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

2030

2011-2012 Regular Sessions

I N S E N A T E

January 18, 2011

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to the deadline for obtaining application forms for absentee ballots by persons who are ill or physically disabled; who shall supply application forms; and limit on number of absentee ballots to be received on the day of the election

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 OR, WITH RESPECT TO APPLICATIONS FOR PERSONS WHO ARE ILL OR PHYSICALLY DISABLED, UNTIL THE DAY OF SUCH ELECTION. 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 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 EXCEPT THAT APPLICATIONS FROM PERSONS WHO ARE ILL OR PHYSICALLY DISABLED MAY BE DELIVERED TO SUCH BOARD UNTIL THE DAY OF SUCH ELECTION.

(d) The board of elections shall mail OR DELIVER 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, 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 BY MAIL not earlier than the thirtieth day [nor] BEFORE THE ELECTION FOR WHICH THE BALLOT IS FIRST REQUESTED AND WHICH IS MAILED NOT later than the seventh day before [the] SUCH election [for which the ballot is first requested and which states], OR WHICH IS DELIVERED TO SUCH BOARD NOT EARLIER THAN THE THIRTIETH DAY NOR LATER THAN THE DAY BEFORE SUCH ELECTION EXCEPT THAT SUCH LETTERS FROM PERSONS WHO ARE ILL OR PHYSICALLY DISABLED MAY BE DELIVERED TO SUCH BOARD UNTIL THE DAY OF SUCH ELECTION. SUCH LETTERS MUST SET FORTH the address where the voter is registered and the address to which the ballot is to be mailed OR, IF SUCH BALLOT MAY BE DELIVERED, THE NAME OF THE PERSON TO WHOM IT IS TO BE DELIVERED; 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. Section 8-406 of the election law, as amended by chapter 296 of the laws of 1988, is amended to read as follows:

S 8-406. Absentee ballots, delivery of. If the board shall find that the applicant is a qualified voter of the election district containing his OR HER residence as stated in his OR HER statement and that his OR HER statement is sufficient, it shall, as soon as practicable after it shall have determined his OR HER right thereto, mail to him OR HER at an address designated by him OR HER, or deliver to him OR HER, or to any person designated for such purpose in writing by him OR HER, at the office of the board, such an absentee voter's ballot or set of ballots and an envelope therefor. NO PERSON MAY BE DESIGNATED TO RECEIVE MORE THAN ONE ABSENTEE BALLOT ON THE DAY OF THE ELECTION OTHER THAN THE BALLOTS OF HIS OR HER SPOUSE, CHILD, PARENT, GRANDPARENT, BROTHER OR SISTER AND THE SPOUSE OF ANY SUCH PERSON. If the ballot or ballots are to be sent outside of the United States to a country other than Canada or Mexico, such ballot or ballots shall be sent by air mail. However, if an applicant who is eligible for an absentee ballot is a resident of a facility operated or licensed by, or under the jurisdiction of, the department of mental hygiene, or a resident of a facility defined as a nursing home or residential health care facility pursuant to subdivisions two and three of section two thousand eight hundred one of the public health law, or a resident of a hospital or other facility operated by the Veteran's Administration of the United States, such absentee ballot need not be so mailed or delivered to any such applicant but, may be delivered to the voter in the manner prescribed by section 8-407 of

this chapter if such facility is located in the county or city in which such voter is eligible to vote.

S 3. This act shall take effect on the first of December next succeeding the date on which it shall have become a law.