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

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Cal. No. 439

I N S E N A T E

April 14, 2010

Introduced by Sens. SAMPSON, ADAMS, ADDABBO, SQUADRON, SCHNEIDERMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the election law, in relation to military ballots, special federal ballots and absentee ballots

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

Section 1. Subdivision 1 of section 3-220 of the election law, as amended by chapter 179 of the laws of 2005, is amended to read as follows:

1. All registration records, certificates, lists, and inventories referred to in, or required by, this chapter shall be public records and open to public inspection under the immediate supervision of the board of elections or its employees and subject to such reasonable regulations as such board may impose, provided, however, that a voter's driver's license number, department of motor vehicle non-driver photo ID number [and], social security number AND FACSIMILE NUMBER shall not be released for public inspection. No such records shall be handled at any time by any person other than a member of a registration board or board of inspectors of elections or board of elections except as provided by rules imposed by the board of elections.

S 2. Section 7-123 of the election law, subdivisions 1, 2, 4-a, 5 and 6 as amended by chapter 290 of the laws of 1991, subdivision 3 as amended by chapter 235 of the laws of 2000, subdivision 4 as amended by chapter 247 of the laws of 1984, subdivision 4-b as added by chapter 262 of the laws of 2003 and subdivision 7 as added by chapter 237 of the laws of 2005, and such section as renumbered by chapter 8 of the laws of 1978, is amended to read as follows:

S 7-123. Ballots; military voters. 1. The state board of elections, after conferring with federal authorities, if any, authorized to act,

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

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shall prescribe the form and cause to be printed by the appropriate boards of elections or otherwise sufficient ballots for military voters to be used at the election, subject to the following limitations:

2. The ballots for military voters shall be the same form as those to be voted by absentee voters in the election district of the military voter on election day. Any instructions that the state board of elections deems pertinent shall accompany such ballots but shall not be affixed thereto in any manner so as to leave any marks on such ballots not found on absentee ballots.

3. [Each ballot shall be furnished with a ballot] THE BOARD OF ELECTIONS SHALL FURNISH AN INNER AFFIRMATION envelope WITH EACH MILITARY BALLOT upon which ENVELOPE shall be printed:

BALLOT FOR MILITARY VOTER
[STATEMENT] AFFIRMATION

[I do state (or affirm) that I am (MUST CHECK ONE)

(a) in the actual military service of the State of New York, or of the United States ..... []

(b) the spouse ..... []

(c) parent ..... []

(d) child ..... []

of a voter in the actual military service of the State of New York or of the United States, accompanying or being with such voter and a resident of the same election district; 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 immediately preceding said date will have been a resident of the county, city or village in which I offer my vote for thirty days, that I have not voted any other ballot for any candidate from any address other than hereinafter set forth; and that I have not committed any act, nor am I under any impediment which denies me the right to vote.

My voting residence in the State of New York is:
Street and Number, or R.F.D. .....
City, Village or Town .....
County .....

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 of military voter, I shall be guilty of a misdemeanor.]

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

4. On the reverse side of the [ballot] INNER AFFIRMATION envelope [containing the statement of military voter] 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: [Be sure to indicate in (a), (b), (c), or (d), whether you are a serviceman or the spouse, parent or child of a serviceman in the statement before you sign your name at the end of the statement.] YOU MUST SIGN THE [STATEMENT] AFFIRMATION ON [THE REVERSE SIDE OF] THIS ENVELOPE.

[4-a.] 5. THE INFORMATION IN SUBDIVISION FOUR OF THIS SECTION SHALL BE FILLED IN BY THE BOARD OF ELECTIONS 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.

6. The INNER AFFIRMATION envelope, IF DELIVERED BY MAIL OR IN PERSON, shall be gummed[,] AND ready for sealing[, and]. SUCH ENVELOPE, OR ANY CREATED BY THE MILITARY VOTER WHO HAS RECEIVED HIS OR HER BALLOT BY FACSIMILE TRANSMISSION OR ELECTRONIC MAIL IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION SEVEN OF THIS SECTION, shall have printed thereon, on the side opposite the [statement,] AFFIRMATION, instructions as to the duties of the military voter after the marking of the ballot[, which]. SUCH instructions shall include [a] specific [direction] DIRECTIONS stating that the [envelope] BALLOT must be RETURNED IN PERSON OR mailed to the appropriate board of elections [and a specific direction stating], when [such] THE OUTER envelope must be postmarked, IF MAILED, and when such envelope, WHETHER RETURNED IN PERSON OR MAILED,

must reach such board of elections in order to be canvassed. Such INNER AFFIRMATION envelope shall also include a direction that an application for A military ballot should not be enclosed in [such] THE INNER AFFIRMATION envelope CONTAINING SUCH BALLOT.

[4-b. Notwithstanding any inconsistent provision of law, the standard affirmation prescribed by the presidential designee under the uniformed and overseas citizens absentee voting act affirming that a material misstatement of fact may constitute a violation of law shall be used on any forms and envelopes requiring such an affirmation by a voter to which such act applies.

5.] 7. IF A MILITARY VOTER HAS DESIGNATED A PREFERENCE TO RECEIVE HIS OR HER 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.

8. Such [ballot] INNER AFFIRMATION envelope [and] CONTAINING THE military ballot shall be enclosed in [a second] AN OUTER envelope, addressed to the appropriate board of elections, and bearing on it the words "Official Election Ballot--Via Air Mail"[, and a]. THE OUTER ENVELOPE SHALL INCLUDE specific [direction] DIRECTIONS that if an ORIGINAL COMPLETED application for a military ballot [is received with such military ballot] HAS NOT ALREADY BEEN RETURNED IN PERSON OR MAILED TO THE MILITARY VOTER'S BOARD OF ELECTIONS, such application must be completed by the military voter and returned [in such envelope together with the envelope containing the military ballot] IN THE OUTER ENVELOPE WITH THE SEALED INNER AFFIRMATION ENVELOPE CONTAINING THE MILITARY BALLOT WITHIN THE TIME LIMITS FOR THE RECEIPT OF THE MILITARY BALLOT ITSELF. Such envelope shall provide lines in the upper left corner for the military voter to write his OR HER name and complete military address.

