

# STATE OF NEW YORK

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251

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

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Introduced by Sen. MYRIE -- 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 requests for absentee ballots

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

1 Section 1. The opening paragraph of subdivision 2 of section 8-400 of  
2 the election law, as amended by chapter 216 of the laws of 1988, is  
3 amended to read as follows:

4 A qualified voter desiring to vote at such election as an absentee  
5 voter for any reason specified in subdivision one hereof must make  
6 application for an absentee ballot on a form to be obtained and filed as  
7 provided herein or [~~by letter~~] as provided in paragraph (d) of this  
8 subdivision.

9 § 2. Paragraph (d) of subdivision 2 of section 8-400 of the election  
10 law, as amended by chapter 138 of the laws of 2020, is amended to read  
11 as follows:

12 (d) (i) The board of elections shall mail an absentee ballot to every  
13 qualified voter otherwise eligible for such a ballot, when such voter  
14 requests an absentee ballot from such board of elections in writing in a  
15 letter, telefax indicating the address, phone number and the telefax  
16 number from which the writing is sent or other written instrument, or by  
17 telephone, or an electronic application submitted by the voter by elec-  
18 tronic mail or through an electronic transmittal system or web portal  
19 established by the state board of elections or city or county board of  
20 elections, which is received by the board of elections not later than  
21 the seventh day before the election for which the ballot is first  
22 requested and which states the address where the voter is registered and  
23 the address to which the ballot is to be mailed; provided, however, a  
24 military voter may request a military ballot or voter registration

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

LBD02485-01-1

1 application or an absentee ballot application in a letter as provided in  
2 subdivision three of section 10-106 of this chapter; and provided  
3 further, a special federal voter may request a special federal ballot or  
4 voter registration application or an absentee ballot application in a  
5 letter as provided in paragraph d of subdivision one of section 11-202  
6 of this chapter. ~~[The board of elections shall enclose with such ballot~~  
7 ~~a form of application for absentee ballot if the applicant is registered~~  
8 ~~with such board of elections.]~~

9 (ii) For purposes of this subdivision, a voter requesting an absentee  
10 ballot by telephone shall not be required to complete an application  
11 prior to or simultaneously with receiving the ballot. The board of  
12 elections receiving the telephone request shall maintain a written  
13 record of all such telephone requests for an absentee ballot, and may  
14 complete the absentee ballot application as such record on behalf of the  
15 voter requesting the absentee ballot, provided that no ballot requested  
16 or issued pursuant to this subparagraph shall be deemed invalid for lack  
17 of a complete absentee ballot application for any reason.

18 § 3. Paragraph (d) of subdivision 2 of section 8-400 of the election  
19 law, as separately amended by chapters 97 and 104 of the laws of 2010,  
20 is amended to read as follows:

21 (d) (i) The board of elections shall mail an absentee ballot to every  
22 qualified voter otherwise eligible for such a ballot, who requests such  
23 an absentee ballot from such board of elections in writing in a letter,  
24 telefax indicating the address, phone number and the telefax number from  
25 which the writing is sent or other written instrument, or by telephone,  
26 which is signed by the voter and received by the board of elections not  
27 earlier than the thirtieth day nor later than the seventh day before the  
28 election for which the ballot is first requested and which states the  
29 address where the voter is registered and the address to which the  
30 ballot is to be mailed; provided, however, a military voter may request  
31 a military ballot or voter registration application or an absentee  
32 ballot application in a letter as provided in subdivision three of  
33 section 10-106 of this chapter; and provided further, a special federal  
34 voter may request a special federal ballot or voter registration appli-  
35 cation or an absentee ballot application in a letter as provided in  
36 paragraph d of subdivision one of section 11-202 of this chapter. ~~[The~~  
37 ~~board of elections shall enclose with such ballot a form of application~~  
38 ~~for absentee ballot if the applicant is registered with such board of~~  
39 ~~elections.]~~

40 (ii) For purposes of this subdivision, a voter requesting an absentee  
41 ballot by telephone shall not be required to complete an application  
42 prior to or simultaneously with receiving the ballot. The board of  
43 elections receiving the telephone request shall maintain a written  
44 record of all such telephone requests for an absentee ballot, and may  
45 complete the absentee ballot application as such record on behalf of the  
46 voter requesting the absentee ballot, provided that no ballot requested  
47 or issued pursuant to this subparagraph shall be deemed invalid for lack  
48 of a complete absentee ballot application for any reason.

49 § 4. This act shall take effect immediately; provided that the amend-  
50 ments to paragraph (d) of subdivision 2 of section 8-400 of the election  
51 law made by section two of this act shall be subject to the expiration  
52 and reversion of such paragraph pursuant to section 7 of chapter 91 of  
53 the laws of 2020, as amended, when upon such date the provisions of  
54 section three of this act shall take effect.