STATE OF NEW YORK

10372

IN ASSEMBLY

May 21, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Simon) -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to authorized agents of a voter

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

Section 1. The opening paragraph and paragraph (c) of subdivision 2 of section 8-400 of the election law, the opening paragraph as amended by chapter 746 of the laws of 2021 and paragraph (c) as amended by chapter 481 of the laws of 2023, are amended to read as follows:

A qualified voter desiring to vote at such election as an absentee voter for any reason specified in subdivision one hereof must make application for an absentee ballot on a form to be obtained and filed as provided herein, by letter as provided in paragraph (d) of this subdivision, or through the electronic absentee ballot application transmittal system pursuant to section 8-408 of this title. **For the purposes of this subdivision an "agent of the voter" or "authorized agent" shall mean a person who is a close family member of such voter, such as a spouse, parent, child or sibling; member of such voter's household; or holding a power of attorney executed by such qualified voter.**

(c) All applications requesting an absentee ballot by mail or through the electronic absentee ballot application transmittal system must be received by the board of elections not later than the tenth day before the election for which a ballot is first requested. Applications for an absentee ballot that will be delivered in person at the board of elections to the voter or to an agent of the voter must be received by such board not later than the day before such election. **An agent of the voter or authorized agent shall be limited to receiving no more than five absentee ballots for such election.**

§ 2. The opening paragraph of paragraph (a) of subdivision 2 of section 8-408 of the election law, as amended by chapter 746 of the laws of 2021, is amended to read as follows:

A voter**, agent of the voter or authorized agent as defined in subdivision two of section 8-400 of this title,** shall be able to apply for an

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

LBD15562-02-4

absentee ballot using a personal online voter registration application submitted through the electronic absentee ballot application transmittal system when the voter**, subject to the provisions set forth in paragraph (c) of subdivision two of section 8-400 of this title**:

§ 3. Subdivisions 6 and 9 of section 17-132 of the election law are **amended to read as follows:**

6. Being an applicant for an absentee voter's ballot, makes a material false statement in [~~his~~] **such person's** application, or a person who makes a material false statement in a medical certificate or an affidavit filed in connection with an application for an absentee voter's ballot**, or an agent of a voter or authorized agent as defined in subdivision two of section 8-400 of this chapter who fails to deliver a ballot that was picked up for a voter or interferes in any manner with a voter's marking of a ballot**; or,

9. Falsely pretends or represents to the inspectors of election or any of them that [~~he~~] **such voter** is incapacitated to mark [~~his~~] **such voter's ballot,** for the purpose of obtaining assistance in voting under the provisions of this chapter, is guilty of a felony.

§ 4. This act shall take effect immediately.