[6.] 9. The [second] OUTER envelope addressed to the appropriate board of elections and the INNER AFFIRMATION envelope which contains the ballot shall be mailed to the military voter in a third envelope on which is printed the words "Official Election Ballot--Via Air Mail".

[7.] 10. At the side opposite the address on the [second] OUTER envelope, below the gummed seal, FOR A BALLOT DELIVERED BY MAIL OR IN PERSON, OR BELOW THE FLAP FOR A BALLOT TRANSMITTED TO THE MILITARY VOTER BY FACSIMILE TRANSMISSION OR ELECTRONIC MAIL, shall be printed:

This ballot was mailed on _____ which is not later than the
(date)
day before the election.

_____ _____
Signed (Witness) Date

11. IF THE MILITARY VOTER'S PREFERRED METHOD OF TRANSMISSION IS FACSIMILE TRANSMISSION OR ELECTRONIC MAIL, THE ELECTRONIC TRANSMITTAL OF THE MILITARY VOTER'S BALLOT MATERIALS SHALL INCLUDE APPROPRIATE INSTRUCTIONS AS TO THE FOLDING OF SAME SO AS TO CREATE AN OUTER ENVELOPE CONTAINING ALL OF THE INFORMATION SET FORTH IN SUBDIVISIONS EIGHT AND TEN OF THIS SECTION.

S 3. Section 7-124 of the election law, as added by chapter 8 of the laws of 1978, subdivision 1 as amended by chapter 259 of the laws of 1991, subdivisions 2 and 3 as amended by chapter 235 of the laws of 2000, subdivision 4 as amended by chapter 99 of the laws of 1989 and subdivision 5 as amended by chapter 216 of the laws of 1988, is amended to read as follows:

S 7-124. Ballots [for]; special federal voters. 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. The board of elections shall furnish AN INNER AFFIRMATION ENVELOPE with each special federal ballot [an envelope. On one side of the] 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 OWN NAME)

.....
ADDRESS OF WITNESS

3. ON THE REVERSE SIDE OF THE INNER AFFIRMATION ENVELOPE SHALL BE PRINTED:

[OFFICIAL BALLOT, SPECIAL FEDERAL VOTERS,] 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) .....

  [The date of the election and the name of the county shall be printed, and the name of the voter, residence, name of town, number of ward or assembly district, if any, and election district shall be either printed or written or stamped in by the board] IMPORTANT TO SPECIAL FEDERAL VOTER: YOU MUST SIGN THE AFFIRMATION ON THIS ENVELOPE.
  [3. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF SPECIAL FEDERAL VOTER

  I do declare I am a qualified special federal 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 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.

Date..... 20.....

.....
Signature or mark of voter
.....
Signature of Witness (required only if voter does not sign his own name)
.....
Address of Witness]

  4. THE INFORMATION IN SUBDIVISION THREE OF THIS SECTION SHALL BE FILLED IN BY THE BOARD OF ELECTIONS 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.
  5. The INNER AFFIRMATION envelope, IF DELIVERED BY MAIL OR IN PERSON, shall be gummed[,] AND ready for sealing[, and]. SUCH ENVELOPE, OR ANY CREATED BY THE SPECIAL FEDERAL VOTER WHOSE BALLOT WAS DELIVERED BY FACSIMILE TRANSMISSION OR ELECTRONIC MAIL IN ACCORDANCE WITH SUBDIVISION SIX OF THIS SECTION, shall have printed thereon, on the side opposite the [statement] AFFIRMATION, instructions as to the duties of the voter after the marking of the ballot[, which]. SUCH instructions shall include [a] specific [direction] DIRECTIONS stating that the [envelope] BALLOT must be [delivered] RETURNED IN PERSON or mailed to the appropri-

ate board of elections [and a specific direction stating], when [such] THE OUTER envelope must be [delivered or postmarked] POSTMARKED, IF MAILED, and when such envelope, [if so mailed] WHETHER RETURNED IN PERSON OR MAILED, must reach such board of elections in order to be canvassed. SUCH INNER AFFIRMATION ENVELOPE SHALL ALSO INCLUDE A DIRECTION THAT AN APPLICATION FOR A SPECIAL FEDERAL BALLOT SHOULD NOT BE ENCLOSED IN THE INNER AFFIRMATION ENVELOPE CONTAINING SUCH BALLOT.

[5. Such envelope shall be enclosed in a second envelope bearing on it the address of the board of elections, the words "Official Election Balloting Material--Via Air Mail" and a specific direction that if an application for special federal ballot is received with the ballot, such application must be completed by the voter and returned in such envelope together with the envelope containing the special federal ballot.]

6. IF A SPECIAL FEDERAL VOTER HAS DESIGNATED A PREFERENCE TO RECEIVE HIS OR HER 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.

