

STATE OF NEW YORK

5702

2021-2022 Regular Sessions

IN SENATE

March 16, 2021

Introduced by Sen. COMRIE -- 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 enacting the "disaster voting relief act of 2021"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "disaster voting relief act of 2021".

3 § 2. The election law is amended by adding a new section 3-109 to
4 read as follows:

5 § 3-109. Disaster; governor may suspend or delay voting. 1. The gover-
6 nor may, upon issuance of an executive order declaring a state of emer-
7 gency or upon the issuance of a federal disaster declaration suspend or
8 delay an election in such municipality.

9 2. If a delay or suspension is authorized by the governor, the delayed
10 voting shall resume or be rescheduled as soon as practicable pursuant to
11 the procedures outlined in section 3-108 of this title. The state board
12 of elections shall promulgate such rules and regulations to further
13 effectuate the provisions of this section.

14 § 3. The election law is amended by adding a new section 8-414 to read
15 as follows:

16 § 8-414. Persons entitled to vote absentee when an emergency is
17 declared. Upon issuance of an executive order declaring a state of emer-
18 gency or upon the issuance of a federal disaster declaration within
19 fourteen days of an election any qualified voter whose polling location
20 is within the area affected by such declaration may vote as an absentee
21 voter notwithstanding the provisions of this chapter.

22 § 4. Section 8-302 of the election law is amended by adding a new
23 subdivision 6 to read as follows:

24 6. Upon the governor's issuance of an executive order declaring a
25 state of emergency pursuant to section twenty-eight of the executive law

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

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1 or upon the issuance of a federal disaster declaration a voter seeking
2 to vote by affidavit need not affirm that such voter is duly registered
3 in the election district in which such voter seeks to cast an affidavit
4 ballot if such voter is registered to vote within the county for which
5 such declaration has been issued.

6 § 5. Paragraph (a) of subdivision 2 of section 9-209 of the election
7 law is amended by adding a new subparagraph (viii) to read as follows:

8 (viii) Notwithstanding subparagraph (iii) of this paragraph, the board
9 of elections for the county in which such voter resides shall cast and
10 canvass such ballot, if it determines that such voter was entitled to
11 vote regardless of the fact that the voter may have appeared in the
12 incorrect polling location due to the declaration of a state of emergen-
13 cy. Such ballot shall not be cast and canvassed for such contest for
14 which the person was not entitled to vote at such election.

15 § 6. The opening paragraph of section 9-209 of the election law, as
16 amended by section 4 of part CCC of chapter 55 of the laws of 2019, is
17 amended to read as follows:

18 Before completing the canvass of votes cast in any primary, general,
19 special, or other election at which voters are required to sign their
20 registration poll records before voting, the board of elections shall
21 proceed in the manner hereinafter prescribed to cast and canvass any
22 absentee, military, special presidential, special federal or other
23 special ballots and any ballots voted by voters who moved within the
24 state after registering, voters who are in inactive status, voters whose
25 registration was incorrectly transferred to another address even though
26 they did not move, voters whose registration poll records were missing
27 on the day of such election, voters who have not had their identity
28 previously verified, voters who submitted a voter registration applica-
29 tion through the electronic voter registration transmittal system but
30 did not provide the required exemplar signature, and voters whose regis-
31 tration poll records did not show them to be enrolled in the party in
32 which they claimed to be enrolled and voters incorrectly identified as
33 having already voted. Each such ballot shall be retained in the original
34 envelope containing the voter's affidavit and signature, in which it is
35 delivered to the board of elections until such time as it is to be cast
36 and canvassed. Absentee ballots cast by voters pursuant to section
37 8-414 of this chapter shall be transmitted by the county board of
38 elections where such ballot was cast to the board of elections where
39 such voter is registered to vote to be canvassed with other affidavit
40 and absentee ballots for the election district wherein the voter
41 resides.

42 § 7. This act shall take effect on the one hundred eightieth day after
43 it shall have become a law provided, however, that if part CCC of chap-
44 ter 55 of the laws of 2019 has not taken effect on or before such date
45 then section six of this act shall take effect on the same date and in
46 the same manner as such part. Effective immediately, the board of
47 elections is authorized to promulgate such rules and regulations neces-
48 sary for the further implementation of this act on its effective date.