

# STATE OF NEW YORK

1014

2025-2026 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 8, 2025

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

AN ACT to amend the election law, in relation to ballot drop-off locations

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

1 Section 1. Section 8-416 of the election law, as added by a chapter of  
2 the laws of 2024 amending the election law relating to authorizing  
3 boards of elections to establish absentee ballot drop-off locations, as  
4 proposed in legislative bills numbers S. 610 and A. 7243, is amended to  
5 read as follows:

6 § 8-416. [~~Absentee ballot~~] Ballot drop boxes. 1. For the purposes of  
7 this title, the following terms shall have the following meanings:

8 (a) "[~~absentee~~] ballot drop box" shall mean a secure receptacle estab-  
9 lished by a board of elections whereby an absentee ballot or early mail  
10 ballot marked by a voter pursuant to section 8-410 or 8-708 of this  
11 [~~title~~] article may be returned to the board of elections of the county  
12 or city of the voter's residence; and

13 (b) "[~~absentee~~] ballot drop-off location" shall mean a location  
14 consisting of a secured [~~absentee~~] ballot drop box at which [~~an absen-~~  
15 ~~tee~~] a ballot marked by a voter pursuant to section 8-410 or 8-708 of  
16 this [~~title~~] article may be returned to the board of elections of the  
17 county or city of the voter's residence.

18 2. Each board of elections is hereby authorized to establish one or  
19 more [~~absentee~~] ballot drop-off locations as an additional means for the  
20 delivery of absentee or early voting ballots marked by a voter to the  
21 board of elections of the county or city of the voter's residence. Each  
22 such board of elections shall provide notice of the location of every  
23 such [~~absentee~~] ballot drop-off location by posting such information on

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

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1 its website no later than the day the [~~absentee~~] ballot drop-off  
2 location is established.

3 3. The state board of elections is hereby authorized and directed to  
4 promulgate rules and regulations necessary for the implementation of the  
5 provisions of this section, including, but not limited to the location,  
6 chain of custody, pick-up times, proper labeling, and security of  
7 [~~absentee~~] ballot drop boxes established by boards of elections pursuant  
8 to this section.

9 § 2. Section 8-410 of the election law, as amended by a chapter of the  
10 laws of 2024 amending the election law relating to authorizing boards  
11 of elections to establish absentee ballot drop-off locations, as  
12 proposed in legislative bills numbers S. 610 and A. 7243, is amended to  
13 read as follows:

14 § 8-410. Absentee voting; method of. The absentee voter shall mark an  
15 absentee ballot as provided for paper ballots or ballots prepared for  
16 counting by ballot counting machines. [~~He or she~~] Such absentee voter  
17 shall make no mark or writing whatsoever upon the ballot, except as  
18 above prescribed, and shall see that it bears no such mark or writing.  
19 [~~He or she~~] Such absentee voter shall make no mark or writing whatsoever  
20 on the outside of the ballot. In cases where the express intent of the  
21 voter is unambiguous, any stray marks or writing shall not be a basis  
22 for voiding a ballot. After marking the ballot or ballots [~~he or she~~]  
23 such absentee voter shall fold each such ballot and enclose them in the  
24 envelope and seal the envelope. [~~He or she~~] Such absentee voter shall  
25 then take and subscribe the oath on the envelope, with blanks properly  
26 filled in. The envelope, containing the ballot or ballots, shall then be  
27 mailed or delivered to the board of elections of the county or city of  
28 [~~his or her~~] such absentee voter's residence or deposited in [~~an absen-~~  
29 ~~tee~~] a ballot drop box established by the board of elections of the  
30 county or city of the voter's residence.

