark or that the envelope is returned without an affirmation envelope in the return envelope, the board shall, within one day of such determination, send to the absentee voter's address indicated in the registration records and, if different, the mailing address indicated on the absentee ballot application, a notice explaining the reason for such rejection and the procedure to cure the rejection. The board shall also contact the voter by either electronic mail or telephone, if such information is available to the board in the voter's registration information, in order to notify the voter of the deficiency and the opportunity and the process to cure the deficiency.

(b) The voter may cure the aforesaid defects by filing a duly signed affirmation attesting to the same information required by the affirmation envelope and attesting that the signer of the affirmation is the same person who submitted such absentee ballot envelope. The board shall include a form of such affirmation with the notice to the voter. The affirmation shall be in a form prescribed by the state board of elections.

(c) Such cure affirmation shall be filed with the board no later than seven business days after the board's mailing of such curable rejection notice. Provided the board determines that such affirmation addresses the curable defect, the rejected ballot shall be reinstated and duly canvassed. If the board of elections is split as to the sufficiency of

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

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the cure affirmation, such envelope shall be set aside for three days and then canvassed unless the board is directed otherwise by court order.

(d) When the board of elections invalidates a ballot envelope and the defect is not curable, the voter shall be notified by mail sent within three business days of such rejection.

3-a. If an absentee ballot affirmation envelope is received by the board of elections prior to the election and is found to be unsealed and thus invalid, the board shall forthwith notify the voter of such defect and notify the voter of other options for voting, and, if time permits, provide the voter with a new absentee ballot.

§ 2. The state board of elections shall promulgate rules and regulations to implement this act.

§ 3. This act shall take effect immediately and shall apply to elections occurring on or after such effective date.