

STATE OF NEW YORK

267

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. MYRIE, HOYLMAN -- 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 authorizing electronic
absentee ballot applications and absentee ballot submissions

The People of the State of New York, represented in Senate and Assem-
bly, 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 that a ballot be delivered to the
5 voter or an agent by mail must be mailed to the board of elections not
6 later than the seventh day before the election for which a ballot is
7 first requested or, for applications requesting in-person delivery of
8 the ballot to the voter or an agent at the board of elections, must be
9 delivered to such board not later than the day before such election. In
10 addition to postal or personal delivery of the application to the board
11 of elections, the board of elections shall accept delivery of absentee
12 ballot applications from persons residing in a country other than the
13 United States while maintaining eligibility to vote in elections in New
14 York: (i) by telephone facsimile transmission to a phone number which
15 shall be designated by the board of elections; (ii) as an attachment to
16 an electronic mail transmission sent to an electronic mail address which
17 shall be designated by the board of elections; and (iii) through an
18 online electronic absentee ballot application filing system which shall
19 be established by the state board of elections and which shall transmit
20 each application to the appropriate board of elections for processing.
21 The website for each board of elections shall advertise the email
22 address and telephone facsimile number required by this section and
23 shall provide a link to the online electronic filing system established
24 pursuant to this section. An application delivered to the board of

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

LBD02434-01-1

1 elections by electronic means shall be an original application without
2 necessity for a subsequent conforming paper submission and shall be
3 deemed filed when received by the board of elections, except if received
4 by electronic means after business hours or extended hours as designated
5 by this chapter, such application shall be deemed received as of the
6 next day on which the board is open to receive absentee ballot applica-
7 tions. Nothing in this section shall be construed to prevent the appli-
8 cation of the electronic signature provisions of the state technology
9 law with respect to applications for an absentee ballot.

10 § 2. Section 8-410 of the election law, as amended by chapter 352 of
11 the laws of 1986, is amended to read as follows:

12 § 8-410. Absentee voting; method of. 1. Marking of the ballot. The
13 absentee voter shall mark an absentee ballot as provided for paper
14 ballots or ballots prepared for counting by ballot counting machines. He
15 or she shall make no mark or writing whatsoever upon the ballot, except
16 as above prescribed, and shall see that it bears no such mark or writ-
17 ing. He or she shall make no mark or writing whatsoever on the outside
18 of the ballot.

19 2. Submission of the ballot; by mail. After marking the ballot or
20 ballots he or she shall fold each such ballot and enclose them in the
21 envelope and seal the envelope. He or she shall then take and subscribe
22 the oath on the envelope, with blanks properly filled in. The envelope,
23 containing the ballot or ballots, shall then be mailed or delivered to
24 the board of elections of the county or city of his or her residence.

25 3. Submission of the ballot; by electronic mail. He or she shall then
26 take and subscribe the oath in the email, with blanks properly filled
27 in. He or she shall then return the ballot or ballots via electronic
28 mail to the state board of elections using the electronic absentee
29 ballot transmittal system.

30 § 3. The election law is amended by adding a new section 8-414 to read
31 as follows:

32 § 8-414. Absentee voters; electronic absentee ballot transmittal
33 system. 1. The state board of elections shall establish and maintain an
34 electronic absentee ballot transmittal system through which applicants
35 may return a marked absentee ballot via electronic mail. The state
36 board of elections shall deliver such marked ballots to the applicable
37 board of elections of each county or the city of New York for filing,
38 processing and verification consistent with this chapter. In accordance
39 with technical specifications provided by the state board of elections,
40 each board of elections shall maintain a system capable of receiving and
41 processing marked absentee ballot information, including digital signa-
42 tures, from the electronic voter registration transmittal system estab-
43 lished by the state board of elections. Notwithstanding any other incon-
44 sistent provision of this chapter, ballots filed using such system shall
45 be considered filed with the applicable board of elections on the calen-
46 dar date such application or ballot is initially transmitted by the
47 voter through the electronic absentee ballot transmittal system.

48 2. The electronic absentee ballot transmittal system shall only be
49 available for persons residing in a country other than the United States
50 while maintaining eligibility to vote in elections in New York.

51 § 4. Section 11-203 of the election law, as added by chapter 104 of
52 the laws of 2010, is amended to read as follows:

53 § 11-203. Special federal voters; designation of means of transmission
54 by special federal voters. [~~1.~~] A special federal voter may designate a
55 preference to receive a voter registration application, a special feder-
56 al ballot application or a special federal ballot by mail, facsimile

1 transmission or electronic mail. Such designation shall remain in effect
2 until revoked or changed by the special federal voter. If a special
3 federal voter does not designate a preference, the board of elections
4 shall transmit the voter registration application, special federal
5 ballot application or special federal ballot by mail. If a special
6 federal voter designates a preference for facsimile transmission or
7 electronic mail but does not provide the necessary facsimile number or
8 e-mail address, the board of elections shall transmit the voter regis-
9 tration application, special federal ballot application or special
10 federal ballot by mail and request the omitted information. All communi-
11 cations to the special federal voter shall include the mailing address
12 of the board of elections.

13 ~~[2. Irrespective of the preferred method of transmission designated by~~
14 ~~a special federal voter, a special federal voter's original completed~~
15 ~~voter registration application, special federal ballot application and~~
16 ~~special federal ballot must be returned by mail or in person notwith-~~
17 ~~standing that a prior copy was sent to the board of elections by facsim-~~
18 ~~ile transmission or electronic mail.]~~

19 § 5. This act shall take effect on the first of January next succeed-
20 ing the date on which it shall have become a law.