STATE OF NEW YORK

4654

2021-2022 Regular Sessions

IN ASSEMBLY

February 4, 2021

Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Election Law

AN ACT to provide special provisions for nominations and elections for county, town or village public offices and special elections for public office to be filled at any election to be held in the year 2021; and providing for the repeal of such provisions upon the expiration thereof

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

Section 1. Notwithstanding anything to the contrary in the election law or governor's executive order issued prior to the effective date hereof, the following provisions shall apply to all nominations and elections for county, town or village public offices and special elections for public office to be filled at any election to be held in the year 2021 whether conducted by the county's board of elections or otherwise.

(a) (1) Any party caucus, party meeting, or party convention conducted according to rules promulgated by the relevant party's county or municipal committee, whether for the purpose of selecting or endorsing candidates for an election to be held in the year 2021 or for any other business may be conducted in whole or in part remotely by electronic participation through use of telephone conference, video conference, and/or other similar service, as set forth by rules promulgated by the chair of such party and provided that notice for any such party meeting clearly provides means and instructions for all eligible participants to access the meeting.

(2) Any person eligible to attend and vote at any party caucus, party meeting, or party convention held pursuant to the election law in the year 2021, except a village party caucus, may hold up to two proxies, except that any party committee rule in place prior to the effective date of this act authorizing a greater number of proxies shall continue

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

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in full force and effect. Notwithstanding that the last day to notice a party meeting may have passed, if the notice did not include notice of participation by remote or electronic participation, then such notice of remote or electronic participation may be included in a supplemental notice given not less than five days before the meeting.

(3) Any party caucus to select candidates for a village election to be held in the year 2021 may be conducted remotely by electronic participation in whole or in part as set forth by rules promulgated by the chair of such party. Notwithstanding that the last day to notice a party caucus may have passed, if the notice did not include notice of participation by remote or electronic participation, then such notice of remote or electronic participation may be included in a supplemental notice given not less than five days before the meeting.

(b) (1) In addition to the procedures set forth in the election law, for public offices to be filled at any primary, general or special election to be held in the year 2021, including elections to fill offices in a city outside of the city of New York, county, town or village offices and special elections to fill a public office, nominations may be made by a party caucus, party meeting, or party convention conducted according to rules promulgated by the relevant party's county or municipal committee or committees. Such rules may provide that any candidate achieving a specified minimum threshold of votes cast at the caucus, meeting, or convention shall achieve ballot status.

(2) For any election for which petitions are required to be filed in the year 2021, including elections to fill city, county, town or village offices and special elections to public offices, all relevant sections of the election law are modified to the extent necessary to reduce required number of signatures on petitions on a party designating petition or an independent nominating petition to a number equal to seventy per centum of the statutory minimum number provided for in the election law.

(c) (1) The potential for contraction of the COVID-19 virus as an illness shall be sufficient for purposes of request for and receipt of an absentee ballot in all primaries and elections for public office in the year 2021.

(2) In addition to any other means of requesting an absentee ballot available to a voter, every voter eligible to vote in a primary, general election or special election to be held 2021, whether in active or inactive status, shall be sent an absentee ballot application form with a postage paid return option for such application.

(3) All relevant sections of the election law are modified to the extent necessary to allow for electronic application for absentee ballots for all primaries and elections for public office in the year 2021, with no requirement for signature or in-person appearance to be able to access an absentee ballot. The boards of elections, village clerks or other parties conducting village elections shall accept as a proper application a request for an absentee ballot by a voter made by letter, email, facsimile, phone, internet or electronically and such voter shall not be required to complete a paper application either prior to or simultaneously with receiving the ballot.

(4) All absentee ballots sent to a voter for a primary, general or special election to be held in 2021 shall be accompanied by a postage-paid properly addressed return envelope.

(5) Section 8-400 and any provision of article 9 of the election law are modified to the extent necessary to provide that every voter who is in active and inactive status and is eligible to vote in any election in

2021, may be able to request an absentee ballot via phone or internet or electronically; and if such voter requests an absentee ballot, such voter shall be sent an absentee ballot, provided however each voter shall not be sent more than one ballot pursuant to a phone request, and shall not be required to complete an application either prior to or simultaneously to receiving the ballot. The board of elections receiving the telephone request shall maintain a record of such telephone requests for an absentee ballot and may complete the absentee ballot application as such record on behalf of the voter requesting the absentee ballot, provided that no ballot shall be deemed invalid for lack of a complete or signed absentee ballot application for any reason.

