STATE OF NEW YORK

1188

2021-2022 Regular Sessions

IN ASSEMBLY

January 7, 2021

Introduced by M. of A. SEAWRIGHT -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to the canvass of absentee, military and special ballots

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

Section 1. Subdivision 1 of section 9-209 of the election law is amended by adding a new paragraph (d) to read as follows:

(d) The determination of the board of elections to issue a voter an absentee, military or special ballot pursuant to article eleven of this chapter shall only be challenged by means of a judicial proceeding in the supreme court of the state of New York instituted not later than three days after such determination, and the board of elections and the voter whose application is challenged shall be necessary parties to such proceeding. Notwithstanding any inconsistent provision of this chapter, at the time of canvass a challenge to the casting and canvassing of an absentee, military or special ballot shall not be sustained if: (i) the basis of such challenge pertains in any manner to an alleged deficiency in the application for such ballot; and (ii) a proceeding with respect to such application was not commenced as required by this paragraph. If a proceeding has been commenced with respect to an application for an absentee, military or special ballot and is still pending at the time of the canvass, the returned ballot envelope shall be set aside until the court determines the validity of such application.

§ 2. This act shall take effect immediately.

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

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