

# STATE OF NEW YORK

5301

2025-2026 Regular Sessions

## IN ASSEMBLY

February 12, 2025

Introduced by M. of A. WOERNER -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to absentee ballots for school district elections

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

1 Section 1. Paragraphs a and c of subdivision 2 of section 2018-a of  
2 the education law, paragraph a as amended and paragraph c as added by  
3 chapter 616 of the laws of 2019, are amended to read as follows:

4 a. A qualified voter may vote as an absentee voter under this section  
5 if [~~during all the hours of voting~~] on the [~~day~~] occurrence of an  
6 election [~~he or she will~~] such voter expects to be:

7 (1) absent from [~~the~~] their county of [~~his or her~~] residence; or

8 (2) unable to appear personally at the polling place because of  
9 illness or physical disability, or duties related to the primary care of  
10 one or more individuals who are ill or physically disabled, or because  
11 [~~he or she~~] such voter will be or is a patient in a hospital; or

12 (3) [~~an inmate~~] a resident or patient of a veteran's administration  
13 hospital; or

14 (4) absent from [~~his or her~~] such voter's voting residence because [~~he~~  
15 ~~or she~~] such voter is detained in jail awaiting action by a grand jury  
16 or awaiting trial, or confined in jail or prison after a conviction for  
17 an offense other than a felony, provided that [~~he or she~~] such voter is  
18 qualified to vote in the election district of [~~his or her~~] such voter's  
19 residence.

20 c. The application for an absentee ballot when filed must contain in  
21 each instance the following information:

22 (1) Applicant's full name, date of birth, and residence address,  
23 including the street and number, if any, rural delivery route, if any,  
24 mailing address if different from the residence address and an address  
25 to which the ballot shall be mailed.

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

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1 (2) A statement that the applicant is a qualified and registered  
2 voter.

3 (3) A statement, as appropriate, that on the day of such election the  
4 applicant expects in good faith to be in one of the following catego-  
5 ries:

6 (a) absent from [~~the~~] their county of [~~his or her~~] residence;  
7 provided, however, if the applicant expects to be absent from such coun-  
8 ty for a duration covering more than one election and seeks an absentee  
9 ballot for each election, [~~he or she~~] such applicant shall state the  
10 dates when [~~he or she expects~~] they expect to begin and end such  
11 absence; or

12 (b) unable to appear at a polling place because of illness or physical  
13 disability or duties related to the primary care of one or more individ-  
14 uals who are ill or physically disabled; or

15 (c) [~~an inmate~~] a resident or patient of a veteran's administration  
16 hospital; or

17 (d) detained in jail awaiting action by a grand jury or awaiting trial  
18 or confined in jail or prison after a conviction for an offense other  
19 than a felony and stating the place where [~~he or she~~] such applicant is  
20 so detained or confined.

21 § 2. Subdivision 2 of section 2018-b of the education law, as amended  
22 by chapter 46 of the laws of 1992, paragraph c as amended by chapter 26  
23 of the laws of 1994, is amended to read as follows:

24 2. a. An applicant for such an absentee ballot shall submit an appli-  
25 cation setting forth:

26 (1) [~~his~~] such applicant's full name, date of birth and residence  
27 address, including the street and number, if any, or town and rural  
28 delivery route, if any, mailing address if different from the residence  
29 address and an address to which the ballot shall be mailed;

30 (2) that [~~he~~] such applicant is or will be, on the day of the school  
31 district election, a qualified voter of the school district [~~in which he~~  
32 ~~resides in that he is or will be, on such date, over eighteen years of~~  
33 ~~age, a citizen of the United States and has or will have resided in the~~  
34 ~~district for thirty days next preceding such date~~];

35 (3) [~~that he will be unable to appear to vote in person on the day of~~  
36 ~~the school district election for which the absentee ballot is requested~~  
37 ~~because he is, or will be on such day~~] a statement, as appropriate, that  
38 on the day of such election the applicant expects in good faith to be in  
39 one of the following categories:

40 (a) a resident or patient in a hospital, including a veteran's admin-  
41 istration hospital, or unable to appear personally at the polling place  
42 on such day because of illness or physical disability, or duties related  
43 to the primary care of one or more individuals who are ill or physically  
44 disabled; or

45 (b) [~~because his duties, occupation, business, or studies will require~~  
46 ~~him to be outside of the county or city of his residence on such day,~~]  
47 absent from the county of such applicant's residence; provided, however,  
48 if the applicant expects to be absent from such county for a duration  
49 covering more than one election and seeks an absentee ballot for each  
50 election, such applicant shall state the dates when they expect to begin  
51 and end such absence; or

