

STATE OF NEW YORK

1621

2019-2020 Regular Sessions

IN ASSEMBLY

January 16, 2019

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

AN ACT to amend the election law, in relation to the canvass of absentee, military and special ballots

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

1 Section 1. Subdivision 1 of section 9-209 of the election law is
2 amended by adding a new paragraph (d) to read as follows:

3 (d) The determination of the board of elections to issue a voter an
4 absentee, military or special ballot pursuant to article eleven of this
5 chapter shall only be challenged by means of a judicial proceeding in
6 the supreme court of the state of New York instituted not later than
7 three days after such determination, and the board of elections and the
8 voter whose application is challenged shall be necessary parties to such
9 proceeding. Notwithstanding any inconsistent provision of this chapter,
10 at the time of canvass a challenge to the casting and canvassing of an
11 absentee, military or special ballot shall not be sustained if: (i) the
12 basis of such challenge pertains in any manner to an alleged deficiency
13 in the application for such ballot; and (ii) a proceeding with respect
14 to such application was not commenced as required by this paragraph. If
15 a proceeding has been commenced with respect to an application for an
16 absentee, military or special ballot and is still pending at the time of
17 the canvass, the returned ballot envelope shall be set aside until the
18 court determines the validity of such application.

19 § 2. This act shall take effect immediately.

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

LBD01916-01-9