S T A T E O F N E W Y O R K

9404

I N A S S E M B L Y

(PREFILED)

January 6, 2010

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

AN ACT to amend the election law, in relation to removing certain requirements for absentee voting and to repeal certain provisions of such law relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivisions 1 and 2 of section 8-400 of the election law, the opening paragraph of subdivision 1 as amended by chapter 359 of the laws of 1989, paragraph (c) of subdivision 1 as amended by chapter 426 of the laws of 2009, and the opening paragraph of subdivision 2 as amended by chapter 216 of the laws of 1988, paragraph (a) of subdivision 2 as amended by chapter 263 of the laws of 1991, paragraph (c) of subdivision 2 as amended by chapter 321 of the laws of 1988 and paragraph (d) of subdivision 2 as amended by chapter 165 of the laws of 2009, are amended to read as follows:

1. A qualified voter may vote as an absentee voter under this chapter if[, on the occurrence of any village election conducted by the board of elections, primary election, special election, general election or New York city community school board district or city of Buffalo school district election, he will be:

(a) unavoidably absent from the county of his residence, or, if a resident of the city of New York absent from said city, because his duties, occupation, business, or studies require him to be elsewhere on the day of election; or

(b) absent from such county or city because he is on vacation elsewhere on the day of election; or

(c) unable to appear personally at the polling place of the election district in which he or she is a qualified voter because of illness or physical disability, whether permanent or temporary, or duties related to the primary care of one or more individuals who are ill or physically disabled, or because he or she will be or is a patient in a hospital; or

(d) he is a person entitled to a ballot because he is a qualified voter registered as an inmate or patient of a veteran's administration hospital; or

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

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(e) absent from the county of his residence, or if a resident of the city of New York, absent from said city, because of his accompanying a spouse, parent or child who would be entitled to apply for the right to vote by absentee ballot if a qualified voter; or

(f) absent from his voting residence because he is detained in jail awaiting action by a grand jury or awaiting trial, or confined in prison after a conviction for an offense other than a felony, provided that he is qualified to vote in the election district of his residence] HE OR SHE REQUESTS AN APPLICATION FOR AN ABSENTEE BALLOT ON A FORM TO BE OBTAINED AND FILED AS PROVIDED HEREIN OR BY LETTER AS PROVIDED IN PARAGRAPH (D) OF SUBDIVISION TWO OF THIS SECTION.

2. A qualified voter desiring to vote at such election as an absentee voter [for any reason specified in subdivision one hereof] must make application for an absentee ballot on a form to be obtained and filed as provided herein or by letter as provided in paragraph (d) of this subdivision.

(a) Application forms shall be furnished by and may be obtained from any board of elections at any time until the day before such election. Application forms shall also be supplied by the board of inspectors of the election district in which applicant is a qualified voter on all of the days provided for local registration. In addition, application forms shall be supplied upon the request of the person authorized to vote pursuant to this section, any such person's spouse, parent or child, a person residing with the applicant as a member of his household, or the applicant's duly authorized agent. Application forms sent outside of the United States to a country other than Canada or Mexico, shall be sent airmail. Any reference to "board of elections" in the remaining provisions of this section, except with respect to the furnishing and obtaining of applications for absentee ballots, means only the board of elections of the county or city in which the applicant is a qualified voter.

(b) Applications may be filed either with the board of elections or in person with the board of inspectors of the election district in which the applicant is a qualified voter, on one of the days provided for local registration.

(c) All applications must be mailed to the board of elections not later than the seventh day before the election for which a ballot is first requested or delivered to such board not later than the day before such election.

(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 a letter, which is signed by the voter and received by the board of elections not earlier than the thirtieth day nor later than the seventh 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 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 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.

S 2. Paragraphs (c) and (d) of subdivision 3 and subdivision 4 of section 8-400 of the election law are REPEALED.

S 3. This act shall take effect immediately.