(6) All boards of elections shall provide instructions for completing the absentee ballot application in conformity with this act to voters and post them prominently on their website.

(7) All boards of elections, village clerks or other parties conducting village elections shall develop a plan to allow registered voters to drop off completed absentee ballots at the office of the board of elections or village clerk prior to or on election day, without requiring the voter to wait in line with in-person voters. Plans must be submitted to the state board of elections on or before March 1, 2021.

(8) Sections 103 and 104-b of the general municipal law are hereby modified to the extent necessary to allow a board of elections to procure and provide absentee ballot applications, absentee ballots, envelopes, mail notification cards pursuant to this act, or any other means of transmitting an absentee ballot application or absentee ballot to voters in accordance with the timeframes set forth in law.

(9) Section 8-407 of the election law, in relation to providing absentee ballots to voters residing in certain facilities, is modified to the extent that inspectors of the board shall not attend and/or visit facilities described in section 8-407 of the election law, and shall not physically deliver ballots to residents of facilities in person for primaries, general or special elections held in 2021, and boards of elections, in the same manner as absentee ballots are delivered to other absentee voters pursuant to title 4 of article 8 of the election law, shall instead mail or deliver absentee ballots to voters residing in such facilities; and individuals other than those employed by the board of elections may assist residents of nursing homes or adult care facilities in completing absentee ballot applications and voting by absentee ballot.

(d) All boards of elections shall take all steps possible to count ballots as soon as possible, including reviewing absentee or military ballot envelopes prior to election day to ensure efficient and timely canvassing of ballots, including establishing objections by the candidates or the board to ballot envelopes prior to election day, any reporting of affidavit ballots by the boards of elections to the state board to compare against absentee ballots or in person votes in other counties must be completed 48 hours after the close of the polls on election day.

(e) The state board of elections shall develop a uniform envelope for absentee ballots for use by local boards of elections by March 1, 2021. Such envelope shall establish where a voter must sign that envelope to be valid. All boards of elections must use such uniform envelope for absentee ballots developed by the state board of elections.

(f) All boards of elections shall send an informational mailing to every registered voter by a date set by the state board of elections containing the following information:

(1) The dates, hours, and locations for early voting in such voter's county, including the early voting location for which the voter is assigned, if applicable.

(2) Information regarding how to apply for an absentee ballot, including the opportunity to apply online or by phone, and including the deadline for requesting an absentee ballot.

(3) Information regarding the date and hours for the June primary and November election and the voter's election day polling place location.

(4) Information regarding how the voter can look up their registration status.

(5) An explicit reminder or communication of the opportunities to vote prior to election day, including application for an absentee ballot and early voting options.

(6) Expected mail times, if a voter chooses to request an absentee ballot.

(g) All boards of elections must submit staffing plans and any staffing needs for early voting and election day poll site operations, as well as post-election canvass of results, to the state board of elections no later than April 1, 2021 to provide adequate time for the state board of elections to assist as feasible.

(h) (1) All early voting sites shall remain open until 9:00 pm on each day that they are open.

(2) The number of early voting sites shall be a minimum of one site for 50,000 voters in the county eligible to vote in the relevant primary, general or special election and there shall be at least one early voting site in each town or city for each 50,000 voters or part thereof eligible to vote in the relevant primary, general or special election.

(i) Section 16-108 of the election law is modified to permit any justice of the Supreme Court appointed to hear election matters on the day of any primary, general, village or special election in the year 2021 to hear and determine such matters by electronic participation through use of telephone conference, video conference, and/or other similar service, in whole or in part and shall not be required to be physically at a board of elections or other voting location so long as all necessary parties are represented by counsel in such proceeding.

§ 2. This act shall take effect immediately and shall expire January 31, 2022, when upon such date the provisions of this act shall be deemed repealed.