52 (c) [~~because he will be on vacation outside the county or city of his~~  
53 ~~residence on such day; or,~~

54 (~~d) absent from his voting residence because he is~~] detained in jail  
55 awaiting action by a grand jury or awaiting trial or [~~is~~] confined in  
56 jail or prison after a conviction for an offense other than a felony and

1 stating the place where such applicant is so detained or confined.  
 2 [~~Such application must be received by the district clerk or designee of~~  
 3 ~~the trustees or school board at least seven days before the election if~~  
 4 ~~the ballot is to be mailed to the voter, or the day before the election,~~  
 5 ~~if the ballot is to be delivered personally to the voter.]~~

6 b. [~~(1) Where such duties, occupation, business, or studies are of~~  
 7 ~~such a nature as ordinarily to require such absence, a brief description~~  
 8 ~~of such duties, occupation, business, or studies shall be set forth in~~  
 9 ~~such application.~~

10 (2) ~~Where such duties, occupation, business, or studies are not of~~  
 11 ~~such a nature as ordinarily to require such absence, such application~~  
 12 ~~shall contain a statement of the special circumstances on account of~~  
 13 ~~which such absence is required.]~~ Such application must be received by  
 14 the district clerk or designee of the trustees or school board at least  
 15 seven days before the election if the ballot is to be mailed to the  
 16 voter, or the day before the election, if the ballot is to be delivered  
 17 personally to the voter.

18 c. [~~Where the applicant expects in good faith to be absent on the day~~  
 19 ~~of the election because he will be on vacation elsewhere on such day,~~  
 20 ~~such application shall also contain the dates upon which he expects to~~  
 21 ~~begin and end such vacation, the place or places where he expects to be~~  
 22 ~~on such vacation, the name and address of his employer, if any, and if~~  
 23 ~~self-employed or retired, a statement to that effect.~~

24 d. ~~Where the absence is because of detention or confinement to jail,~~  
 25 ~~such application shall state whether the voter is detained awaiting~~  
 26 ~~action of the grand jury or is confined after conviction for an offense~~  
 27 ~~other than a felony.~~

28 e. ~~Where a person is or would be, if he were a qualified voter, enti-~~  
 29 ~~led to apply for the right to vote by absentee ballot under the~~  
 30 ~~provisions of this section, his spouse, parent or child, if a qualified~~  
 31 ~~voter and a resident of the same school district, shall be entitled to~~  
 32 ~~vote as an absentee voter upon personally making and signing an applica-~~  
 33 ~~tion in accordance with the preceding provisions of this subdivision and~~  
 34 ~~showing that he expects to be absent from the school district on the day~~  
 35 ~~of the school district election by reason of accompanying or being with~~  
 36 ~~the spouse, child or parent who is or would be, if he were a qualified~~  
 37 ~~voter, so entitled to apply for the right to vote by absentee ballot,~~  
 38 ~~and, in the event no application is made by such spouse, child or~~  
 39 ~~parent, such further information as the clerk of the school district or~~  
 40 ~~designee of the trustees or school board shall require.~~

41 ~~f.~~] Such application shall include the following statement to be  
 42 signed by the voter.

43 I hereby declare that the foregoing is a true statement to the best of  
 44 my knowledge and belief, and I understand that if I make any material  
 45 false statement in the foregoing statement of application for absentee  
 46 ballots, I shall be guilty of a misdemeanor.

47 Date..... Signature of Voter .....

48 [~~g.~~] d. The clerk of the school district or a designee of the trustees  
 49 or school board shall request registration lists from the board of  
 50 elections pursuant to subdivision three of section 5-612 of the election  
 51 law for those voters whose registration record has been marked "perma-  
 52 nently disabled". An applicant whose ability to appear personally at the  
 53 polling place of the school district of which [~~he~~] such applicant is a

1 qualified voter is substantially impaired by reason of permanent illness  
2 or physical disability and whose registration record has been marked  
3 "permanently disabled" as determined by the board of elections pursuant  
4 to the provisions of this chapter and who has previously applied for an  
5 absentee ballot shall be entitled to receive subsequent absentee ballots  
6 pursuant to the provisions of this section without making separate  
7 application for such absentee ballot, and the clerk of the school  
8 district or a designee of the trustees or school board shall send an  
9 absentee ballot to such voter at [~~his~~] such voter's last known address  
10 with a request to the postal authorities not to forward same but to  
11 return same in five days in the event that it cannot be delivered to the  
12 addressee. The clerk of the school district or a designee of the trus-  
13 tees or school board shall determine whether such ballot shall be sent  
14 by first class or by certified mail. All such ballots shall be mailed in  
15 the same manner as determined by the trustees or the board of education.  
16 § 3. This act shall take effect immediately.