

# STATE OF NEW YORK

3608

2021-2022 Regular Sessions

## IN SENATE

January 30, 2021

Introduced by Sen. SANDERS -- 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

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 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: (i) by telephone facsimile transmission to a phone  
13 number which shall be designated by the board of elections; (ii) as an  
14 attachment to an electronic mail transmission sent to an electronic mail  
15 address which shall be designated by the board of elections; and (iii)  
16 through an online electronic absentee ballot application filing system  
17 which shall be established by the state board of elections and which  
18 shall transmit each application to the appropriate board of elections  
19 for processing. The website for each board of elections shall advertise  
20 the email address and telephone facsimile number required by this  
21 section and shall provide a link to the online electronic filing system  
22 established pursuant to this section. An application delivered to the  
23 board of elections by electronic means shall be an original application  
24 without necessity for a subsequent conforming paper submission and shall  
25 be deemed filed when received by the board of elections, except if

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

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1 received by electronic means after business hours or extended hours as  
2 designated by this chapter, such application shall be deemed received as  
3 of the next day on which the board is open to receive absentee ballot  
4 applications. Nothing in this section shall be construed to prevent the  
5 application of the electronic signature provisions of the state technol-  
6 ogy law with respect to applications for an absentee ballot.

7 § 2. Subdivision 2 of section 10-107 of the election law, as added by  
8 chapter 104 of the laws of 2010, is amended to read as follows:

9 2. Irrespective of the preferred method of transmission designated by  
10 a military voter, a military voter's original completed voter registra-  
11 tion application[~~, military ballot application~~] and military ballot must  
12 be returned by mail or in person notwithstanding that a prior copy was  
13 sent to the board of elections by facsimile transmission or electronic  
14 mail. A completed military ballot application submitted by facsimile  
15 transmission or electronic mail or through an electronic filing system  
16 established by the state board of elections shall be an original appli-  
17 cation and no conforming paper submission shall be required.

18 § 3. Subdivision 2 of section 11-203 of the election law, as added by  
19 chapter 104 of the laws of 2010, is amended to read as follows:

20 2. Irrespective of the preferred method of transmission designated by  
21 a special federal voter, a special federal voter's original completed  
22 voter registration application[~~, special federal ballot application~~] and  
23 special federal ballot must be returned by mail or in person notwith-  
24 standing that a prior copy was sent to the board of elections by facsim-  
25 ile transmission or electronic mail. A completed special federal ballot  
26 application submitted by facsimile transmission or electronic mail or  
27 through an electronic filing system established by the state board of  
28 elections shall be an original application and no conforming paper  
29 submission shall be required.

30 § 4. This act shall take effect on the first of January next succeed-  
31 ing the date on which it shall have become a law.