STATE OF NEW YORK

2358

2025-2026 Regular Sessions

IN ASSEMBLY

January 16, 2025

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

AN ACT to amend the election law, in relation to authorizing absentee voting for religious observance

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

Section 1. Subdivision 1 of section 8-400 of the election law, as amended by chapter 63 of the laws of 2010 and paragraph (c) as amended by chapter 375 of the laws of 2015, is amended to read as follows:

1. A qualified voter may vote as an absentee voter under this chapter if, on the occurrence of any village election conducted by the board of elections, primary election, special election, general election or New York city community school board district or city of Buffalo school district election, [~~he or she~~] **such person** expects to be:

(a) absent from the county of [~~his or her~~] residence, or, if a resident of the city of New York absent from said city; or

(b) unable to appear personally at the polling place of the election district in which [~~he or she~~] **such person** is a qualified voter because of illness or physical disability or duties related to the primary care of one or more individuals who are ill or physically disabled, or because [~~he or she~~] **such person** will be or is a patient in a hospital; or

(c) a resident or patient of a veterans health administration hospital; or

(d) absent from [~~his or her~~] **their** voting residence because [~~he or she~~] **such person** is detained in jail awaiting action by a grand jury or awaiting trial, or confined in jail or prison after a conviction for an offense other than a felony, provided that [~~he or she~~] **such person** is qualified to vote in the election district of [~~his or her~~] residence[~~.~~]**;**

or

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

LBD02980-01-5

(e) unable to appear personally at the polling place of the election district in which such person is a qualified voter because of a religious observance or practice.

§ 2. This act shall take effect January 1, 2026 and shall apply to any general, primary, run-off primary, or special election held thereafter.