

STATE OF NEW YORK

8130--B

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 -- 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

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

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1 with such ballot a form of application for absentee ballot if the appli-
2 cant is registered with such board of elections.

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

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

17 § 3. Subparagraph (iii) of paragraph (b) of subdivision 2 of section
18 9-209 of the election law, as amended by chapter 104 of the laws of
19 2010, is amended to read as follows:

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

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

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

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

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

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

53 § 11-212. Special federal ballots; deadline for receipt. All special
54 federal ballots received by the board of elections before the close of
55 the polls on election day shall be retained by the board of elections
56 and cast and canvassed pursuant to section 9-209 of this chapter. All

1 ballots contained in envelopes showing a cancellation mark of the United
2 States postal service or a foreign country's postal service, or showing
3 a dated endorsement of receipt by another agency of the United States
4 government, with a date which is ascertained to be not later than the
5 day [~~before~~ of the election, shall be cast and counted if received by
6 the board of elections not later than seven days following the day of a
7 primary election or thirteen days following the day of a general or
8 special election except that the special federal ballot of a voter who
9 requested such ballot by letter, rather than application, shall not be
10 counted unless a valid application form, signed by such voter, is
11 received by the board of elections with such ballot. All ballots
12 received by the board of elections and all federal write-in ballots
13 received from special federal voters not later than seven days following
14 the day of a primary election or thirteen days following the day of a
15 general or special election, shall be retained at the board and shall be
16 cast and canvassed in the same manner as other ballots retained by such
17 board.

18 § 7. This act shall take effect immediately.