

# STATE OF NEW YORK

8367--A

## IN SENATE

May 19, 2020

Introduced by Sens. MYRIE, COMRIE, GOUNARDES, HOYLMAN, LIU, MAY -- read twice and ordered printed, and when printed to be 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 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~~] submitted to the  
7 United States postal service or a foreign country's postal service, or  
8 [~~showing a dated endorsement of receipt by~~] another agency of the United  
9 States government, with a date which is ascertained to be not later than  
10 the day of the election and received by such board of elections not  
11 later than seven days following the day of election to be cast and  
12 counted. The board of elections shall affix to each absentee ballot  
13 envelope a unique bar code that permits the board of elections to ascer-  
14 tain the date upon which an absentee ballot is submitted to the United  
15 States postal service or a foreign country's postal service, or another  
16 agency of the United States government.

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~~] submitted to the  
22 United States postal service or a foreign country's postal service, or  
23 [~~showing a dated endorsement of receipt by~~] another agency of the United  
24 States government, with a date which is ascertained to be not later than  
25 the day [~~before~~] of the election and received by such board of elections

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

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1 not later than seven days following the day of election to be cast and  
2 counted except that the absentee ballot of a voter who requested such  
3 ballot by letter, rather than application, shall not be counted unless a  
4 valid application form, signed by such voter, is received by the board  
5 of elections with such ballot. The board of elections shall affix to  
6 each absentee ballot envelope a unique bar code that permits the board  
7 of elections to ascertain the date upon which an absentee ballot is  
8 submitted to the United States postal service or a foreign country's  
9 postal service, or another agency of the United States government.

10 § 3. Subdivision 2 of section 8-412 of the election law is renumbered  
11 subdivision 3 and a new subdivision 2 is added to read as follows:

12 2. An absentee ballot that has no cancellation mark, a cancellation  
13 mark with no date, or an illegible cancellation mark, and no other  
14 information is available from the United States postal service or a  
15 foreign country's postal service, or another agency of the United States  
16 government to indicate the date on which the absentee ballot was mailed,  
17 the absentee ballot shall be timely cast and canvassed if it is received  
18 by the board of elections through the United States postal service or a  
19 foreign country's postal service or another agency of the United States  
20 government, no later than the seventh day after the election day and the  
21 absentee ballot affidavit envelope is signed and dated on or before the  
22 day of election.

23 § 4. This act shall take effect immediately and shall apply to  
24 elections occurring on or after such effective date, provided, however,  
25 that the amendments to subdivision 1 of section 8-412 of the election  
26 law made by section one of this act shall be subject to the expiration  
27 and reversion of such subdivision pursuant to section 7 of chapter 91 of  
28 the laws of 2020 as amended, when upon such date the provisions of  
29 section two of this act shall take effect.