STATE OF NEW YORK

7404--A

2023-2024 Regular Sessions

IN SENATE

May 23, 2023

Introduced by Sen. GIANARIS -- 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 canvassing of absentee and affidavit ballots

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

Section 1. Subdivision 3 of section 9-110 of the election law, as amended by chapter 437 of the laws of 2019, is amended to read as follows:

3. Nothing in this section shall be construed to require or permit **absentee or** affidavit ballots to be canvassed at the poll site on election day. **Such ballots shall be canvassed pursuant to section 9-209 of this article. Nothing in this section prohibits a representative of a candidate, political party, or independent body entitled to have a watcher present at the polls from observing, without objection, the canvass of ballots.**

§ 2. Subdivision 5 of section 9-209 of the election law, as added by chapter 763 of the laws of 2021, is amended to read as follows:

5. Nothing in this section prohibits a representative of a candidate, political party, or independent body entitled to have watchers present at the polls in any election district in the board's jurisdiction from observing, without objection, the review of ballot envelopes required by subdivisions two, three [~~and~~], four**, and seven** of this section.

§ 3. Subdivision 7 of section 9-209 of the election law is amended by adding a new paragraph (l) to read as follows:

(l) The provisions of this subdivision shall apply notwithstanding any other provision of this chapter.

§ 4. This act shall take effect immediately.

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

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