

STATE OF NEW YORK

8644

IN SENATE

January 7, 2026

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law and the New York city charter, in relation to the state board of elections creating uniform ballots for early mail, absentee, military and special voters who vote by mail; and to repeal certain provisions of the election law relating thereto

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

Section 1. Paragraph (a) of subdivision 1, subdivision 3 and subdivision 6 of section 7-119 of the election law, as added by chapter 481 of the laws of 2023, are amended to read as follows:

(a) Ballots for early mail voters shall be, as nearly as practicable, in the same form as those to be voted in the district on election day, except that such ballots need not have a stub~~[, and shall have the words "Early Mail Ballot", endorsed thereon]~~.

3. There shall be three envelopes for each early mail ballot issued by mail: the inner affirmation envelope into which a voter places their voted ballot, the outer envelope which shall be addressed to the early mail voter, and the mailing envelope which is addressed to the county board of elections. The board of elections shall furnish with each early mail ballot an inner affirmation envelope in accordance with section 7-132 of this title. ~~[On one side of the envelope shall be printed:~~

~~OFFICIAL EARLY MAIL BALLOT~~

~~for~~

~~GENERAL (OR PRIMARY OR SPECIAL) ELECTION,~~

~~-----, 20.-----~~

~~Name of voter -----~~

~~Residence (street and number if any) -----~~

~~City/or town of (village, if any) -----~~

~~County of -----~~

~~Assembly District -----~~

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

LBD14122-01-5

1 ~~Legislative District (as applicable)~~
 2 ~~Ward (as applicable)~~
 3 ~~Election District~~
 4 ~~Party Enrollment (in case of primary election)~~]

5 6. ~~[On the]~~ **The** reverse side of such inner affirmation envelope shall
 6 be ~~[printed the following statement:]~~

7 **AFFIRMATION**

8 ~~I do declare that I am a citizen of the United States, that I am duly~~
 9 ~~registered in the election district shown on the reverse side of this~~
 10 ~~envelope and I am qualified to vote in such district; that I have not~~
 11 ~~qualified nor do I intend to vote elsewhere, that I have not committed~~
 12 ~~any act nor am I under any impediment which denies me the right to vote.~~

13 ~~I hereby declare that the foregoing is a true statement to the best of~~
 14 ~~my knowledge and belief, and I understand that if I make any material~~
 15 ~~false statement in the foregoing statement of early mail voter, I shall~~
 16 ~~be guilty of a misdemeanor.~~

17 ~~Date 20~~

18
 19 ~~Signature or mark of voter~~

20
 21 ~~Signature of Witness~~
 22 ~~(required only if voter~~
 23 ~~does not sign their own~~
 24 ~~name).~~

25
 26 ~~Address of Witness]~~

27 in accordance with section 7-132 of this title.

28 § 2. Paragraph (a) of subdivision 1, subdivision 3 and subdivision 6
 29 of section 7-122 of the election law, paragraph (a) of subdivision 1 as
 30 separately amended by chapter 615 of the laws of 2019, and subdivision 3
 31 and subdivision 6 as amended by chapter 411 of the laws of 2019, are
 32 amended to read as follows:

33 (a) Ballots for absentee voters shall be, as nearly as practicable, in
 34 the same form as those to be voted in the district on election day,
 35 except that such ballots need not have a stub~~[, and shall have the words~~
 36 ~~"Absentee Ballot", endorsed thereon]~~.

37 3. There shall be three envelopes for each absentee ballot issued by
 38 mail: the inner affirmation envelope into which a voter places [~~his or~~
 39 ~~her~~] **their** voted ballot, the outer envelope which shall be addressed to
 40 the absentee voter, and the mailing envelope which is addressed to the
 41 county board of elections. The board of elections shall furnish with
 42 each absentee ballot an inner affirmation envelope in accordance with
 43 section 7-132 of this title. ~~[On one side of the envelope shall be~~
 44 ~~printed:]~~

45 **OFFICIAL ABSENTEE BALLOT**
 46 **for**
 47 **GENERAL (OR PRIMARY OR SPECIAL) ELECTION,**

1 ~~....., 20.....~~
 2 ~~Name of voter.....~~
 3 ~~Residence (street and number if any).....~~
 4 ~~City/or town of.....(village, if any).....~~
 5 ~~County of.....~~
 6 ~~Assembly district.....~~
 7 ~~Legislative District (as applicable).....~~
 8 ~~Ward (as applicable).....~~
 9 ~~Election District.....~~
 10 ~~Party Enrollment (in case of primary election).....]~~

