

# STATE OF NEW YORK

8130--D

## IN SENATE

March 24, 2020

Introduced by Sens. MYRIE, CARLUCCI, GOUNARDES, HOYLMAN, MAY, MAYER, RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged and said bill committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to absentee voting; and providing for the repeal of such provisions upon the expiration thereof

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

1 Section 1. Paragraph (d) of subdivision 2 of section 8-400 of the  
2 election law, as separately amended by chapters 97 and 104 of the laws  
3 of 2010, is amended to read as follows:  
4 (d) The board of elections shall mail an absentee ballot to every  
5 qualified voter otherwise eligible for such a ballot, [~~who~~] when such  
6 voter requests [~~such~~] an absentee ballot from such board of elections in  
7 writing in a letter, telefax indicating the address, phone number and  
8 the telefax number from which the writing is sent or other written  
9 instrument, or an electronic application submitted by the voter by elec-  
10 tronic mail or through an electronic transmittal system or web portal  
11 established by the state board of elections or city or county board of  
12 elections, which is [~~signed by the voter and~~] received by the board of  
13 elections not earlier than the thirtieth day nor later than the seventh  
14 day before the election for which the ballot is first requested and  
15 which states the address where the voter is registered and the address  
16 to which the ballot is to be mailed; provided, however, a military voter  
17 may request a military ballot or voter registration application or an  
18 absentee ballot application in a letter as provided in subdivision three  
19 of section 10-106 of this chapter; and provided further, a special

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

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1 federal voter may request a special federal ballot or voter registration  
2 application or an absentee ballot application in a letter as provided in  
3 paragraph d of subdivision one of section 11-202 of this chapter. The  
4 board of elections shall enclose with such ballot a form of application  
5 for absentee ballot if the applicant is registered with such board of  
6 elections.

7 § 2. Subdivision 1 of section 8-412 of the election law, as amended by  
8 chapter 155 of the laws of 1994, is amended to read as follows:

9 1. The board of elections shall cause all absentee ballots received by  
10 it before the close of the polls on election day and all ballots  
11 contained in envelopes showing a cancellation mark of the United States  
12 postal service or a foreign country's postal service, or showing a dated  
13 endorsement of receipt by another agency of the United States govern-  
14 ment, with a date which is ascertained to be not later than the day  
15 ~~[before]~~ of the election and received by such board of elections not  
16 later than seven days following the day of election to be cast and  
17 counted ~~[except that the absentee ballot of a voter who requested such~~  
18 ~~ballot by letter, rather than application, shall not be counted unless a~~  
19 ~~valid application form, signed by such voter, is received by the board~~  
20 ~~of elections with such ballot]~~.

21 § 3. Subparagraph (iii) of paragraph (b) of subdivision 2 of section  
22 9-209 of the election law, as amended by chapter 104 of the laws of  
23 2010, is amended to read as follows:

24 (iii) If such a federal write-in absentee ballot is received after  
25 election day, the envelope in which it is received must contain: (A) a  
26 cancellation mark of the United States postal service or a foreign coun-  
27 try's postal service; (B) a dated endorsement of receipt by another  
28 agency of the United States government; or (C) if cast by a military  
29 voter, the signature and date of the voter and one witness thereto with  
30 a date which is ascertained to be not later than the day ~~[before]~~ of the  
31 election ~~[day]~~.

32 § 4. Subdivision 1 of section 10-114 of the election law, as amended  
33 by chapter 165 of the laws of 2009, is amended to read as follows:

34 1. The board of elections shall cause all military ballots received by  
35 it before the close of the polls on election day and all ballots  
36 contained in envelopes showing a cancellation mark of the United States  
37 postal service or a foreign country's postal service, or showing a dated  
38 endorsement of receipt by another agency of the United States government  
39 or are signed and dated by the voter and one witness thereto, with a  
40 date which is ascertained to be not later than the day ~~[before]~~ of the  
41 election and received by such board of elections not later than seven  
42 days following the day of a primary election and not later than thirteen  
43 days following the day of a general or special election to be cast and  
44 counted.

45 § 5. Subdivision 1 of section 11-110 of the election law, as amended  
46 by chapter 99 of the laws of 1989, is amended to read as follows:

47 1. To be counted, any ballot cast under the provisions of this article  
48 must be received by the appropriate board of elections not later than  
49 the close of the polls on election day except that all ballots contained  
50 in envelopes showing a cancellation mark of the United States postal  
51 service, or a foreign country's postal service with a date which is  
52 ascertained to be not later than the day ~~[before]~~ of the election, shall  
53 be cast and counted if received by the board of elections not later than  
54 seven days following the day of election.

55 § 6. Section 11-212 of the election law, as amended by chapter 163 of  
56 the laws of 2010, is amended to read as follows:

§ 11-212. Special federal ballots; deadline for receipt. All special federal ballots received by the board of elections before the close of the polls on election day shall be retained by the board of elections and cast and canvassed pursuant to section 9-209 of this chapter. All ballots contained in envelopes showing a cancellation mark of the United States postal service or a foreign country's postal service, or showing a dated endorsement of receipt by another agency of the United States government, with a date which is ascertained to be not later than the day ~~before~~ of the election, shall be cast and counted if received by the board of elections not later than seven days following the day of a primary election or thirteen days following the day of a general or special election ~~[except that the special federal ballot of a voter who requested such ballot by letter, rather than application, shall not be counted unless a valid application form, signed by such voter, is received by the board of elections with such ballot]~~. All ballots received by the board of elections and all federal write-in ballots received from special federal voters not later than seven days following the day of a primary election or thirteen days following the day of a general or special election, shall be retained at the board and shall be cast and canvassed in the same manner as other ballots retained by such board.

§ 7. This act shall take effect immediately; provided however, that section one of this act shall take effect one week after the date of the 2020 New York primary election, currently scheduled for June 23, 2020; provided further, this act shall expire and be deemed repealed December 31, 2020.