# STATE OF NEW YORK

8369

# IN SENATE

May 19, 2020

Introduced by Sen. MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to ballots submitted in envelopes that are partially sealed or sealed with tape, paste, or any other binding agent or device

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

Section 1. Clause (A) 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 to read as follows:

(A) If a person whose name is on an envelope as a voter has already voted in person at such election, or if his or her name and residence as stated on the envelope are not on a registration poll record, or the computer generated list of registered voters or the list of special presidential voters, or if there is no name on the envelope, or if the envelope is not sealed, such envelope shall be laid aside unopened. **Provided however, if a ballot envelope is partially sealed or sealed with tape, paste, or any other binding agent or device, the board shall, prior to certifying the election results, make a good faith effort to contact the voter, which may include, but not be limited to contacting the voter by electronic mail or phone, if his or her email address or telephone number has been provided by the voter or is otherwise available to the board. If the voter can verify in writing to the board that the voter completed the ballot and submitted the envelope in the observed condition, the board shall cast and canvass such ballot.**

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

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

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