STATE OF NEW YORK

284--A

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. MYRIE, MAY, REICHLIN-MELNICK, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to counting of affidavit ballots

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

Section 1. Subparagraph (iii) of paragraph (a) of subdivision 2 of section 9-209 of the election law, as amended by chapter 308 of the laws of 2011, is amended to read as follows:

(iii) If the board of elections determines that a person was entitled to vote at such election, the board shall cast and canvass such ballot if such board finds that the voter appeared at [~~the correct~~] **a** polling place **in the correct county**, regardless of the fact that the voter may have appeared in the incorrect election district**; provided that such vote shall not be cast and canvassed for such contests for which the person was not entitled to vote at such election**.

§ 2. Paragraph (d) of subdivision 2 of section 9-209 of the election law, as amended by chapter 104 of the laws of 2010, is amended to read as follows:

(d) Any person lawfully present may object to the refusal to cast or canvass any ballot on the grounds that the voter is a properly qualified voter of the [~~election district~~] **county in which that voter voted**, or in the case of a party primary duly enrolled in such party, or to the casting or canvassing of any ballot on the grounds that the voter is not a properly qualified voter of the [~~election district~~] **county in which that voter voted**, or in the case of a party primary not duly enrolled in such party, or otherwise not entitled to cast such ballot. When any such objection is made, the central board of inspectors shall forthwith

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

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proceed to determine such objection and reject or cast such ballot according to such determination. If the board cannot agree as to the validity of the ballot it shall set the ballot aside, unopened, for a period of three days at which time the ballot envelope shall be opened and the vote counted unless otherwise directed by an order of the court.

§ 3. This act shall take effect immediately.