STATE OF NEW YORK

7243

2023-2024 Regular Sessions

IN ASSEMBLY

May 15, 2023

Introduced by M. of A. SIMONE, SEAWRIGHT, BICHOTTE HERMELYN, SIMON, THIELE, BURDICK, LUPARDO, DINOWITZ, EPSTEIN, HEVESI, JACKSON, ZINERMAN, LAVINE, JACOBSON, PAULIN, CARROLL -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to authorizing boards of elections to establish absentee ballot drop-off locations

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

Section 1. The election law is amended by adding a new section 8-416 to read as follows:

§ 8-416. Absentee ballot drop boxes. 1. For the purposes of this title, the following terms shall have the following meanings:

(a) "absentee ballot drop box" shall mean a secure receptacle established by a board of elections whereby an absentee ballot marked by a voter pursuant to section 8-410 of this title may be returned to the board of elections of the county or city of the voter's residence; and

(b) "absentee ballot drop-off location" shall mean a location consisting of a secured absentee ballot drop box at which an absentee ballot marked by a voter pursuant to section 8-410 of this title may be returned to the board of elections of the county or city of the voter's residence.

2. Each board of elections is hereby authorized to establish one or more absentee ballot drop-off locations as an additional means for the delivery of absentee ballots marked by a voter to the board of elections of the county or city of the voter's residence. Each such board of elections shall provide notice of the location of every such absentee ballot drop-off location by posting such information on its website no later than the day the absentee ballot drop-off location is established.

3. The state board of elections is hereby authorized and directed to promulgate rules and regulations necessary for the implementation of the provisions of this section, including, but not limited to the location,

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

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chain of custody, pick-up times, proper labeling, and security of absentee ballot drop boxes established by boards of elections pursuant to this section.

§ 2. Section 8-410 of the election law, as amended by chapter 228 of the laws of 2022, is amended to read as follows:

§ 8-410. Absentee voting; method of. The absentee voter shall mark an absentee ballot as provided for paper ballots or ballots prepared for counting by ballot counting machines. He or she shall make no mark or writing whatsoever upon the ballot, except as above prescribed, and shall see that it bears no such mark or writing. He or she shall make no mark or writing whatsoever on the outside of the ballot. In cases where the express intent of the voter is unambiguous, any stray marks or writing shall not be a basis for voiding a ballot. After marking the ballot or ballots he or she shall fold each such ballot and enclose them in the envelope and seal the envelope. He or she shall then take and subscribe the oath on the envelope, with blanks properly filled in. The envelope, containing the ballot or ballots, shall then be mailed or delivered to the board of elections of the county or city of his or her residence or deposited in an absentee ballot drop box established by the board of elections of the county or city of the voter's residence.

§ 3. Subdivision 1 of section 8-412 of the election law, as amended by chapter 140 of the laws of 2020, is amended to read as follows:

1. The board of elections shall cause all absentee ballots received by it before the close of the polls on election day and all ballots contained in envelopes showing a cancellation mark of the United States postal service or a foreign country's postal service, or showing a dated endorsement of receipt by another agency of the United States government, with a date which is ascertained to be not later than the day of the election and received by such board of elections not later than seven days following the day of election to be cast and counted except that the absentee ballot of a voter who requested such ballot by letter, rather than application, shall not be counted unless a valid application form, signed by such voter, is received by the board of elections with such ballot. For purposes of this section, any absentee ballot received by the board of elections by mail that does not bear or display a dated postmark shall be presumed to have been timely mailed or delivered if such ballot bears a time stamp of the receiving board of elections indicating receipt by such board on the day after the election. For the purposes of this section, an absentee ballot shall be deemed to be received by the board of elections before the close of the polls on election day if it is deposited in an absentee ballot drop box before the close of polls on election day. Ballots received in accordance with this section shall be deemed timely and the failure of a board of elections to time stamp such ballots received in this manner on or before election day shall not prohibit the canvassing of such ballots. At the close of the polls on election day, the board of elections shall close every absentee ballot drop box and collect absentee ballots deposited in such absentee ballot drop box.

§ 4. This act shall take effect immediately.