

2009-2010 Regular Sessions

I N S E N A T E

January 22, 2009

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

AN ACT to amend the election law, in relation to the deadline for obtaining application forms for absentee ballots by persons who are ill or physically disabled; who shall supply application forms; and limit on number of absentee ballots to be received on the day of the election

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

1 Section 1. Paragraphs (a), (c) and (d) of subdivision 2 of section  
2 8-400 of the election law, paragraph (a) as amended by chapter 263 of  
3 the laws of 1991, paragraph (c) as amended by chapter 321 of the laws of  
4 1988 and paragraph (d) as added by chapter 216 of the laws of 1988, are  
5 amended to read as follows:  
6 (a) Application forms shall be furnished by and may be obtained from  
7 any board of elections at any time until the day before such election  
8 OR, WITH RESPECT TO APPLICATIONS FOR PERSONS WHO ARE ILL OR PHYSICALLY  
9 DISABLED, UNTIL THE DAY OF SUCH ELECTION. Application forms shall also  
10 be supplied by the board of inspectors [of the election district in  
11 which applicant is a qualified voter] on all of the days provided for  
12 local registration. [In addition, application forms shall be supplied  
13 upon the request of the person authorized to vote pursuant to this  
14 section, any such person's spouse, parent or child, a person residing  
15 with the applicant as a member of his household, or the applicant's duly  
16 authorized agent.] Application forms sent outside of the United States  
17 to a country other than Canada or Mexico, shall be sent airmail. Any  
18 reference to "board of elections" in the remaining provisions of this  
19 section, except with respect to the furnishing and obtaining of applica-  
20 tions for absentee ballots, means only the board of elections of the  
21 county or city in which the applicant is a qualified voter.

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

LBD06665-01-9

1 (c) All applications must be mailed to the board of elections not  
2 later than the seventh day before the election for which a ballot is  
3 first requested or delivered to such board not later than the day before  
4 such election EXCEPT THAT APPLICATIONS FROM PERSONS WHO ARE ILL OR PHYS-  
5 ICALLY DISABLED MAY BE DELIVERED TO SUCH BOARD UNTIL THE DAY OF SUCH  
6 ELECTION.

7 (d) The board of elections shall mail OR DELIVER an absentee ballot to  
8 every qualified voter otherwise eligible for such a ballot, who  
9 requests such an absentee ballot from such board of elections in a  
10 letter, which is signed by the voter and received by the board of  
11 elections BY MAIL not earlier than the thirtieth day [nor] BEFORE THE  
12 ELECTION FOR WHICH THE BALLOT IS FIRST REQUESTED AND WHICH IS MAILED NOT  
13 later than the seventh day before [the] SUCH election [for which the  
14 ballot is first requested and which states], OR WHICH IS DELIVERED TO  
15 SUCH BOARD NOT EARLIER THAN THE THIRTIETH DAY NOR LATER THAN THE DAY  
16 BEFORE SUCH ELECTION EXCEPT THAT SUCH LETTERS FROM PERSONS WHO ARE ILL  
17 OR PHYSICALLY DISABLED MAY BE DELIVERED TO SUCH BOARD UNTIL THE DAY OF  
18 SUCH ELECTION. SUCH LETTERS MUST SET FORTH the address where the voter  
19 is registered and the address to which the ballot is to be mailed OR, IF  
20 SUCH BALLOT MAY BE DELIVERED, THE NAME OF THE PERSON TO WHOM IT IS TO BE  
21 DELIVERED. The board of elections shall enclose with such ballot a form  
22 of application for absentee ballot.

23 S 2. Section 8-406 of the election law, as amended by chapter 296 of  
24 the laws of 1988, is amended to read as follows:

25 S 8-406. Absentee ballots, delivery of. If the board shall find that  
26 the applicant is a qualified voter of the election district containing  
27 his OR HER residence as stated in his OR HER statement and that his OR  
28 HER statement is sufficient, it shall, as soon as practicable after it  
29 shall have determined his OR HER right thereto, mail to him OR HER at an  
30 address designated by him OR HER, or deliver to him OR HER, or to any  
31 person designated for such purpose in writing by him OR HER, at the  
32 office of the board, such an absentee voter's ballot or set of ballots  
33 and an envelope therefor. NO PERSON MAY BE DESIGNATED TO RECEIVE MORE  
34 THAN ONE ABSENTEE BALLOT ON THE DAY OF THE ELECTION OTHER THAN THE  
35 BALLOTS OF HIS OR HER SPOUSE, CHILD, PARENT, GRANDPARENT, BROTHER OR  
36 SISTER AND THE SPOUSE OF ANY SUCH PERSON. If the ballot or ballots are  
37 to be sent outside of the United States to a country other than Canada  
38 or Mexico, such ballot or ballots shall be sent by air mail. However,  
39 if an applicant who is eligible for an absentee ballot is a resident of  
40 a facility operated or licensed by, or under the jurisdiction of, the  
41 department of mental hygiene, or a resident of a facility defined as a  
42 nursing home or residential health care facility pursuant to subdivi-  
43 sions two and three of section two thousand eight hundred one of the  
44 public health law, or a resident of a hospital or other facility oper-  
45 ated by the Veteran's Administration of the United States, such absentee  
46 ballot need not be so mailed or delivered to any such applicant but, may  
47 be delivered to the voter in the manner prescribed by section 8-407 of  
48 this chapter if such facility is located in the county or city in which  
49 such voter is eligible to vote.

50 S 3. This act shall take effect on the first of December next  
51 succeeding the date on which it shall have become a law.