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

1450--A

Cal. No. 577

2011-2012 Regular Sessions

I N A S S E M B L Y

January 10, 2011

Introduced by M. of A. ORTIZ, McDONOUGH -- read once and referred to the Committee on Election Law -- recommitted to the Committee on Election Law in accordance with Assembly Rule 3, sec. 2 -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the military law and the election law, in relation to the counting of ballots of deceased military personnel

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

Section 1. Article 11 of the military law is amended by adding a new section 234 to read as follows:

S 234. COUNTING OF BALLOTS OF DECEASED MILITARY PERSONNEL. ANY MEMBER OF THE ARMY, NAVY, AIR FORCE, MARINES, COAST GUARD, ARMY RESERVE, NAVAL RESERVE, MARINE RESERVE, AIR FORCE RESERVE, NATIONAL GUARD, NEW YORK ARMY NATIONAL GUARD, NEW YORK AIR NATIONAL GUARD, NEW YORK GUARD, OR NAVAL MILITIA, WHO CASTS AN ABSENTEE OR MILITARY BALLOT WHILE ON ACTIVE DUTY, SHALL HAVE SUCH BALLOT BE COUNTED NOTWITHSTANDING THE DEATH OF SUCH SERVICE MEMBER, RESULTING FROM INJURIES SUSTAINED WHILE HE OR SHE WAS PRESENT IN A COMBAT THEATER OR COMBAT ZONE OF OPERATIONS, BEFORE THE DATE OF THE SCHEDULED ELECTION FOR WHICH IT WAS CAST.

S 2. The election law is amended by adding a new section 8-413 to read as follows:

S 8-413. COUNTING OF BALLOTS OF DECEASED MILITARY PERSONNEL. ANY MEMBER OF THE ARMY, NAVY, AIR FORCE, MARINES, COAST GUARD, ARMY RESERVE, NAVAL RESERVE, MARINE RESERVE, AIR FORCE RESERVE, NATIONAL GUARD, NEW YORK ARMY NATIONAL GUARD, NEW YORK AIR NATIONAL GUARD, NEW YORK GUARD, OR NAVAL MILITIA, WHO CASTS AN ABSENTEE OR MILITARY BALLOT WHILE ON ACTIVE DUTY, SHALL HAVE SUCH BALLOT BE COUNTED NOTWITHSTANDING THE DEATH OF SUCH SERVICE MEMBER, RESULTING FROM INJURIES SUSTAINED WHILE HE OR SHE WAS PRESENT IN A COMBAT THEATER OR COMBAT ZONE OF OPERATIONS, BEFORE THE DATE OF THE SCHEDULED ELECTION FOR WHICH IT WAS CAST.

S 3. This act shall take effect immediately.

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

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