

# STATE OF NEW YORK

4128--A

2021-2022 Regular Sessions

## IN ASSEMBLY

February 1, 2021

Introduced by M. of A. GOTTFRIED, SEAWRIGHT, ABINANTI, BICHOTTE HERMELYN, SIMON, THIELE, ENGLEBRIGHT, GALEF -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to authorizing boards of elections to establish absentee ballot drop-off locations

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

1 Section 1. The election law is amended by adding a new section 8-414  
2 to read as follows:

3 § 8-414. Absentee ballot drop boxes. 1. For the purposes of this  
4 title, the following terms shall have the following meanings:

5 (a) "absentee ballot drop box" shall mean a secure receptacle estab-  
6 lished by a board of elections whereby an absentee ballot marked by a  
7 voter pursuant to section 8-410 of this title may be returned to the  
8 board of elections of the county or city of the voter's residence; and

9 (b) "absentee ballot drop-off location" shall mean a location consist-  
10 ing of a secured absentee ballot drop box at which an absentee ballot  
11 marked by a voter pursuant to section 8-410 of this title may be  
12 returned to the board of elections of the county or city of the voter's  
13 residence.

14 2. Each board of elections is hereby authorized to establish one or  
15 more absentee ballot drop-off locations as an additional means for the  
16 delivery of absentee ballots marked by a voter to the board of elections  
17 of the county or city of the voter's residence. Each such board of  
18 elections shall provide notice of the location of every such absentee  
19 ballot drop-off location by posting such information on its website no  
20 later than the day the absentee ballot drop-off location is established.

21 3. The state board of elections is hereby authorized and directed to  
22 promulgate rules and regulations necessary for the implementation of the  
23 provisions of this section, including, but not limited to the location,

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

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1 chain of custody, pick-up times, proper labeling, and security of absentee  
2 ballot drop boxes established by boards of elections pursuant to  
3 this section.

4 § 2. Section 8-410 of the election law, as amended by chapter 352 of  
5 the laws of 1986, is amended to read as follows:

6 § 8-410. Absentee voting; method of. The absentee voter shall mark an  
7 absentee ballot as provided for paper ballots or ballots prepared for  
8 counting by ballot counting machines. He shall make no mark or writing  
9 whatsoever upon the ballot, except as above prescribed, and shall see  
10 that it bears no such mark or writing. He shall make no mark or writing  
11 whatsoever on the outside of the ballot. After marking the ballot or  
12 ballots he shall fold each such ballot and enclose them in the envelope  
13 and seal the envelope. He shall then take and subscribe the oath on the  
14 envelope, with blanks properly filled in. The envelope, containing the  
15 ballot or ballots, shall then be mailed or delivered to the board of  
16 elections of the county or city of his residence or deposited in an  
17 absentee ballot drop box established by the board of elections of the  
18 county or city of the voter's residence.

19 § 3. Subdivision 1 of section 8-412 of the election law, as amended by  
20 section 2 of chapter 140 of the laws of 2020, is amended to read as  
21 follows:

22 1. The board of elections shall cause all absentee ballots received by  
23 it before the close of the polls on election day and all ballots  
24 contained in envelopes showing a cancellation mark of the United States  
25 postal service or a foreign country's postal service, or showing a dated  
26 endorsement of receipt by another agency of the United States govern-  
27 ment, with a date which is ascertained to be not later than the day of  
28 the election and received by such board of elections not later than  
29 seven days following the day of election to be cast and counted except  
30 that the absentee ballot of a voter who requested such ballot by letter,  
31 rather than application, shall not be counted unless a valid application  
32 form, signed by such voter, is received by the board of elections with  
33 such ballot. For purposes of this section, any absentee ballot received  
34 by the board of elections by mail that does not bear or display a dated  
35 postmark shall be presumed to have been timely mailed or delivered if  
36 such ballot bears a time stamp of the receiving board of elections indi-  
37 cating receipt by such board on the day after the election. For the  
38 purposes of this section, an absentee ballot shall be deemed to be  
39 received by the board of elections before the close of the polls on  
40 election day if it is deposited in an absentee ballot drop box before  
41 the close of polls on election day. Ballots received in accordance with  
42 this section shall be deemed timely and the failure of a board of  
43 elections to time stamp such ballots received in this manner on or  
44 before election day shall not prohibit the canvassing of such ballots.  
45 At the close of the polls on election day, the board of elections shall  
46 close every absentee ballot drop box and collect absentee ballots depos-  
47 ited in such absentee ballot drop box.

48 § 4. This act shall take effect immediately.