STATE OF NEW YORK

7632--A

2023-2024 Regular Sessions

IN ASSEMBLY

May 25, 2023

Introduced by M. of A. REYES, WOERNER -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, the education law, the town law and the New York city charter, in relation to establishing early mail voting

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

Section 1. This act shall be known and may be cited as the "New York Early Mail Voter Act".

§ 2. Article 8 of the election law is amended by adding a new title 7 to read as follows:

TITLE VII

EARLY MAIL VOTING

Section 8-700. Early voting by mail; application for ballot.

8-702. Early voting by mail; review of application by board of elections.

8-704. Early mail ballots; delivery of.

8-706. Electronic early mail ballot application transmittal system.

8-708. Early voting by mail; method of.

8-710. Early mail ballots; deadline for receipt, and delivery to polling place.

8-712. Online early mail ballot tracking system.

§ 8-700. Early voting by mail; application for ballot. 1. A registered voter may apply to the county board of elections in the county in which they are registered, or to the board of elections of the city of New York, if registered in the city of New York, to vote early by mail under this title in any election conducted by the board of elections in which the voter is eligible to vote.

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

LBD11608-04-3

2. A registered voter who desires to vote early by mail at an election must make an application to vote early by mail on a form to be obtained and filed as provided in this section, by letter as provided in paragraph (d) of this subdivision, or through the electronic early mail ballot application transmittal system pursuant to section 8-706 of this title.

(a) Application forms to vote early by mail 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 early mail 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 registered voter 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 their 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 by airmail. Any reference to "board of elections" in the remaining provisions of this section, except with respect to the furnishing and obtaining of applications to vote early by mail, means only the board of elections of the county or city in which the applicant is a registered voter.

(b) Applications may be filed with the board of elections, through the electronic early mail ballot application transmittal system or in person with the board of inspectors of the election district in which the applicant is a registered voter on one of the days provided for local registration.

(c) All applications requesting to vote early by mail transmitted by mail or through the electronic early mail ballot application transmittal system must be received by the board of elections not later than the tenth day before the election for which a ballot is first requested. Applications to vote early by mail delivered in person at the board of elections must be received by such board not later than the day before such election.

(d) The board of elections shall mail an early mail ballot to every registered voter otherwise eligible for such a ballot, who requests such an early mail 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 through an electronic application submitted by the voter through the electronic early mail 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 tenth 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.

(e) When mailing an early mail ballot application to a voter the board of elections shall provide a domestic postage paid return envelope. When providing an early mail 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.

3. The application for an early mail ballot when filed must contain in each instance the following information:

(a) Applicant's full name, date of birth, and residence address, including the street and number, if any, rural delivery route, if any,

mailing address if different from the residence address and their town or city and an address to which the ballot shall be mailed.

(b) A statement that the applicant is a registered voter in the county or city where they are applying to vote early by mail.

4. The application for an early mail ballot shall also provide the applicant the opportunity to provide their telephone number and e-mail address.

5. The application for an early mail ballot shall also provide the applicant the opportunity to request to receive an early mail ballot for all remaining elections in the calendar year in which the applicant is eligible to vote. If an applicant indicates in the application for an early mail ballot that they wish to receive an early mail ballot for all remaining elections in the calendar year, upon filing of such application, the board of elections shall indicate such request in the voter's registration record. When early mail ballots are mailed for subsequent elections in the calendar year in which the voter is eligible to vote, the board of elections shall mail an early mail ballot to the voter at their last known address by first class mail with a request to the postal authorities not to forward such ballot but to return it in five days in the event that it cannot be delivered to the addressee. However, the board shall not be required to mail an early mail ballot pursuant to this section if the voter's registration has been canceled since the filing of such application.

6. The application for an early mail ballot shall contain the following language printed in bold face directly above the signature line: "I CERTIFY THAT THE INFORMATION IN THIS APPLICATION IS TRUE AND CORRECT AND UNDERSTAND THAT THIS APPLICATION WILL BE ACCEPTED FOR ALL PURPOSES AS THE EQUIVALENT OF AN AFFIDAVIT AND, IF IT CONTAINS A MATERIAL FALSE STATEMENT, SHALL SUBJECT ME TO THE SAME PENALTIES AS IF I HAD BEEN DULY SWORN." Such application shall be accepted for all purposes as the equivalent of an affidavit and if it contains a material false statement shall subject the person signing it to the same penalties as if he or she had been duly sworn.

7. For purposes of this section, the use of titles, initials or customary abbreviations of given names by the signers or witnesses of an early mail ballot application or early mail ballot envelope, or the use of customary abbreviations of addresses of such signers or witnesses, shall not invalidate such voter's signature or witness's signature on an application for early mail ballot or upon canvass or recanvass of the ballot pursuant to this chapter.

8. (a) If a person entitled to an early mail ballot is unable to sign their application because of illness, physical disability or inability to read, they shall be excused from signing upon making a statement, in substantially the following form, which shall be witnessed by one person:

"I hereby state that I am unable to sign my application for an early mail ballot without assistance because I am unable to write by reason of illness or physical disability or because I am unable to read. I have made, or have received assistance in making, my mark in lieu of my signature."

.....
(Date)

.....
(Mark)
.....

(Name of Voter)

"I, the undersigned, hereby certify that the above named voter affixed their mark to this application in my presence and I know them to be the person who affixed their mark to said application and understand that this statement will be accepted for all purposes as the equivalent of an affidavit and if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn."

.....
(Signature of Witness)

.....
(Address of Witness)

(b) Such statement shall be included in the application form furnished by the board of elections.

9. Printed forms of applications for early mail 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 registered voter 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, and any other convenient distribution source which is approved by the local or state board of elections and which requests such forms.

10. The state board of elections shall prescribe a standard application form for use under this section. The use of any application form which substantially complies with the provisions of this section shall be acceptable and any application filed on such a form shall be accepted for filing.

§ 8-702. Early voting by mail; review of application by board of elections. 1. Upon receipt of an application to vote early by mail the board of elections shall determine whether the applicant is a registered voter of the county or city at the address listed in the application and is eligible to vote in the election or elections for which the application is filed. An application to vote early by mail filed or received simultaneously with or on the same day as a valid registration application from the applicant shall be considered valid.

