

STATE OF NEW YORK

10459

IN ASSEMBLY

May 28, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Simon) --
read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to deadlines for special
presidential ballot applications for military voters

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

1 Section 1. Subdivision 5 of section 10-106 of the election law, as
2 amended by chapter 113 of the laws of 2023, is amended to read as
3 follows:

4 5. The state board of elections shall forward to the appropriate board
5 of elections all applications for military ballots received by it. An
6 application from a military voter not previously registered must be
7 received by the appropriate board of elections not later than ten days
8 before a general, primary, or special election in order to entitle the
9 applicant to vote at such election. An application from a military voter
10 who is already registered must be received at least [~~seven~~ **fifteen**] days
11 before an election in order to entitle the applicant to vote at such
12 election; except that an application from such a military voter who
13 delivers their application to the board of elections in person, must be
14 received not later than the day before the election.

15 § 2. Paragraph (a) of subdivision 1 of section 10-108 of the election
16 law, as amended by chapter 164 of the laws of 2022, is amended to read
17 as follows:

18 (a) Ballots for military voters shall be mailed or otherwise distrib-
19 uted by the board of elections, in accordance with the preferred method
20 of transmission designated by the voter pursuant to section 10-107 of
21 this article, as soon as practicable but in any event not later than
22 forty-six days before a primary or general election; twenty-five days
23 before a New York city community school board district or city of
24 Buffalo school district election; fourteen days before a village
25 election conducted by the board of elections; forty-five days before a
26 special election; and twenty-three days before a special election held
27 pursuant to paragraph b of subdivision three of section forty-two of the
28 public officers law. A voter who submits a military ballot application

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

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1 shall be entitled to a military ballot thereafter for each subsequent
2 election through and including the next two regularly scheduled general
3 elections held in even numbered years, including any run-offs which may
4 occur; provided, however, such application shall not be valid for any
5 election held within [~~seven~~ fifteen days after its receipt. Ballots
6 shall also be mailed to any qualified military voter who is already
7 registered and who requests such military ballot from such board of
8 elections in a letter, which is signed by the voter and received by the
9 board of elections not later than the [~~seventh~~ fifteenth day before the
10 election for which the ballot is requested and which states the address
11 where the voter is registered and the address to which the ballot is to
12 be mailed. The board of elections shall enclose with such ballot a form
13 of application for military ballot. In the case of a primary election,
14 the board shall deliver only the ballot of the party with which the
15 military voter is enrolled according to the military voter's registra-
16 tion records. In the event a primary election is uncontested in the
17 military voter's election district for all offices or positions except
18 the party position of member of the ward, town, city or county commit-
19 tee, no ballot shall be delivered to such military voter for such
20 election; and the military voter shall be advised of the reason why [~~he~~
21 ~~or she~~ such military voter will not receive a ballot.

22 § 3. This act shall take effect on the first of January next succeed-
23 ing the date on which it shall have become a law.