7. SUCH INNER AFFIRMATION ENVELOPE CONTAINING THE SPECIAL FEDERAL BALLOT SHALL BE ENCLOSED IN AN OUTER ENVELOPE ADDRESSED TO THE APPROPRIATE BOARD OF ELECTIONS, AND BEARING ON IT THE WORDS "OFFICIAL ELECTION BALLOT--VIA AIR MAIL". THE OUTER ENVELOPE SHALL INCLUDE SPECIFIC DIRECTIONS THAT IF AN ORIGINAL COMPLETED APPLICATION FOR A SPECIAL FEDERAL BALLOT HAS NOT ALREADY BEEN DELIVERED OR MAILED TO THE SPECIAL FEDERAL VOTER'S BOARD OF ELECTIONS, SUCH APPLICATION MUST BE COMPLETED BY THE SPECIAL FEDERAL VOTER AND RETURNED IN THE OUTER ENVELOPE WITH THE SEALED INNER AFFIRMATION ENVELOPE CONTAINING THE SPECIAL FEDERAL BALLOT WITHIN THE TIME LIMITS FOR THE RECEIPT OF THE SPECIAL FEDERAL BALLOT ITSELF. SUCH ENVELOPE SHALL PROVIDE LINES IN THE UPPER LEFT CORNER FOR THE SPECIAL FEDERAL VOTER TO WRITE HIS OR HER NAME AND COMPLETE SPECIAL FEDERAL ADDRESS.

8. THE OUTER ENVELOPE ADDRESSED TO THE APPROPRIATE BOARD OF ELECTIONS AND THE INNER AFFIRMATION ENVELOPE WHICH CONTAINS THE BALLOT SHALL BE MAILED TO THE SPECIAL FEDERAL VOTER IN A THIRD ENVELOPE ON WHICH IS PRINTED THE WORDS "OFFICIAL ELECTION BALLOT--VIA AIR MAIL".

9. IF THE SPECIAL FEDERAL VOTER'S PREFERRED METHOD OF TRANSMISSION IS FACSIMILE TRANSMISSION OR ELECTRONIC MAIL, THE ELECTRONIC TRANSMITTAL OF THE SPECIAL FEDERAL VOTER'S BALLOT MATERIALS SHALL INCLUDE APPROPRIATE INSTRUCTIONS AS TO THE FOLDING OF SAME SO AS TO CREATE AN OUTER ENVELOPE CONTAINING ALL OF THE INFORMATION SET FORTH IN SUBDIVISION EIGHT OF THIS SECTION.

S 4. Paragraph (d) of subdivision 2 of section 8-400 of the election law, as amended by chapter 165 of the laws of 2009, 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 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 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.

S 5. Section 9-209 of the election law, as amended by chapter 251 of the laws of 1984, the section heading, the opening paragraph and paragraph a of subdivision 2 as amended by chapter 179 of the laws of 2005, paragraph a of subdivision 1 as amended by chapter 165 of the laws of 2009, subparagraph 3 of paragraph a of subdivision 2 as added by chapter 248 of the laws of 2009, paragraph b of subdivision 2 as added and paragraphs c and e of subdivision 2 as relettered by chapter 94 of the laws of 1987, subparagraph 1 of paragraph b of subdivision 2 as amended, subparagraph 2 of paragraph b of subdivision 2 as added and subparagraph 3 of paragraph b of subdivision 2 as renumbered by chapter 155 of the laws of 1994, paragraph c of subdivision 2 as added by chapter 352 of the laws of 1986 and paragraph d of subdivision 2 as amended by chapter 79 of the laws of 1992, is amended to read as follows:

S 9-209. Canvass of absentee, military and special ballots and ballots cast by voters with registration poll records missing on days of election or voters who have not had their identity previously verified or who have moved after registering. Before completing the canvass of votes cast in any primary, general, special, or other election at which voters are required to sign their registration poll records before voting, the board of elections shall proceed in the manner hereinafter prescribed to cast and canvass any absentee, military, special presidential, special federal or other special ballots which were not cast and canvassed at the polling place, and any ballots voted by voters who moved within the county or city after registering, voters who are in inactive status, voters whose registration was incorrectly transferred to another address even though they did not move, or voters whose registration poll records were missing on the day of such election or voters who have not had their identity previously verified or whose registration poll records did not show them to be enrolled in the party in which they claimed to be enrolled. Each such ballot shall be retained in the original envelope containing the voter's affidavit and signature, in which it is delivered to the board of elections until such time as it is to be cast and canvassed.

1. [a.] (A) The board of elections shall designate itself or such of its employees as it shall deem appropriate as a set of poll clerks to cast and canvass such ballots, and fix a time and place for their meeting for such purpose, provided that such meeting shall be no more than fourteen days after a general or special election and no more than eight days after a primary election at which such ballots are voted. The board may designate additional sets of poll clerks and if it designates more than one such set shall apportion among all such sets the election districts from which such ballots have been received, provided that all such ballots from a single election district shall be assigned to a single set of clerks, and that each such set shall be divided equally between representatives of the two major political parties. Each such set of clerks shall be deemed a central board of inspectors for purposes of this section.

[b.] (B) At least five days prior to the time fixed for such meeting, the board shall send notice by first class mail to each candidate, political party, and independent body entitled to have had watchers present at the polls in any election district in the board's jurisdiction. Such notice shall state the time and place fixed by the board for such canvass.

[c.] (C) Each such candidate, political party, and independent body shall be entitled to appoint such number of watchers to attend upon each central board of inspectors as such candidate, political party, or independent body was entitled to appoint at such election in any one election district for which such central board of inspectors is designated to act.

2. [a. 1.] (A)(I) Upon assembling at the time and place fixed for such meeting, each central board of inspectors shall cast and canvass the envelopes and the ballots therein contained as nearly as practicable in the manner provided by this chapter for a board of inspectors to consider, cast, and canvass absentee ballot envelopes and ballots at the polling place.

[2.] (II) If the board of inspectors determines that a person was entitled to vote at such election it shall cast and canvass such ballot if such board finds that ministerial error by the board of elections or any of its employees caused such ballot envelope not to be valid on its face.

[3.] (III) If the board of elections determines that a person was entitled to vote at such election, the board shall cast and canvass such ballot if such board finds that the voter appeared at the correct polling place, regardless of the fact that the voter may have appeared in the incorrect election district.

