STATE OF NEW YORK

4270

2023-2024 Regular Sessions

IN ASSEMBLY

February 14, 2023

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

AN ACT to amend the election law, in relation to providing absentee ballots to all qualified voters; and to repeal certain provisions of such law relating thereto

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

Section 1. Sections 8-400 and 8-402 of the election law are REPEALED and a new section 8-400 is added to read as follows:

§ 8-400. Absentee voting. Notwithstanding any provision of law to the contrary, a qualified voter may vote as an absentee voter under this chapter.

§ 2. Section 8-406 of the election law, as amended by section 2 of part HH of chapter 55 of the laws of 2022, is amended to read as follows:

§ 8-406. Absentee ballots[~~,~~]; delivery of. 1. [~~If the board shall find that the applicant is a qualified voter of the election district containing his residence as stated in his statement and that his statement is sufficient, it shall, as soon as practicable after it shall have determined his right thereto, mail to him at an address designated by him, or deliver to him, or to any person designated for such purpose in writing by him, at the office of the board, such an absentee voter's ballot or set of ballots and an envelope therefor. If the ballot or ballots are to be sent outside of the United States to a country other than Canada or Mexico, such ballot or ballots shall be sent by air mail. However, if an applicant who is eligible for an absentee ballot is a resident of a facility operated or licensed by, or under the jurisdiction of, the department of mental hygiene, or a resident of a facility defined as a nursing home or residential health care facility pursuant to subdivisions two and three of section two thousand eight hundred one of the public health law, or a resident of a hospital or other facility~~

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

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~~operated by the Veteran's Administration of the United States, such absentee ballot need not be so mailed or delivered to any such applicant but, may be delivered to the voter in the manner prescribed by section 8-407 of this chapter if such facility is located in the county or city in which such voter is eligible to vote.~~] The board of elections for all counties or cities shall mail an absentee ballot and a return postage guaranteed envelope to every registered and qualified voter residing in such county or city. Such absentee ballot shall be mailed to every registered and qualified voter at the address given on his or her registration records, or at an address specified by such voter pursuant to subdivision three of this section, no sooner than twenty days before the scheduled election and no later than fourteen days before the scheduled election is to be held.

2. In the case of a primary election, the board of elections shall deliver only the ballot of the party in which the records of the board of elections show the absentee voter to be enrolled. In the event a primary election is uncontested in the absentee voter's election district for all offices or positions except the party position of member of the ward, town, city or county committee, no ballot shall be delivered to such absentee voter for such election; and the absentee voter shall be advised why he or she is not being sent a ballot.

3. Any voter, upon application, may request that their absentee ballot be mailed to them at an address other than their permanent address, if he or she expects to be absent from the county or city of residence and unable to obtain their absentee ballot.

4. Should a voter be unable to mail the completed and sealed ballot, they may identify a single person to either mail the completed and sealed ballot by United States Postal Service or bring the completed and sealed ballot to the county board of elections on behalf of the voter. This person must certify at the board of elections that they will not handle any other ballots in that election.

[~~2.~~] 5. When mailing an absentee ballot to a voter the board of elections shall provide a domestic postage paid return envelope. When providing an absentee ballot to a voter in-person, the board of elections shall offer the voter a domestic postage paid return envelope and provide one if requested.

§ 3. This act shall take effect immediately.