2. If the board of elections determines that the applicant is not a registered voter of the county or city at the address listed in the application pursuant to subdivision one of this section or the applicant is not eligible to vote in all of the elections for which the application is filed, the board of elections shall immediately notify the applicant of the rejection of the application to vote early by mail and provide the reason for such rejection.

3. 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 applicant to be enrolled. In the event a primary election is uncontested in the applicant'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 applicant for such election; and the applicant shall be advised why they are not being sent a ballot.

4. The board shall keep a record of applications to vote early by mail as they are received, showing the names and residences of the applicants, and their party enrollment in the case of primary elections, and, as soon as practicable shall, when requested, give to the chairman of each political party or independent body in the county, and shall make available for inspection to any other registered voter upon request, a complete list of all applicants to whom early mail ballots have been delivered or mailed, containing their names and places of residence as they appear on the registration record, including the election district and ward, if any, and in the city of New York and the county of Nassau, the assembly district, and their party enrollment in the case of primary elections.

§ 8-704. Early mail ballots; delivery of. 1. If the board finds that the applicant is a registered voter of the county or city at the address listed in the application, the applicant is eligible to vote in the election at issue, and the application is otherwise sufficient, it shall, as soon as practicable, mail to the applicant at an address designated by them, or deliver to them, or to any person designated for such purpose in writing by them, at the office of the board, an early mail 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.

2. When mailing an early mail ballot to a voter the board of elections shall provide a domestic postage paid return envelope. When providing an early mail 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.

§ 8-706. Electronic early mail ballot application transmittal system. 1. In addition to any other means of applying for an early mail ballot, the state board of elections shall establish and maintain an electronic early mail ballot application transmittal system through which voters may apply for an early mail ballot online. The state board of elections shall electronically transmit such applications to the applicable board of elections of each county or the city of New York for processing consistent with this chapter. In accordance with technical specifications provided by the state board of elections, each board of elections shall maintain an early mail ballot application system capable of receiving and processing electronic early mail ballot applications, including, but not limited to, electronic signatures, from the electronic early mail ballot application transmittal system established by the state board of elections pursuant to this section. Such transmittal system shall be fully integrated with each county board of elections and the city of New York board of elections so that a voter may apply online directly either through the website of their board of elections or the state board of elections. Notwithstanding any other inconsistent provision of this chapter, applications filed using such system shall be considered filed with the applicable board of elections on the calendar date the application is initially transmitted by the voter through the electronic early mail ballot application transmittal system.

2. (a) A voter shall be able to apply for an early mail ballot using a personal online application submitted through the electronic early mail ballot application transmittal system when the voter:

(i) completes an electronic early mail ballot application promulgated by the state board of elections which shall include all of the information required by section 8-700 of this title; and

(ii) affirms, subject to penalty of perjury, by means of electronic or manual signature, that the information contained in the early mail ballot application is true; and

(iii) consents to the use of an electronic copy of the individual's manual signature that is in the custody of the department of motor vehicles, the state board of elections, or other agency designated by section 5-211 or 5-212 of this chapter, as the individual's early mail ballot exemplar signature, or provides such a signature by direct upload in a manner that complies with the New York state electronic signature and records act and the rules and regulations promulgated by the state board of elections.

(b) The board of elections shall provide the personal online early mail ballot application in any language required by the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503) in any county in the state.

(c) The online early mail ballot application process shall provide reasonable accommodations to improve accessibility for persons with disabilities and shall be compatible for use with standard online accessibility assistance tools for persons with visual, physical or perceptive disabilities.

(d) The state board of elections shall promulgate rules and regulations for the creation and administration of an early mail ballot application system pursuant to this section.

3. (a) If an early mail ballot exemplar signature is not provided by an applicant who submits an early mail ballot application pursuant to this section, the local board shall seek to obtain such exemplar signature from the statewide voter registration database, the state board of elections, or a state or local agency designated by section 5-211 or 5-212 of this chapter.

(b) If such exemplar signature is not available from the statewide voter registration database, the state board of elections, or a state or local agency designated by section 5-211 or 5-212 of this chapter, the local board of elections shall, absent another reason to reject the application, require the voter to provide an exemplar signature by any one of the following methods: in person, by electronic mail, or by electronic upload to the board of elections through the electronic early mail ballot application transmittal system.

(c) If such voter does not provide the required exemplar signature, the board of elections shall proceed to issue an early mail ballot to the voter along with an early mail ballot application form requiring such voter to submit a signature upon such application form and return it to the board of elections with the voter's ballot.

4. The electronic early mail ballot application transmittal system shall be combined on a single website with the electronic absentee ballot application transmittal system created pursuant to section 8-408 of this article. A person using the website must first be provided with an early mail ballot application before being offered the opportunity to apply for an absentee ballot. If a person submits an early mail ballot application, the person shall not be offered the opportunity to apply for an absentee ballot.

§ 8-708. Early voting by mail; method of. The early mail voter shall mark an early mail ballot as provided for paper ballots or ballots prepared for counting by ballot counting machines. They shall make no mark or writing whatsoever upon the ballot, except as above prescribed,

and shall see that it bears no such mark or writing. They shall make no mark or writing whatsoever on the outside of the ballot. In cases where the express intent of the voter is unambiguous, any stray marks or writing shall not be a basis for voiding a ballot. After marking the ballot or ballots they shall fold each such ballot and enclose them in the envelope and seal the envelope. They shall then take and subscribe the oath on the envelope, with blanks properly filled in. The envelope, containing the ballot or ballots, shall then be mailed or delivered to the board of elections of the county or city of their residence.

§ 8-710. Early mail ballots; deadline for receipt, and delivery to polling place. 1. The board of elections shall cause all early mail ballots received by it before the close of the polls on election day and all ballots contained in envelopes showing a cancellation mark of the United States postal service or a foreign country's postal service, or showing a dated endorsement of receipt by another agency of the United States government, with a date which is ascertained to be not later than the day of the election and received by such board of elections not later than seven days following the day of election to be cast and counted. For purposes of this section, any early mail ballot received by the board of elections by mail that does not bear or display a dated postmark shall be presumed to have been timely mailed or delivered if such ballot bears a time stamp of the receiving board of elections indicating receipt by such board on the day after the election.

