

STATE OF NEW YORK

8799--A

IN SENATE

July 16, 2020

Introduced by Sens. GIANARIS, LIU -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged and said bill committed to the Committee on Elections -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to the receipt by the board of elections of certain absentee ballots received by a board of elections that do not bear or display a dated postmark

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

1 Section 1. Subdivision 1 of section 8-412 of the election law, as
2 amended by chapter 91 of the laws of 2020, is amended to read as
3 follows:

4 1. The board of elections shall cause all absentee ballots received by
5 it before the close of the polls on election day and all ballots
6 contained in envelopes showing a cancellation mark of the United States
7 postal service or a foreign country's postal service, or showing a dated
8 endorsement of receipt by another agency of the United States govern-
9 ment, with a date which is ascertained to be not later than the day of
10 the election and received by such board of elections not later than
11 seven days following the day of election to be cast and counted. For
12 purposes of this section, any absentee ballot received by the board of
13 elections by mail that does not bear or display a dated postmark shall
14 be presumed to have been timely mailed or delivered if such ballot bears
15 a time stamp of the receiving board of elections indicating receipt
16 by such board on the day after the election.

17 § 2. Subdivision 1 of section 8-412 of the election law, as amended by
18 chapter 155 of the laws of 1994, is amended to read as follows:

19 1. The board of elections shall cause all absentee ballots received by
20 it before the close of the polls on election day and all ballots
21 contained in envelopes showing a cancellation mark of the United States
22 postal service or a foreign country's postal service, or showing a dated
23 endorsement of receipt by another agency of the United States govern-
24 ment, with a date which is ascertained to be not later than the day

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

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1 [~~before~~ of the election and received by such board of elections not
2 later than seven days following the day of election to be cast and
3 counted except that the absentee ballot of a voter who requested such
4 ballot by letter, rather than application, shall not be counted unless a
5 valid application form, signed by such voter, is received by the board
6 of elections with such ballot. For purposes of this section, any absen-
7 tee ballot received by the board of elections by mail that does not bear
8 or display a dated postmark shall be presumed to have been timely mailed
9 or delivered if such ballot bears a time stamp of the receiving board of
10 elections indicating receipt by such board on the day after the
11 election.

12 § 3. This act shall take effect immediately and shall apply to
13 elections occurring on or after such effective date; provided, however
14 that the amendments to subdivision 1 of section 8-412 of the election
15 law made by section one of this act shall be subject to the expiration
16 and reversion of such subdivision pursuant to section 7 of chapter 91
17 of the laws of 2020 when upon such date the provisions of section two of
18 this act shall take effect.