11 6. ~~[On the]~~ The reverse side of such inner affirmation envelope shall
 12 be ~~[printed the following statement:~~

13 AFFIRMATION

14 ~~I do declare that I am a citizen of the United States, that I am duly~~
 15 ~~registered in the election district shown on the reverse side of this~~
 16 ~~envelope and I am qualified to vote in such district; that I will be~~
 17 ~~unable to appear personally on the day of the election for which this~~
 18 ~~ballot is voted at the polling place of the election district in which I~~
 19 ~~am a qualified voter because of the reason given on my application here-~~
 20 ~~tofore submitted; that I have not qualified nor do I intend to vote~~
 21 ~~elsewhere, that I have not committed any act nor am I under any imp-~~
 22 ~~ediment which denies me the right to vote.~~

23 ~~I hereby declare that the foregoing is a true statement to the best of~~
 24 ~~my knowledge and belief, and I understand that if I make any material~~
 25 ~~false statement in the foregoing statement of absentee voter, I shall be~~
 26 ~~guilty of a misdemeanor.~~

27 ~~Date.....20.....~~
 28 ~~Signature or mark of voter~~

29 ~~.....~~
 30 ~~Signature of Witness (required only~~
 31 ~~if voter does not sign his or her own~~
 32 ~~name)~~

33 ~~.....~~
 34 ~~Address of Witness]~~

35 in accordance with section 7-132 of this title.

36 § 3. Subdivision e of section 1057-hh of the New York city charter as
 37 added by local law number 11 of the city of New York for the year 2022,
 38 is amended to read as follows:

39 e. Section 7-122 of the election law shall apply to absentee ballots
 40 and municipal absentee ballots mailed to municipal voters~~[, except that~~
 41 ~~the affirmation of United States citizenship in subdivision six of such~~
 42 ~~section shall not apply to an inner affirmation envelope included with~~
 43 ~~an absentee ballot or municipal absentee ballot distributed to a munici-~~
 44 ~~pal voter]~~ and shall ~~[be replaced with]~~ include an affirmation stating
 45 that the undersigned is qualified to vote under this chapter.

46 § 4. Subdivisions 3, 4, 5, and 7 of section 7-123 of the election law,
 47 subdivisions 3 and 4 as amended and subdivisions 5 and 7 as added by
 48 chapter 104 of the laws of 2010 and the opening paragraph of subdivision
 49 3 as amended by chapter 411 of the laws of 2019, are amended to read as
 50 follows:

3. There shall be three envelopes for each military absentee ballot issued when the military voter's preferred method of transmission is by mail: the inner affirmation envelope into which a voter places ~~[his or her]~~ their voted ballot, the outer envelope which shall be addressed to the absentee voter, and the mailing envelope which is addressed to the county board of elections. The board of elections shall furnish an inner affirmation envelope ~~[with each military ballot upon which envelope shall be printed:]~~

~~BALLOT FOR MILITARY VOTER
AFFIRMATION~~

~~I swear or affirm that:~~

~~(a) I am a member of the uniformed services or merchant marine on active duty or an eligible spouse, parent, child or dependent of such a member, and~~

~~(b) I am a United States citizen, at least eighteen years of age (or will be by the day of the election), eligible to vote in the requested jurisdiction, and~~

~~(c) I have neither been convicted of a felony or other disqualifying offense nor been adjudicated mentally incompetent, or if so, my voting rights have been reinstated, and~~

~~(d) I am not registering, requesting a ballot, or voting in any other jurisdiction in the United States, and~~

~~(e) My signature and date below indicate when I completed this document, and~~

~~(f) The information on this form is true and complete to the best of my knowledge.~~

~~I understand that a material misstatement of fact in the completion of this document may constitute grounds for conviction of a crime.~~

~~Date 20....~~

~~.....
Signature or mark of voter~~

~~.....
Signature of Witness (required
only if voter does not sign his
or her own name)~~

~~.....
Address of Witness]~~

in accordance with section 7-132 of this title.

4. ~~[On the]~~ The reverse side of the inner affirmation envelope shall be ~~[printed:]~~

~~TO BE FILLED IN BY THE BOARD OF ELECTIONS:~~

~~FOR.....ELECTION.....20.....~~

~~County of.....~~

~~Name of voter.....~~

~~Voting residence (street and number, if any).....~~

~~City (or town) of.....Ward.....~~

~~Assembly District.....Election District.....~~

~~Party Enrollment (in case of primary election).....~~

~~IMPORTANT TO MILITARY VOTER: YOU MUST SIGN THE AFFIRMATION ON THIS ENVELOPE~~ in accordance with section 7-132 of this article.

