STATE OF NEW YORK

10541

IN ASSEMBLY

June 3, 2024

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

AN ACT to amend the election law, in relation to curing ballots

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

Section 1. Paragraphs (d) and (e) of subdivision 3 of section 9-209 of the election law, as amended by chapter 474 of the laws of 2023, are amended to read as follows:

(d) The voter may cure the aforesaid defects by filing a duly signed affirmation attesting to the same information required by the ballot affirmation envelope and attesting that the signer of the affirmation is the same person who submitted such ballot envelope; provided, however, that for the defect described in subparagraph (vii) of paragraph (b) of this subdivision, such affirmation shall also include an attestation that the voter mailed the ballot envelope on or before the day of the election. The board shall include a form of such affirmation with the notice to the voter. The affirmation shall be in a form prescribed by the state board of elections**, and with such affirmation the board of elections shall provide to the voter a domestic postage paid return envelope which may be used if the voter returns the cure affirmation in paper form by mail. A cure affirmation, at the option of any voter submitting such cure affirmation, may be transmitted to the board of elections in person, by mail or in electronic form as an attachment to an email. Such cure affirmation may also be provided to the board of elections as an uploaded electronic document if such board of elections provides such functionality. The cure affirmation, whether in paper or electronic form, shall include the signature of the voter duly affixed to the appropriately completed cure affirmation form**.

(e) Such cure affirmation shall be received by the board no later than seven business days after the board's mailing of such curable rejection notice or [~~the day before~~] **by five p.m. on the seventh day following** the election, whichever is later. **Any cure affirmation received electronically as an email attachment or by upload prior to midnight of the last day to cure is timely.** Provided the board determines that such affirma-

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

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tion addresses the curable defect, the rejected ballot shall be reinstated and prepared for canvassing pursuant to subdivision two of this section. If the board of elections is split as to the sufficiency of the cure affirmation, such envelope shall be prepared for canvassing pursuant to paragraph (d) of subdivision two of this section.

§ 2. This act shall take effect September 1, 2024.