

STATE OF NEW YORK

8257--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 Assembly, do enact as follows:

1 Section 1. Paragraph (d) of subdivision 2 of section 8-400 of the
2 election law, as amended by chapter 481 of the laws of 2023, is amended
3 to read as follows:

4 (d) The board of elections shall mail an absentee ballot to every
5 qualified voter otherwise eligible for such a ballot, who requests such
6 an absentee ballot from such board of elections in writing in a letter,
7 telefax indicating the address, phone number and the telefax number from
8 which the writing is sent, or other written instrument, or email, or an
9 electronic application submitted by the voter through the electronic
10 absentee ballot application transmittal system established by the state
11 board of elections, which is signed by the voter and received by the
12 board of elections not later than the tenth day before the election for
13 which the ballot is first requested and which states the address where
14 the voter is registered and the address to which the ballot is to be
15 mailed[~~, provided, however, a military voter may request a military
16 ballot or voter registration application or an absentee ballot applica-
17 tion in a letter as provided in subdivision three of section 10-106 of
18 this chapter, and provided further, a special federal voter may request
19 a special federal ballot or voter registration application or an absen-
20 tee ballot application in a letter as provided in paragraph d of subdi-
21 vision one of section 11-202 of this chapter. The board of elections
22 shall enclose with such ballot a form of application for absentee ballot
23 if the applicant is registered with such board of elections].~~

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

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

3 (e) Military voters and special federal voters shall be able to apply
4 for military and special federal ballots using the electronic absentee
5 ballot application transmittal system or any other electronic means,
6 including email or fax. The state board of elections shall ensure the
7 electronic absentee ballot application transmittal system shall be capa-
8 ble of capturing such additional information as may be necessary to
9 determine a voter's eligibility, pursuant to article ten and title two
10 of article eleven of this chapter, and such other information as may be
11 needed. Notwithstanding any other provision of law to the contrary, any
12 application submitted by electronic portal, email or fax, if otherwise
13 valid, shall not require a subsequent or redundant additional paper
14 version of such registration or application to be also submitted in
15 order to be fully effective and valid.

16 § 3. Section 10-104 of the election law is amended to read as follows:

17 § 10-104. Military voters; right to vote. A military voter of this
18 state shall be entitled to vote as fully as if [~~he~~] they were present at
19 [~~his~~] their polling place and to register and vote in the manner herein-
20 after provided [~~except that the provisions of this article for absentee~~
21 ~~voting in primary elections shall not apply to the party positions of~~
22 ~~members of the ward, town, city or county committee~~].

23 § 4. Subdivisions 1, 4, and 11 of section 10-106 of the election law,
24 subdivision 1 as amended by chapter 434 of the laws of 1984 and subdivi-
25 sions 4 and 11 as amended by chapter 104 of the laws of 2010, are
26 amended to read as follows:

27 1. On or before the [~~thirty-fifth~~] tenth day preceding an election the
28 names and addresses of all military voters who have filed applications
29 for military ballots by such day and who were not already registered
30 shall be registered by the board of elections in the election district
31 of residence of such military voter as hereinafter provided. Such
32 registration and application for a military ballot shall be filed in
33 person, or by mail, or by electronic portal, or by email, or by fax.
34 Notwithstanding any other provision of law to the contrary, any regis-
35 tration or application submitted by electronic portal, email or fax
36 shall not require a subsequent or redundant additional paper version of
37 such registration or application to be also submitted in order to be
38 fully effective and valid.

39 4. Not earlier than the ninetieth or later than the seventy-fifth day
40 before each general or primary election, each county or city board of
41 elections shall send, in accordance with the preferred method of trans-
42 mission designated by the voter pursuant to section 10-107 of this arti-
43 cle, to each person who is registered as a military voter and to every
44 other military voter in such county or city for whom it has a military
45 address, an application for a military ballot for such general election
46 in a form prescribed by the state board of elections, which shall
47 include a place for such military voter to enroll in a party, and shall
48 include the return address of such board of elections.

49 11. A board of elections may send to any spouse, parent, or adult
50 child, brother or sister of a military voter serving inside or outside
51 of the continental limits of the United States, an application for a
52 military ballot, in a form prescribed by the state board of elections.
53 Such application shall be on a postcard addressed to the appropriate
54 board of elections and shall include the statement "I understand that
55 this application will be accepted for all purposes as the equivalent of
56 an affidavit and, if it contains a material false statement, shall

1 subject me to the same penalties as if I had been duly sworn". Such
2 application may be signed by the spouse, parent or adult child, brother
3 or sister of such military voter. Upon receipt of such an application
4 from such a relative of a military voter, the board of elections shall
5 mail a military ballot to such military voter [~~together with an applica-
6 tion for a military ballot and instructions that such application must
7 be completed and returned together with the envelope containing the
8 military ballot. No ballot sent to a military voter upon the application
9 of a relative of such military voter shall be cast or canvassed unless a
10 completed application for military ballot signed by such military voter
11 is returned within the time limits for the receipt of the military
12 ballot itself~~].

