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:

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

(d) The board of elections shall mail an absentee ballot to every qualified voter otherwise eligible for such a ballot, who requests such an absentee ballot from such board of elections in writing in a letter, telefax indicating the address, phone number and the telefax number from which the writing is sent, or other written instrument, or email, or an electronic application submitted by the voter through the electronic absentee ballot application transmittal system established by the state board of elections, which is signed by the voter and received by the board of elections not later than the tenth day before the election for which the ballot is first requested and which states the address where the voter is registered and the address to which the ballot is to be mailed[~~; provided, however, a military voter may request a military ballot or voter registration application or an absentee ballot application in a letter as provided in subdivision three of section 10-106 of this chapter; and provided further, a special federal voter may request a special federal ballot or voter registration application or an absentee ballot application in a letter as provided in paragraph d of subdivision one of section 11-202 of this chapter. The board of elections shall enclose with such ballot a form of application for absentee ballot 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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§ 2. Subdivision 2 of section 8-408 of the election law is amended by adding a new paragraph (e) to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Irrespective of the preferred method of transmission designated by a special federal voter, a special federal voter's [~~original completed voter registration application, special federal ballot application and~~] special federal ballot must be returned by mail or in person [~~notwithstanding that a prior copy was sent to the board of elections by facsimile transmission or electronic mail~~]. **A completed special federal voter ballot application submitted through the electronic absentee ballot application transmittal system established under section 8-408 of this chapter or by email or by fax shall be an original application and no conforming paper submission, including but not limited to a federal postcard application form, shall be required to be submitted to either the state board of elections or any county board of elections.**

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

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

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

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

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