

STATE OF NEW YORK

306

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. MYRIE -- 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 improving the issuing of absentee ballots

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

1 Section 1. Paragraphs (c) and (d) of subdivision 2 of section 8-400 of
2 the election law, paragraph (c) as amended by chapter 321 of the laws of
3 1988 and paragraph (d) as amended by chapter 138 of the laws of 2020,
4 are amended to read as follows:

5 (c) All applications must be [~~mailed to~~] received by the board of
6 elections not later than the [~~seventh~~] day before the election for which
7 a ballot is first requested [~~or delivered to such board not later than~~
8 ~~the day before such election~~].

9 (d) The board of elections shall mail an absentee ballot to every
10 qualified voter otherwise eligible for such a ballot, when such voter
11 requests an absentee ballot from such board of elections in writing
12 [~~in~~], which shall include a letter, telefax or other written instrument
13 containing a signature of the voter, indicating the address, phone
14 number and the telefax number from which the writing is sent or other
15 written instrument, [~~or an electronic application submitted by the voter~~
16 ~~by electronic mail or through an electronic transmittal system or web~~
17 ~~portal established by the state board of elections or city or county~~
18 ~~board of elections~~], which is signed by the voter and received by the
19 board of elections not earlier than the thirtieth day, if said absentee
20 ballots have been prepared or immediately upon their receipt by the
21 board of elections, nor later than the [~~seventh~~] day before the election
22 for which the ballot is first requested and which states the address
23 where the voter is registered and the address to which the ballot is to
24 be mailed; provided, however, a military voter may request a military

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

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1 ballot or voter registration application or an absentee ballot applica-
2 tion in a letter as provided in subdivision three of section 10-106 of
3 this chapter; and provided further, a special federal voter may request
4 a special federal ballot or voter registration application or an absen-
5 tee ballot application in a letter as provided in paragraph d of subdi-
6 vision one of section 11-202 of this chapter. The board of elections
7 shall enclose with such ballot a form of application for absentee ballot
8 if the applicant is registered with such board of elections.

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

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

33 § 3. This act shall take effect immediately; provided that the amend-
34 ments to paragraph (d) of subdivision 2 of section 8-400 of the election
35 law made by section one of this act shall be subject to the expiration
36 and reversion of such subdivision pursuant to section 7 of chapter 91 of
37 the laws of 2020, as amended, when upon such date the provisions of
38 section two of this act shall take effect.