STATE OF NEW YORK

4358

2023-2024 Regular Sessions

IN ASSEMBLY

February 14, 2023

Introduced by M. of A. ZEBROWSKI, COLTON, STIRPE, GOODELL -- Multi-Sponsored by -- M. of A. LUPARDO -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to clarifying the qualification to receive an absentee ballot and clarifying the process for delivery of an absentee ballot

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

Section 1. Section 8-406 of the election law, as amended by section 2 of part HH of chapter 55 of the laws of 2022, is amended to read as follows:

§ 8-406. Absentee ballots, delivery of. 1. If the board shall find that the applicant is a qualified voter of the election district containing his **or her** residence as stated in his **or her** statement and that his **or her** statement is sufficient, it shall, as soon as practicable after it shall have determined his **or her** right thereto, mail to him **or her** at [~~an~~] **the** address [~~designated by him~~] **from which the applicant is registered to vote or a temporary address where he or she is currently living**, or deliver to him **or her**, or to any person designated for such purpose in writing by him **or her**, at the office of the board, such an absentee voter's ballot or set of ballots and an envelope therefor. **No person may be designated to receive more than two absentee ballots in a given election. No person who is a candidate in the election in which an applicant has requested the absentee ballot may be a person designated to receive ballots.** If the ballot or ballots are to be sent outside of the United States to a country other than Canada or Mexico, such ballot or ballots shall be sent by air mail. However, if an applicant who is eligible for an absentee ballot is a resident of a facility operated or licensed by, or under the jurisdiction of, the department of mental hygiene, or a resident of a facility defined as a nursing home or residential health care facility pursuant to subdivisions two and three

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

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of section two thousand eight hundred one of the public health law, or a resident of a hospital or other facility operated by the Veteran's Administration of the United States, such absentee ballot need not be so mailed or delivered to any such applicant but, may be delivered to the voter in the manner prescribed by section 8-407 of this chapter if such facility is located in the county or city in which such voter is eligible to vote.

2. When mailing an absentee ballot to a voter the board of elections shall provide a domestic postage paid return envelope. When providing an absentee ballot to a voter in-person, the board of elections shall offer the voter a domestic postage paid return envelope and provide one if requested.

3. Prior to delivering an absentee ballot to a person designated by a voter to receive such ballot, the local board of elections shall require such person to fill out a certificate providing his or her name and address, and to certify that he or she has not received the ballots of more than two voters for such election and is not a candidate in the given election cycle. Such certificate shall be provided by the state board of elections and shall have the following language above the space where such designated person places their signature: I CERTIFY THAT THE INFORMATION IN THIS SIGNATURE IS TRUE AND CORRECT AND UNDERSTAND THAT THIS CERTIFICATE WILL BE ACCEPTED FOR ALL PURPOSES AS THE EQUIVALENT OF AN AFFIDAVIT AND, IF IT CONTAINS A MATERIAL FALSE STATEMENT, SHALL SUBJECT ME TO THE SAME PENALTIES AS IF I HAD BEEN DULY SWORN. Such certificate shall be accepted for all purposes as the equivalent of an affidavit and if it contains a material false statement shall subject the person signing it to the same penalties as if he or she had been duly sworn.

§ 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.