

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 absen-
2 tee 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.