

STATE OF NEW YORK

8257

2025-2026 Regular Sessions

IN ASSEMBLY

May 5, 2025

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

AN ACT to amend the election law and the education law, in relation to
overseas military voters and special federal voters

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

1 Section 1. Subdivision 2 of section 8-408 of the election law is
2 amended by adding a new paragraph (e) to read as follows:

3 (e) Military voters and special federal voters who receive a federal
4 post card application form shall be able to submit such federal post
5 card application form using the electronic absentee ballot application
6 transmittal system.

7 § 2. Subdivision 2 of section 10-107 of the election law, as added by
8 chapter 104 of the laws of 2010, is amended to read as follows:

9 2. Irrespective of the preferred method of transmission designated by
10 a military voter, a military voter's original completed voter registra-
11 tion application[~~, military ballot application~~] and military ballot must
12 be returned by mail or in person notwithstanding that a prior copy was
13 sent to the board of elections by facsimile transmission or electronic
14 mail. A completed military ballot application submitted through the
15 electronic absentee ballot application transmittal system established
16 under section 8-408 of this chapter shall be an original application and
17 no conforming paper submission, including but not limited to a federal
18 post card application form, shall be required to be submitted to either
19 the state board of elections or any county board of elections.

20 § 3. Paragraph (a) of subdivision 1 of section 10-108 of the election
21 law, as amended by chapter 164 of the laws of 2022, is amended to read
22 as follows:

23 (a) Ballots for military voters shall be mailed or otherwise distrib-
24 uted by the board of elections, in accordance with the preferred method
25 of transmission designated by the voter pursuant to section 10-107 of

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

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1 this article, as soon as practicable but in any event not earlier than
2 ninety days nor later than [~~forty-six~~] seventy-five days before a prima-
3 ry or general election; twenty-five days before a New York city communi-
4 ty school board district or city of Buffalo school district election;
5 fourteen days before a village election conducted by the board of
6 elections; forty-five days before a special election; and twenty-three
7 days before a special election held pursuant to paragraph b of subdivi-
8 sion three of section forty-two of the public officers law. A voter who
9 submits a military ballot application shall be entitled to a military
10 ballot thereafter for each subsequent election through and including the
11 next two regularly scheduled general elections held in even numbered
12 years, including any run-offs which may occur; provided, however, such
13 application shall not be valid for any election held within seven days
14 after its receipt. Ballots shall also be mailed to any qualified mili-
15 tary voter who is already registered and who requests such military
16 ballot from such board of elections in a letter, which is signed by the
17 voter and received by the board of elections not later than the seventh
18 day before the election for which the ballot is requested and which
19 states the address where the voter is registered and the address to
20 which the ballot is to be mailed. The board of elections shall enclose
21 with such ballot a form of application for military ballot. In the case
22 of a primary election, the board shall deliver only the ballot of the
23 party with which the military voter is enrolled according to the mili-
24 tary voter's registration records. In the event a primary election is
25 uncontested in the military voter's election district for all offices or
26 positions except the party position of member of the ward, town, city or
27 county committee, no ballot shall be delivered to such military voter
28 for such election; and the military voter shall be advised of the reason
29 why [~~he or she~~] they will not receive a ballot.

30 § 4. Section 10-112 of the election law, as amended by chapter 104 of
31 the laws of 2010, is amended to read as follows:

32 § 10-112. Military voter; voting. The military voter shall mark the
33 military ballot provided for in this article in the same manner as an
34 absentee ballot. After marking the ballot, [~~he or she~~] such military
35 voter shall fold such ballot and enclose it in the inner affirmation
36 envelope bearing the military voter's affirmation on the outside of the
37 envelope and seal the envelope. [~~He or she~~] Such military voter shall
38 then sign the affirmation, with the blanks properly filled in. The inner
39 affirmation envelope containing the military ballot shall then be
40 inserted in the outer envelope addressed to the appropriate board of
41 elections, which shall be mailed or personally delivered to such board
42 of elections of [~~his or her~~] such military voter's county of residence
43 within the time limits provided by this chapter. A board of elections
44 shall not refuse to accept and process any valid military ballot without
45 the official post card form prescribed under section 101 of the
46 Uniformed and Overseas Citizens Absentee Voting Act (42 USC 1973ff).

