

STATE OF NEW YORK

3243

2025-2026 Regular Sessions

IN ASSEMBLY

January 27, 2025

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

AN ACT to amend the election law, in relation to requirements for affidavit ballots and absentee ballots

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

1 Section 1. Paragraph (c) of subdivision 2-b of section 8-302 of the
2 election law, as amended by section 8 of part XX of chapter 55 of the
3 laws of 2019 and such subdivision as renumbered by chapter 763 of the
4 laws of 2021, is amended to read as follows:

5 (c) [~~If the voter does not produce an identification document listed~~
6 ~~in paragraph (a) of this subdivision, the voter shall only be entitled~~
7 ~~to vote by affidavit ballot unless a court order provides otherwise]~~ A
8 voter voting by affidavit ballot shall be required to produce an iden-
9 tification document listed in paragraph (a) of this subdivision. If such
10 identification document is an identification document listed under
11 subparagraph (ii) of paragraph (a) of this subdivision, such document
12 shall have been issued or created not more than one hundred twenty days
13 prior to the election. If such identification document exists in elec-
14 tronic form, such voter shall produce a printed copy of such identifica-
15 tion document.

16 § 2. Subparagraph (ii) of paragraph (e) of subdivision 3 of section
17 8-302 of the election law, as separately amended by chapters 479 and 481
18 of the laws of 2023, is amended to read as follows:

19 (ii) They may swear to and subscribe an affidavit stating that they
20 have duly registered to vote, the address in such election district from
21 which they registered, that they remain a duly qualified voter in such
22 election district, that their registration poll record appears to be
23 lost or misplaced or that their name and/or their signature was omitted
24 from the computer generated registration list or such record indicates
25 the voter already voted when they did not do so or that they have moved

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

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1 within New York state since they last registered, the address from which
2 they were previously registered and the address at which they currently
3 reside, and at a primary election, the party in which they are enrolled,
4 or that such voter is eligible to vote pursuant to section 8-604 of this
5 article. The inspectors of election shall offer such an affidavit to
6 each such voter whose residence address is in such election district,
7 after such voter has produced an identification document pursuant to
8 paragraph (c) of subdivision two-b of this section. Each such affidavit
9 shall be in a form prescribed by the state board of elections, shall be
10 printed on an envelope of the size and quality used for an early mail
11 ballot envelope, and shall contain an acknowledgment that the affiant
12 understands that any false statement made therein is perjury punishable
13 according to law. Such form prescribed by the state board of elections
14 shall request information required to register such voter should the
15 county board determine that such voter is not yet registered and shall
16 constitute an application to register to vote. The voter's name and the
17 entries required shall then be entered without delay and without further
18 inquiry in the fourth section of the challenge report or in the place
19 provided in the computer generated registration list, with the notation
20 that the voter has executed the affidavit hereinabove prescribed, or, if
21 such person's name appears in such registration list, the board of
22 elections may provide a place to make such entry next to their name in
23 such list. The voter shall then, without further inquiry, be permitted
24 to vote an affidavit ballot provided for by this chapter. Such ballot
25 shall thereupon be placed in the envelope containing their affidavit,
26 and the envelope sealed and returned to the board of elections in the
27 manner provided by this chapter for protested official ballots, includ-
28 ing a statement of the number of such ballots. If a voter registration
29 application for a voter who casts an affidavit ballot pursuant to this
30 subparagraph was received by a board of elections by the tenth day prior
31 to the election, the board shall cast and count an affidavit ballot from
32 such voter, if otherwise valid, notwithstanding the fact that the
33 voter's name was omitted from a registration poll record or list of
34 registered voters.

35 § 3. Subdivision 1 of section 8-412 of the election law, as amended by
36 chapter 500 of the laws of 2024, is amended to read as follows:

37 1. The board of elections shall cause all absentee ballots received by
38 it before the close of the polls on election day and all ballots
39 contained in envelopes showing a cancellation mark of the United States
40 postal service or a foreign country's postal service, or showing a dated
41 endorsement of receipt by another agency of the United States govern-
42 ment, with a date which is ascertained to be not later than the first
43 day of early voting for the election and received by such board of
44 elections not later than seven days following the day of election to be
45 cast and counted except that the absentee ballot of a voter who
46 requested such ballot by letter, rather than application, shall not be
47 counted unless a valid application form, signed by such voter, is
48 received by the board of elections with such ballot. For purposes of
49 this section, any absentee ballot received by the board of elections by
50 mail that does not bear or display a dated postmark shall be presumed to
51 have been timely mailed or delivered if such ballot bears a time stamp
52 of the receiving board of elections indicating receipt by such board on
53 the day [~~after~~] of the election. For the purposes of this section, an
54 absentee ballot shall be deemed to be received by the board of elections
55 before the close of the polls on election day if it is deposited in an
56 absentee ballot drop box before the close of polls on election day.

1 Ballots received in accordance with this section shall be deemed timely
2 and the failure of a board of elections to time stamp such ballots
3 received in this manner on or before election day shall not prohibit the
4 canvassing of such ballots. At the close of the polls on election day,
5 the board of elections shall close every absentee ballot drop box and
6 collect absentee ballots deposited in such absentee ballot drop box.
7 § 4. This act shall take effect immediately.