STATE OF NEW YORK

8370

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 providing voters an opportunity to contest challenges to absentee ballots

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

Section 1. Paragraph (d) of subdivision 2 of section 9-209 of the election law, as amended by chapter 104 of the laws of 2010, is amended to read as follows:

(d) Any person lawfully present may object to the refusal to cast or canvass any ballot on the grounds that the voter is a properly qualified voter of the election district, or in the case of a party primary duly enrolled in such party, or to the casting or canvassing of any ballot on the grounds that the voter is not a properly qualified voter of the election district, or in the case of a party primary not duly enrolled in such party, or otherwise not entitled to cast such ballot. When any such objection is made, the central board of inspectors shall forthwith proceed to determine such objection and reject or cast such ballot according to such determination. **Before the central board makes a final determination to reject a challenged ballot, it shall serve written notice via certified mail within twenty-four hours to the voter describing the basis for the challenge and provide him or her with an opportunity to submit an affidavit or other sworn statement, as applicable, to cure or address any such deficiency. The voter shall have a period of three days from the date of receiving notification, but no later than seven days from being mailed such notice to avail themselves of the opportunity to cure or address any such deficiency.** If the board cannot agree as to the validity of the ballot it shall set the ballot aside, unopened, for a period of three days at which time the ballot envelope shall be opened and the vote counted unless otherwise directed by an order of the court.

§ 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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