

# STATE OF NEW YORK

---

10207

## IN ASSEMBLY

March 24, 2020

---

Introduced by M. of A. LENTOL, O'DONNELL, BENEDETTO, BRAUNSTEIN, DenDEKKER, DINOWITZ, EPSTEIN, LUPARDO, ORTIZ, OTIS, PAULIN, L. ROSENTHAL, ZEBROWSKI, GALEF, SCHIMMINGER, LIFTON -- read once and referred to the Committee on Election Law

AN ACT establishing that all voting for the April 2020 presidential primary be conducted by absentee ballot

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings and intent. A crisis exists due to the  
2 outbreak of the novel coronavirus disease 2019 (COVID-19) which will  
3 negatively impact and impair the efficient operation of early voting and  
4 election day voting for the presidential primary scheduled for April 28,  
5 2020. Experts and officials have indicated that the COVID-19 outbreak is  
6 likely to get worse over the next month and may peak in 45 days at the  
7 same time the April 2020 presidential primary is scheduled to be  
8 conducted. In response to this crisis and the widespread transmission  
9 of the COVID-19 virus, Governor Cuomo has declared a state disaster  
10 emergency in New York, the United States Centers for Disease Control has  
11 declared a public health emergency, and President Trump has declared a  
12 national emergency.

13 The COVID-19 virus is spread mainly from person-to-person and the  
14 single most effective way to prevent and slow the further transmission  
15 of the virus is to avoid close contact and stay at least 6 feet away  
16 from other persons. New York, New Jersey and Connecticut have collec-  
17 tively banned gatherings of more than 50 people and closed bars, restau-  
18 rants and movie theaters. Conducting in-person voting for the April 2020  
19 presidential primary during the height of the COVID-19 outbreak would  
20 threaten the health and safety of all New Yorkers. Instead of postponing  
21 presidential primaries, the Chairman of the Democratic National Commit-  
22 tee has urged states to adopt vote-by-mail provisions.

23 Therefore, the legislature finds that pursuant to section twenty-five  
24 of article three of the New York state Constitution, the outbreak of the  
25 COVID-19 virus constitutes a disaster and notwithstanding any inconsis-  
26 tent provisions of section two of article two of the New York state

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

LBD16007-01-0

1 Constitution, legislation to provide that all voters vote by absentee  
2 ballot for the April 2020 presidential primary is necessary to insure  
3 the continuity of governmental operations.

4 § 2. Notwithstanding any other inconsistent provision of law, all  
5 voting for the April 2020 presidential primary shall be conducted by  
6 absentee ballot in a manner consistent with the applicable provisions of  
7 the election law. Provided, however, that no application for such absen-  
8 tee ballot shall be necessary and each local board of elections shall  
9 provide such ballot, at least 15 days prior to April 28, 2020, to all  
10 enrolled voters eligible to vote in the April 2020 presidential primary  
11 in the same manner as otherwise provided for in section 8-400 of the  
12 election law. Provided further, however, that absentee ballots received  
13 by the board of elections prior to April 28, 2020, shall be cast and  
14 canvassed as soon as practicable after receipt in a manner consistent  
15 with the provisions of section 9-209 of the election law. No election  
16 results shall be released to the public prior to 9:00 PM on April 28,  
17 2020.

18 § 3. The state board of elections is authorized to promulgate rules  
19 and regulations necessary for the implementation of the provisions of  
20 this act.

21 § 4. This act shall take effect immediately.