

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.

LBD02712-01-5

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.