

# STATE OF NEW YORK

3859

2023-2024 Regular Sessions

## IN ASSEMBLY

February 8, 2023

Introduced by M. of A. JACKSON -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to providing voters an opportunity to cure deficiencies regarding affidavit ballots

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

1 Section 1. Section 9-209 of the election law is amended by adding a  
2 new subdivision 7-a to read as follows:

3 7-a. Curing of affidavit ballot. (a) Upon the board of elections  
4 determination at or before the time of canvass that an affidavit ballot  
5 envelope is incomplete or is in any other manner defective, the board  
6 shall, within one day of such determination, send to the affidavit  
7 ballot voter's address indicated on the affidavit ballot envelope, a  
8 notice explaining the reason for such rejection and the procedure to  
9 cure the rejection. The board shall also contact the voter by either  
10 electronic mail or telephone, if such information is available to the  
11 board in the voter's ballot envelope information, in order to notify the  
12 voter of the deficiency and the opportunity and the process to cure the  
13 deficiency.

14 (b) The voter may cure the aforesaid defects by filing a duly signed  
15 affirmation attesting to the same information required by the affirma-  
16 tion envelope and attesting that the signer of the affirmation is the  
17 same person who submitted such affidavit ballot. The board shall include  
18 a form of such affirmation with the notice to the voter. The affirmation  
19 shall be in a form prescribed by the state board of elections.

20 (c) Such cure affirmation shall be filed with the board no later than  
21 seven business days after the board's mailing of such curable rejection  
22 notice. Provided the board determines that such affirmation addresses  
23 the curable defect, the rejected ballot shall be reinstated and duly  
24 canvassed. If the board of elections is split as to the sufficiency of  
25 the cure affirmation, such envelope shall be set aside for three days

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

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1 and then canvassed unless the board is directed otherwise by court  
2 order.

3 (d) When the board of elections invalidates an affidavit ballot and  
4 the defect is not curable, the voter shall be notified by mail sent  
5 within three business days of such rejection.

6 § 2. The state board of elections shall promulgate rules and regu-  
7 lations to implement this act.

8 § 3. This act shall take effect immediately and shall apply to  
9 elections occurring on or after such effective date.