STATE OF NEW YORK

253--A

Cal. No. 1

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. MYRIE, BAILEY, BIAGGI, BRESLIN, BROUK, COMRIE, COONEY, GAUGHRAN, GOUNARDES, HINCHEY, HOYLMAN, JACKSON, KAPLAN, KENNEDY, LIU, MANNION, MAY, PARKER, REICHLIN-MELNICK, SANDERS, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- recommitted to the Committee on Elections in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the election law, in relation to ballots where the express intent of the voter is unambiguous

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

Section 1. Section 8-410 of the election law, as amended by chapter 352 of the laws of 1986, is amended to read as follows:

§ 8-410. Absentee voting; method of. The absentee voter shall mark an absentee ballot as provided for paper ballots or ballots prepared for counting by ballot counting machines. He **or she** shall make no mark or writing whatsoever upon the ballot, except as above prescribed, and shall see that it bears no such mark or writing. He **or she** shall make no mark or writing whatsoever on the outside of the ballot. **In cases where the express intent of the voter is unambiguous, any stray marks or writing shall not be a basis for voiding a ballot.** After marking the ballot or ballots he **or she** shall fold each such ballot and enclose them in the envelope and seal the envelope. He **or she** shall then take and subscribe the oath on the envelope, with blanks properly filled in. The envelope, containing the ballot or ballots, shall then be mailed or delivered to the board of elections of the county or city of his **or her** residence.

§ 2. This act shall take effect immediately and shall apply to elections occurring on or after such effective date.

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

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