STATE OF NEW YORK

7565--B

2021-2022 Regular Sessions

IN SENATE

December 3, 2021

Introduced by Sens. BIAGGI, BROUK -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Elections in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to absentee voting in village elections; to amend chapter 139 of the laws of 2020 amending the election law relating to absentee voting, in relation to the effectiveness thereof; and providing for the repeal of certain provisions upon expiration thereof

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

Section 1. Section 2 of chapter 139 of the laws of 2020 amending the election law relating to absentee voting, is amended to read as follows:

§ 2. This act shall take effect immediately and shall expire and be deemed repealed [~~January 1~~] **December 31**, 2022.

§ 2. Subdivision 1 of section 15-120 of the election law, as amended by chapter 289 of the laws of 2014, paragraph (c) as amended by chapter 322 of the laws of 2021, 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**

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

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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 incarcerated individual 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.

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

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 residence but unable to appear personally at the polling place in the village of his 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.

§ 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after December 31, 2021; provided however that the provisions of sections two and three of this act shall expire and be deemed repealed December 31, 2022.