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:

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

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

2. A qualified voter**, or pre-registered voter who will be qualified on the date of the next election,** desiring to vote at such election as an absentee voter for any reason specified in subdivision one hereof must make application for an absentee ballot on a form to be obtained and filed as provided herein, by letter as provided in paragraph (d) of this subdivision, or through the electronic absentee ballot application transmittal 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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(a) Application forms shall be furnished by and may be obtained from any board of elections at any time until the day before such election, or on the electronic absentee ballot application transmittal system. Application forms shall also be supplied by the board of inspectors of the election district in which **the** applicant is a qualified voter**, or pre-registered voter who will be qualified on the date of the next election,** on all of the days provided for local registration. In addition, application forms shall be supplied upon the request of the person authorized to vote pursuant to this section, any such person's spouse, parent or child, a person residing with the applicant as a member of his **or her** household, or the applicant's duly authorized agent. Application forms sent outside of the United States to a country other than Canada or Mexico, shall be sent airmail. Any reference to "board of elections" in the remaining provisions of this section, except with respect to the furnishing and obtaining of applications for absentee ballots, means only the board of elections of the county or city in which the applicant is a qualified voter**, or pre-registered voter who will be qualified on the date of the next election**.

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

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

(d) The board of elections shall mail an absentee ballot to every qualified voter**, or pre-registered voter who will be qualified on the date of the next election, who is** otherwise eligible for such a ballot, who requests such an absentee ballot from such board of elections in writing in a letter, telefax indicating the address, phone number and the telefax number from which the writing is sent or other written instrument, or an electronic application submitted by the voter through the electronic absentee ballot application transmittal system established by the state board of elections, which is signed by the voter and received by the board of elections not later than the fifteenth day before the election for which the ballot is first requested and which states the address where the voter is registered and the address to which the ballot is to be mailed; provided, however, a military voter may request a military ballot or voter registration application or an absentee ballot application in a letter as provided in subdivision three of section 10-106 of this chapter; and provided further, a special federal voter may request a special federal ballot or voter registration application or an absentee ballot application in a letter as provided in paragraph d of subdivision one of section 11-202 of this chapter. The board of elections shall enclose with such ballot a form of application for absentee ballot if the applicant is registered with such board of elections.

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

of elections shall offer the voter a domestic postage paid return envelope and provide one if requested.

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

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

§ 2. This act shall take effect immediately.