

# STATE OF NEW YORK

8432--A

2021-2022 Regular Sessions

## IN ASSEMBLY

November 17, 2021

Introduced by M. of A. DINOWITZ, KELLES, SILLITTI, LAVINE, ABINANTI, PAULIN, SIMON, SEAWRIGHT, STECK, FERNANDEZ, BURGOS, ENGLEBRIGHT, GALEF, GOTTFRIED, CRUZ -- read once and referred to the Committee on Election Law -- recommitted to the Committee on Election Law in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to absentee voting in village elections; to amend chapter 139 of the laws of 2020 amending the election law relating to absentee voting, in relation to the effectiveness thereof; and providing for the repeal of certain provisions upon expiration thereof

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

1 Section 1. Section 2 of chapter 139 of the laws of 2020 amending the  
2 election law relating to absentee voting, is amended to read as follows:  
3 § 2. This act shall take effect immediately and shall expire and be  
4 deemed repealed [~~January 1~~] December 31, 2022.  
5 § 2. Subdivision 1 of section 15-120 of the election law, as amended  
6 by chapter 289 of the laws of 2014, paragraph (c) as amended by chapter  
7 322 of the laws of 2021, is amended to read as follows:  
8 1. A qualified voter of a village may vote as an absentee voter under  
9 this section if during all the hours of voting on the day of a general  
10 or special village election he or she will be:  
11 (a) absent from the county of his or her residence; or  
12 (b) unable to appear at the polling place because of illness or phys-  
13 ical disability, or duties related to the primary care of one or more  
14 individuals who are ill or physically disabled, or because he or she  
15 will be or is a patient in a hospital, provided that, for purposes of  
16 this paragraph, "illness" shall include, but not be limited to,  
17 instances where a voter is unable to appear personally at the polling

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

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1 place of the election district in which they are a qualified voter  
2 because there is a risk of contracting or spreading a disease that may  
3 cause illness to the voter or to other members of the public; or

4 (c) an incarcerated individual or patient of a veteran's adminis-  
5 tration hospital; or

6 (d) absent from his or her voting residence because he or she is  
7 detained in jail awaiting action by a grand jury or awaiting trial, or  
8 confined in jail or prison after a conviction for an offense other than  
9 a felony, provided that he or she is qualified to vote in the election  
10 district of his or her residence.

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

13 1. A qualified elector of a village, who, on the occurrence of any  
14 general or special village election, may be within the county of his  
15 residence but unable to appear personally at the polling place in the  
16 village of his residence because of illness, physical disability or  
17 confinement either at home or in a hospital or institution, other than a  
18 mental institution may vote as an absentee voter under this section,  
19 provided that, for purposes of this subdivision, "illness" shall  
20 include, but not be limited to, instances where a voter is unable to  
21 appear personally at the polling place of the election district in which  
22 they are a qualified voter because there is a risk of contracting or  
23 spreading a disease that may cause illness to the voter or to other  
24 members of the public.

25 § 4. This act shall take effect immediately and shall be deemed to  
26 have been in full force and effect on and after December 31, 2021;  
27 provided however that the provisions of sections two and three of this  
28 act shall expire and be deemed repealed December 31, 2022.