

STATE OF NEW YORK

8130--A

IN SENATE

March 24, 2020

Introduced by Sens. MYRIE, CARLUCCI, GOUNARDES, HOYLMAN, MAY, MAYER -- 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

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

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

1 Section 1. Paragraphs (c) and (d) of subdivision 2 of section 8-400 of
2 the election law, paragraph (c) as amended by chapter 321 of the laws of
3 1988, and paragraph (d) as separately amended by chapters 97 and 104 of
4 the laws of 2010, are amended to read as follows:

5 (c) All applications must be mailed to the board of elections not
6 later than [~~the seventh day~~] five days before the election for which a
7 ballot is first requested or delivered to such board not later than the
8 day before such election.

9 (d) The board of elections shall mail an absentee ballot to every
10 qualified voter otherwise eligible for such a ballot, [~~who~~] when such
11 voter requests [~~such~~] an absentee ballot from such board of elections in
12 writing in a letter, electronic mail, telefax indicating the address,
13 phone number and the telefax number from which the writing is sent or
14 other written instrument, which is [~~signed by the voter and~~] received by
15 the board of elections not earlier than the thirtieth day nor later than
16 [~~the seventh day~~] five days before the election for which the ballot is
17 first requested and which states the address where the voter is regis-
18 tered and the address to which the ballot is to be mailed; provided,
19 however, a military voter may request a military ballot or voter regis-
20 tration application or an absentee ballot application in a letter as
21 provided in subdivision three of section 10-106 of this chapter; and
22 provided further, a special federal voter may request a special federal
23 ballot or voter registration application or an absentee ballot applica-
24 tion in a letter as provided in paragraph d of subdivision one of
25 section 11-202 of this chapter. The board of elections shall enclose
26 with such ballot a form of application for absentee ballot if the appli-
27 cant is registered with such board of elections.

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

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1 § 2. Subdivision 1 of section 8-412 of the election law, as amended by
2 chapter 155 of the laws of 1994, is amended to read as follows:
3 1. The board of elections shall cause all absentee ballots received by
4 it before the close of the polls on election day and all ballots
5 contained in envelopes showing a cancellation mark of the United States
6 postal service or a foreign country's postal service, or showing a dated
7 endorsement of receipt by another agency of the United States govern-
8 ment, with a date which is ascertained to be not later than the day
9 [~~before~~] of the election and received by such board of elections not
10 later than seven days following the day of election to be cast and
11 counted except that the absentee ballot of a voter who requested such
12 ballot by letter, rather than application, shall not be counted unless a
13 valid application form, signed by such voter, is received by the board
14 of elections with such ballot.
15 § 3. This act shall take effect immediately.