

# STATE OF NEW YORK

492

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. HOYLMAN, MAY, BAILEY, BRESLIN, BROOKS, GAUGHRAN, GOUNARDES, JACKSON, KAMINSKY, KRUEGER, LIU, MAYER, PARKER, RIVERA, SALAZAR, SERRANO, SKOUFIS, STAVISKY, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

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.

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

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1 3. The state board of elections is hereby authorized and directed to  
2 promulgate rules and regulations necessary for the implementation of the  
3 provisions of this section, including, but not limited to the location,  
4 chain of custody, pick-up times, proper labeling, and security of absen-  
5 tee ballot drop boxes established by boards of elections pursuant to  
6 this section.

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

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

22 § 3. Subdivision 1 of section 8-412 of the election law, as amended by  
23 section 2 of chapter 140 of the laws of 2020, is amended to read as  
24 follows:

25 1. The board of elections shall cause all absentee ballots received by  
26 it before the close of the polls on election day and all ballots  
27 contained in envelopes showing a cancellation mark of the United States  
28 postal service or a foreign country's postal service, or showing a dated  
29 endorsement of receipt by another agency of the United States govern-  
30 ment, with a date which is ascertained to be not later than the day of  
31 the election and received by such board of elections not later than  
32 seven days following the day of election to be cast and counted except  
33 that the absentee ballot of a voter who requested such ballot by letter,  
34 rather than application, shall not be counted unless a valid application  
35 form, signed by such voter, is received by the board of elections with  
36 such ballot. For purposes of this section, any absentee ballot received  
37 by the board of elections by mail that does not bear or display a dated  
38 postmark shall be presumed to have been timely mailed or delivered if  
39 such ballot bears a time stamp of the receiving board of elections indi-  
40 cating receipt by such board on the day after the election. For the  
41 purposes of this section, an absentee ballot shall be deemed to be  
42 received by the board of elections before the close of the polls on  
43 election day if it is deposited in an absentee ballot drop box before  
44 the close of polls on election day. Ballots received in accordance with  
45 this section shall be deemed timely and the failure of a board of  
46 elections to time stamp such ballots received in this manner on or  
47 before election day shall not prohibit the canvassing of such ballots.  
48 At the close of the polls on election day, the board of elections shall  
49 close every absentee ballot drop box and collect absentee ballots depos-  
50 ited in such absentee ballot drop box.

51 § 4. This act shall take effect immediately.