

STATE OF NEW YORK

10975

IN ASSEMBLY

September 9, 2020

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

AN ACT to amend the election law, in relation to authorizing boards of elections to establish a method of collection of absentee ballots utilizing county, town, city and village clerks

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

1 Section 1. The election law is amended by adding a new section 8-414
2 to read as follows:

3 § 8-414. Receipt of absentee ballots by county, town, city and village
4 clerks. 1. Each board of elections is hereby authorized to establish a
5 method of collection of absentee ballots utilizing county, town, city
6 and village clerks throughout its county. Such collection will be
7 during normal business hours and shall begin no later than twenty-one
8 days before election day.

9 2. The state board of elections is hereby authorized and directed to
10 promulgate rules and regulations and may promulgate emergency regu-
11 lations necessary for the implementation of the provisions of this
12 section, including, but not limited to, the location, chain of custody,
13 pick-up times, proper labeling, and security of absentee ballots
14 collected by authorized county, town, city and village clerks estab-
15 lished by boards of elections pursuant to this section.

16 § 2. Section 8-410 of the election law, as amended by chapter 352 of
17 the laws of 1986, is amended to read as follows:

18 § 8-410. Absentee voting; method of. The absentee voter shall mark an
19 absentee ballot as provided for paper ballots or ballots prepared for
20 counting by ballot counting machines. He shall make no mark or writing
21 whatsoever upon the ballot, except as above prescribed, and shall see
22 that it bears no such mark or writing. He shall make no mark or writing
23 whatsoever on the outside of the ballot. After marking the ballot or
24 ballots he shall fold each such ballot and enclose them in the envelope
25 and seal the envelope. He shall then take and subscribe the oath on the
26 envelope, with blanks properly filled in. The envelope, containing the
27 ballot or ballots, shall then be mailed or delivered to the board of

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

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1 elections of the county or city of his residence or delivered to a coun-
2 ty, town, city or village clerk authorized by the board of elections for
3 collection.

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

6 1. The board of elections shall cause all absentee ballots received by
7 it before the close of the polls on election day and all ballots
8 contained in envelopes showing a cancellation mark of the United States
9 postal service or a foreign country's postal service, or showing a dated
10 endorsement of receipt by another agency of the United States govern-
11 ment, with a date which is ascertained to be not later than the day of
12 the election and received by such board of elections not later than
13 seven days following the day of election to be cast and counted. For
14 purposes of this section, an absentee ballot shall be deemed to be
15 received by the board of elections before the close of the polls on
16 election day if it is delivered to an authorized county, town, city or
17 village clerk before the close of polls on election day.

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

20 1. The board of elections shall cause all absentee ballots received by
21 it before the close of the polls on election day and all ballots
22 contained in envelopes showing a cancellation mark of the United States
23 postal service or a foreign country's postal service, or showing a dated
24 endorsement of receipt by another agency of the United States govern-
25 ment, with a date which is ascertained to be not later than the day
26 before election and received by such board of elections not later than
27 seven days following the day of election to be cast and counted except
28 that the absentee ballot of a voter who requested such ballot by letter,
29 rather than application, shall not be counted unless a valid application
30 form, signed by such voter, is received by the board of elections with
31 such ballot. For purposes of this section, an absentee ballot shall be
32 deemed to be received by the board of elections before the close of the
33 polls on election day if it is delivered to an authorized county, town,
34 city or village clerk before the close of polls on election day.

35 § 5. This act shall take effect immediately; provided, that the amend-
36 ments to subdivision 1 of section 8-412 of the election law made by
37 section three of this act shall be subject to the expiration and rever-
38 sion of such subdivision pursuant to section 7 of chapter 91 of the laws
39 of 2020, as amended, when upon such date the provisions of section four
40 of this act shall take effect.