

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 (underscoring) 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.