STATE OF NEW YORK

10541

IN ASSEMBLY

July 6, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Kelles) -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to allowing qualified voters who are primary caregivers of one or more individuals to vote by absentee ballot

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

Section 1. Paragraph (b) of subdivision 1 of section 8-400 of the election law, as amended by chapter 139 of the laws of 2020, is amended to read as follows:

(b) unable to appear personally at the polling place of the election district in which he or she is a qualified voter because of illness or physical disability or duties related to the primary care of one or more individuals [~~who are ill or physically disabled~~], or because he or she will be or is a patient in a hospital, provided that, for purposes of this paragraph, "illness" shall include, but not be limited to, instances where a voter is unable to appear personally at the polling place of the election district in which they are a qualified voter because there is a risk of contracting or spreading a disease that may cause illness to the voter or to other members of the public; or

§ 2. Paragraph (b) of subdivision 1 of section 8-400 of the election law, as amended by chapter 63 of the laws of 2010, is amended to read as follows:

(b) unable to appear personally at the polling place of the election district in which he or she is a qualified voter because of illness or physical disability or duties related to the primary care of one or more individuals [~~who are ill or physically disabled~~], or because he or she will be or is a patient in a hospital; or

§ 3. Subdivision 1 of section 15-122 of the election law, as amended by chapter 2 of the laws of 2022, is amended to read as follows:

1. A qualified elector of a village, who, on the occurrence of any general or special village election, may be within the county of [~~his~~] **such elector's** residence but unable to appear personally at the polling place in the village of [~~his~~] **such elector's** residence because of

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

LBD15817-02-2

illness, physical disability**, or duties related to the primary care of one or more individuals,** or confinement either at home or in a hospital or institution, other than a mental institution may vote as an absentee voter under this section, provided that, for purposes of this subdivision, "illness" shall include, but not be limited to, instances where a voter is unable to appear personally at the polling place of the election district in which they are a qualified voter because there is a risk of contracting or spreading a disease that may cause illness to the voter or to other members of the public.

§ 4. Subdivision 1 of section 15-122 of the election law is amended to read as follows:

1. A qualified elector of a village, who, on the occurrence of any general or special village election, may be within the county of [~~his~~] **such elector's** residence but unable to appear personally at the polling place in the village of [~~his~~] **such elector's** residence because of illness, physical disability**, or duties related to the primary care of one or more individuals,** or confinement either at home or in a hospital or institution, other than a mental institution may vote as an absentee voter under this section.

§ 5. This act shall take effect immediately and shall apply to all elections occurring on and after such date; provided, however, that the amendments to paragraph (b) of subdivision 1 of section 8-400 and subdivision 1 of section 15-122 of the election law made by sections one and three of this act shall be subject to the expiration and reversion of such subdivisions pursuant to chapter 139 of the laws of 2020, as amended, when upon such date the provisions of sections two and four of this act shall take effect.