

STATE OF NEW YORK

5280

2023-2024 Regular Sessions

IN ASSEMBLY

March 7, 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 authorizing the electronic submission of absentee ballots

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

1 Section 1. The election law is amended by adding a new section 8-416
2 to read as follows:

3 § 8-416. Absentee voters; submission of electronic absentee
4 ballots. 1. The state board of elections shall establish and maintain an
5 electronic absentee ballot submission system through which applicants
6 may return a marked absentee ballot electronically or via electronic
7 mail. The state board of elections shall deliver such marked ballots to
8 the applicable board of elections of each county or the city of New York
9 for filing, processing and verification consistent with the provisions
10 of this chapter. In accordance with technical specifications provided by
11 the state board of elections, each board of elections shall maintain a
12 system capable of receiving and processing marked absentee ballot infor-
13 mation, including digital signatures and typed signatures, from the
14 electronic absentee ballot application transmittal system established by
15 the state board of elections pursuant to section 8-408 of this title.
16 Notwithstanding any other inconsistent provision of this chapter,
17 ballots filed using such system shall be considered filed with the
18 applicable board of elections on the calendar date such application or
19 ballot is initially transmitted by the voter through the electronic
20 absentee ballot transmittal system.

21 2. Submission of a marked electronic absentee ballot shall only be
22 available for persons residing in a country other than the United States
23 while maintaining eligibility to vote in elections in New York, military
24 voters as defined in section 10-102 of this chapter, or for persons who

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

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1 need accommodation by reason of disability who are unable to independ-
2 ently mark a paper ballot.

3 § 2. Section 8-410 of the election law, as amended by chapter 228 of
4 the laws of 2022, is amended to read as follows:

5 § 8-410. Absentee voting; method of. 1. Marking of the ballot. The
6 absentee voter shall mark an absentee ballot as provided for paper
7 ballots or ballots prepared for counting by ballot counting machines.
8 [~~He or she~~] Such voter shall make no mark or writing whatsoever upon the
9 ballot, except as above prescribed, and shall see that it bears no such
10 mark or writing. [~~He or she~~] Such voter shall make no mark or writing
11 whatsoever on the outside of the ballot. In cases where the express
12 intent of the voter is unambiguous, any stray marks or writing shall not
13 be a basis for voiding a ballot.

14 2. Submission of the ballot; by mail. After marking the ballot or
15 ballots [~~he or she~~] the voter shall fold each such ballot and enclose
16 them in the envelope and seal the envelope. [~~He or she~~] The voter shall
17 then take and subscribe the oath on the envelope, with blanks properly
18 filled in. The envelope, containing the ballot or ballots, shall then be
19 mailed or delivered to the board of elections of the county or city of
20 [~~his or her~~] the voter's residence in accordance with subdivision three
21 of this section.

22 3. Submission of the ballot; by electronic transmission. The voter
23 shall then take and subscribe the oath, with blanks properly filled in.
24 Such voter shall then return the ballot or ballots via electronic mail
25 or electronically to the state board of elections using the electronic
26 absentee ballot submission system established pursuant to section 8-416
27 of this title.

28 § 3. Paragraphs (c) and (d) of subdivision 2 of section 8-408 of the
29 election law, as added by chapter 746 of the laws of 2021, are amended
30 to read as follows:

31 (c) The online absentee ballot application and submission process
32 shall provide reasonable accommodations to improve accessibility for
33 persons with disabilities and shall be compatible for use with standard
34 online accessibility assistance tools for persons with visual, physical
35 or perceptive disabilities, and meet the requirements of the latest
36 version of the Web Content Accessibility Guidelines (WCAG) Level AA.

37 (d) The state board of elections shall promulgate rules and regu-
38 lations for the creation and administration of an online absentee ballot
39 registration system pursuant to this section and for the electronic
40 submission of such absentee ballot pursuant to section 8-416 of this
41 title.

42 § 4. This act shall take effect on the first of January next succeed-
43 ing the date on which it shall have become a law. Effective immediately,
44 the addition, amendment and/or repeal of any rule or regulation neces-
45 sary for the implementation of this act on its effective date are
46 authorized to be made and completed on or before such effective date.