[b. 1.] (B)(I) Such board of inspectors shall also cast and canvass any federal write-in ABSENTEE ballots validly cast by an absentee VOTER, A military VOTER or A special federal voter for the offices of president and vice-president, United States senator and representative in congress. SUCH BOARD OF INSPECTORS SHALL ALSO CAST AND CANVASS ANY FEDERAL WRITE-IN ABSENTEE BALLOTS VALIDLY CAST BY A MILITARY VOTER FOR ALL QUESTIONS OR PROPOSALS, PUBLIC OFFICES OR PARTY POSITIONS FOR WHICH A MILITARY VOTER IS OTHERWISE ELIGIBLE TO VOTE AS PROVIDED IN SECTION 10-104 OF THIS CHAPTER.

[2.] (II) Federal write-in ABSENTEE ballots shall be cast and canvassed only if: (A) an application for an absentee, military or special federal ballot was received from the absentee, military or special federal voter at least thirty days before election day[, if]; (B) the federal write-in ABSENTEE ballot was submitted from INSIDE OR outside the United States[, if] BY A MILITARY VOTER OR WAS SUBMITTED FROM OUTSIDE THE UNITED STATES BY A SPECIAL FEDERAL VOTER; (C) such ballot is received by the board of elections not later than [seven] THIRTEEN days following the day of election OR SEVEN DAYS AFTER A PRIMARY ELECTION; and [if] (D) the absentee, military or special federal ballot which was sent to the voter is not received by the board of elections by the [seventh] THIRTEENTH day following the day of A GENERAL OR SPECIAL election OR THE SEVENTH DAY AFTER A PRIMARY ELECTION.

(III) If such a federal write-in ABSENTEE ballot is received after election day, the envelope in which it is received must contain: (A) a cancellation mark of the United States postal service or a foreign country's postal service[, or]; (B) a dated endorsement of receipt by another agency of the United States government[,]; OR (C) IF CAST BY A MILITARY VOTER, THE SIGNATURE AND DATE OF THE VOTER AND ONE WITNESS THERETO

with a date which is ascertained to be not later than the day before election day.

[3.] (IV) If such a federal write-in ABSENTEE ballot contains the name of a person or persons in the space provided for a vote for any office, such ballot shall be counted as a vote for such person or persons. A vote for a person who is the candidate of a party or independent body either for president or vice-president shall be deemed to be a vote for both the candidates of such party or independent body for such offices. If such a ballot contains the name of a party or independent body in the space provided for a vote for any office, such ballot shall be deemed to be a vote for the candidate or candidates, if any, of such party or independent body for such office. In the case of the offices of president and vice-president a vote cast for a candidate, either directly or by writing in the name of a party or independent body, shall also be deemed to be votes for the electors supporting such candidate. Any abbreviation, misspelling or other minor variation in the form of the name of a candidate or a party or independent body shall be disregarded in determining the validity of the ballot, if the intention can be ascertained.

[c.] (C) The following provisions shall apply to casting and canvassing of all such ballots which are counted by machine and all other provisions of this chapter with respect to casting and canvassing such ballots which are not inconsistent with this paragraph shall be applicable to such ballots.

[1.] (I) Such ballots shall be counted by placing them, arranged by election district, in the counting machine.

[2.] (II) Such ballots may be separated into sections before being placed in the counting machine.

[3.] (III) Any write-in ballots and any ballots which cannot be counted by the machine shall be counted manually subject to all the applicable provisions of this chapter with respect to counting of [absentee] ballots.

[4.] (IV) The record of the vote counted by machine for each candidate and for and against each ballot proposal, printed by election district, shall be preserved in the same manner and for the same period as the returns of canvass for the election.

[d.] (D) Any person lawfully present may object to the refusal to cast or canvass any ballot on the grounds that the voter is a properly qualified voter of the election district, or in the case of a party primary duly enrolled in such party, or to the casting or canvassing of any ballot on the grounds that the voter is not a properly qualified voter of the election district, or in the case of a party primary not duly enrolled in such party, or otherwise not entitled to cast such ballot. When any such objection is made, the central board of inspectors shall forthwith proceed to determine such objection and reject or cast such ballot according to such determination. If the board cannot agree as to the validity of the ballot it shall set the ballot aside, unopened, for a period of three days at which time the ballot envelope shall be opened and the vote counted unless otherwise directed by an order of the court.

[e.] (E) Upon completing the casting and canvassing of ballots as hereinabove provided for any election district, the central board of inspectors shall thereupon, as nearly as practicable in the manner provided in this chapter for absentee ballots, verify the number of ballots so cast, tally the votes so cast, add such tally to the previous tally of all votes cast in such election district, and announce the result.

S 6. Subdivisions 1 and 2 of section 10-102 of the election law, subdivision 2 as amended by chapter 373 of the laws of 1978, are amended to read as follows:

1. "Military service" means the military service of the state, or of the United States, including the army, navy, marine corps, air force, coast guard, MERCHANT MARINE and all components thereof, and the coast and geodetic survey, the public health service, the national guard when in the service of the United States pursuant to call as provided by law, and the cadets or midshipmen of the United States Military Academy, United States Naval Academy, United States Air Force Academy and United States Coast Guard Academy.

2. "Military voter" means a qualified voter of the state of New York who is in the actual military service, as defined in the preceding paragraph of this section, and by reason of such military service is absent from his election district of residence on the day of registration or election, or a voter who is discharged from such military service within thirty days of an election and the spouse, parent [and], child OR DEPENDENT of such voter accompanying or being with him or her, if a qualified voter and a resident of the same election district.

