

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.

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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.