

STATE OF NEW YORK

10227

IN ASSEMBLY

March 27, 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 moving the date of the presidential primary; permitting absentee voting in the event of an imminent, impending or urgent threat resulting from a disease outbreak; removing certain presidential candidates and their delegates from primary ballots; and providing for the repeal of certain provisions upon the expiration thereof

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

Section 1. Paragraph (a) of subdivision 1 of section 8-100 of the election law, as amended by chapter 290 of the laws of 2019, is amended to read as follows:

(a) A primary election shall be held on the fourth Tuesday in June before every general election unless otherwise changed by an act of the legislature. Members of the state and county committees and assembly district leaders and associate district leaders and all other party positions to be elected shall be elected at such primary and all nominations for public office required to be made at a primary election in such year shall be made at such primary. In the year two thousand twenty in which electors of president and vice president of the United States are to be elected an additional primary election, to be known as the presidential primary, shall be held on [~~April twenty-eight~~] June twenty-third, two thousand twenty unless otherwise changed by an act of the legislature, for the purpose of electing delegates and alternate delegates to the national convention.

§ 2. Subdivision 1 of section 8-400 of the election law, as amended by chapter 63 of the laws of 2010 and paragraph (c) as amended by chapter 375 of the laws of 2015, is amended to read as follows:

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

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

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

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

8 (c) a resident or patient of a veterans health administration hospi-
9 tal; or

10 (d) absent from his or her voting residence because he or she is
11 detained in jail awaiting action by a grand jury or awaiting trial, or
12 confined in jail or prison after a conviction for an offense other than
13 a felony, provided that he or she is qualified to vote in the election
14 district of his or her residence[+]; or

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

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

23 (c) A statement, as appropriate, that on the day of such election the
24 applicant expects in good faith to be in one of the following cate-
25 gories:

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

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

35 (iii) a resident or patient of a veterans health administration hospi-
36 tal; or

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

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

45 § 4. Subdivision 1 of section 7-102 of the election law, as amended by
46 chapter 219 of the laws of 1992, is amended to read as follows:

47 1. The names of all candidates and the form of submission of all duly
48 certified ballot proposals shall be printed upon the official ballot
49 except that at a primary election, no ballot proposals or names of
50 candidates for uncontested offices or party positions shall be printed
51 upon the official ballot; provided, however, that for a primary election
52 for the office of president of the United States, the ballot shall not
53 contain:

54 (a) the names of previous candidates who have publicly suspended their
55 campaigns or removed themselves from consideration for election to such
56 office at least thirty days before such primary election; or

1 (b) the delegates and alternate delegates to a national party conven-
2 tion or national party conference associated with candidates who have
3 publicly suspended their campaigns or removed themselves from consider-
4 ation for election to such office at least thirty days before such
5 primary election.

6 § 5. This act shall take effect immediately and sections one, two, and
7 three of this act expire and be deemed repealed July 1, 2020; provided,
8 however, the amendments to paragraph (a) of subdivision 1 of section
9 8-100 of the election law made by section one of this act shall not
10 affect the expiration of such paragraph and shall be deemed to expire
11 therewith.