

# STATE OF NEW YORK

3250

2023-2024 Regular Sessions

## IN ASSEMBLY

February 2, 2023

Introduced by M. of A. EPSTEIN -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to allowing pre-registered voters to apply for an absentee ballot

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

1 Section 1. The opening paragraph of subdivision 1, subdivision 2,  
2 paragraph (b) of subdivision 3, and subdivision 8 of section 8-400 of  
3 the election law, the opening paragraph of subdivision 1 as amended by  
4 chapter 63 of the laws of 2010, subdivision 2 as amended by chapter 746  
5 of the laws of 2021, paragraphs (c) and (d) of subdivision 2 as separately  
6 amended by chapter 273 of the laws of 2021, paragraph (e) of  
7 subdivision 2 as added by section 1 of part HH of chapter 55 of the laws  
8 of 2022, paragraph (b) of subdivision 3 as amended by chapter 63 of the  
9 laws of 2010 and subdivision 8 as amended by chapter 684 of the laws of  
10 1981 and as renumbered by chapter 40 of the laws of 2009, are amended to  
11 read as follows:

12 A qualified voter, or pre-registered voter who will be qualified on  
13 the date of the next election, may vote as an absentee voter under this  
14 chapter if, on the occurrence of any village election conducted by the  
15 board of elections, primary election, special election, general election  
16 or New York city community school board district or city of Buffalo  
17 school district election, he or she expects to be:

18 2. A qualified voter, or pre-registered voter who will be qualified on  
19 the date of the next election, desiring to vote at such election as an  
20 absentee voter for any reason specified in subdivision one hereof must  
21 make application for an absentee ballot on a form to be obtained and  
22 filed as provided herein, by letter as provided in paragraph (d) of this  
23 subdivision, or through the electronic absentee ballot application transmittal  
24 system pursuant to section 8-408 of this title.

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

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1 (a) Application forms shall be furnished by and may be obtained from  
2 any board of elections at any time until the day before such election,  
3 or on the electronic absentee ballot application transmittal system.  
4 Application forms shall also be supplied by the board of inspectors of  
5 the election district in which the applicant is a qualified voter, or  
6 pre-registered voter who will be qualified on the date of the next  
7 election, on all of the days provided for local registration. In addi-  
8 tion, application forms shall be supplied upon the request of the person  
9 authorized to vote pursuant to this section, any such person's spouse,  
10 parent or child, a person residing with the applicant as a member of his  
11 or her household, or the applicant's duly authorized agent. Application  
12 forms sent outside of the United States to a country other than Canada  
13 or Mexico, shall be sent airmail. Any reference to "board of elections"  
14 in the remaining provisions of this section, except with respect to the  
15 furnishing and obtaining of applications for absentee ballots, means  
16 only the board of elections of the county or city in which the applicant  
17 is a qualified voter, or pre-registered voter who will be qualified on  
18 the date of the next election.

19 (b) Applications may be filed with the board of elections, through the  
20 electronic absentee ballot application transmittal system or in person  
21 with the board of inspectors of the election district in which the  
22 applicant is a qualified voter, or pre-registered voter who will be  
23 qualified on the date of the next election, on one of the days provided  
24 for local registration.

25 (c) All applications requesting an absentee ballot by mail or through  
26 the electronic absentee ballot application transmittal system must be  
27 received by the board of elections not later than the fifteenth day  
28 before the election for which a ballot is first requested. Applications  
29 for an absentee ballot that will be delivered in person at the board of  
30 elections to the voter or to an agent of the voter must be received by  
31 such board not later than the day before such election.

32 (d) The board of elections shall mail an absentee ballot to every  
33 qualified voter, or pre-registered voter who will be qualified on the  
34 date of the next election, who is otherwise eligible for such a ballot,  
35 who requests such an absentee ballot from such board of elections in  
36 writing in a letter, telefax indicating the address, phone number and  
37 the telefax number from which the writing is sent or other written  
38 instrument, or an electronic application submitted by the voter through  
39 the electronic absentee ballot application transmittal system estab-  
40 lished by the state board of elections, which is signed by the voter and  
41 received by the board of elections not later than the fifteenth day  
42 before the election for which the ballot is first requested and which  
43 states the address where the voter is registered and the address to  
44 which the ballot is to be mailed; provided, however, a military voter  
45 may request a military ballot or voter registration application or an  
46 absentee ballot application in a letter as provided in subdivision three  
47 of section 10-106 of this chapter; and provided further, a special  
48 federal voter may request a special federal ballot or voter registration  
49 application or an absentee ballot application in a letter as provided in  
50 paragraph d of subdivision one of section 11-202 of this chapter. The  
51 board of elections shall enclose with such ballot a form of application  
52 for absentee ballot if the applicant is registered with such board of  
53 elections.

54 (e) When mailing an absentee ballot application to a voter the board  
55 of elections shall provide a domestic postage paid return envelope. When  
56 providing an absentee ballot application to a voter in-person, the board

1 of elections shall offer the voter a domestic postage paid return envel-  
2 ope and provide one if requested.

3 (b) A statement that the applicant is a qualified and registered  
4 voter, or pre-registered voter who will be qualified on the date of the  
5 next election.

6 8. Printed forms of applications for absentee ballots in accordance  
7 with the requirements of this section shall be provided by the board of  
8 elections. An appropriate number shall be retained by the board of  
9 elections for the purpose of furnishing an application form to each  
10 qualified voter, or pre-registered voter who will be qualified on the  
11 date of the next election, who applies therefor before the board of  
12 elections, either in person or by mail, and an appropriate number shall  
13 be delivered to each board of inspectors on registration days with the  
14 election supplies, and the board of inspectors shall retain the  
15 completed and unused applications and return them to the board of  
16 elections with their election supplies and an appropriate number shall  
17 be available for distribution to officers of political parties, county  
18 clerks, city, town and village clerks, colleges, libraries, hospitals,  
19 nursing homes, senior citizens centers and any other convenient distrib-  
20 ution source which is approved by the local or state board of elections  
21 and which requests such forms.

22 § 2. This act shall take effect immediately.