

# STATE OF NEW YORK

8916

## IN SENATE

August 14, 2020

Introduced by Sen. MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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

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

1 Section 1. Paragraph (c) of subdivision 2 of section 8-400 of the  
2 election law, as amended by chapter 321 of the laws of 1988, is amended  
3 to read as follows:

4 (c) All applications requesting an absentee ballot by mail must be  
5 ~~[mailed to]~~ received by the board of elections not later than the  
6 ~~[seventh]~~ fifteenth day before the election for which a ballot is first  
7 requested ~~[or delivered to]~~. Applications for an absentee ballot that  
8 will be delivered in person at the board of elections to the voter or to  
9 an agent of the voter must be received by such board not later than the  
10 day before such election.

11 § 2. Paragraph (d) of subdivision 2 of section 8-400 of the election  
12 law, as amended by chapter 91 of the laws of 2020, is amended to read as  
13 follows:

14 (d) The board of elections shall mail an absentee ballot to every  
15 qualified voter otherwise eligible for such a ballot, when such voter  
16 requests an absentee ballot from such board of elections in writing in a  
17 letter, telefax indicating the address, phone number and the telefax  
18 number from which the writing is sent or other written instrument, or an  
19 electronic application submitted by the voter by electronic mail or  
20 through an electronic transmittal system or web portal established by  
21 the state board of elections or city or county board of elections, which  
22 is received by the board of elections not ~~[earlier than the thirtieth~~  
23 ~~day nor]~~ later than the ~~[seventh]~~ fifteenth day before the election for  
24 which the ballot is first requested and which states the address where  
25 the voter is registered and the address to which the ballot is to be  
26 mailed; provided, however, a military voter may request a military  
27 ballot or voter registration application or an absentee ballot applica-  
28 tion in a letter as provided in subdivision three of section 10-106 of

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

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1 this chapter; and provided further, a special federal voter may request  
2 a special federal ballot or voter registration application or an absentee  
3 ballot application in a letter as provided in paragraph d of subdivision  
4 one of section 11-202 of this chapter. The board of elections  
5 shall enclose with such ballot a form of application for absentee ballot  
6 if the applicant is registered with such board of elections.

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

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

29 § 4. This act shall take effect immediately, provided that the amendments  
30 to paragraph (d) of subdivision 2 of section 8-400 of the election  
31 law made by section two of this act shall be subject to the expiration  
32 and reversion of such paragraph pursuant to section 7 of chapter 91 of  
33 the laws of 2020, as amended, when upon such date the provisions of  
34 section three of this act shall take effect.