STATE OF NEW YORK

5547

2023-2024 Regular Sessions

IN SENATE

March 8, 2023

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

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:

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

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

(b) The voter may cure the aforesaid defects by filing a duly signed affirmation attesting to the same information required by the affirmation envelope and attesting that the signer of the affirmation is the same person who submitted such affidavit ballot. 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.

(c) Such cure affirmation shall be filed with the board no later than seven business days after the board's mailing of such curable rejection notice. Provided the board determines that such affirmation addresses the curable defect, the rejected ballot shall be reinstated and duly canvassed. If the board of elections is split as to the sufficiency of 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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and then canvassed unless the board is directed otherwise by court order.

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

§ 2. The state board of elections shall promulgate rules and regulations to implement this act.

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