5. The information in subdivision four of this section shall be filled in by the board of elections in accordance with section 7-132 of this title prior to the mailing of any military ballot and envelopes if the military voter's preferred method of transmission with the board of elections is by mail, or it may be filled in by the board of elections upon the receipt of the returned military ballot and envelope where the ballot and envelope have been transmitted to the military voter other than by mail or in person.

7. If a military voter has designated a preference to receive [~~his or her~~] their ballot by facsimile transmission or electronic mail pursuant to section 10-107 of this chapter, the transmission of the military voter's ballot shall include, together with all information and instructional materials that accompany ballot materials sent by the board of elections to other absentee voters, appropriate instructions as to the folding of same so as to create an inner affirmation envelope containing all of the information set forth in subdivisions three, four and six of this section and section 7-132 of this title.

§ 5. Subdivision f of section 1057-hh of the New York city charter as added by local law number 11 of the city of New York for the year 2022, is amended to read as follows:

f. The board of elections in the city of New York may prescribe a separate absentee ballot for military voters who are municipal voters consistent with section 7-123 of the election law, but [~~omitting the~~] otherwise [~~required affirmation of United States citizenship and replacing it with~~] require an affirmation that the military voter meets the qualifications of a municipal voter under this chapter.

§ 6. Subdivisions 1, 2, 3, 4 and 6 of section 7-124 of the election law, subdivisions 1, 2 and 4 as amended and subdivision 6 as added by chapter 104 of the laws of 2010 and the opening and closing paragraphs of subdivision 2 as amended by chapter 411 of the laws of 2019, are amended to read as follows:

1. The ballots for special federal voters shall provide for voting for presidential and vice-presidential electors, United States senator, representative in congress, and delegates and alternate delegates to a national convention only and shall be in the form prescribed by this chapter for absentee ballots[, ~~except that on either the front or the back of the ballot shall be printed or stamped the words "Official Ballot-Special Federal Voter", provided, however, that at any election at which special federal voters may vote for all the offices and positions on the ballot, no such separate ballot shall be printed and the ballot for special federal voters shall be the same as the ballot provided to absentee voters in such election~~].

2. There shall be three envelopes for each special federal absentee ballot issued by mail: the inner affirmation envelope into which a voter places [~~his or her~~] their voted ballot, the outer envelope which shall be addressed to the absentee voter, and the mailing envelope which is addressed to the county board of elections. The board of elections shall furnish an inner affirmation envelope with each special federal ballot [~~upon which envelope shall be printed:~~

~~I swear or affirm that:~~

~~(a) I am a United States citizen residing outside the United States, and~~

~~(b) I am at least eighteen years of age (or will be by the day of the election), eligible to vote in the requested jurisdiction, and~~

~~(c) I have neither been convicted of a felony or other disqualifying offense nor been adjudicated mentally incompetent, or if so, my voting rights have been reinstated, and~~

~~(d) I am not qualified to register, request a ballot, or vote in any other jurisdiction in the United States, and~~

~~(e) My signature and date below indicate when I completed this document, and~~

~~(f) The information on this form is true and complete to the best of my knowledge.~~

~~I understand that a material misstatement of fact in the completion of this document may constitute grounds for conviction of a crime.~~

~~Date.....20.....~~

~~Signature or mark of voter~~

~~Signature of Witness (required only if voter does not sign his or her own name)~~

~~Address of Witness]~~

in accordance with section 7-132 of this title.

3. ~~[On the]~~ The reverse side of the inner affirmation envelope shall be ~~[printed:]~~

~~TO BE FILLED IN BY THE BOARD OF ELECTIONS~~

~~FOR.....ELECTION.....20.....~~

~~Name of voter~~

~~Residence from which vote is being cast:~~

~~Street and number~~

~~City or town~~

~~County~~

~~Assembly District or Ward~~

~~Election District~~

~~Party Enrollment (in case of primary election)~~

~~IMPORTANT TO SPECIAL FEDERAL VOTER: YOU MUST SIGN THE AFFIRMATION ON THIS ENVELOPE]~~ in accordance with section 7-132 of this title.

4. The information in subdivision three of this section shall be filled in by the board of elections in accordance with section 7-132 of this title prior to the mailing of any special federal ballot and envelopes if the special federal voter's preferred method of transmission with the board of elections is by mail, or it may be filled in by the board of elections upon receipt of the returned special federal ballot and envelope when the ballot and envelope have been transmitted to the special federal voter other than by mail or in person.

