STATE OF NEW YORK

10515

IN ASSEMBLY

May 24, 2020

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

AN ACT in relation to authorizing absentee voting during the declared state of emergency for COVID-19

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

Section 1. Legislative findings and intent. The legislature finds that the state of New York is in the midst of a natural disaster as a result of the worldwide COVID-19 pandemic. In response to this crisis, on March 2, 2020, the legislature amended article 2-B of the executive law to expand the governor's emergency powers to address disasters caused by a disease outbreak. The governor signed the legislation into law the next day (chapter 23 of the laws of 2020). On March 7, 2020, the governor issued Executive Order 202, declaring a state disaster emergency for the entire state of New York. On March 11, 2020, the World Health Organization declared COVID-19 to be a global pandemic. Three days later, the President of the United States declared a national emergency under Proclamation 9994 in response to the COVID-19 pandemic.

This natural disaster, caused by the worldwide COVID-19 pandemic, has resulted in 361,515 COVID-19 positive cases, and 23,391 deaths since the first case was identified in New York on March 1, 2020. The COVID-19 outbreak has severely disrupted the health care system in New York city and threatens the statewide system as a whole. Facing severe shortages of respiratory ventilators and personal protection equipment to treat critically ill patients, the governor took drastic steps to slow the exponential growth of the deadly disease. These steps include, in the interest of preserving life and public health, a policy of "social distancing," including avoiding gatherings of more than 10 people to prevent the spread of COVID-19. This has also included the closure of all but essential businesses statewide, the closure of schools, colleges and universities statewide, and the postponement of the presidential primary from April 28 to June 23, 2020.

The legislature further finds that open elections are essential for democracy and to the orderly continuation of New York's state and local

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

LBD16514-01-0

governmental operations. All state legislative seats in the assembly and senate are up for election this year and the threat of contagion and the necessary policy of social distancing could drastically affect the willingness of the citizenry to vote in person in the midst of the pandemic. In order to facilitate the participation of voters in the elections that will decide who takes office on January 1, 2021, the legislature finds that it is necessary to allow all voters to vote via an absentee ballot due to the risk of exposure to the deadly COVID-19 coronavirus.

§ 2. Absentee voting. Notwithstanding section 2 of article II of the constitution of the state of New York, in order to insure the continuity of state and local governmental operations in this period of emergency due to the natural disaster created by the COVID-19 worldwide pandemic, the legislature uses its constitutional authority pursuant to section 25 of article III of the constitution of the state of New York to authorize all registered voters who are entitled to vote in an election during the declared COVID-19 state emergency to request, receive and cast an absentee ballot due to the risk of exposure to the deadly COVID-19 coronavirus. Such ballots shall be canvassed and counted if otherwise valid pursuant to the election law and related executive orders.

§ 3. This act shall take effect immediately.