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

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

27 § 6. Paragraph (a) of subdivision 1 of section 10-108 of the election
28 law, as amended by chapter 164 of the laws of 2022, is amended to read
29 as follows:

30 (a) Ballots for military voters shall be mailed or otherwise distrib-
31 uted by the board of elections, in accordance with the preferred method
32 of transmission designated by the voter pursuant to section 10-107 of
33 this article, as soon as practicable but in any event not later than
34 forty-six days before a primary or general election; twenty-five days
35 before a New York city community school board district or city of
36 Buffalo school district election; fourteen days before a village
37 election conducted by the board of elections; forty-five days before a
38 special election; and twenty-three days before a special election held
39 pursuant to paragraph b of subdivision three of section forty-two of the
40 public officers law. A voter who submits a military ballot application
41 shall be entitled to a military ballot thereafter for each subsequent
42 election through and including the next two regularly scheduled general
43 elections held in even numbered years, including any run-offs which may
44 occur; provided, however, such application shall not be valid for any
45 election held within seven days after its receipt. Ballots shall also be
46 mailed to any qualified military voter who is already registered and who
47 requests such military ballot from such board of elections in a letter,
48 which is signed by the voter and received by the board of elections not
49 later than the seventh day before the election for which the ballot is
50 requested and which states the address where the voter is registered and
51 the address to which the ballot is to be mailed. [~~The board of elections
52 shall enclose with such ballot a form of application for military
53 ballot.~~] In the case of a primary election, the board shall deliver only
54 the ballot of the party with which the military voter is enrolled
55 according to the military voter's registration records. In the event a
56 primary election is uncontested in the military voter's election

1 district for all offices or positions [~~except the party position of~~
2 ~~member of the ward, town, city or county committee~~], no ballot shall be
3 delivered to such military voter for such election; and the military
4 voter shall be advised of the reason why [~~he or she~~] they will not
5 receive a ballot.

6 § 7. Paragraphs a and b of subdivision 1 of section 11-202 of the
7 election law, paragraph a as amended by chapter 113 of the laws of 2023
8 and paragraph b as amended by chapter 262 of the laws of 2003, are
9 amended to read as follows:

10 a. A person, who, pursuant to this title, is qualified to vote as a
11 special federal voter may, by application received by the state board of
12 elections or any local board of elections on or before the tenth day
13 next preceding any election in which such person would be entitled to
14 vote [~~or the last day of local registration for such election, whichever~~
15 ~~is later,~~] apply to the board of elections of the county in which they
16 resided [~~in person or by personal application by mail for registration~~
17 ~~and enrollment as a special federal voter~~]. Such registration and
18 application for a special federal ballot shall be filed in person, or by
19 mail, or by electronic portal, or by email, or by fax. Notwithstanding
20 any other provision of law to the contrary, any registration or applica-
21 tion submitted by electronic portal, email or fax shall not require a
22 subsequent or redundant additional paper version of such registration or
23 application to be also submitted in order to be fully effective and
24 valid. An application for registration and enrollment pursuant to this
25 article shall be treated as an application for a special federal ballot
26 for every election in which the applicant would be eligible to vote
27 which is held through and including the next two regularly scheduled
28 general elections held in even numbered years, including any run-offs
29 which may occur.

30 b. A person who, pursuant to the provisions of this title, is already
31 registered as a special federal voter, may, by application received by
32 the state board of elections or any local board of elections, apply to
33 the board of elections of the county in which [~~he is~~] they are so regis-
34 tered [~~in person or by mail~~] by any means provided for by this chapter
35 for a special federal ballot. Such an application shall entitle such a
36 voter to receive a ballot for every election in which such voter is
37 entitled to vote which is held through and including the next two regu-
38 larly scheduled general elections held in even numbered years, including
39 any run-offs which may occur, provided, however, such application shall
40 not apply to any election held on or before the seventh day after
41 receipt of such application.

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

44 2. Irrespective of the preferred method of transmission designated by
45 a special federal voter, a special federal voter's [~~original-completed~~
46 ~~voter registration application, special federal ballot application and~~]
47 special federal ballot must be returned by mail or in person [~~notwith-~~
48 ~~standing that a prior copy was sent to the board of elections by facsim-~~
49 ~~ile transmission or electronic mail~~]. A completed special federal voter
50 ballot application submitted through the electronic absentee ballot
51 application transmittal system established under section 8-408 of this
52 chapter or by email or by fax shall be an original application and no
53 conforming paper submission, including but not limited to a federal
54 postcard application form, shall be required to be submitted to either
55 the state board of elections or any county board of elections.

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

3 1. Not earlier than [~~sixty~~ ninety or later than [~~forty~~ seventy-five
4 days before each general or primary election in which special federal
5 voters are eligible to vote, the board of elections shall mail to each
6 voter who is eligible to vote in such election and who was registered
7 pursuant to this title for the previous election at which such voters
8 were eligible to vote, the application for a special federal ballot
9 provided for by this title[~~, provided, however, the board of elections~~
10 ~~shall not send such an application to any person who has applied for a~~
11 ~~ballot and who is entitled to receive a ballot for such election].~~

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

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

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