STATE OF NEW YORK

1632

2021-2022 Regular Sessions

IN SENATE

January 14, 2021

Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to absentee voting at village elections; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Subdivision 1 of section 15-120 of the election law, as amended by chapter 289 of the laws of 2014, is amended to read as follows:

1. A qualified voter of a village may vote as an absentee voter under this section if during all the hours of voting on the day of a general or special village election he or she will be:

(a) absent from the county of his or her residence; or

(b) unable to appear at the polling place 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

(c) an inmate or patient of a veteran's administration hospital; or

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

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

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

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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 **or her** residence but unable to appear personally at the polling place in the village of his **or her** residence because of illness, physical disability 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**.

§ 3. This act shall take effect immediately and shall expire and be deemed repealed January 1, 2022.