

STATE OF NEW YORK

264

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. MYRIE -- 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 application deadlines

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

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

4 (c) All applications requesting an absentee ballot by mail must be
5 ~~[mailed to]~~ received by the board of elections not later than the
6 ~~[seventh]~~ fifteenth day before the election for which a ballot is first
7 requested ~~[or delivered to]~~. Applications for an absentee ballot that
8 will be delivered in person at the board of elections to the voter or to
9 an agent of the voter must be received by such board not later than the
10 day before such election.

11 § 2. Paragraph (d) of subdivision 2 of section 8-400 of the election
12 law, as amended by chapter 138 of the laws of 2020, is amended to read
13 as follows:

14 (d) The board of elections shall mail an absentee ballot to every
15 qualified voter otherwise eligible for such a ballot, when such voter
16 requests an absentee ballot from such board of elections in writing in a
17 letter, telefax indicating the address, phone number and the telefax
18 number from which the writing is sent or other written instrument, or an
19 electronic application submitted by the voter by electronic mail or
20 through an electronic transmittal system or web portal established by
21 the state board of elections or city or county board of elections, which
22 is received by the board of elections not later than the ~~[seventh]~~
23 fifteenth day before the election for which the ballot is first
24 requested and which states the address where the voter is registered and

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

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1 the address to which the ballot is to be mailed; provided, however, a
2 military voter may request a military ballot or voter registration
3 application or an absentee ballot application in a letter as provided in
4 subdivision three of section 10-106 of this chapter; and provided
5 further, a special federal voter may request a special federal ballot or
6 voter registration application or an absentee ballot application in a
7 letter as provided in paragraph d of subdivision one of section 11-202
8 of this chapter. The board of elections shall enclose with such ballot a
9 form of application for absentee ballot if the applicant is registered
10 with such board of elections.

11 § 3. Paragraph (d) of subdivision 2 of section 8-400 of the election
12 law, as separately amended by chapters 97 and 104 of the laws of 2010,
13 is amended to read as follows:

14 (d) The board of elections shall mail an absentee ballot to every
15 qualified voter otherwise eligible for such a ballot, who requests such
16 an absentee ballot from such board of elections in writing in a letter,
17 telefax indicating the address, phone number and the telefax number from
18 which the writing is sent or other written instrument, which is signed
19 by the voter and received by the board of elections not [~~earlier than~~
20 ~~the thirtieth day nor~~] later than the [~~seventh~~ fifteenth] day before the
21 election for which the ballot is first requested and which states the
22 address where the voter is registered and the address to which the
23 ballot is to be mailed; provided, however, a military voter may request
24 a military ballot or voter registration application or an absentee
25 ballot application in a letter as provided in subdivision three of
26 section 10-106 of this chapter; and provided further, a special federal
27 voter may request a special federal ballot or voter registration appli-
28 cation or an absentee ballot application in a letter as provided in
29 paragraph d of subdivision one of section 11-202 of this chapter. The
30 board of elections shall enclose with such ballot a form of application
31 for absentee ballot if the applicant is registered with such board of
32 elections.

33 § 4. This act shall take effect immediately, provided that the amend-
34 ments to paragraph (d) of subdivision 2 of section 8-400 of the election
35 law made by section two of this act shall be subject to the expiration
36 and reversion of such paragraph pursuant to section 7 of chapter 91 of
37 the laws of 2020, as amended, when upon such date the provisions of
38 section three of this act shall take effect.