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

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraphs (a), (c) and (d) of subdivision 2 of section 8-400 of the election law, paragraph (a) as amended by chapter 263 of the laws of 1991, paragraph (c) as amended by chapter 321 of the laws of 1988 and paragraph (d) as separately amended by chapters 97 and 104 of the laws of 2010, are amended to read as follows:

(a) Application forms shall be furnished by and may be obtained from any board of elections at any time until the day before such election. FOR ANY ELECTIONS AFTER JANUARY FIRST, TWO THOUSAND TWELVE, APPLICATION FORMS SHALL BE MADE AVAILABLE FOR QUALIFIED VOTERS BY ELECTRONIC MEANS WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, TELEFACSIMILE TRANSMISSION OR ELECTRONIC MAIL. Application forms shall also be supplied by the board of inspectors of the election district in which applicant is a qualified voter on all of the days provided for local registration. In addition, application forms shall be supplied upon the request of the person authorized to vote pursuant to this section, any such person's spouse, parent or child, a person residing with the applicant as a member of his household, or the applicant's duly authorized agent. Application forms sent outside of the United States to a country other than Canada or Mexico, shall be sent airmail. Any reference to "board of elections" in the remaining provisions of this section, except with respect to the furnishing and obtaining of applications for absentee ballots, means only the board of elections of the 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.

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

(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 writing in a letter, OR BY ELECTRONIC TRANSMISSION, telefax indicating the address, phone number and the telefax number from which the writing is sent or other written instrument, 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 2. Subdivision 10 of section 8-400 of the election law, as amended by chapter 373 of the laws of 1986 and as renumbered by chapter 40 of the laws of 2009, is amended to read as follows:

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

S 3. This act shall take effect immediately.