

STATE OF NEW YORK

3869

2021-2022 Regular Sessions

IN SENATE

February 1, 2021

Introduced by Sens. KENNEDY, ADDABBO, BENJAMIN, BRESLIN, BROOKS, HOYLMAN, JACKSON, KAPLAN, KAVANAGH, KRUEGER, LIU, MAYER, PARKER, RAMOS, RIVERA, SAVINO, SEPULVEDA, SERRANO, SKOUFIS -- 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 permitting all qualified voters to vote as absentee voters during a state disaster emergency and providing for the automatic mailing of absentee ballots during a state disaster emergency

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

Section 1. Section 8-400 of the election law is amended by adding a new subdivision 1-a to read as follows:

1-a. Notwithstanding any provision of law to the contrary, a qualified voter may vote as an absentee voter under this chapter if any village election conducted by the board of elections, primary election, special election, general election or New York city community school board district or city of Buffalo school district election occurs during a state disaster emergency, as defined in section twenty of the executive law.

§ 2. 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

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

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1 than Canada or Mexico, such ballot or ballots shall be sent by air mail.
2 However, if an applicant who is eligible for an absentee ballot is a
3 resident of a facility operated or licensed by, or under the jurisdic-
4 tion of, the department of mental hygiene, or a resident of a facility
5 defined as a nursing home or residential health care facility pursuant
6 to subdivisions two and three of section two thousand eight hundred one
7 of the public health law, or a resident of a hospital or other facility
8 operated by the Veteran's Administration of the United States, such
9 absentee ballot need not be so mailed or delivered to any such applicant
10 but, may be delivered to the voter in the manner prescribed by section
11 8-407 of this [~~chapter~~] title if such facility is located in the county
12 or city in which such voter is eligible to vote.

13 2. (a) Notwithstanding any provision of law to the contrary, during a
14 state disaster emergency, as defined in section twenty of the executive
15 law, the board of elections for all counties or cities shall mail an
16 absentee ballot to every registered and qualified voter residing in such
17 county or city. Such absentee ballot shall be mailed to every registered
18 and qualified voter at the address given on his or her registration
19 records, or at an address specified by such voter pursuant to paragraph
20 (c) of this subdivision, no later than thirty days before the scheduled
21 election is to be held.

22 (b) In the case of a primary election, the board shall deliver only
23 the ballot of the party in which the records of the board of elections
24 show the absentee voter to be enrolled. In the event a primary election
25 is uncontested in the absentee voters election district for all offices
26 or positions except the party position of member of the ward, town, city
27 or county committee, no ballot shall be delivered to such absentee voter
28 for such election; and the absentee voter shall be advised why he or she
29 is not being sent a ballot.

30 (c) Any voter, upon application, may request that their absentee
31 ballot be mailed to them at an address other than their permanent
32 address, if he or she expects to be absent from the county or city of
33 residence and unable to obtain their absentee ballot.

34 § 3. This act shall take effect immediately.