2. Early mail ballots received by the board of elections shall be retained at the board of elections and cast and canvassed pursuant to the provisions of section 9-209 of this chapter.

§ 8-712. Online early mail ballot tracking system. 1. The state board of elections shall establish and maintain an electronic early mail ballot tracking system. In accordance with technical specifications provided by the state board of elections, each local board of elections shall maintain an early mail ballot tracking system integrated with the state board's system, and which may be integrated with the United States postal service tracking system, to allow a voter who has submitted an application for an early mail ballot to track the status of an early mail ballot application and an early mail ballot on the state board or local board website.

2. Such website shall not require users to create an account but shall require verification that the user is accessing their own record through the inclusion of data identifying the voter and the board of elections at which the voter is registered, and any other information required by the state board of elections.

3. The ballot tracking system shall indicate to the voter if the board:

(a) received such voter's application for an early mail ballot;

(b) approved or rejected such application and, if rejected, an indication of the reason for such rejection;

(c) mailed or delivered an early mail ballot to such voter, the date of such mailing or delivery, and the expected date of receipt;

(d) received the ballot back as undeliverable;

(e) received such voter's completed early mail ballot;

(f) determined the ballot envelope was subject to a cure; and

(g) counted or rejected such voter's completed early mail ballot and, if rejected, a brief statement of the reason for rejection.

4. The electronic early mail ballot tracking system shall be combined on a single website with the electronic absentee ballot tracking system created pursuant to section 8-414 of this article.

§ 3. Paragraphs (c) and (d) of subdivision 2 of section 8-400 of the election law, as separately amended by chapters 273 and 746 of the laws of 2021, are amended to read as follows:

(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~~] tenth 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 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~~] tenth 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.

§ 4. The election law is amended by adding a new section 7-119 to read as follows:

§ 7-119. Ballots; early mail voters. 1. (a) Ballots for early mail voters shall be, as nearly as practicable, in the same form as those to be voted in the district on election day, except that such ballots need not have a stub, and shall have the words "Early Mail Ballot", endorsed thereon.

(b) All provisions of this chapter not inconsistent with this subdivision shall be applicable to early mail ballots prepared for counting by a ballot scanner or by hand. The instructions for marking an early mail ballot shall be provided and shall be substantially as follows, so that they accurately reflect the ballot layout:

INSTRUCTIONS

Mark the (insert "oval" or "square") to the left of the name of your choice. (Provide illustration of correctly-marked voting position here.) To vote for a candidate whose name is not printed on the ballot, (insert "mark the oval (or square) to the left of 'write-in' and print the name clearly" or "print the name clearly in the box labeled 'write-in'"), staying within the box. Any mark or writing outside the spaces provided for voting may void the entire ballot. You have a right to a replacement ballot. If you make a mistake or want to change your vote, call the board of elections at (insert phone number here) for instructions on how to obtain a new ballot. The number of choices is listed for each contest. Do not mark the ballot for more candidates than allowed. If you do, your vote in that contest will not count.

(c) When a question or proposal is included on the ballot, instructions substantially similar to those provided in subdivision fifteen of section 7-104 of this article shall be included.

2. The determination of the appropriate county board of elections as to the candidates duly designated or nominated for public office or party position whose name shall appear on the early mail ballot and as to ballot proposals to be voted on shall be made no later than the day after the state board of elections issues its certification of those candidates to be voted for at the general, special or primary election. The determinations of the state board of elections and the respective county boards of elections shall be final and conclusive with respect to such offices for which petitions or certificates are required to be filed with such boards, as the case may be but nothing contained in this section shall prevent a board of elections, or a court of competent jurisdiction from determining at a later date that any such certification, designation or nomination is invalid and, in the event of such later determination, no vote cast for any such nominee by any voter shall be counted at the election.

3. There shall be three envelopes for each early mail ballot issued by mail: the inner affirmation envelope into which a voter places their voted ballot, the outer envelope which shall be addressed to the early mail voter, and the mailing envelope which is addressed to the county board of elections. The board of elections shall furnish with each early mail ballot an inner affirmation envelope. On one side of the envelope shall be printed:

OFFICIAL EARLY MAIL BALLOT
for
GENERAL (OR PRIMARY OR SPECIAL) ELECTION,

....., 20.....

Name of voter .....
Residence (street and number if any) .....
City/or town of (village, if any) .....
County of .....

Assembly District .....
Legislative District (as applicable) .....
Ward (as applicable) .....
Election District .....
Party Enrollment (in case of primary election) .....

4. The date of the election, name of the county, and name of a city, if there be a separate ballot for city voters, shall be printed, and the name of the voter, residence, number of the assembly district, if any, name of town, number of ward, if any, election district and party enrollment, if required, shall be either printed or written or stamped in by the board.

5. There shall also be a place for two board of elections staff members or inspectors of opposite political parties to indicate, by placing their initials thereon, that they have checked and marked the voter's poll record and a box labeled "BOE use only" for notations required when the board of elections reviews affirmation ballot envelopes pursuant to section 9-209 of this chapter.

6. On the reverse side of such inner affirmation envelope shall be printed the following statement:

AFFIRMATION

I do declare that I am a citizen of the United States, that I am duly registered in the election district shown on the reverse side of this envelope and I am qualified to vote in such district; that I have not qualified nor do I intend to vote elsewhere, that I have not committed any act nor am I under any impediment which denies me the right to vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of early mail voter, I shall be guilty of a misdemeanor.

Date ..... 20 .....

.....
Signature or mark of voter

.....
Signature of Witness
(required only if voter does not sign their own name)

.....
Address of Witness

7. The inner affirmation envelope shall be gummed, ready for sealing, and shall have printed thereon, on the side opposite the statement, instructions as to the duties of the voter after the marking of the ballot, which instructions shall include a specific direction stating when such ballot must be postmarked and when such ballot must reach the office of the board of elections in order to be canvassed.

