

STATE OF NEW YORK

10169

IN ASSEMBLY

March 24, 2020

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

AN ACT to amend the election law, in relation to permitting absentee voting in the event of an imminent, impending or urgent threat resulting from a disease outbreak; 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. Subdivision 1 of section 8-400 of the election law, as
2 amended by chapter 63 of the laws of 2010 and paragraph (c) as amended
3 by chapter 375 of the laws of 2015, is amended to read as follows:

4 1. A qualified voter may vote as an absentee voter under this chapter
5 if, on the occurrence of any village election conducted by the board of
6 elections, primary election, special election, general election or New
7 York city community school board district or city of Buffalo school
8 district election, he or she expects to be:

9 (a) absent from the county of his or her residence, or, if a resident
10 of the city of New York absent from said city; or

11 (b) unable to appear personally at the polling place of the election
12 district in which he or she is a qualified voter because of illness or
13 physical disability or duties related to the primary care of one or more
14 individuals who are ill or physically disabled, or because he or she
15 will be or is a patient in a hospital; or

16 (c) a resident or patient of a veterans health administration hospital;
17 or

18 (d) absent from his or her voting residence because he or she is
19 detained in jail awaiting action by a grand jury or awaiting trial, or
20 confined in jail or prison after a conviction for an offense other than
21 a felony, provided that he or she is qualified to vote in the election
22 district of his or her residence[-]; or

23 (e) unable or averse to appear personally at the polling place of the
24 election district in which he or she is a qualified voter because of an
25 imminent, impending or urgent threat resulting from a disease outbreak,
26 including, but not limited to, the coronavirus disease 2019 (COVID-19).

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

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1 § 2. Paragraph (c) of subdivision 3 of section 8-400 of the election
2 law, as amended by chapter 63 of the laws of 2010, subparagraph (iii) as
3 amended by chapter 375 of the laws of 2015, is amended to read as
4 follows:

5 (c) A statement, as appropriate, that on the day of such election the
6 applicant expects in good faith to be in one of the following catego-
7 ries:

8 (i) absent from the county of his or her residence, or if a resident
9 of the city of New York absent from said city; provided, however, if the
10 applicant expects to be absent from such county or city for a duration
11 covering more than one election and seeks an absentee ballot for each
12 election, he or she shall state the dates when he or she expects to
13 begin and end such absence; or

14 (ii) unable to appear at a polling place because of illness or phys-
15 ical disability or duties related to the primary care of one or more
16 individuals who are ill or physically disabled; or

17 (iii) a resident or patient of a veterans health administration hospi-
18 tal; or

19 (iv) detained in jail awaiting action by a grand jury or awaiting
20 trial or confined in jail or prison after a conviction for an offense
21 other than a felony and stating the place where he or she is so detained
22 or confined[~~+~~]; or

23 (v) unable or averse to appear personally at the polling place of the
24 election district in which he or she is a qualified voter because of an
25 imminent, impending or urgent threat resulting from a disease outbreak,
26 including, but not limited to, the coronavirus disease 2019 (COVID-19).

27 § 3. This act shall take effect immediately and shall expire and be
28 deemed repealed July 1, 2020.