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

9919

I N  A S S E M B L Y

April 27, 2016

Introduced by M. of A. CUSICK -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to providing special ballots for emergency responders

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

Section 1. The election law is amended by adding a new section 11-308 to read as follows:

S 11-308. SPECIAL BALLOTS FOR EMERGENCY RESPONDERS. 1. A REGISTERED VOTER WHO SERVES AS AN EMERGENCY RESPONDER IN TIMES OF EMERGENCY, AS DECLARED BY THE GOVERNOR OR A COURT OF COMPETENT JURISDICTION, MAY APPLY TO THE BOARD OF ELECTIONS BY LETTER OR SPECIAL APPLICATION VIA MAIL, FACSIMILE OR E-MAIL, FOR A SPECIAL BALLOT. SUCH APPLICATION OR LETTER MAY BE DELIVERED TO THE BOARD OF ELECTIONS AT ANY TIME PRIOR TO ANY ELECTION, WITHOUT REGARD TO DEADLINES FOR THE RECEIPT OF ABSENTEE BALLOT APPLICATIONS.

2. EMERGENCY RESPONDERS MAY UTILIZE AN ABSENTEE BALLOT APPLICATION TO REQUEST A SPECIAL BALLOT, OR MAY FILE A WRITTEN STATEMENT THAT HE OR SHE WILL BE UNABLE TO APPEAR AT THE POLLING PLACE ON THE DAY OF AN ELECTION BECAUSE HIS OR HER DUTIES AS AN EMERGENCY RESPONDER REQUIRE SUCH VOTER TO BE ELSEWHERE. THE EMERGENCY RESPONDER SHALL DESIGNATE A PREFERENCE FOR THE RECEIPT OF A SPECIAL BALLOT. THE BOARD OF ELECTIONS SHALL PROVIDE SUCH VOTER A SPECIAL BALLOT IMMEDIATELY UPON SUCH REQUEST, AND SHALL UTILIZE OVERNIGHT EXPRESS DELIVERY FOR SUCH MAIL BALLOT DELIVERY. IF THE DESIGNATED PREFERENCE IS FOR FACSIMILE OR ELECTRONIC TRANSMISSION, THE BALLOT SHALL BE FURNISHED IN THE SAME MANNER APPLICABLE TO MILITARY VOTERS WHO REQUEST BALLOTS IN SUCH FORMAT.

3. SUCH CAST BALLOTS MAY BE DELIVERED TO ANY OFFICE OF ANY BOARD OF ELECTIONS IN THE STATE, OR TO ANY OPEN POLL SITE NOT LATER THAN THE CLOSE OF THE POLLS ON ELECTION DAY.

4. EMERGENCY RESPONDERS SHALL RECEIVE ASSISTANCE FROM ANY BOARD OF ELECTIONS IN THE STATE IN RELATION TO APPLYING FOR, CASTING AND RETURN DELIVERY OF A SPECIAL BALLOT, INCLUDING FACSIMILE AND ELECTRONIC TRANSMISSION SERVICES, BALLOT ENVELOPE TEMPLATES IF NECESSARY, AND ANY OTHER

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

LBD14328-03-6

COMPONENT OF THE SPECIAL BALLOT ELECTION PROCESS THAT WILL HELP ENSURE THE ENFRANCHISEMENT OF SUCH EMERGENCY RESPONDER.

5. EMERGENCY RESPONDER SPECIAL BALLOTS RECEIVED BY BOARDS OF ELECTIONS FROM VOTERS UNDER THE JURISDICTION OF ANOTHER BOARD OF ELECTIONS SHALL BE DATE AND TIME-STAMPED AND IMMEDIATELY FORWARDED TO THE VOTER'S BOARD OF ELECTIONS. SUCH BALLOTS SHALL BE TIMELY IF THE TIME STAMP OF THE FIRST RECEIVING BOARD OF ELECTIONS IS TIMELY. SUCH BALLOTS SHALL BE CAST AND CANVASSED PURSUANT TO THE PROVISIONS OF SECTION 9-209 OF THIS CHAPTER AND WHERE AN EMERGENCY RESPONDER'S BALLOT AND ENVELOPE IS NOT STANDARD IN APPEARANCE, IT SHALL BE CAST AND CANVASSED CONSISTENT WITH THE PROVISIONS OF SECTION 10-125 OF THIS CHAPTER.

6. FOR PURPOSES OF THIS SECTION, "EMERGENCY RESPONDERS" SHALL INCLUDE ALL PERSONS CALLED UPON TO PROVIDE EMERGENCY SUPPORT, RELIEF OR OTHER SERVICES, IN THE RESPONSE TO NATURAL DISASTERS, ACTS OF TERRORISM OR SABOTAGE, FIRE, POWER FAILURE, AND SUCH OTHER CIRCUMSTANCES WHICH PROMPT THE GOVERNOR OR A COURT OF COMPETENT JURISDICTION TO DECLARE SUCH EMERGENCY. EMERGENCY RESPONDERS INCLUDE, BUT ARE NOT LIMITED TO, MEDICAL PERSONNEL, MILITARY PERSONNEL, UTILITY COMPANY OR SIMILAR CONTRACT EMPLOYEES, FIRE DEPARTMENT PERSONNEL, POLICE DEPARTMENT PERSONNEL, LOCAL AND STATE EMERGENCY MANAGEMENT PERSONNEL, AND OTHER STATE AND LOCAL GOVERNMENT EMPLOYEES PROVIDING EMERGENCY RESPONSE SERVICES.

7. THE STATE BOARD OF ELECTIONS SHALL DEVELOP AND DISTRIBUTE TO BOARDS OF ELECTIONS, SAMPLE FORMS AND PROCEDURES TO ENSURE THE PARTICIPATION OF EMERGENCY RESPONDERS IN ANY ELECTION CONDUCTED BY A BOARD OF ELECTIONS.

S 2. This act shall take effect immediately.