8. Each inner affirmation ballot envelope shall be enclosed in an outer envelope addressed to the appropriate board of elections and bearing on it a specific direction that if an original application for an early mail ballot is received with the ballot, such application must be completed by the voter and returned in the outer envelope together with the sealed inner affirmation envelope containing the early mail ballot within the time limits for receipt of the early mail ballot itself. Such inner affirmation envelope and outer envelope shall be enclosed in the third envelope addressed to the early mail voter. The outer and third envelopes shall have printed on the face thereof the words "Election Material--Please Expedite".

§ 5. The election law is amended by adding a new section 15-119 to read as follows:

§ 15-119. Early mail voting at village elections. 1. A registered voter of a village may vote by early mail ballot under this section for a general or special village election in which the voter is eligible to vote.

2. A registered voter desirous of obtaining an early mail ballot shall make written application therefor to the village clerk. Application forms for use pursuant to this section shall be in a form prescribed by the state board of elections. The use of any application which is on a form prescribed by the state board of elections shall be acceptable.

3. An application for an early mail ballot must be signed by the applicant. If a person entitled to an early mail ballot is unable to

sign their application because of illness, physical disability or inability to read, they shall be excused from signing upon making a statement, in substantially the following form, which shall be witnessed by one person: "I hereby state that I am unable to sign my application for an early mail ballot without assistance because I am unable to write by reason of illness or physical disability or because I am unable to read. I have made, or have received assistance in making, my mark in lieu of my signature."

.....
(Date)

.....
(Mark)

.....
(Name of Voter)

"I, the undersigned, hereby certify that the above named voter affixed their mark to this application in my presence and I know them to be the person who affixed their mark to said application and understand that this statement will be accepted for all purposes as the equivalent of an affidavit and if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn."

.....
(Signature of Witness)

.....
(Address of Witness)

Such statement shall be included in the application blank form furnished by the village clerk.

4. The application for an early mail ballot when filed must contain in each instance the following information:

(a) Applicant's full name, date of birth, and residence address, including the street and number, if any, rural delivery route, if any, mailing address if different from the residence address and their village and an address to which the ballot shall be mailed.

(b) A statement that the applicant is a registered voter.

(c) Such application shall permit the applicant to apply for an early mail ballot for a single election or for all remaining elections in the calendar year for which the voter is eligible to vote.

5. The application for an early mail ballot shall also provide the applicant the opportunity to provide their telephone number and e-mail address.

6. Printed forms containing the application for the early mail ballot, in accordance with the requirements of this section, shall be in the form prescribed by the state board of elections and shall be provided by the village clerk and shall be available at the office of the clerk. Application forms for early mail ballots for use pursuant to this section shall be furnished by the village clerk upon request of the person authorized to vote under this section or by any such person's spouse, parent, child, authorized agent or any nurse charged with the care of such person.

7. An application must be received by the village clerk no earlier than four months before the election for which an early mail ballot is sought, except as provided in paragraph (c) of subdivision four of this section. If the application requests that the early mail ballot be mailed, such application must be received not later than seven days

before the election. If the applicant or their agent delivers the application to the village clerk in person, such application must be received not later than the day before the election. The village clerk shall examine each application. If the application is complete, the applicant is a registered voter of the village at the address listed in the application, and the applicant is eligible to vote in the election, the application shall be deemed accepted.

8. No later than six days before the election for which an application has been received and accepted by the village clerk, the village clerk shall mail, by regular mail, an early mail ballot to each applicant who has applied before such day and who has requested that such early mail ballot be mailed to them at the address set forth in their application. If the applicant or their agent delivers the application to the village clerk in person after the seventh day before the village election and not later than the day before the election, the village clerk shall forthwith deliver such early mail ballots for those applicants whom they determine are qualified to make such applications and to receive such ballots to such applicants or the agents named in the applications when such applicants or agents appear in the village clerk's office.

9. The early mail ballot shall be caused to be prepared and printed by the village clerk as provided by law for paper ballots or machine ballots, whichever are to be used in said election and appropriate modifications for the purposes of this section. The village clerk shall also cause to be prepared and printed return envelopes addressed to themself, conforming so far as may be practicable to the provisions of this chapter stating thereon that in order for the ballot contained therein to be counted it must be received by the village clerk not later than the close of the polls on election day. On the reverse side of each return envelope there shall be written instructions for the voter to insert at designated places their signature, their name printed, their residence address within the village and their village election district if there be more than one district within the village.

10. The method of marking, preparing and mailing such ballot for voting shall conform, wherever practicable, to the methods used for early mail ballots for a general election, except that the envelope in which it is contained shall be returned to the village clerk. On the day of the election, the village clerk shall deliver all such ballots, which have been returned to them, in the sealed envelopes to the board of inspectors of election of the proper election district. No such ballot shall be deemed to have been voted unless or until it shall have been delivered to the board of inspectors of election of the election district in which the elector casting the ballot resides and shall have been deposited by the chairman of such board in the box provided for receiving such ballot.

11. When such ballots shall have been delivered to the board of inspectors of election of the proper election district and shall have been duly determined by such board to have been lawfully cast by a qualified elector of such district, the chairman of such board shall, after the close of the polls, open the envelopes containing such ballots and, without unfolding such ballots or permitting the face thereof to be exposed to the view of anyone, shall deposit each such ballot in a box specifically furnished for such purpose by the village clerk. If the board of inspectors shall determine that any such ballot has been cast by an elector who would not be qualified under the provisions of this section, then such ballot shall not be counted.

12. After all the ballots shall have been deposited, the box shall be opened and such ballots canvassed in the same manner as other ballots cast at such election and shall be counted and included in the total of all ballots cast at such election.