S 7. Subdivisions 3, 4 and 11 of section 10-106 of the election law, subdivision 3 as added by chapter 165 of the laws of 2009, subdivision 4 as amended by chapter 262 of the laws of 2003 and subdivision 11 as amended by chapter 290 of the laws of 1991, are amended to read as follows:

3. [A] (A) IN ADDITION TO ANY OTHER METHOD OF REGISTERING TO VOTE OR OF APPLYING FOR A MILITARY BALLOT, A military voter may [apply for a] REQUEST A VOTER REGISTRATION APPLICATION OR military ballot APPLICATION by facsimile transmission TO THE BOARD OF ELECTIONS OR pursuant to the Uniformed and Overseas Citizens Absentee Voting Act or BY electronic mail. WHEN MAKING SUCH A REQUEST, THE MILITARY VOTER MAY DESIGNATE A PREFERENCE FOR TRANSMISSION OF SUCH VOTER REGISTRATION APPLICATION AND MILITARY BALLOT APPLICATION PURSUANT TO SECTION 10-107 OF THIS ARTICLE.

(B) THE MILITARY BALLOT APPLICATION SHALL ALLOW THE MILITARY VOTER TO DESIGNATE A PREFERENCE FOR TRANSMISSION OF THE MILITARY BALLOT PURSUANT TO SECTION 10-107 OF THIS ARTICLE.

(C) THE PROCEDURES FOR RECEIVING DOCUMENTS FROM AND TRANSMITTING DOCUMENTS TO A MILITARY VOTER SHALL, TO THE EXTENT PRACTICABLE, PROTECT THE SECURITY AND INTEGRITY OF THE MILITARY VOTER REGISTRATION AND MILITARY BALLOT APPLICATION REQUEST PROCESS AND PROTECT THE PRIVACY OF THE MILITARY VOTER, INCLUDING THE VOTER'S IDENTITY AND OTHER PERSONAL DATA. NOTHING IN THIS PARAGRAPH SHALL LIMIT THE INFORMATION THAT MAY BE OBTAINED PURSUANT TO SECTION 3-220 OF THIS CHAPTER.

4. Not earlier than the ninetieth or later than the seventy-fifth day before each general 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, [on a postcard bearing] AND SHALL INCLUDE the return address of such board of elections[; provided, however, the county or city board of elections shall not send such an application to any person who has applied for a military ballot and is entitled to receive such ballot for such election].

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 [received with such] RETURNED WITHIN THE TIME LIMITS FOR THE RECEIPT OF THE MILITARY ballot ITSELF.

S 8. The election law is amended by adding a new section 10-107 to read as follows:

S 10-107. MILITARY VOTERS; DESIGNATION OF MEANS OF TRANSMISSION BY MILITARY VOTERS. 1. A MILITARY VOTER MAY DESIGNATE A PREFERENCE TO RECEIVE A VOTER REGISTRATION APPLICATION, A MILITARY BALLOT APPLICATION OR A MILITARY BALLOT BY MAIL, FACSIMILE TRANSMISSION OR ELECTRONIC MAIL. SUCH DESIGNATION SHALL REMAIN IN EFFECT UNTIL REVOKED OR CHANGED BY THE MILITARY VOTER. IF A MILITARY VOTER DOES NOT DESIGNATE A PREFERENCE, THE BOARD OF ELECTIONS SHALL TRANSMIT THE VOTER REGISTRATION APPLICATION, MILITARY BALLOT APPLICATION OR MILITARY BALLOT BY MAIL. IF A MILITARY VOTER DESIGNATES A PREFERENCE FOR FACSIMILE TRANSMISSION OR ELECTRONIC MAIL BUT DOES NOT PROVIDE THE NECESSARY FACSIMILE NUMBER OR E-MAIL ADDRESS, THE BOARD OF ELECTIONS SHALL TRANSMIT THE VOTER REGISTRATION APPLICATION, MILITARY BALLOT APPLICATION OR MILITARY BALLOT BY MAIL AND REQUEST THE OMITTED INFORMATION. ALL COMMUNICATIONS TO THE MILITARY VOTER SHALL INCLUDE THE MAILING ADDRESS OF THE BOARD OF ELECTIONS.

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.

S 9. Subdivision 1 of section 10-108 of the election law, as amended by chapter 262 of the laws of 2003, is amended to read as follows:

1. (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, NOT LATER THAN thirty-two 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; [and] fourteen days before a village election conducted by the board of elections; and twelve days before a special election. 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 will not receive a ballot.

(B) UPON THE PROCLAMATION OF A SPECIAL ELECTION BY THE GOVERNOR OR OTHERWISE PURSUANT TO LAW, EACH BOARD OF ELECTIONS SHALL, NOT LATER THAN THREE DAYS AFTER THE ESTABLISHMENT OF THE DATE OF SUCH SPECIAL ELECTION, TRANSMIT BY MAIL, FACSIMILE TRANSMISSION OR ELECTRONIC MAIL IN ACCORDANCE WITH THE PREFERRED METHOD OF TRANSMISSION DESIGNATED BY THE VOTER PURSUANT TO SECTION 10-107 OF THIS ARTICLE, A FEDERAL WRITE-IN ABSENTEE BALLOT TO ALL MILITARY VOTERS ELIGIBLE TO VOTE BY MILITARY BALLOT IN SUCH SPECIAL ELECTION.

(C) EACH BOARD OF ELECTIONS WHICH IS SERVED WITH A COURT ORDER RESTRAINING OR ENJOINING THE ISSUANCE OF BALLOTS IN ANY ELECTION, OTHER THAN A SPECIAL ELECTION, IN WHICH ANY MILITARY VOTER IS ENTITLED TO RECEIVE A BALLOT SHALL IMMEDIATELY NOTIFY THE STATE BOARD OF ELECTIONS OF SUCH FACT AND SHALL TRANSMIT IN ACCORDANCE WITH THE PREFERRED METHOD OF TRANSMISSION DESIGNATED BY THE VOTER, A FEDERAL WRITE-IN ABSENTEE BALLOT TO ALL MILITARY VOTERS ELIGIBLE TO VOTE IN SUCH ELECTION.

