

# 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:

1 Section 1. The opening paragraph and paragraph (c) of subdivision 2 of  
2 section 8-400 of the election law, the opening paragraph as amended by  
3 chapter 746 of the laws of 2021 and paragraph (c) as amended by chapter  
4 481 of the laws of 2023, are amended to read as follows:

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

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

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

27 A voter, agent of the voter or authorized agent as defined in subdivi-  
28 sion 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.

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

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

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

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

19 § 4. This act shall take effect immediately.