

STATE OF NEW YORK

8950

IN SENATE

September 2, 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 requests for absentee ballots

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

1 Section 1. The opening paragraph of subdivision 2 of section 8-400 of
2 the election law, as amended by chapter 216 of the laws of 1988, is
3 amended to read as follows:

4 A qualified voter desiring to vote at such election as an absentee
5 voter for any reason specified in subdivision one hereof must make
6 application for an absentee ballot on a form to be obtained and filed as
7 provided herein or [~~by letter~~] as provided in paragraph (d) of this
8 subdivision.

9 § 2. Paragraph (d) of subdivision 2 of section 8-400 of the election
10 law, as amended by chapter 138 of the laws of 2020, is amended to read
11 as follows:

12 (d) The board of elections shall mail an absentee ballot to every
13 qualified voter otherwise eligible for such a ballot, when such voter
14 requests an absentee ballot from such board of elections in writing in a
15 letter, telefax indicating the address, phone number and the telefax
16 number from which the writing is sent or other written instrument, or by
17 telephone, or an electronic application submitted by the voter by elec-
18 tronic mail or through an electronic transmittal system or web portal
19 established by the state board of elections or city or county board of
20 elections, which is received by the board of elections not later than
21 the seventh day before the election for which the ballot is first
22 requested and which states the address where the voter is registered and
23 the address to which the ballot is to be mailed; provided, however, a
24 military voter may request a military ballot or voter registration
25 application or an absentee ballot application in a letter as provided in
26 subdivision three of section 10-106 of this chapter; and provided
27 further, a special federal voter may request a special federal ballot or
28 voter registration application or an absentee ballot application in a

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

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1 letter as provided in paragraph d of subdivision one of section 11-202
2 of this chapter. [~~The board of elections shall enclose with such ballot~~
3 ~~a form of application for absentee ballot if the applicant is registered~~
4 ~~with such board of elections.~~]

5 (i) For purposes of this subdivision, a voter requesting an absentee
6 ballot by telephone shall not be required to complete an application
7 prior to or simultaneously with receiving the ballot. The board of
8 elections receiving the telephone request shall maintain a written
9 record of all such telephone requests for an absentee ballot, and may
10 complete the absentee ballot application as such record on behalf of the
11 voter requesting the absentee ballot, provided that no ballot requested
12 or issued pursuant to this subparagraph shall be deemed invalid for lack
13 of a complete absentee ballot application for any reason.

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

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

36 (i) For purposes of this subdivision, a voter requesting an absentee
37 ballot by telephone shall not be required to complete an application
38 prior to or simultaneously with receiving the ballot. The board of
39 elections receiving the telephone request shall maintain a written
40 record of all such telephone requests for an absentee ballot, and may
41 complete the absentee ballot application as such record on behalf of the
42 voter requesting the absentee ballot, provided that no ballot requested
43 or issued pursuant to this subparagraph shall be deemed invalid for lack
44 of a complete absentee ballot application for any reason.

45 § 4. This act shall take effect immediately; provided that the amend-
46 ments to paragraph (d) of subdivision 2 of section 8-400 of the election
47 law made by section two of this act shall be subject to the expiration
48 and reversion of such paragraph pursuant to section 7 of chapter 91 of
49 the laws of 2020, as amended, when upon such date the provisions of
50 section three of this act shall take effect.