

STATE OF NEW YORK

4244

2021-2022 Regular Sessions

IN ASSEMBLY

February 1, 2021

Introduced by M. of A. ABINANTI, COLTON, GALEF, LUPARDO, L. ROSENTHAL, PAULIN, THIELE, BENEDETTO, WEPRIN, OTIS, VANEL, JACOBSON, EPSTEIN -- Multi-Sponsored by -- M. of A. McDONOUGH -- read once and referred to the Committee on Election Law

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:

Section 1. Paragraph (c) of subdivision 2 of section 8-400 of the election law, as amended by chapter 321 of the laws of 1988, is amended to read as follows:

(c) All applications requesting that a ballot be delivered to the voter or an agent by mail must be mailed to the board of elections not later than the seventh day before the election for which a ballot is first requested or, for applications requesting in-person delivery of the ballot to the voter or an agent at the board of elections, must be delivered to such board not later than the day before such election. In addition to postal or personal delivery of the application to the board of elections, the board of elections shall accept delivery of absentee ballot applications: (i) by telephone facsimile transmission to a phone number which shall be designated by the board of elections; (ii) as an attachment to an electronic mail transmission sent to an electronic mail address which shall be designated by the board of elections; and (iii) through an online electronic absentee ballot application filing system which shall be established by the state board of elections and which shall transmit each application to the appropriate board of elections for processing. The website for each board of elections shall advertise the email address and telephone facsimile number required by this section and shall provide a link to the online electronic filing system established pursuant to this section. An application delivered to the board of elections by electronic means shall be an original application

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

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

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

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

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

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

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