

STATE OF NEW YORK

8130--C

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 -- 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; and providing for the repeal of such provisions upon the expiration thereof

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

Section 1. Paragraph (d) of subdivision 2 of section 8-400 of the election law, as separately amended by chapters 97 and 104 of the laws of 2010, is amended to read as follows:

(d) The board of elections shall mail an absentee ballot to every qualified voter otherwise eligible for such a ballot, [~~who~~] when such voter requests [~~such~~] an absentee ballot from such board of elections in writing in a letter, telefax indicating the address, phone number and the telefax number from which the writing is sent or other written instrument, or an electronic application submitted by the voter by electronic mail or through an electronic transmittal system or web portal established by the state board of elections or city or county board of elections, which is [~~signed by the voter and~~] received by the board of elections not earlier than the thirtieth day nor later than the seventh day before the election for which the ballot is first requested and which states the address where the voter is registered and the address to which the ballot is to be mailed; provided, however, a military voter may request a military ballot or voter registration application or an absentee ballot application in a letter as provided in subdivision three of section 10-106 of this chapter; and provided further, a special federal voter may request a special federal ballot or voter registration application or an absentee ballot application in a letter as provided in paragraph d of subdivision one of section 11-202 of this chapter. The

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

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1 board of elections shall enclose with such ballot a form of application
2 for absentee ballot if the applicant is registered with such board of
3 elections.

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

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

18 § 3. Subparagraph (iii) of paragraph (b) of subdivision 2 of section
19 9-209 of the election law, as amended by chapter 104 of the laws of
20 2010, is amended to read as follows:

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

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

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

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

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

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

54 § 11-212. Special federal ballots; deadline for receipt. All special
55 federal ballots received by the board of elections before the close of
56 the polls on election day shall be retained by the board of elections

1 and cast and canvassed pursuant to section 9-209 of this chapter. All
2 ballots contained in envelopes showing a cancellation mark of the United
3 States postal service or a foreign country's postal service, or showing
4 a dated endorsement of receipt by another agency of the United States
5 government, with a date which is ascertained to be not later than the
6 day [~~before~~] of the election, shall be cast and counted if received by
7 the board of elections not later than seven days following the day of a
8 primary election or thirteen days following the day of a general or
9 special election except that the special federal ballot of a voter who
10 requested such ballot by letter, rather than application, shall not be
11 counted unless a valid application form, signed by such voter, is
12 received by the board of elections with such ballot. All ballots
13 received by the board of elections and all federal write-in ballots
14 received from special federal voters not later than seven days following
15 the day of a primary election or thirteen days following the day of a
16 general or special election, shall be retained at the board and shall be
17 cast and canvassed in the same manner as other ballots retained by such
18 board.

19 § 7. This act shall take effect immediately; provided however, that
20 section one of this act shall take effect one week after the date of the
21 2020 New York primary election, currently scheduled for June 23, 2020;
22 provided further, this act shall expire and be deemed repealed December
23 31, 2020.