

STATE OF NEW YORK

4128

2021-2022 Regular Sessions

IN ASSEMBLY

February 1, 2021

Introduced by M. of A. GOTTFRIED, SEAWRIGHT, ABINANTI, BICHOTTE HERME-
LYN, SIMON, THIELE, ENGLEBRIGHT, GALEF -- read once and referred to
the Committee on Election Law

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 Assem-
bly, 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 a means for the delivery of
16 absentee ballots marked by a voter to the board of elections of the
17 county or city of the voter's residence. Each such board of elections
18 shall provide notice of the location of every such absentee ballot drop-
19 off location by posting such information on its website no later than
20 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 and may promulgate emergency regu-
23 lations necessary for the implementation of the provisions of this
24 section, including, but not limited to the location, chain of custody,

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

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

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

5 § 8-410. Absentee voting; method of. The absentee voter shall mark an
6 absentee ballot as provided for paper ballots or ballots prepared for
7 counting by ballot counting machines. He shall make no mark or writing
8 whatsoever upon the ballot, except as above prescribed, and shall see
9 that it bears no such mark or writing. He shall make no mark or writing
10 whatsoever on the outside of the ballot. After marking the ballot or
11 ballots he shall fold each such ballot and enclose them in the envelope
12 and seal the envelope. He shall then take and subscribe the oath on the
13 envelope, with blanks properly filled in. The envelope, containing the
14 ballot or ballots, shall then be mailed or delivered to the board of
15 elections of the county or city of his residence or deposited in an
16 absentee ballot drop box established by the board of elections of the
17 county or city of the voter's residence.

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

21 1. The board of elections shall cause all absentee ballots received by
22 it before the close of the polls on election day and all ballots
23 contained in envelopes showing a cancellation mark of the United States
24 postal service or a foreign country's postal service, or showing a dated
25 endorsement of receipt by another agency of the United States govern-
26 ment, with a date which is ascertained to be not later than the day of
27 the election and received by such board of elections not later than
28 seven days following the day of election to be cast and counted. For
29 purposes of this section, any absentee ballot received by the board of
30 elections by mail that does not bear or display a dated postmark shall
31 be presumed to have been timely mailed or delivered if such ballot bears
32 a time stamp of the receiving board of elections indicating receipt by
33 such board on the day after the election. For the purposes of this
34 section, an absentee ballot shall be deemed to be received by the board
35 of elections before the close of the polls on election day if it is
36 deposited in an absentee ballot drop box before the close of polls on
37 election day. At the close of the polls on election day, the board of
38 elections shall close every absentee ballot drop box and collect absen-
39 tee ballots deposited in such absentee ballot drop box.

40 § 4. Subdivision 1 of section 8-412 of the election law, as amended by
41 section 2 of chapter 140 of the laws of 2020, is amended to read as
42 follows:

43 1. The board of elections shall cause all absentee ballots received by
44 it before the close of the polls on election day and all ballots
45 contained in envelopes showing a cancellation mark of the United States
46 postal service or a foreign country's postal service, or showing a dated
47 endorsement of receipt by another agency of the United States govern-
48 ment, with a date which is ascertained to be not later than the day of
49 the election and received by such board of elections not later than
50 seven days following the day of election to be cast and counted except
51 that the absentee ballot of a voter who requested such ballot by letter,
52 rather than application, shall not be counted unless a valid application
53 form, signed by such voter, is received by the board of elections with
54 such ballot. For purposes of this section, any absentee ballot received
55 by the board of elections by mail that does not bear or display a dated
56 postmark shall be presumed to have been timely mailed or delivered if

1 such ballot bears a time stamp of the receiving board of elections indi-
2 cating receipt by such board on the day after the election. For the
3 purposes of this section, an absentee ballot shall be deemed to be
4 received by the board of elections before the close of the polls on
5 election day if it is deposited in an absentee ballot drop box before
6 the close of polls on election day. At the close of the polls on
7 election day, the board of elections shall close every absentee ballot
8 drop box and collect absentee ballots deposited in such absentee ballot
9 drop box.

10 § 5. This act shall take effect immediately; provided, however, that
11 the amendments to subdivision 1 of section 8-412 of the election law
12 made by section three of this act shall be subject to the expiration and
13 reversion of such subdivision pursuant to section 7 of chapter 91 of the
14 laws of 2020, as amended, when upon such date the provisions of section
15 four of this act shall take effect.