

STATE OF NEW YORK

8197

IN SENATE

April 13, 2020

Introduced by Sens. KENNEDY, ADDABBO, BENJAMIN, BRESLIN, BROOKS, HOYLMAN, JACKSON, KAPLAN, KRUEGER, LIU, MAYER, MONTGOMERY, PARKER, SERRANO, SKOUFIS -- 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 all qualified voters to vote as absentee voters during a state disaster emergency and providing for the automatic mailing of absentee ballots during a state disaster emergency

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

1 Section 1. Section 8-400 of the election law is amended by adding a
2 new subdivision 1-a to read as follows:

3 1-a. Notwithstanding any provision of law to the contrary, a qualified
4 voter may vote as an absentee voter under this chapter if any village
5 election conducted by the board of elections, primary election, special
6 election, general election or New York city community school board
7 district or city of Buffalo school district election occurs during a
8 state disaster emergency, as defined in section twenty of the executive
9 law.

10 § 2. Section 8-406 of the election law, as amended by chapter 296 of
11 the laws of 1988, is amended to read as follows:

12 § 8-406. Absentee ballots, delivery of. 1. If the board shall find
13 that the applicant is a qualified voter of the election district
14 containing his residence as stated in his statement and that his state-
15 ment is sufficient, it shall, as soon as practicable after it shall have
16 determined his right thereto, mail to him at an address designated by
17 him, or deliver to him, or to any person designated for such purpose in
18 writing by him, at the office of the board, such an absentee voter's
19 ballot or set of ballots and an envelope therefor. If the ballot or
20 ballots are to be sent outside of the United States to a country other
21 than Canada or Mexico, such ballot or ballots shall be sent by air mail.
22 However, if an applicant who is eligible for an absentee ballot is a
23 resident of a facility operated or licensed by, or under the jurisdic-
24 tion of, the department of mental hygiene, or a resident of a facility

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

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1 defined as a nursing home or residential health care facility pursuant
2 to subdivisions two and three of section two thousand eight hundred one
3 of the public health law, or a resident of a hospital or other facility
4 operated by the Veteran's Administration of the United States, such
5 absentee ballot need not be so mailed or delivered to any such applicant
6 but, may be delivered to the voter in the manner prescribed by section
7 8-407 of this [~~chapter~~] title if such facility is located in the county
8 or city in which such voter is eligible to vote.

9 2. (a) Notwithstanding any provision of law to the contrary, during a
10 state disaster emergency, as defined in section twenty of the executive
11 law, the board of elections for all counties or cities shall mail an
12 absentee ballot to every registered and qualified voter residing in such
13 county or city. Such absentee ballot shall be mailed to every registered
14 and qualified voter at the address given on his or her registration
15 records, or at an address specified by such voter pursuant to paragraph
16 (c) of this subdivision, no later than thirty days before the scheduled
17 election is to be held.

18 (b) In the case of a primary election, the board shall deliver only
19 the ballot of the party in which the records of the board of elections
20 show the absentee voter to be enrolled. In the event a primary election
21 is uncontested in the absentee voters election district for all offices
22 or positions except the party position of member of the ward, town, city
23 or county committee, no ballot shall be delivered to such absentee voter
24 for such election; and the absentee voter shall be advised why he or she
25 is not being sent a ballot.

26 (c) Any voter, upon application, may request that their absentee
27 ballot be mailed to them at an address other than their permanent
28 address, if he or she expects to be absent from the county or city of
29 residence and unable to obtain their absentee ballot.

30 § 3. This act shall take effect immediately.