

# STATE OF NEW YORK

8367

## 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 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 155 of the laws of 1994, 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  
10 before election and received by such board of elections not later than  
11 seven days following the day of election to be cast and counted except  
12 that the absentee ballot of a voter who requested such ballot by letter,  
13 rather than application, shall not be counted unless a valid application  
14 form, signed by such voter, is received by the board of elections with  
15 such ballot. For purposes of this section, any absentee ballot received  
16 by the board of elections no later than seven days following the day of  
17 the election that does not bear or display a dated postmark shall be  
18 presumed to have been timely mailed or delivered if such ballot bears a  
19 time stamp of the receiving board of elections indicating receipt by  
20 such board.

21 § 2. This act shall take effect immediately and shall apply to  
22 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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