6. If a special federal voter has designated a preference to receive ~~[his or her]~~ their ballot by facsimile transmission or electronic mail pursuant to section 11-203 of this chapter, the transmission of the special federal voter's ballot shall include, together with all information and instructional materials that accompany ballot materials sent by the board of elections to other absentee voters, appropriate

instructions as to the folding of same so as to create an envelope containing all of the information set forth in subdivisions two, three and five of this section and section 7-132 of this title.

§ 7. Subdivisions 1, 2 and 3 of section 7-125 of the election law, subdivision 1 as amended by chapter 259 of the laws of 1991, and subdivisions 2 and 3 as amended by chapter 411 of the laws of 2019, are amended to read as follows:

1. The ballots for special presidential voters shall provide for voting for presidential and vice presidential electors only and shall be in the form prescribed for absentee ballots[, ~~except that either on the front or the back they shall be endorsed with the words printed or stamped, "Official Ballot Special Presidential Voter" and "Presidential Electors"~~].

2. There shall be three envelopes for each special presidential absentee ballot issued by mail: the inner affirmation envelope into which a voter places [~~his or her~~] their voted ballot, the outer envelope which shall be addressed to the absentee voter, and the mailing envelope which is addressed to the county board of elections. The board of elections shall furnish with each special presidential ballot an envelope in accordance with section 7-132 of this title. [~~On one side of the envelope shall be printed:~~

~~OFFICIAL BALLOT, SPECIAL PRESIDENTIAL VOTERS,
FOR GENERAL ELECTION,
NOVEMBER....., 20....~~

~~Name of voter
Residence from which vote is being cast:
Street and number
City or town
County
Assembly District or Ward
Election District~~

~~The date of the election and name of the county shall be printed, and the name of the voter, residence, name of the city or town, number of ward or assembly district, if any, and election district shall be printed, written or stamped in by the board.]~~

3. [~~On the~~] The reverse side of such envelope shall be [~~printed the following statement:~~

~~STATEMENT OF SPECIAL PRESIDENTIAL VOTER~~

~~I do declare I am a qualified special presidential voter of said district; that I am not qualified and am not able to qualify to vote elsewhere than as set forth on the reverse side of this envelope; that I am a citizen of the United States; that on the date of the election for which this ballot is voted, I will be at least eighteen years of age; and that I have not committed any act, nor am I under any impediment, which denies me the right to vote.~~

~~I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement, I shall be guilty of a misdemeanor.~~

1 ~~Date.....20.....~~
 2 ~~Signature or mark of voter~~
 3 ~~Signature of Witness (required only~~
 4 ~~if voter does not sign his or her own~~
 5 ~~name)~~
 6 ~~Address of Witness]~~

9 in accordance with section 7-132 of this title.

10 § 8. The election law is amended by adding a new section 7-132 to read
 11 as follows:

12 § 7-132. Ballots; form for voters by mail. 1. The state board of
 13 elections shall prescribe a single, uniform ballot form to be used by
 14 early mail, absentee, military and special voters who vote by mail. Such
 15 ballot shall satisfy all requirements and standards set forth by the
 16 Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. Sec.
 17 20302 et seq.).

18 2. The state board of elections shall create a uniform inner affirma-
 19 tion envelope, containing a uniform oath, to be used by county boards of
 20 election into which early mail, absentee, military and special voters
 21 place their voted ballot. In the event that such envelope conflicts with
 22 federal law, the state board of elections shall create alternate inner
 23 affirmation envelopes in a manner consistent with federal law.

24 3. The state board of elections shall promulgate rules and regulations
 25 necessary for the implementation of this section. Such rules and regu-
 26 lations shall include, but not be limited to, provisions that authorize
 27 the state board of elections to: standardize and format the single,
 28 uniform ballot; provide such ballot in any language required by the
 29 federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503); and consult
 30 with vendors to ensure ballot uniformity.

31 4. The state board of elections shall promulgate rules and regulations
 32 for the creation and administration of a statewide online ballot appli-
 33 cation system for early mail, absentee, military and special voters who
 34 vote by mail pursuant to the provisions of this section.

35 5. Nothing in this section shall be construed to alter eligibility
 36 requirements for persons who vote by mail.

37 6. Nothing in this section shall be deemed to authorize the state
 38 board of elections to contravene the Uniformed and Overseas Citizens
 39 Absentee Voting Act (52 U.S.C. Sec. 20302 et seq.).

