

5385

2011-2012 Regular Sessions

I N A S S E M B L Y

February 17, 2011

Introduced by M. of A. BARCLAY, OAKS, FINCH, KOLB -- Multi-Sponsored by
-- M. of A. CROUCH, REILICH, THIELE -- read once and referred to the
Committee on Election Law

AN ACT to amend the election law, in relation to allowing application
for absentee ballots by electronic means

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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 separately amended by chapters 97 and 104 of
5 the laws of 2010, are 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 FOR ANY ELECTIONS AFTER JANUARY FIRST, TWO THOUSAND TWELVE, APPLICATION
9 FORMS SHALL BE MADE AVAILABLE FOR QUALIFIED VOTERS BY ELECTRONIC MEANS
10 WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, TELEFACSIMILE TRANSMISSION
11 OR ELECTRONIC MAIL. Application forms shall also be supplied by the
12 board of inspectors of the election district in which applicant is a
13 qualified voter on all of the days provided for local registration. In
14 addition, application forms shall be supplied upon the request of the
15 person authorized to vote pursuant to this section, any such person's
16 spouse, parent or child, a person residing with the applicant as a
17 member of his household, or the applicant's duly authorized agent.
18 Application forms sent outside of the United States to a country other
19 than Canada or Mexico, shall be sent airmail. Any reference to "board of
20 elections" in the remaining provisions of this section, except with
21 respect to the furnishing and obtaining of applications for absentee
22 ballots, means only the board of elections of the county or city in
23 which the applicant is a qualified voter.

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

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1 (c) All applications must be mailed OR TRANSMITTED BY ELECTRONIC MEANS
2 to the board of elections not later than the seventh day before the
3 election for which a ballot is first requested or delivered to such
4 board not later than the day before such election.

5 (d) The board of elections shall mail an absentee ballot to every
6 qualified voter otherwise eligible for such a ballot, who requests such
7 an absentee ballot from such board of elections in writing in a letter,
8 OR BY ELECTRONIC TRANSMISSION, telefax indicating the address, phone
9 number and the telefax number from which the writing is sent or other
10 written instrument, which is signed by the voter and received by the
11 board of elections not earlier than the thirtieth day nor later than the
12 seventh day before the election for which the ballot is first requested
13 and which states the address where the voter is registered and the
14 address to which the ballot is to be mailed; provided, however, a mili-
15 tary voter may request a military ballot or voter registration applica-
16 tion or an absentee ballot application in a letter as provided in subdi-
17 vision three of section 10-106 of this chapter; and provided further, a
18 special federal voter may request a special federal ballot or voter
19 registration application or an absentee ballot application in a letter
20 as provided in paragraph d of subdivision one of section 11-202 of this
21 chapter. The board of elections shall enclose with such ballot a form of
22 application for absentee ballot if the applicant is registered with such
23 board of elections.

24 S 2. Subdivision 10 of section 8-400 of the election law, as amended
25 by chapter 373 of the laws of 1986 and as renumbered by chapter 40 of
26 the laws of 2009, is amended to read as follows:

27 10. The state board of elections shall prescribe a standard applica-
28 tion form for use under this section. The use of any application form
29 which substantially complies with the provisions of this section shall
30 be acceptable and any application filed on such a form shall be accepted
31 for filing. THE STATE BOARD OF ELECTIONS SHALL ALSO PRESCRIBE A STAND-
32 ARD APPLICATION FORM FOR WHICH APPLICATION MAY BE MADE BY ELECTRONIC
33 TRANSMISSION INCLUDING, BUT NOT LIMITED TO, TELEFACSIMILE OR ELECTRONIC
34 MAIL.

35 S 3. This act shall take effect immediately.