

# STATE OF NEW YORK

8015

## IN SENATE

March 9, 2020

Introduced by Sen. BIAGGI -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to permitting absentee voting in the event of a public health risk

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

1 Section 1. Subdivision 1 and paragraph (c) of subdivision 3 of section  
2 8-400 of the election law, subdivision 1 and paragraph (c) of subdivi-  
3 sion 3 as amended by chapter 63 of the laws of 2010, paragraph (c) of  
4 subdivision 1 and subparagraph (iii) of paragraph (c) of subdivision 3  
5 as amended by chapter 375 of the laws of 2015, are amended to read as  
6 follows:

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

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

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

19 (c) a resident or patient of a veterans health administration hospi-  
20 tal; or

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

26 (e) unable to appear personally at the polling place of the election  
27 district in which he or she is a qualified voter because of the concern  
28 that a public health risk exists and such appearance may result in expo-

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

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1 sure to such risk; or such person is concerned that voting in person may  
2 expose other persons to a public health risk.

3 (c) A statement, as appropriate, that on the day of such election the  
4 applicant expects in good faith to be in one of the following categories:  
5

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

12 (ii) unable to appear at a polling place because of illness or physical  
13 disability or duties related to the primary care of one or more  
14 individuals who are ill or physically disabled; or

15 (iii) a resident or patient of a veterans health administration hospital; or  
16

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

21 (v) unable to appear personally at the polling place of the election  
22 district in which he or she is a qualified voter because of the concern  
23 that a public health risk exists and such appearance may result in expo-  
24 sure to such risk; or such person is concerned that voting in person may  
25 expose other persons to a public health risk.

26 § 2. This act shall take effect immediately.