

# STATE OF NEW YORK

7243

2023-2024 Regular Sessions

## IN ASSEMBLY

May 15, 2023

Introduced by M. of A. SIMONE, SEAWRIGHT, BICHOTTE HERMELYN, SIMON, THIELE, BURDICK, LUPARDO, DINOWITZ, EPSTEIN, HEVESI, JACKSON, ZINERMAN, LAVINE, JACOBSON, PAULIN, CARROLL -- read once and referred to the Committee on Election Law

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 8-416  
2 to read as follows:

3 § 8-416. 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 absentee  
2 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 228 of  
5 the laws of 2022, 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 or she shall make no mark or  
9 writing whatsoever upon the ballot, except as above prescribed, and  
10 shall see that it bears no such mark or writing. He or she shall make no  
11 mark or writing whatsoever on the outside of the ballot. In cases where  
12 the express intent of the voter is unambiguous, any stray marks or writ-  
13 ing shall not be a basis for voiding a ballot. After marking the ballot  
14 or ballots he or she shall fold each such ballot and enclose them in the  
15 envelope and seal the envelope. He or she shall then take and subscribe  
16 the oath on the envelope, with blanks properly filled in. The envelope,  
17 containing the ballot or ballots, shall then be mailed or delivered to  
18 the board of elections of the county or city of his or her residence or  
19 deposited in an absentee ballot drop box established by the board of  
20 elections of the county or city of the voter's residence.

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

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

49 § 4. This act shall take effect immediately.