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I N   A S S E M B L Y

April 27, 2016

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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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

- 1     Section 1. The election law is amended by adding a new section 11-308  
2     to read as follows:  
3     S 11-308. SPECIAL BALLOTS FOR EMERGENCY RESPONDERS.     1. A REGISTERED  
4     VOTER WHO SERVES AS AN EMERGENCY RESPONDER IN TIMES OF EMERGENCY, AS  
5     DECLARED BY THE GOVERNOR OR A COURT OF COMPETENT JURISDICTION, MAY APPLY  
6     TO THE BOARD OF ELECTIONS BY LETTER OR SPECIAL APPLICATION VIA MAIL,  
7     FACSIMILE OR E-MAIL, FOR A SPECIAL BALLOT. SUCH APPLICATION OR LETTER  
8     MAY BE DELIVERED TO THE BOARD OF ELECTIONS AT ANY TIME PRIOR TO ANY  
9     ELECTION, WITHOUT REGARD TO DEADLINES FOR THE RECEIPT OF ABSENTEE BALLOT  
10    APPLICATIONS.  
11    2. EMERGENCY RESPONDERS MAY UTILIZE AN ABSENTEE BALLOT APPLICATION TO  
12    REQUEST A SPECIAL BALLOT, OR MAY FILE A WRITTEN STATEMENT THAT HE OR SHE  
13    WILL BE UNABLE TO APPEAR AT THE POLLING PLACE ON THE DAY OF AN ELECTION  
14    BECAUSE HIS OR HER DUTIES AS AN EMERGENCY RESPONDER REQUIRE SUCH VOTER  
15    TO BE ELSEWHERE. THE EMERGENCY RESPONDER SHALL DESIGNATE A PREFERENCE  
16    FOR THE RECEIPT OF A SPECIAL BALLOT. THE BOARD OF ELECTIONS SHALL  
17    PROVIDE SUCH VOTER A SPECIAL BALLOT IMMEDIATELY UPON SUCH REQUEST, AND  
18    SHALL UTILIZE OVERNIGHT EXPRESS DELIVERY FOR SUCH MAIL BALLOT DELIVERY.  
19    IF THE DESIGNATED PREFERENCE IS FOR FACSIMILE OR ELECTRONIC TRANS-  
20    MISSION, THE BALLOT SHALL BE FURNISHED IN THE SAME MANNER APPLICABLE TO  
21    MILITARY VOTERS WHO REQUEST BALLOTS IN SUCH FORMAT.  
22    3. SUCH CAST BALLOTS MAY BE DELIVERED TO ANY OFFICE OF ANY BOARD OF  
23    ELECTIONS IN THE STATE, OR TO ANY OPEN POLL SITE NOT LATER THAN THE  
24    CLOSE OF THE POLLS ON ELECTION DAY.  
25    4. EMERGENCY RESPONDERS SHALL RECEIVE ASSISTANCE FROM ANY BOARD OF  
26    ELECTIONS IN THE STATE IN RELATION TO APPLYING FOR, CASTING AND RETURN  
27    DELIVERY OF A SPECIAL BALLOT, INCLUDING FACSIMILE AND ELECTRONIC TRANS-  
28    MISSION 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.

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

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

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

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

25 S 2. This act shall take effect immediately.