STATE OF NEW YORK

10940

IN ASSEMBLY

August 17, 2020

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

AN ACT to amend the election law, in relation to casting and canvassing of absentee, military, special presidential, special federal and other special ballots

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

Section 1. Subdivision 1 of section 9-209 of the election law, as amended by chapter 104 of the laws of 2010, is amended to read as follows:

1. (a) The board of elections shall designate itself or such of its employees as it shall deem appropriate as a set of poll clerks to cast and canvass such ballots, and [~~fix a time and place for their meeting for such purpose, provided that such meeting shall be no more than fourteen days after a general or special election and no more than eight days after a primary election at which such ballots are voted~~] **establish a procedure which provides for the casting and canvassing of such ballots as such ballots are received by the board**. The board may designate additional sets of poll clerks and if it designates more than one such set shall apportion among all such sets the election districts from which such ballots have been received, provided that all such ballots from a single election district shall be assigned to a single set of clerks, and that each such set shall be divided equally between representatives of the two major political parties. Each such set of clerks shall be deemed a central board of inspectors for purposes of this section.

(b) At least five days prior to the [~~time fixed for such meeting~~] **earliest day a board could receive such ballots**, the board shall send notice by first class mail to each candidate, political party, and independent body entitled to have had watchers present at the polls in any election district in the board's jurisdiction. Such notice shall state the [~~time and place fixed~~] **procedure established** by the board for such canvass.

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

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(c) Each such candidate, political party, and independent body shall be entitled to appoint such number of watchers to attend upon each central board of inspectors as such candidate, political party, or independent body was entitled to appoint at such election in any one election district for which such central board of inspectors is designated to act.

§ 2. The opening paragraph of subparagraph (i) of paragraph (a) of subdivision 2 of section 9-209 of the election law, as amended by chapter 308 of the laws of 2011, is amended and a new clause (F) is added to read as follows:

Upon assembling at the time and place [~~fixed for such meeting~~] **set in the procedure established pursuant to paragraph (a) of subdivision one of this section**, each central board of inspectors shall examine, cast, and canvass the envelopes and the ballots therein contained as nearly as practicable in the following manner:

(F) Where an envelope or ballot is laid aside, rejected or successfully challenged prior to the date of such election and the board determines that the person who submitted such envelope or ballot was entitled to vote at such election, the board of elections shall notify such person and provide the opportunity to correct any defect with such envelope or ballot, as applicable.

§ 3. Section 8-302 of the election law is amended by adding a new subdivision 2-b to read as follows:

2-b. If a voter's name appears in the ledger or computer generated registration list with a notation indicating that the voter has already voted by absentee, military, special presidential, special federal or other special ballot, such voter shall only be entitled to vote by affidavit ballot.

§ 4. This act shall take effect immediately and shall apply to elections held on or after such date.