§ 6. Paragraph b of subdivision 2 of section 15-124 of the election law is amended to read as follows:

b. the investigation of any registrant or any applicant for an **early mail or** absentee ballot to determine his **or her** qualifications to be registered or vote, and

§ 7. Subdivision 4 of section 3-108 of the election law is amended to read as follows:

4. Only those persons duly registered to vote upon the original date of the general election who did not vote on such date shall be entitled to vote on the additional day for voting. Voting on the additional day provided for in this section shall be accomplished solely by physically appearing at the polling place and nothing contained in this section shall be construed to extend the time set by law for casting or canvassing a military, **early mail,** absentee or special presidential ballot; provided, however, that nothing contained herein shall be deemed to invalidate any **early mail,** absentee, military or special presidential ballot duly received on the original date of the general election.

§ 8. Subdivision 3 of section 3-222 of the election law, as amended by chapter 282 of the laws of 2011, is amended to read as follows:

3. Except as hereinafter provided, packages of protested, void and wholly blank ballots, open packages of unused ballots and all **early mail,** absentee and military, special federal, special presidential and emergency ballots and ballot envelopes, if any, opened or unopened, shall be preserved for two years after the election. Sealed packages of unused ballots shall be retained for four months, and may then be destroyed, provided a certificate articulating the election district identifying data and numbers of such ballots is filed with the balance of ballots described in this section, for the balance of the two year retention period. Except as hereinafter provided, boxes containing voted paper ballots, if any shall be preserved inviolate for four months after the election, or until one month before the next election occurring within five months after a preceding election if such boxes are needed for use at such next election and if the officer or board in charge of such voted paper ballots is required by law to furnish ballot boxes therefor. Provided, however, that such ballot boxes and such packages may be opened, and their contents and the **early mail,** absentee and military, special federal, special presidential and emergency ballots and ballot envelopes may be examined, upon the order of any court or justice of competent jurisdiction. Boxes and envelopes containing **early mail,** absentee, military and emergency ballots voted at a general or special election, for the office of member of the senate or assembly, packages of void, protested and wholly blank ballots, unopened **early mail,** absentee and military ballot envelopes and the packages of unused ballots, in connection with such election, also may be opened, and their contents and such envelopes also may be examined, by direction of a committee of the senate or assembly to investigate and report on contested elections of members of the legislature. Unless otherwise ordered or directed by such a court, justice or committee, such boxes shall be opened and their contents and such packages and the envelopes containing voted ballots and ballot envelopes shall be destroyed, at the expiration of the period during which they are required by the provisions of this section to be preserved, except that instead of being destroyed, they may be sold and

the proceeds paid over in the manner provided with respect to the sale of books, records and papers pertaining to an election.

§ 9. Section 3-506 of the election law, as added by chapter 244 of the laws of 2009, is amended to read as follows:

§ 3-506. Boards of elections; voting materials in Russian. A board of elections in a city of over one million shall provide the same information in Russian that it provides in languages other than English on its website. It shall also produce and disseminate citywide a booklet that includes: (a) a voter registration form in English with instructions in Russian; (b) instructions in Russian regarding the criteria and application process for obtaining an **early mail or** absentee ballot; and (c) a section with general voter information in Russian including frequently asked questions. Such board may include other languages on its website and in such booklet.

§ 10. Subdivision 1 of section 4-117 of the election law, as amended by chapter 175 of the laws of 2022, is amended to read as follows:

1. The board of elections, between the third Tuesday in April and the second Friday in May in each year, shall send by mail on which is endorsed such language designated by the state board of elections to ensure postal authorities do not forward such mail but return it to the board of elections with forwarding information, when it cannot be delivered as addressed and which contains a request that any such mail received for persons not residing at the address be dropped back in the mail, a communication, in a form approved by the state board of elections, to every registered voter who has been registered without a change of address since the beginning of such year, except that the board of elections shall not be required to send such communications to voters in inactive status. The communication shall notify the voter in bold print contained in such notice of the days and hours of the ensuing primary and general elections, the place where he or she appears by his or her registration records to be entitled to vote, and also in other than bold type of the fact that voters who have moved or will have moved from the address where they were last registered must either notify the board of elections of his or her new address or vote by paper ballot at the polling place for his or her new address even if such voter has not re-registered, or otherwise notified the board of elections of the change of address. If the primary will not be held on the first Tuesday after the second Monday in September, the communication shall contain a conspicuous notice in all capital letters and bold font notifying the voter of the primary date. If the location of the polling place for the voter's election district has been moved, the communication shall contain the following legend in bold type: "YOUR POLLING PLACE HAS BEEN CHANGED. YOU NOW VOTE AT.....". **The communication shall indicate that any registered voter may vote early by mail by applying for an early mail ballot, and provide information on how to apply for an early mail ballot.** The communication shall also indicate whether the polling place is accessible to physically disabled voters, that a voter who will be out of the city or county on the day of the primary or general election or a voter who is ill or physically disabled may obtain an absentee ballot, that a physically disabled voter whose polling place is not accessible may request that his registration record be moved to an election district which has a polling place which is accessible, the phone number to call for applications to move a registration record or for **early mail or** absentee ballot applications, the phone number to call for the location of registration and polling places, the phone number to call to indicate that the voter is willing to serve on election day as

an election inspector, poll clerk, interpreter or in other capacities, the phone number to call to obtain an application for registration by mail, and such other information concerning the elections or registration as the board may include. In lieu of sending such communication to every registered voter, the board of elections may send a single communication to a household containing more than one registered voter, provided that the names of all such voters appear as part of the address on such communication.

§ 11. Subdivision 1 of section 4-119 of the election law, as amended by chapter 992 of the laws of 1984, is amended to read as follows:

1. The board or body authorized to designate places for registration in any city, other than the city of New York, shall publish on each day of registration a list of the places for registration designated within such city in two newspapers published in such city. The lists shall refer to the election districts by their numbers and wards or assembly districts. Such lists shall identify those polling places which do not provide access to handicapped voters. The board of elections of the city of New York shall publish in at least two newspapers in such city, a notice, at least one-half page in size, in English and such other languages as such board deems appropriate which shall set forth the dates and hours of registration and the phone number to call for information about location of polling places, their accessibility to the handicapped, applications for **early mail and** absentee ballots and any other subjects which such board deems appropriate. So far as is consistent with the provisions of this section, one of such newspapers in each such city or, in each county of the city of New York, shall represent each of the major political parties and shall have a large circulation affording wide publicity. If the newspaper is an evening newspaper the notice shall be published on the last day, other than a Sunday, prior to any such day of registration.

