

STATE OF NEW YORK

9837

IN SENATE

June 3, 2024

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

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:

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

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

24 (e) Such cure affirmation shall be received by the board no later than
25 seven business days after the board's mailing of such curable rejection
26 notice or [~~the day before~~] by five p.m. on the seventh day following the
27 election, whichever is later. Any cure affirmation received electron-
28 ically as an email attachment or by upload prior to midnight of the last
29 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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1 tion addresses the curable defect, the rejected ballot shall be rein-
2 stated and prepared for canvassing pursuant to subdivision two of this
3 section. If the board of elections is split as to the sufficiency of the
4 cure affirmation, such envelope shall be prepared for canvassing pursu-
5 ant to paragraph (d) of subdivision two of this section.

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