(D) A MILITARY VOTER WHO HAS RECEIVED A FEDERAL WRITE-IN ABSENTEE BALLOT SHALL BE ENTITLED TO RECEIVE A CERTIFIED BALLOT NOTWITHSTANDING THE PRIOR TRANSMISSION OF A FEDERAL WRITE-IN ABSENTEE BALLOT TO SUCH VOTER PURSUANT TO PARAGRAPH (B) OR (C) OF THIS SUBDIVISION. SUCH CERTIFIED MILITARY BALLOT SHALL BE SENT 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, OR EXPEDITED MAIL IF THE MILITARY VOTER HAS NOT EXPRESSED A PREFERENCE TO RECEIVE SAME BY FACSIMILE TRANSMISSION OR ELECTRONIC MAIL, AND HIS OR HER REQUEST FOR A MILITARY BALLOT WAS MADE AT LEAST THIRTY-TWO DAYS BEFORE THE ELECTION.

S 10. Section 10-112 of the election law, subdivision 1 as amended by chapter 290 of the laws of 1991, is amended to read as follows:

S 10-112. Military voter; voting. [1.] The military voter shall mark the military ballot provided for in this article in the same manner as an absentee ballot. After marking the ballot, he OR SHE shall fold such ballot and enclose it in the [ballot] INNER AFFIRMATION envelope bearing the military voter's [statement] AFFIRMATION ON THE OUTSIDE OF THE ENVELOPE and seal the envelope. He OR SHE shall then sign the [statement] AFFIRMATION, with the blanks properly filled in. The INNER AFFIRMATION envelope containing the MILITARY ballot shall then be inserted in the OUTER envelope addressed to the appropriate board of elections, which shall be mailed or [otherwise] PERSONALLY delivered to such board

of elections of his OR HER county of residence WITHIN THE TIME LIMITS PROVIDED BY THIS CHAPTER.

S 11. The election law is amended by adding a new section 10-125 to read as follows:

S 10-125. MILITARY VOTERS; PROHIBITING REFUSAL TO ACCEPT VOTER REGISTRATION AND MILITARY BALLOT APPLICATIONS, MARKED MILITARY BALLOTS, AND FEDERAL WRITE-IN ABSENTEE BALLOTS FOR FAILURE TO MEET CERTAIN REQUIREMENTS. 1. A BOARD OF ELECTIONS SHALL NOT REFUSE TO ACCEPT AND PROCESS ANY OTHERWISE VALID VOTER REGISTRATION APPLICATION OR MILITARY BALLOT APPLICATION (INCLUDING THE OFFICIAL POST CARD FORM PRESCRIBED UNDER SECTION 101 OF THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT (42 USC 1973FF)) OR MARKED MILITARY BALLOT SUBMITTED BY MAIL OR PERSONALLY DELIVERED, SOLELY ON THE BASIS OF THE FOLLOWING:

(A) NOTARIZATION REQUIREMENTS;

(B) RESTRICTIONS ON PAPER TYPE, INCLUDING WEIGHT AND SIZE; OR

(C) RESTRICTIONS ON ENVELOPE TYPE, INCLUDING WEIGHT AND SIZE.

2. A BOARD OF ELECTIONS SHALL NOT REFUSE TO ACCEPT AND PROCESS ANY OTHERWISE VALID FEDERAL WRITE-IN ABSENTEE BALLOT SUBMITTED IN ANY MANNER BY A MILITARY VOTER SOLELY ON THE BASIS OF THE FOLLOWING:

(A) NOTARIZATION REQUIREMENTS;

(B) RESTRICTIONS ON PAPER TYPE, INCLUDING WEIGHT AND SIZE; OR

(C) RESTRICTIONS ON ENVELOPE TYPE, INCLUDING WEIGHT AND SIZE.

3. THE STATE BOARD OF ELECTIONS, IN COORDINATION WITH COUNTY BOARDS OF ELECTIONS, SHALL DEVELOP A FREE ACCESS SYSTEM BY WHICH A MILITARY VOTER MAY DETERMINE WHETHER THE MILITARY BALLOT OF THE MILITARY VOTER HAS BEEN RECEIVED BY THE APPROPRIATE BOARD OF ELECTIONS.

S 12. Subdivision 1 of section 11-106 of the election law is amended to read as follows:

1. The application forms shall [contain a detachable portion for the applicant's signature, which portion shall be gummed on the back for pasting in the list of special presidential voters, or, in lieu thereof, the board of elections may cause to be made, under its supervision, a photostatic copy of the applicant's signature as it appears on his application, and in such case a photostatic copy of the applicant's signature shall be pasted in the list of special presidential voters in its proper place] BE IN A FORM PRESCRIBED BY THE STATE BOARD OF ELECTIONS.

S 13. Paragraph d of subdivision 1 of section 11-202 of the election law, as added by chapter 165 of the laws of 2009, is amended and two new paragraphs e and f are added to read as follows:

d. [A] IN ADDITION TO ANY OTHER METHOD OF REGISTERING TO VOTE OR OF APPLYING FOR A SPECIAL FEDERAL BALLOT, A special federal voter may [apply for] REQUEST A VOTER REGISTRATION APPLICATION OR REQUEST a special federal ballot APPLICATION by facsimile transmission TO THE BOARD OF ELECTIONS OR pursuant to the Uniformed and Overseas Citizens Absentee Voting Act or BY electronic mail. WHEN MAKING SUCH A REQUEST, THE SPECIAL FEDERAL VOTER MAY DESIGNATE A PREFERENCE FOR TRANSMISSION OF SUCH VOTER REGISTRATION APPLICATION AND SPECIAL FEDERAL BALLOT APPLICATION PURSUANT TO SECTION 11-203 OF THIS TITLE.

E. THE SPECIAL FEDERAL BALLOT APPLICATION SHALL ALLOW THE SPECIAL FEDERAL VOTER TO DESIGNATE A PREFERENCE TO RECEIVE THE SPECIAL FEDERAL BALLOT PURSUANT TO SECTION 11-203 OF THIS TITLE.