31 § 3. Section 8-708 of the election law, as added by chapter 481 of the  
32 laws of 2023, is amended to read as follows:

33 § 8-708. Early voting by mail; method of. The early mail voter shall  
34 mark an early mail ballot as provided for paper ballots or ballots  
35 prepared for counting by ballot counting machines. They shall make no  
36 mark or writing whatsoever upon the ballot, except as above prescribed,  
37 and shall see that it bears no such mark or writing. They shall make no  
38 mark or writing whatsoever on the outside of the ballot. In cases where  
39 the express intent of the voter is unambiguous, any stray marks or writ-  
40 ing shall not be a basis for voiding a ballot. After marking the ballot  
41 or ballots they shall fold each such ballot and enclose them in the  
42 envelope and seal the envelope. They shall then take and subscribe the  
43 oath on the envelope, with blanks properly filled in. The envelope,  
44 containing the ballot or ballots, shall then be mailed or delivered to  
45 the board of elections of the county or city of their residence or  
46 deposited in a ballot drop box established by the board of elections of  
47 the county or city of the voter's residence.

48 § 4. Subdivision 1 of section 8-412 of the election law, as amended by  
49 a chapter of the laws of 2024 amending the election law relating to  
50 authorizing boards of elections to establish absentee ballot drop-off  
51 locations, as proposed in legislative bills numbers S. 610 and A. 7243,  
52 is amended to read as follows:

53 1. The board of elections shall cause all absentee ballots received by  
54 it before the close of the polls on election day and all ballots  
55 contained in envelopes showing a cancellation mark of the United States  
56 postal service or a foreign country's postal service, or showing a dated

1 endorsement of receipt by another agency of the United States govern-  
2 ment, with a date which is ascertained to be not later than the day of  
3 the election and received by such board of elections not later than  
4 seven days following the day of election to be cast and counted except  
5 that the absentee ballot of a voter who requested such ballot by letter,  
6 rather than application, shall not be counted unless a valid application  
7 form, signed by such voter, is received by the board of elections with  
8 such ballot. For purposes of this section, any absentee ballot received  
9 by the board of elections by mail that does not bear or display a dated  
10 postmark shall be presumed to have been timely mailed or delivered if  
11 such ballot bears a time stamp of the receiving board of elections indi-  
12 cating receipt by such board on the day after the election. For the  
13 purposes of this section, an absentee ballot shall be deemed to be  
14 received by the board of elections before the close of the polls on  
15 election day if it is deposited in [~~an absentee~~] a ballot drop box  
16 before the close of polls on election day. Ballots received in accord-  
17 ance with this section shall be deemed timely and the failure of a board  
18 of elections to time stamp such ballots received in this manner on or  
19 before election day shall not prohibit the canvassing of such ballots.  
20 At the close of the polls on election day, the board of elections shall  
21 close every [~~absentee~~] ballot drop box and collect [~~absentee~~] ballots  
22 deposited in such [~~absentee~~] ballot drop box.

23 § 5. Subdivision 1 of section 8-710 of the election law, as added by  
24 chapter 481 of the laws of 2023, is amended to read as follows:

25 1. The board of elections shall cause all early mail ballots received  
26 by it before the close of the polls on election day and all ballots  
27 contained in envelopes showing a cancellation mark of the United States  
28 postal service or a foreign country's postal service, or showing a dated  
29 endorsement of receipt by another agency of the United States govern-  
30 ment, with a date which is ascertained to be not later than the day of  
31 the election and received by such board of elections not later than  
32 seven days following the day of election to be cast and counted. For  
33 purposes of this section, any early mail ballot received by the board of  
34 elections by mail that does not bear or display a dated postmark shall  
35 be presumed to have been timely mailed or delivered if such ballot bears  
36 a time stamp of the receiving board of elections indicating receipt by  
37 such board on the day after the election. For the purposes of this  
38 section, an early mail ballot shall be deemed to be received by the  
39 board of elections before the close of the polls on election day if it  
40 is deposited in a ballot drop box before the close of polls on election  
41 day. Ballots received in accordance with this section shall be deemed  
42 timely and the failure of a board of elections to time stamp such  
43 ballots received in this manner on or before election day shall not  
44 prohibit the canvassing of such ballots. At the close of the polls on  
45 election day, the board of elections shall close every ballot drop box  
46 and collect ballots deposited in such ballot drop box.

47 § 6. This act shall take effect on the same date and in the same  
48 manner as a chapter of the laws of 2024 amending the election law relat-  
49 ing to authorizing boards of elections to establish absentee ballot  
50 drop-off locations, as proposed in legislative bills numbers S. 610 and  
51 A. 7243, takes effect.