

# STATE OF NEW YORK

8799

## IN SENATE

July 16, 2020

Introduced by Sen. GIANARIS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the election law, in relation to the date of receipt by the board of elections of 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 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 of  
10 the election and received by such board of elections not later than  
11 seven days following the day of election to be cast and counted. For  
12 purposes of this section, any absentee ballot received by the board of  
13 elections no later than seven days following the day of the election  
14 that does not bear or display a dated postmark shall be presumed to  
15 have been timely mailed or delivered if such ballot bears a time stamp  
16 of the receiving board of elections indicating receipt by such board  
17 on the day after the election.

18 § 2. 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~~] of the election and received by such board of elections not  
27 later than seven days following the day of election to be cast and

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

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1 counted except that the absentee ballot of a voter who requested such  
2 ballot by letter, rather than application, shall not be counted unless a  
3 valid application form, signed by such voter, is received by the board  
4 of elections with such ballot. For purposes of this section, any absen-  
5 tee ballot sent by way of the United States postal service and received  
6 by the board of elections no later than seven days following the day of  
7 the election that does not bear or display a dated postmark shall be  
8 presumed to have been timely mailed or delivered if such ballot bears a  
9 time stamp of the receiving board of elections indicating receipt by  
10 such board on the day after the election.

11 § 3. This act shall take effect immediately and shall apply to  
12 elections occurring on or after such effective date; provided, however  
13 that the amendments to subdivision 1 of section 8-412 of the election  
14 law made by section one of this act shall be subject to the expiration  
15 and reversion of such subdivision pursuant to section 7 of chapter 91  
16 of the laws of 2020 when upon such date the provisions of section two of  
17 this act shall take effect.