F. THE PROCEDURES FOR RECEIVING DOCUMENTS FROM AND TRANSMITTING DOCUMENTS TO A SPECIAL FEDERAL VOTER SHALL, TO THE EXTENT PRACTICABLE, PROTECT THE SECURITY AND INTEGRITY OF THE SPECIAL FEDERAL VOTER REGISTRATION AND SPECIAL FEDERAL BALLOT APPLICATION REQUEST PROCESS AND

PROTECT THE PRIVACY OF THE SPECIAL FEDERAL VOTER, INCLUDING THE VOTER'S IDENTITY AND OTHER PERSONAL DATA. NOTHING IN THIS PARAGRAPH SHALL LIMIT THE INFORMATION THAT MAY BE OBTAINED PURSUANT TO SECTION 3-220 OF THIS CHAPTER.

S 14. The election law is amended by adding a new section 11-203 to read as follows:

S 11-203. SPECIAL FEDERAL VOTERS; DESIGNATION OF MEANS OF TRANSMISSION BY SPECIAL FEDERAL VOTERS. 1. A SPECIAL FEDERAL VOTER MAY DESIGNATE A PREFERENCE TO RECEIVE A VOTER REGISTRATION APPLICATION, A SPECIAL FEDERAL BALLOT APPLICATION OR A SPECIAL FEDERAL BALLOT BY MAIL, FACSIMILE TRANSMISSION OR ELECTRONIC MAIL. SUCH DESIGNATION SHALL REMAIN IN EFFECT UNTIL REVOKED OR CHANGED BY THE SPECIAL FEDERAL VOTER. IF A SPECIAL FEDERAL VOTER DOES NOT DESIGNATE A PREFERENCE, THE BOARD OF ELECTIONS SHALL TRANSMIT THE VOTER REGISTRATION APPLICATION, SPECIAL FEDERAL BALLOT APPLICATION OR SPECIAL FEDERAL BALLOT BY MAIL. IF A SPECIAL FEDERAL VOTER DESIGNATES A PREFERENCE FOR FACSIMILE TRANSMISSION OR ELECTRONIC MAIL BUT DOES NOT PROVIDE THE NECESSARY FACSIMILE NUMBER OR E-MAIL ADDRESS, THE BOARD OF ELECTIONS SHALL TRANSMIT THE VOTER REGISTRATION APPLICATION, SPECIAL FEDERAL BALLOT APPLICATION OR SPECIAL FEDERAL BALLOT BY MAIL AND REQUEST THE OMITTED INFORMATION. ALL COMMUNICATIONS TO THE SPECIAL FEDERAL VOTER SHALL INCLUDE THE MAILING ADDRESS OF THE BOARD OF ELECTIONS.

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.

S 15. Subdivisions 1, 2 and 4 of section 11-204 of the election law, subdivisions 1 and 2 as added by chapter 8 of the laws of 1978 and subdivision 4 as amended by chapter 262 of the laws of 2003, are amended to read as follows:

1. The registration application forms shall [contain detachable portions for the applicant's signature. Such portions shall be gummed on the back for pasting on the registration poll records and central file registration records. In lieu of such gummed portions the board of elections may cause to be made, under its supervision, photostatic copies of the applicant's signature as it appears on his application. In such case, photostatic copies of the applicant's signature shall be pasted in the proper places upon such registration poll records and central file registration records] BE IN A FORM PRESCRIBED BY THE STATE BOARD OF ELECTIONS.

2. Upon receipt of an application, the board of elections shall determine upon such inquiry as it deems proper whether the applicant has answered all the questions contained in the application and whether the applicant is legally qualified to receive and vote a special federal ballot. If it finds he is not so qualified, the board shall reject the application and shall notify the applicant of such rejection and give the reason or reasons therefor IN ACCORDANCE WITH THE PREFERRED METHOD OF TRANSMISSION DESIGNATED BY THE VOTER PURSUANT TO SECTION 11-203 OF THIS TITLE. All investigations by the board of elections shall be concluded and all determinations made not later than the twentieth day before election.

4. If the board of elections shall determine that the applicant making the application provided for in this section is qualified to receive and vote a special federal ballot, it shall, as soon as practicable after it

shall have so determined, or not later than thirty-two days before each general or primary election and twelve days before each special election in which such applicant is qualified to vote, or three days after receipt of such an application, whichever is later, mail to him OR HER at the residence address outside the United States shown in his OR HER application, a special federal ballot [and], an INNER AFFIRMATION envelope [therefor] AND AN OUTER ENVELOPE, OR OTHERWISE DISTRIBUTE SAME TO THE VOTER IN ACCORDANCE WITH THE PREFERRED METHOD OF TRANSMISSION DESIGNATED BY THE VOTER PURSUANT TO SECTION 11-203 OF THIS TITLE. The board of elections shall also mail, OR OTHERWISE DISTRIBUTE IN ACCORDANCE WITH THE PREFERRED METHOD OF TRANSMISSION DESIGNATED BY THE VOTER PURSUANT TO SECTION 11-203 OF THIS TITLE, a special federal ballot to every qualified special federal voter who is already registered and who requests such special federal 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 first 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 A special federal ballot.

S 16. Section 11-216 of the election law is amended by adding a new subdivision 3 to read as follows:

3. (A) UPON THE PROCLAMATION OF A SPECIAL ELECTION BY THE GOVERNOR OR OTHERWISE PURSUANT TO LAW, EACH BOARD OF ELECTIONS SHALL, NOT LATER THAN THREE DAYS AFTER THE ESTABLISHMENT OF THE DATE OF SUCH SPECIAL ELECTION, TRANSMIT BY MAIL, FACSIMILE TRANSMISSION OR ELECTRONIC MAIL IN ACCORDANCE WITH THE PREFERRED METHOD OF TRANSMISSION DESIGNATED BY THE VOTER PURSUANT TO SECTION 11-203 OF THIS TITLE, A FEDERAL WRITE-IN ABSENTEE BALLOT TO ALL SPECIAL FEDERAL VOTERS ELIGIBLE TO VOTE BY SPECIAL FEDERAL BALLOT IN SUCH SPECIAL ELECTION.