§ 12. Subdivision 3 of section 4-120 of the election law, as amended by chapter 359 of the laws of 1989, is amended to read as follows:

3. The board of elections of the city of New York shall publish on the eighth day before and the day before each general election, in at least two newspapers in such city, a notice, at least one-half page in size, in English and such other languages as such board deems appropriate, which sets forth the dates and hours of the election and the phone number to call for information about the location of polling places, their accessibility to the handicapped, applications for **early mail and** absentee ballots and any other subjects which such board deems appropriate.

§ 13. Subdivision 9 of section 5-210 of the election law, as amended by chapter 113 of the laws of 2023, is amended to read as follows:

9. The county board of elections shall, as soon as practicable and in any event, not later than seven days after receipt by it of the application, verify the identity of the applicant. In order to do so, the county board of elections shall utilize the information provided in the application and shall attempt to verify such information with the information provided by the department of motor vehicles, social security administration and any other lawful available information source. If the county board of elections is unable to verify the identity of the applicant within seven days of the receipt of the application, it shall immediately take steps to confirm that the information provided by the applicant was accurately utilized by such county board of elections, was accurately verified with other information sources and that no data entry error, or other similar type of error, occurred. Following

completion of the preceding steps, the county board of elections shall mail (a) a notice of its approval, (b) a notice of its approval which includes an indication that such board has not yet been able to verify the identity of the applicant and a request for more information so that such verification may be completed, or (c) a notice of its rejection of the application to the applicant in a form approved by the state board of elections. Notices of approval, notices of approval with requests for more information or notices of rejection shall be sent by nonforwardable first class or return postage guaranteed mail on which is endorsed such language designated by the state board of elections to ensure postal authorities do not forward such mail but return it to the board of elections with forwarding information, when it cannot be delivered as addressed and which contains a request that any such mail received for persons not residing at the address be dropped back in the mail. The voter's registration and enrollment shall be complete upon receipt of the application by the appropriate county board of elections. The failure of a county board of elections to verify an applicant's identity shall not be the basis for the rejection of a voter's application, provided, however, that such verification failure shall be the basis for requiring county board of elections to take the additional verification steps provided by this chapter. The notice shall also advise the registrant of the date when their registration and enrollment is effective, of the date and the hours of the next regularly scheduled primary or general election in which such registrant will be eligible to vote, of the location of the polling place of the election district in which such registrant is or will be a qualified voter, whether such polling place is accessible to physically handicapped voters, an indication that **any registered voter may vote early by mail and information on how to obtain an early mail ballot, that** physically handicapped voters or voters who are ill or voters who will be out of the city or county on the day of the primary or general election, may obtain an absentee ballot and the phone number to call for absentee ballot applications, the phone numbers to call for location of polling places, to obtain registration forms and the phone number to call to indicate that the voter is willing to serve on election day as an inspector, poll clerk or interpreter. The notice of approval, notice of approval with request for more information or notice of rejection shall also advise the applicant to notify the board of elections if there is any inaccuracy. The form of such mail notification shall be prescribed by the state board of elections and shall contain such other information and instructions as it may reasonably require to carry out the purposes of this section. The request for more information shall inform the voter that "THE FAILURE TO CONTACT THE BOARD OF ELECTIONS AND CORRECT ANY INACCURACIES IN THE APPLICATION OR PROVIDE REQUESTED ADDITIONAL INFORMATION MAY RESULT IN A REQUEST FOR IDENTIFICATION AT THE POLLS IN ORDER TO CAST A VOTE ON A VOTING MACHINE." If such notice is returned undelivered without a new address, the board shall forthwith send such applicant a confirmation notice pursuant to the provisions of section 5-712 of this article and place such applicant in inactive status. The state board of elections shall prepare uniform notices by this section as provided for in subdivision eight of section 3-102 of this chapter.

§ 14. Subdivision 18 of section 5-211 of the election law, as amended by section 1 of subpart M of part XX of chapter 55 of the laws of 2020, is amended to read as follows:

18. (a) (i) On or before January first, two thousand twenty, all institutions of the state university of New York and the city university

of New York shall create and make available to all students a webpage for voter education on each such institution's website, containing a link to an application for voter registration, a link to an application for an [~~absentee~~] **early mail** ballot, contact information for the county board of elections, and the name and contact information for the administrator responsible for voter registration assistance on each campus.

(ii) Each such institution shall, at the beginning of the school year, and again in January of a year in which the president of the United States is to be elected, provide an application for voter registration and an application for an [~~absentee~~] **early mail** ballot to each student in each such institution. Each institution shall be considered in compliance with the requirements of this subparagraph for each student to whom the institution electronically transmits a message containing the link to the webpage for voter education, the link to an application for voter registration and the link to an application for an [~~absentee~~] **early mail** ballot, if such information is in an electronic message devoted exclusively to voter registration.

(iii) Each such institution shall provide the same degree of assistance as required of participating agencies.

(b) The state university of New York and the city university of New York, on behalf of each institution within its system, shall on or before June first, two thousand twenty, and each subsequent year, submit a report disaggregated according to each institution to the state board of elections that includes:

(i) the efforts of the institution to register voters in the preceding calendar year;

(ii) a date-stamped screen shot of the webpage for voter education that contains the required information under paragraph (a) of this subdivision;

(iii) the number of students who were registered for course work in the preceding twelve months at such institution and the number of clicks on the links to online voter registration and [~~absentee~~] **early mail** ballot applications; and

(iv) any other efforts or recommendations the institution plans to implement to improve access to voter registration and [~~absentee~~] **early mail** ballot voting for students at the institution.

(c) The state board of elections shall make the reports provided pursuant to paragraph (b) of this subdivision publicly available on its website.

§ 15. Subdivision 5 of section 5-215 of the election law, as amended by chapter 375 of the laws of 2015, is amended to read as follows:

5. If a veterans health administration hospital in which any veteran entitled to vote in this state is a resident or patient, is located outside the State of New York, an application for an **early mail or** absentee ballot signed by such veteran or his or her spouse, parent or child accompanying or being with him or her, if a qualified voter and a resident of the same election district, shall constitute permanent personal registration.

