

STATE OF NEW YORK

10516

IN ASSEMBLY

May 24, 2020

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

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

The People of the State of New York, represented in Senate and Assem-
bly, 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
20 federal voter may request a special federal ballot or voter registration
21 application or an absentee ballot application in a letter as provided in
22 paragraph d of subdivision one of section 11-202 of this chapter. The
23 board of elections shall enclose with such ballot a form of application
24 for absentee ballot if the applicant is registered with such board of
25 elections.

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

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

LBD15910-09-0

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

13 § 3. Subparagraph (iii) of paragraph (b) of subdivision 2 of section
14 9-209 of the election law, as amended by chapter 104 of the laws of
15 2010, is amended to read as follows:

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

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

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

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

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

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

49 § 11-212. Special federal ballots; deadline for receipt. All special
50 federal ballots received by the board of elections before the close of
51 the polls on election day shall be retained by the board of elections
52 and cast and canvassed pursuant to section 9-209 of this chapter. All
53 ballots contained in envelopes showing a cancellation mark of the United
54 States postal service or a foreign country's postal service, or showing
55 a dated endorsement of receipt by another agency of the United States
56 government, with a date which is ascertained to be not later than the

1 day [~~before~~] of the election, shall be cast and counted if received by
2 the board of elections not later than seven days following the day of a
3 primary election or thirteen days following the day of a general or
4 special election except that the special federal ballot of a voter who
5 requested such ballot by letter, rather than application, shall not be
6 counted unless a valid application form, signed by such voter, is
7 received by the board of elections with such ballot. All ballots
8 received by the board of elections and all federal write-in ballots
9 received from special federal voters not later than seven days following
10 the day of a primary election or thirteen days following the day of a
11 general or special election, shall be retained at the board and shall be
12 cast and canvassed in the same manner as other ballots retained by such
13 board.

14 § 7. This act shall take effect immediately; provided however, that
15 section one of this act shall take effect one week after the date of the
16 2020 New York primary election, currently scheduled for June 23, 2020;
17 provided further, this act shall expire and be deemed repealed December
18 31, 2020.