

STATE OF NEW YORK

10939

IN ASSEMBLY

August 17, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Steck) --
read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to providing absentee ballots to all qualified voters; and to repeal certain provisions of such law relating thereto

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

1 Section 1. Sections 8-400 and 8-402 of the election law are REPEALED
2 and a new section 8-400 is added to read as follows:

3 § 8-400. Absentee voting. Notwithstanding any provision of law to the
4 contrary, a qualified voter may vote as an absentee voter under this
5 chapter.

6 § 2. Section 8-406 of the election law, as amended by chapter 296 of
7 the laws of 1988, is amended to read as follows:

8 § 8-406. Absentee ballots[~~7~~]; delivery of. [~~If the board shall find~~
9 ~~that the applicant is a qualified voter of the election district~~
10 ~~containing his residence as stated in his statement and that his state-~~
11 ~~ment is sufficient, it shall, as soon as practicable after it shall have~~
12 ~~determined his right thereto, mail to him at an address designated by~~
13 ~~him, or deliver to him, or to any person designated for such purpose in~~
14 ~~writing by him, at the office of the board, such an absentee voter's~~
15 ~~ballot or set of ballots and an envelope therefor. If the ballot or~~
16 ~~ballots are to be sent outside of the United States to a country other~~
17 ~~than Canada or Mexico, such ballot or ballots shall be sent by air mail.~~
18 ~~However, if an applicant who is eligible for an absentee ballot is a~~
19 ~~resident of a facility operated or licensed by, or under the jurisdic-~~
20 ~~tion of, the department of mental hygiene, or a resident of a facility~~
21 ~~defined as a nursing home or residential health care facility pursuant~~
22 ~~to subdivisions two and three of section two thousand eight hundred one~~
23 ~~of the public health law, or a resident of a hospital or other facility~~
24 ~~operated by the Veteran's Administration of the United States, such~~
25 ~~absentee ballot need not be so mailed or delivered to any such applicant~~
26 ~~but, may be delivered to the voter in the manner prescribed by section~~
27 ~~8-407 of this chapter if such facility is located in the county or city~~

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

LBD17074-01-0

1 ~~in which such voter is eligible to vote.]~~ 1. The board of elections for
2 all counties or cities shall mail an absentee ballot and a return post-
3 age guaranteed envelope to every registered and qualified voter residing
4 in such county or city. Such absentee ballot shall be mailed to every
5 registered and qualified voter at the address given on his or her regis-
6 tration records, or at an address specified by such voter pursuant to
7 subdivision three of this section, no sooner than twenty days before the
8 scheduled election and no later than fourteen days before the scheduled
9 election is to be held.

10 2. In the case of a primary election, the board of elections shall
11 deliver only the ballot of the party in which the records of the board
12 of elections show the absentee voter to be enrolled. In the event a
13 primary election is uncontested in the absentee voter's election
14 district for all offices or positions except the party position of
15 member of the ward, town, city or county committee, no ballot shall be
16 delivered to such absentee voter for such election; and the absentee
17 voter shall be advised why he or she is not being sent a ballot.

18 3. Any voter, upon application, may request that their absentee ballot
19 be mailed to them at an address other than their permanent address, if
20 he or she expects to be absent from the county or city of residence and
21 unable to obtain their absentee ballot.

22 4. Should a voter be unable to mail the completed and sealed ballot,
23 they may identify a single person to either mail the completed and
24 sealed ballot by United States Postal Service or bring the completed and
25 sealed ballot to the county board of elections on behalf of the voter.
26 This person must certify at the board of elections that they will not
27 handle any other ballots in that election.

28 § 3. This act shall take effect immediately.