STATE OF NEW YORK

4255

2021-2022 Regular Sessions

IN ASSEMBLY

February 1, 2021

Introduced by M. of A. CRUZ, DICKENS, SEAWRIGHT -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to establishing a website and mobile application that allows voters to view the status of their absentee ballot applications and absentee ballots

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

Section 1. Section 8-406 of the election law, as amended by chapter 296 of the laws of 1988, is amended to read as follows:

§ 8-406. Absentee ballots, delivery of. **1.** If the board shall find that the applicant is a qualified voter of the election district containing his residence as stated in his statement and that his statement is sufficient, it shall, as soon as practicable after it shall have determined his right thereto, mail to him at an address designated by him, or deliver to him, or to any person designated for such purpose in writing by him, at the office of the board, such an absentee voter's ballot or set of ballots and an envelope therefor. If the ballot or ballots are to be sent outside of the United States to a country other than Canada or Mexico, such ballot or ballots shall be sent by air mail. However, if an applicant who is eligible for an absentee ballot is a resident of a facility operated or licensed by, or under the jurisdiction of, the department of mental hygiene, or a resident of a facility defined as a nursing home or residential health care facility pursuant to subdivisions two and three of section two thousand eight hundred one of the public health law, or a resident of a hospital or other facility operated by the [~~Veteran's~~] **Veterans Health** Administration of the United States, such absentee ballot need not be so mailed or delivered to any such applicant but, may be delivered to the voter in the manner prescribed by section 8-407 of this [~~chapter~~] **title** if such facility is located in the county or city in which such voter is eligible to vote.

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

LBD06178-01-1

2. Notwithstanding any provision of law to the contrary, the board of elections shall establish a secure website and mobile application that shall not require the user to create an account, but shall, through methods determined by the board, require verification that the user is accessing his or her own record. The information presented in such website and mobile application shall be updated with any applicable changes no less frequently than daily. Such website and mobile application shall include, but not be limited to, allowing any registered voter who has submitted an application for an absentee ballot, or who otherwise has a right to receive an absentee ballot, for an upcoming election pursuant to this title to view the current status of their absentee application and absentee ballot. Such website and mobile application shall indicate for each such voter whether the board of elections has:

(a) received such voter's request for an absentee ballot, if applicable;

(b) approved or rejected such request, if applicable, and, if rejected, a brief statement of the reason for rejection;

(c) mailed or delivered an absentee ballot to such voter for such upcoming election, and shall include the ability for such voter to see the status of a mailed absentee ballot by United States postal service intelligent mail barcode or successor technology;

(d) received such voter's completed absentee ballot for such upcoming election; and

(e) determined that such voter's completed absentee ballot was invalid, and, if such a finding was made, a brief statement of the reason for such finding.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.