40 § 9. Sections 8-408 and 8-706 of the election law are REPEALED and a
 41 new section 8-318 is added to read as follows:

42 § 8-318. Ballots; electronic mail ballot application transmittal
 43 system. 1. In addition to any other means of applying for an early mail,
 44 absentee, military or special voters' ballot, the state board of
 45 elections shall establish and maintain an electronic early mail, absen-
 46 tee, military and special voters' ballot application transmittal system
 47 through which persons who vote by mail may apply for an early mail,
 48 absentee, military or special voters' ballot online. The state board of
 49 elections shall electronically transmit such applications to the appli-
 50 cable board of elections of each county or the city of New York for
 51 processing consistent with this chapter. In accordance with technical
 52 specifications provided by the state board of elections, each board of
 53 elections shall maintain an early mail, absentee, military and special

1 voters' application system capable of receiving and processing electron-
2 ic early mail, absentee, military and special voters' ballot applica-
3 tions, including, but not limited to, electronic signatures, from the
4 electronic early mail, absentee, military and special voters' ballot
5 application transmittal system established by the state board of
6 elections pursuant to this section. Such transmittal system shall be
7 fully integrated with each county board of elections and the city of New
8 York board of elections so that a voter may apply online directly either
9 through the website of their board of elections or the state board of
10 elections. Notwithstanding any other inconsistent provision of this
11 chapter, applications filed using such system shall be considered filed
12 with the applicable board of elections on the calendar date the applica-
13 tion is initially transmitted by the voter through the electronic early
14 mail, absentee, military and special voters' ballot application trans-
15 mittal system.

16 2. (a) A voter shall be able to apply for an early mail, absentee,
17 military or special voters' ballot using a personal online application
18 submitted through the electronic early mail, absentee, military and
19 special voters' ballot application transmittal system when the voter:

20 (i) completes an electronic early mail, absentee, military or special
21 voters' ballot application promulgated by the state board of elections;
22 and

23 (ii) affirms, subject to penalty of perjury, by means of electronic or
24 manual signature, that the information contained in the early mail,
25 absentee, military or special voters' ballot application is true; and

26 (iii) consents to the use of an electronic copy of the individual's
27 manual signature that is in the custody of the department of motor vehi-
28 cles, the state board of elections, or other agency designated by
29 section 5-211 or 5-212 of this chapter, as the individual's early mail,
30 absentee, military or special voters' ballot exemplar signature, or
31 provides such a signature by direct upload in a manner that complies
32 with the New York state electronic signature and records act and the
33 rules and regulations promulgated by the state board of elections.

34 (b) The board of elections shall provide the personal online early
35 mail, absentee, military and special voters' ballot application in any
36 language required by the federal Voting Rights Act of 1965 (52 U.S.C.
37 Sec. 10503) in any county in the state.

38 (c) The online early mail, absentee, military and special voters'
39 ballot application process shall provide reasonable accommodations to
40 improve accessibility for persons with disabilities and shall be compat-
41 ible for use with standard online accessibility assistance tools for
42 persons with visual, physical or perceptive disabilities.

43 (d) The state board of elections shall promulgate rules and regu-
44 lations for the creation and administration of an early mail, absentee,
45 military and special voters' ballot application system pursuant to this
46 section.

47 3. (a) If an early mail, absentee, military or special voters' ballot
48 exemplar signature is not provided by an applicant who submits an early
49 mail, absentee, military or special voters' ballot application pursuant
50 to this section, the local board shall seek to obtain such exemplar
51 signature from the statewide voter registration database, the state
52 board of elections, or a state or local agency designated by section
53 5-211 or 5-212 of this chapter.

54 (b) If such exemplar signature is not available from the statewide
55 voter registration database, the state board of elections, or a state or
56 local agency designated by section 5-211 or 5-212 of this chapter, the

1 local board of elections shall, absent another reason to reject the
2 application, require the voter to provide an exemplar signature by any
3 one of the following methods: in person, by electronic mail, or by elec-
4 tronic upload to the board of elections through the electronic early
5 mail, absentee, military and special voters' ballot application trans-
6 mittal system.

7 (c) If such voter does not provide the required exemplar signature,
8 the board of elections shall proceed to issue an early mail, absentee,
9 military or special voters' ballot to the voter along with an early
10 mail, absentee, military or special voters' ballot application form
11 requiring such voter to submit a signature upon such application form
12 and return it to the board of elections with the voter's ballot.

13 4. The electronic early mail, absentee, military and special voters'
14 ballot application transmittal system shall be combined on a single
15 website.

16 § 10. This act shall take effect immediately.