

# STATE OF NEW YORK

8015--B

## IN SENATE

March 9, 2020

Introduced by Sens. BIAGGI, ADDABBO, BROOKS, CARLUCCI, GAUGHRAN, GOUNARDES, HARCKHAM, HOYLMAN, JACKSON, KAMINSKY, KAPLAN, KENNEDY, KRUEGER, MAY, MAYER, METZGER, MYRIE, PERSAUD, RAMOS, RIVERA, SAVINO, SEPULVEDA, SERRANO, STAVISKY, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to absentee voting

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

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

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

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

11 (b) unable to appear personally at the polling place of the election  
12 district in which he or she is a qualified voter because of illness or  
13 physical disability or duties related to the primary care of one or more  
14 individuals who are ill or physically disabled, or because he or she  
15 will be or is a patient in a hospital, provided that, for purposes of  
16 this paragraph, "illness" shall include instances where a voter who,  
17 during a declaration of a state disaster emergency related to an epidem-  
18 ic or disease outbreak declared by the governor pursuant to section  
19 twenty-eight of the executive law, is unable to appear personally at the  
20 polling place of the election district in which they are a qualified  
21 voter because there is a risk of contracting or spreading a disease  
22 causing illness to the voter or to other members of the public; or

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

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1 (c) a resident or patient of a veterans health administration hospi-  
2 tal; or

3 (d) absent from his or her voting residence because he or she is  
4 detained in jail awaiting action by a grand jury or awaiting trial, or  
5 confined in jail or prison after a conviction for an offense other than  
6 a felony, provided that he or she is qualified to vote in the election  
7 district of his or her residence.

8 § 2. This act shall take effect immediately.