§ 16. Subdivision 1 of section 5-502 of the election law, as amended by chapter 510 of the laws of 1985, is amended to read as follows:

1. The board of elections shall furnish in time for use by the boards of inspectors of election, the registration records, an American flag, a map or certified description of the election district, and the adjoining election districts, challenge affidavits, **early mail ballot applications,** absentee voting applications, a list of voters who are currently registered in the election district, a list of those voters who have

been cancelled in the last year with the reason for such cancellations, forms for statements of temporary absence, a sufficient number of copies of the ballot proposals to be submitted to the voters at the ensuing election, at least one copy of the instruction booklet for inspectors and all other forms and supplies required for the administration of the registration system as provided by this article.

§ 17. Paragraph i of subdivision 3 of section 5-614 of the election law, as added by chapter 24 of the laws of 2005, is amended to read as follows:

i. allow local boards of elections, using their own systems, to perform essential election functions including but not limited to processing of **early mail voters,** absentee voters, administration of poll workers and polling places, assignment of election jurisdictions based on residence and address and other functions necessary for the conduct of elections using voter registration information from the official statewide voter registration list.

§ 18. Subdivision 2-a and subparagraph (ii) of paragraph (e) of subdivision 3 of section 8-302 of the election law, subdivision 2-a as added by chapter 763 of the laws of 2021, and subparagraph (ii) of paragraph (e) of subdivision 3 as amended by chapter 113 of the laws of 2023, are amended to read as follows:

2-a. If a voter's name appears in the ledger or computer generated registration list with a notation indicating that the board of elections has issued the voter an **early mail,** absentee, military or special ballot, such voter shall not be permitted to vote on a voting machine at an early voting site or on election day but may vote by affidavit ballot.

(ii) They may swear to and subscribe an affidavit stating that they have duly registered to vote, the address in such election district from which they registered, that they remain a duly qualified voter in such election district, that their registration poll record appears to be lost or misplaced or that their name and/or their signature was omitted from the computer generated registration list or such record indicates the voter already voted when they did not do so or that they have moved within New York state since they last registered, the address from which they were previously registered and the address at which they currently reside, and at a primary election, the party in which they are enrolled. The inspectors of election shall offer such an affidavit to each such voter whose residence address is in such election district. Each such affidavit shall be in a form prescribed by the state board of elections, shall be printed on an envelope of the size and quality used for an [~~absentee~~] **early mail** ballot envelope, and shall contain an acknowledgment that the affiant understands that any false statement made therein is perjury punishable according to law. Such form prescribed by the state board of elections shall request information required to register such voter should the county board determine that such voter is not yet registered and shall constitute an application to register to vote. The voter's name and the entries required shall then be entered without delay and without further inquiry in the fourth section of the challenge report or in the place provided in the computer generated registration list, with the notation that the voter has executed the affidavit hereinabove prescribed, or, if such person's name appears in such registration list, the board of elections may provide a place to make such entry next to their name in such list. The voter shall then, without further inquiry, be permitted to vote an affidavit ballot provided for by this chapter. Such ballot shall thereupon be placed in the envelope

containing their affidavit, and the envelope sealed and returned to the board of elections in the manner provided by this chapter for protested official ballots, including a statement of the number of such ballots.

§ 19. Section 8-502 of the election law, as amended by chapter 373 of the laws of 1978, is amended to read as follows:

§ 8-502. Challenges; generally. Before his vote is cast at an election any person may be challenged as to his right to vote, or his right to vote by **early mail,** absentee, military, special federal or special presidential ballot. Such challenge may be made by an inspector or clerk, by any duly appointed watcher, or by any registered voter properly in the polling place. An inspector shall challenge every person offering to vote, whom he shall know or suspect is not entitled to vote in the district, and every person whose name appears on the list of persons to be challenged on election day which is furnished by the board of elections.

§ 20. The section heading and subdivision 1 of section 8-506 of the election law, the section heading as amended by chapter 8 of the laws of 1978 and subdivision 1 as amended by chapter 40 of the laws of 2009, are amended to read as follows:

Challenges; **early mail,** absentee, military, special federal and special presidential ballots. 1. During the examination of **early mail,** absentee, military, special federal and special presidential voters' ballot envelopes, any inspector shall, and any watcher or registered voter properly in the polling place may, challenge the casting of any ballot upon the ground or grounds allowed for challenges generally, or (a) that the voter was not entitled to cast an **early mail,** absentee, military, special federal or special presidential ballot, or (b) that notwithstanding the permissive use of titles, initials or customary abbreviations of given names, the signature on the ballot envelope does not correspond to the signature on the registration poll record, or (c) that the voter died before the day of the election. **A challenge to an early mail ballot may not be made on the basis that the voter should have applied for an absentee ballot. A challenge to an absentee ballot may not be made on the basis that the voter should have applied for an early mail ballot.**

§ 21. Subdivisions 1 and 3 of section 9-124 of the election law, as amended by chapter 437 of the laws of 2019, are amended to read as follows:

1. After the returns of the canvass are made out and signed, the inspectors shall enclose the ballot stubs, protested and void ballots and the ballots cast in affidavit envelopes in separate sealed envelopes or containers and endorse thereon a certificate signed by each of them stating the number of the district and the number of ballots contained in such envelopes or containers. The inspectors shall enclose the unscanned voted ballots canvassed in accordance with section 9-110 of this title in a separate sealed envelope or container and endorse thereon a certificate signed by each of them stating the number of the district, ballot scanner identification information and the number of ballots contained in such envelope or container. The inspectors shall then package and seal the other voted ballots and place them in one or more boxes or containers, and include within such boxes or containers one portable memory device from each ballot scanner pursuant to paragraph (d) of subdivision two of section 9-102 of this title, and any **early mail,** absentee, military, special federal, or special presidential ballots which may have been delivered to the poll site during election day, and securely lock and seal such boxes or containers. Notwithstand-

ing the preceding sentence, such portable memory device from each ballot scanner with the corresponding results tape may be enclosed in a sealed container and transported prior to and separately from other materials referenced in this section for the purpose of using such device to provide an unofficial tally of results as required by section 9-126 of this title.