47 § 5. Subdivisions 1 and 2 of section 10-125 of the election law, as
48 added by chapter 104 of the laws of 2010, are amended to read as
49 follows:

50 1. A board of elections shall not refuse to accept and process any
51 otherwise valid voter registration application or military ballot appli-
52 cation (including the official post card form prescribed under section
53 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 USC
54 1973ff)) or marked military ballot submitted by mail or personally
55 delivered, solely on the basis of the following:
56 (a) Notarization requirements;

1 (b) Restrictions on paper type, including weight and size; [~~or~~]
2 (c) Restrictions on envelope type, including weight and size; or
3 (d) Not including the official post card form prescribed under section
4 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 USC
5 1973ff) with the military ballot application or marked military ballot.

6 2. A board of elections shall not refuse to accept and process any
7 otherwise valid federal write-in absentee ballot submitted in any manner
8 by a military voter solely on the basis of the following:

9 (a) Notarization requirements;
10 (b) Restrictions on paper type, including weight and size; [~~or~~]
11 (c) Restrictions on envelope type, including weight and size; or
12 (d) Not including the official post card form prescribed under section
13 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 USC
14 1973ff) with the federal write-in absentee ballot.

15 § 6. Subdivision 2 of section 11-203 of the election law, as added by
16 chapter 104 of the laws of 2010, is amended to read as follows:

17 2. Irrespective of the preferred method of transmission designated by
18 a special federal voter, a special federal voter's original completed
19 voter registration application[~~, special federal ballot application~~] and
20 special federal ballot must be returned by mail or in person notwith-
21 standing that a prior copy was sent to the board of elections by facsim-
22 ile transmission or electronic mail. A completed special federal voter
23 ballot application submitted through the electronic absentee ballot
24 application transmittal system established under section 8-408 of this
25 chapter shall be an original application and no conforming paper
26 submission, including but not limited to a federal post card application
27 form, shall be required to be submitted to either the state board of
28 elections or any county board of elections.

29 § 7. Subdivision 1 of section 11-210 of the election law, as amended
30 by chapter 262 of the laws of 2003, is amended to read as follows:

31 1. Not earlier than [~~sixty~~ ninety or later than [~~forty~~ seventy-five
32 days before each general or primary election in which special federal
33 voters are eligible to vote, the board of elections shall mail to each
34 voter who is eligible to vote in such election and who was registered
35 pursuant to this title for the previous election at which such voters
36 were eligible to vote, the application for a special federal ballot
37 provided for by this title[~~, provided, however, the board of elections~~
38 ~~shall not send such an application to any person who has applied for a~~
39 ~~ballot and who is entitled to receive a ballot for such election].~~

40 § 8. Subdivisions 1 and 2 of section 11-219 of the election law, as
41 added by chapter 104 of the laws of 2010, are amended to read as
42 follows:

43 1. A board of elections shall not refuse to accept and process any
44 otherwise valid voter registration application or special federal ballot
45 application (including the official post card form prescribed under
46 section 101 of the Uniformed and Overseas Citizens Absentee Voting Act
47 (42 USC 1973ff)) or marked special federal ballot submitted by mail or
48 personally delivered, solely on the basis of the following:

49 (a) Notarization requirements;
50 (b) Restrictions on paper type, including weight and size; [~~or~~]
51 (c) Restrictions on envelope type, including weight and size; or
52 (d) Not including the official post card form prescribed under section
53 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 USC
54 1973ff) with the special federal ballot application or marked special
55 federal ballot.

1 2. A board of elections shall not refuse to accept and process any
2 otherwise valid federal write-in absentee ballot submitted in any manner
3 by a special federal voter solely on the basis of the following:

4 (a) Notarization requirements;

5 (b) Restrictions on paper type, including weight and size; [~~or~~]

6 (c) Restrictions on envelope type, including weight and size; or

7 (d) Not including the official post card form prescribed under section
8 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 USC
9 1973ff) with the federal write-in absentee ballot.

10 § 9. Section 305 of the education law is amended by adding a new
11 subdivision 63 to read as follows:

12 63. The commissioner shall require institutions of higher education to
13 provide all enrolled students which are participating in classes or
14 educational experiences while in another country during a primary or
15 general election with an electronic form for a federal post card appli-
16 cation or a link to such a form or application with clear direction on
17 how to vote from another country at least one week prior to the start of
18 such classes or educational experiences in another country.

19 § 10. This act shall take effect on the thirtieth day after it shall
20 have become a law. Effective immediately, the addition, amendment and/or
21 repeal of any rule or regulation necessary for the implementation of
22 this act on its effective date are authorized to be made and completed
23 on or before such effective date.