(B) EACH BOARD OF ELECTIONS WHICH IS SERVED WITH A COURT ORDER RESTRAINING OR ENJOINING THE ISSUANCE OF BALLOTS IN ANY ELECTION, OTHER THAN A SPECIAL ELECTION, IN WHICH ANY SPECIAL FEDERAL VOTER IS ENTITLED TO RECEIVE A BALLOT SHALL IMMEDIATELY NOTIFY THE STATE BOARD OF ELECTIONS OF SUCH FACT AND SHALL TRANSMIT IN ACCORDANCE WITH THE PREFERRED METHOD OF TRANSMISSION DESIGNATED BY THE VOTER, A FEDERAL WRITE-IN ABSENTEE BALLOT TO ALL SPECIAL FEDERAL VOTERS ELIGIBLE TO VOTE IN SUCH ELECTION.

(C) A SPECIAL FEDERAL VOTER WHO HAS RECEIVED A FEDERAL WRITE-IN ABSENTEE BALLOT SHALL BE ENTITLED TO RECEIVE A CERTIFIED BALLOT NOTWITHSTANDING THE PRIOR TRANSMISSION OF A FEDERAL WRITE-IN ABSENTEE BALLOT TO SUCH VOTER PURSUANT TO PARAGRAPH (A) OR (B) OF THIS SUBDIVISION. SUCH CERTIFIED SPECIAL FEDERAL BALLOT SHALL BE SENT BY THE BOARD OF ELECTIONS IN ACCORDANCE WITH THE PREFERRED METHOD OF TRANSMISSION DESIGNATED BY THE SPECIAL FEDERAL VOTER PURSUANT TO SECTION 11-203 OF THIS TITLE, OR EXPEDITED MAIL IF THE SPECIAL FEDERAL VOTER HAS NOT EXPRESSED A PREFERENCE TO RECEIVE SAME BY FACSIMILE TRANSMISSION OR ELECTRONIC MAIL, AND HIS OR HER REQUEST FOR A SPECIAL FEDERAL BALLOT WAS MADE AT LEAST THIRTY-TWO DAYS BEFORE THE ELECTION.

S 17. The election law is amended by adding two new sections 11-219 and 11-220 to read as follows:

S 11-219. SPECIAL FEDERAL VOTERS; PROHIBITING REFUSAL TO ACCEPT VOTER REGISTRATION AND SPECIAL FEDERAL BALLOT APPLICATIONS, MARKED SPECIAL FEDERAL BALLOTS, AND FEDERAL WRITE-IN ABSENTEE BALLOTS FOR FAILURE TO MEET CERTAIN REQUIREMENTS. 1. A BOARD OF ELECTIONS SHALL NOT REFUSE TO ACCEPT AND PROCESS ANY OTHERWISE VALID VOTER REGISTRATION APPLICATION OR

SPECIAL FEDERAL BALLOT APPLICATION (INCLUDING THE OFFICIAL POST CARD FORM PRESCRIBED UNDER SECTION 101 OF THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT (42 USC 1973FF)) OR MARKED SPECIAL FEDERAL BALLOT SUBMITTED BY MAIL OR PERSONALLY DELIVERED, SOLELY ON THE BASIS OF THE FOLLOWING:

(A) NOTARIZATION REQUIREMENTS;

(B) RESTRICTIONS ON PAPER TYPE, INCLUDING WEIGHT AND SIZE; OR

(C) RESTRICTIONS ON ENVELOPE TYPE, INCLUDING WEIGHT AND SIZE.

2. A BOARD OF ELECTIONS SHALL NOT REFUSE TO ACCEPT AND PROCESS ANY OTHERWISE VALID FEDERAL WRITE-IN ABSENTEE BALLOT SUBMITTED IN ANY MANNER BY A SPECIAL FEDERAL VOTER SOLELY ON THE BASIS OF THE FOLLOWING:

(A) NOTARIZATION REQUIREMENTS;

(B) RESTRICTIONS ON PAPER TYPE, INCLUDING WEIGHT AND SIZE; OR

(C) RESTRICTIONS ON ENVELOPE TYPE, INCLUDING WEIGHT AND SIZE.

3. THE STATE BOARD OF ELECTIONS, IN COORDINATION WITH COUNTY BOARDS OF ELECTIONS, SHALL DEVELOP A FREE ACCESS SYSTEM BY WHICH A SPECIAL FEDERAL VOTER MAY DETERMINE WHETHER THE SPECIAL FEDERAL BALLOT OF THE SPECIAL FEDERAL VOTER HAS BEEN RECEIVED BY THE APPROPRIATE BOARD OF ELECTIONS.

S 11-220. FEDERAL VOTING; APPLICABILITY OF GENERAL PROVISIONS. THE GENERAL PROVISIONS OF THIS CHAPTER SHALL APPLY TO THIS ARTICLE, EXCEPT AS THEY ARE INCONSISTENT HEREWITH. THE PROVISIONS OF THIS ARTICLE SHALL BE LIBERALLY CONSTRUED FOR THE PURPOSE OF PROVIDING SPECIAL FEDERAL VOTERS THE OPPORTUNITY TO VOTE. THE STATE BOARD OF ELECTIONS SHALL HAVE POWER TO ADOPT AND PROMULGATE REGULATIONS TO EFFECTUATE THE PROVISIONS OF THIS ARTICLE.

S 18. This act shall take effect immediately.