

STATE OF NEW YORK

8370--A

IN SENATE

May 19, 2020

Introduced by Sens. MYRIE, BIAGGI, COMRIE, GOUNARDES, HOYLMAN, MAY, RAMOS -- 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 providing voters an opportunity to cure deficiencies regarding absentee ballots

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

1 Section 1. Section 9-209 of the election law is amended by adding two
2 new subdivisions 3 and 3-a to read as follows:

3 3. (a) Upon the board of elections determination at the time of
4 canvass that an absentee ballot affirmation envelope is unsigned or that
5 an affirmation ballot envelope signature does not correspond to the
6 registration signature or there is no required witness to a mark or that
7 the envelope is returned without an affirmation envelope in the return
8 envelope, the board shall, within one day of such determination, send to
9 the absentee voter's address indicated in the registration records and,
10 if different, the mailing address indicated on the absentee ballot
11 application, a notice explaining the reason for such rejection and the
12 procedure to cure the rejection. The board shall also contact the voter
13 by either electronic mail or telephone, if such information is available
14 to the board in the voter's registration information, in order to notify
15 the voter of the deficiency and the opportunity and the process to cure
16 the deficiency.

17 (b) The voter may cure the aforesaid defects by filing a duly signed
18 affirmation attesting to the same information required by the affirma-
19 tion envelope and attesting that the signer of the affirmation is the
20 same person who submitted such absentee ballot envelope. The board shall
21 include a form of such affirmation with the notice to the voter. The
22 affirmation shall be in a form prescribed by the state board of
23 elections.

24 (c) Such cure affirmation shall be filed with the board no later than
25 seven business days after the board's mailing of such curable rejection

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

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1 notice. Provided the board determines that such affirmation addresses
2 the curable defect, the rejected ballot shall be reinstated and duly
3 canvassed. If the board of elections is split as to the sufficiency of
4 the cure affirmation, such envelope shall be set aside for three days
5 and then canvassed unless the board is directed otherwise by court
6 order.

7 (d) When the board of elections invalidates a ballot envelope and the
8 defect is not curable, the voter shall be notified by mail sent within
9 three business days of such rejection.

10 3-a. If an absentee ballot affirmation envelope is received by the
11 board of elections prior to the election and is found to be unsealed and
12 thus invalid, the board shall forthwith notify the voter of such defect
13 and notify the voter of other options for voting, and, if time permits,
14 provide the voter with a new absentee ballot.

15 § 2. The state board of elections shall promulgate rules and regu-
16 lations to implement this act.

17 § 3. This act shall take effect immediately and shall apply to
18 elections occurring on or after such effective date.