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9385

I N   A S S E M B L Y

(PREFILED)

January 6, 2010
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Introduced by M. of A. KAVANAGH -- read once and referred to the Commit-
  tee on Election Law

AN ACT to amend the election law, in relation to requiring county boards
  to create systems for processing electronic requests for absentee
  ballots

  THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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 165 of the laws of 2009, 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 a [letter] COMMUNI-
 7 CATION, which is signed AND/OR CERTIFIED by the voter and received by
 8 the board of elections not earlier than the thirtieth day nor later than
 9 the seventh day before the election for which the ballot is first
10 requested and which states the address where the voter is registered and
11 the address to which the ballot is to be mailed; provided, however, a
12 military voter may request a military ballot in a letter as provided in
13 subdivision three of section 10-106 of this chapter; and provided
14 further, a special federal voter may request a special federal ballot in
15 a letter as provided in paragraph d of subdivision one of section 11-202
16 of this chapter. The board of elections shall enclose with such ballot a
17 form of application for absentee ballot.
18   S 2. Section 8-400 of the election law is amended by adding a new
19 subdivision 11 to read as follows:
20   11. (A) THE BOARD OF ELECTIONS OF EACH COUNTY SHALL ENACT PROCEDURES
21 AND REGULATIONS TO ENABLE VOTERS TO REQUEST AND APPLY FOR ABSENTEE
22 BALLOTS BY MEANS OF A FORM SUBMITTED OVER A SECURE INTERNET CONNECTION
23 THROUGH THE WEBSITE OF THE BOARD AND/OR THE COUNTY.
24   (B) ANY ELECTRONIC REQUEST FOR AN ABSENTEE BALLOT SUBMITTED THROUGH
25 SUCH A WEBSITE SHALL BE DEEMED TO CONSTITUTE AN APPLICATION FOR AN

1 ABSENTEE BALLOT WITHIN THE MEANING OF THIS SECTION, PROVIDED THAT THE
2 ELECTRONIC FORM:
3   (I) REQUESTS THE VOTER TO SUPPLY THAT INFORMATION REQUIRED BY SUBDIVI-
4 SION THREE OF THIS SECTION;
5   (II) CONTAINS THE LANGUAGE REQUIRED BY SUBDIVISION FIVE OF THIS
6 SECTION;
7   (III) PROMPTS THE VOTER, UPON COMPLETION, TO SUBMIT AN ELECTRONIC
8 SIGNATURE SUFFICIENT TO REASONABLY GUARANTEE THE VOTER'S IDENTITY;
9   (IV) INFORMS THE VOTER THAT SUCH SIGNATURE HAS THE SAME LEGAL EFFECT
10 AS A SIGNATURE EXECUTED BY HAND; AND
11   (V) DOES NOT PERMIT THE SUBMISSION OF A FORM SO INCOMPLETE AS TO
12 RENDER THE BOARD UNABLE TO PROCESS IT THROUGH ITS NORMAL PROCEDURES.
13   (C) IN THE CASE OF SUCH ELECTRONIC REQUESTS, THE BOARD OF ELECTIONS
14 SHALL PROVIDE TIMELY NOTIFICATION TO THE VOTER OF ANY DEFECT IN THEIR
15 ELECTRONIC APPLICATION. SUCH NOTIFICATION MAY BE SENT TO THE VOTER BY
16 ELECTRONIC MAIL.
17   (D) NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO ALTER THE INFORMA-
18 TION REQUIRED ON AN ABSENTEE BALLOT APPLICATION, OR THE QUALIFICATIONS,
19 STATUTORY OR CONSTITUTIONAL, REQUIRED TO VOTE BY ABSENTEE BALLOT.
20   S 3. Severability. If any provision of this act or the application
21 thereof shall for any reason be adjudged by any court of competent
22 jurisdiction to be invalid, such judgment shall not affect, impair, or
23 invalidate the remainder of this act, but shall be confined in its oper-
24 ation to the provision thereof directly involved in the controversy in
25 which such judgment shall have been rendered.
26   S 4. This act shall take effect on the one hundred eightieth day after
27 it shall have become a law.