

# STATE OF NEW YORK

5545

2021-2022 Regular Sessions

## IN SENATE

March 10, 2021

Introduced by Sens. MAYER, KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to absentee ballots for school district elections during a declared disaster emergency; 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:

1 Section 1. Paragraph a of subdivision 2 of section 2018-a of the  
2 education law, as amended by chapter 616 of the laws of 2019, is amended  
3 to read as follows:

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

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

8 (2) unable to appear at the polling place because of illness or phys-  
9 ical disability, or duties related to the primary care of one or more  
10 individuals who are ill or physically disabled, or because he or she  
11 will be or is a patient in a hospital, provided that, for purposes of  
12 this subparagraph, "illness" shall include, but not be limited to,  
13 instances where a voter is unable to appear personally at the polling  
14 place of the school district in which they are a qualified voter because  
15 there is a risk of contracting or spreading a disease that may cause  
16 illness to the voter or to other members of the public; or

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

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

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

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1 § 2. Paragraph a of subdivision 2 of section 2018-b of the education  
2 law, as amended by chapter 46 of the laws of 1992, is amended to read as  
3 follows:

4 a. An applicant for such an absentee ballot shall submit an applica-  
5 tion setting forth (1) his name and residence address, including the  
6 street and number, if any, or town and rural delivery route, if any; (2)  
7 that he is or will be, on the day of the school district election, a  
8 qualified voter of the school district in which he resides in that he is  
9 or will be, on such date, over eighteen years of age, a citizen of the  
10 United States and has or will have resided in the district for thirty  
11 days next preceding such date; (3) that he will be unable to appear to  
12 vote in person on the day of the school district election for which the  
13 absentee ballot is requested because he is, or will be on such day (a) a  
14 patient in a hospital, or unable to appear personally at the polling  
15 place on such day because of illness or physical disability ~~[or]~~,  
16 provided that, for purposes of this paragraph, "illness" shall include,  
17 but not be limited to, instances where a voter is unable to appear  
18 personally at the polling place of the school district in which they are  
19 a qualified voter because there is a risk of contracting or spreading a  
20 disease that may cause illness to the voter or to other members of the  
21 public, (b) because his duties, occupation, business, or studies will  
22 require him to be outside of the county or city of his residence on such  
23 day, (c) because he will be on vacation outside the county or city of  
24 his residence on such day; or, (d) absent from his voting residence  
25 because he is detained in jail awaiting action by a grand jury or await-  
26 ing trial or is confined in prison after conviction for an offense other  
27 than a felony. Such application must be received by the district clerk  
28 or designee of the trustees or school board at least seven days before  
29 the election if the ballot is to be mailed to the voter, or the day  
30 before the election, if the ballot is to be delivered personally to the  
31 voter.

32 § 3. Paragraph s of subdivision 2 of section 1951 of the education  
33 law, as added by chapter 722 of the laws of 2005, is amended to read as  
34 follows:

35 s. The board of cooperative educational services shall provide absen-  
36 tee ballots to qualified voters. The commissioner shall adopt regu-  
37 lations for the purposes of implementing the provisions of this para-  
38 graph which shall include, but not be limited to, creating the procedure  
39 for which such absentee ballots shall be submitted; providing that such  
40 absentee ballots shall be, as nearly as practicable, in the same form as  
41 those voted at the district election; requiring that any absentee ballot  
42 applicant is or will be, on the day of the vote, a qualified voter of  
43 the board of cooperative educational services and that he or she will be  
44 on such date over eighteen years of age, a citizen of the United States  
45 and has or will have resided in said district for thirty days next  
46 preceding such date; and providing instructions as to the proper marking  
47 thereof. For purposes of this paragraph, qualified voters of a board of  
48 cooperative educational services may request an absentee ballot subject  
49 to the conditions set forth in paragraph a of subdivision two of section  
50 two thousand eighteen-b of this title.

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