3. (a) Except in the city of New York, the registration poll records or computer generated registration lists, the returns of canvass with results tapes and tally sheets, if any, annexed, the voted ballots, stubs, opened packages of unused ballots and ballot envelopes, any **early mail,** absentee, military, special federal, or special presidential ballots which may have been delivered to the poll site during election day, the challenge report records, keys and the package of protested and void ballots shall be filed with the board of elections.

(b) Records and supplies to be filed with a city, town or village clerk shall be so filed or delivered immediately after the completion of the returns of the canvass, by an inspector designated by the board of inspectors. Returns, papers and registration poll records or computer generated registration lists to be filed with the board of elections shall be so filed by the chairman of the board of inspectors within twenty-four hours after the completion of such returns. The person receiving such returns in the board of elections shall give to the person delivering the returns a receipt stating therein the date and hour of delivery, the name of the person making the delivery, and to whom said returns were delivered and shall keep a duplicate of said receipt on file in the office of the board of elections.

(c) In the city of New York, the board of inspectors shall deliver to police or peace officers designated by the police commissioner of such city, at the polling place the registration poll records or computer generated registration lists, challenge report, records, keys, other election supplies, including two copies of the returns of the canvass and any **early mail,** absentee, military, special federal, or special presidential ballots which may have been delivered to the poll site during election day, voted ballots, stubs, open packages of unused ballots and ballot envelopes. Such police or peace officers shall file the returns, the package of void and protested ballots, if any, and the **early mail,** absentee, military, special federal, **or** special presidential ballots which may have been delivered to the poll site during election day; and emergency ballots, stubs and ballot envelopes, if any, within twenty-four hours after the close of the polls, in the office of the board of elections or its branch office within the borough, as the case may be.

§ 22. The section heading and opening paragraph, subdivision 1, the subdivision heading and opening paragraph of subdivision 2, paragraphs (a) and (b) of subdivision 4, the subdivision heading and paragraph (f) of subdivision 6, paragraphs (a) and (k) of subdivision 7, the subdivision heading and paragraph (a) of subdivision 8 and subdivision 9 of section 9-209 of the election law, as added by chapter 763 of the laws of 2021, are amended to read as follows:

Canvass of **early mail,** absentee, military and special ballots, and ballots cast in affidavit envelopes. Before completing the canvass of votes cast in any primary, general, special, or other election at which voters are required to sign their registration poll records before voting, the board of elections shall proceed in the manner hereinafter prescribed to review, cast and canvass **early mail,** any absentee, military, special presidential, special federal or other special ballots and

any ballots cast in affidavit envelopes. Each such ballot shall be retained in the original envelope containing the voter's affidavit and signature, in which it is delivered to the board of elections until such time as it is to be reviewed, in order to be cast and canvassed.

1. Central board of canvassers. Within four days of the receipt of an **early mail,** absentee, military or special ballot, the board of elections shall designate itself or such of its employees as it shall deem appropriate as a set of poll clerks to review such ballot envelopes. The board may designate additional sets of poll clerks and if it designates more than one such set shall apportion among all such sets the election districts from which such ballots have been received, provided that when reviewing ballots, all ballots from a single election district shall be assigned to a single set of clerks, and that each such set shall be divided equally between representatives of the two major political parties. Each such set of clerks shall be deemed a central board of canvassers for purposes of this section.

Review of **early mail,** absentee, military and special ballot envelopes. Within four days of the receipt of an **early mail,** absentee, military or special ballot before the election, and within one day of receipt on or after the election, each central board of canvassers shall examine the ballot affirmation envelopes as nearly as practicable in the following manner:

(a) Such central board of canvassers shall review any federal write-in absentee ballots validly cast by an **early mail voter, an** absentee voter, a military voter or a special federal voter for the offices of president and vice-president, United States senator and representative in congress. Such central board of canvassers shall also review any federal write-in absentee ballots validly cast by a military voter for all questions or proposals, public offices or party positions for which a military voter is otherwise eligible to vote as provided in section 10-104 of this chapter.

(b) Federal write-in absentee ballots shall be deemed valid only if: (i) an application for an **early mail,** absentee, military or special federal ballot was received from the **early mail,** absentee, military or special federal voter; (ii) the federal write-in absentee ballot was submitted from inside or outside the United States by a military voter or was submitted from outside the United States by a special federal voter; (iii) such ballot is received by the board of elections not later than thirteen days following the day of election or seven days after a primary election; and (iv) the **early mail,** absentee, military or special federal ballot which was sent to the voter is not received by the board of elections by the thirteenth day following the day of a general or special election or the seventh day after a primary election.

Casting and canvassing of **early mail,** absentee, military and special ballots.

(f) Upon completing the casting and canvassing of any remaining valid ballots as hereinabove provided for any election district, the central board of canvassers shall thereupon, as nearly as practicable in the manner provided in this article for **early mail,** absentee, military and special ballots, verify the number of ballots so cast, tally the votes so cast, add such tally to the previous tally of all votes cast in such election district, and record the result.

(a) Within four business days of the election, the board of elections shall review all affidavit ballots cast in the election. If the central board of canvassers determines that a person was entitled to vote at such election it shall cast and canvass such affidavit ballot; provided,

however, if the board of elections receives one or more timely **early mail or** absentee ballots from a voter who also cast an affidavit ballot at a poll site, the last such timely **early mail or** absentee ballot received shall be canvassed and the affidavit ballot shall be set aside unopened; and provided further, if a voter was issued an **early mail or** absentee ballot and votes in person via an affidavit ballot and the board does not receive such **early mail or** absentee ballot, the affidavit ballot shall be canvassed if the voter is otherwise qualified to vote in such election.

(k) The board of elections shall enter information into the ballot tracking system, as defined in [~~section~~] **sections** 8-414 **and 8-712** of this chapter, to allow a voter who cast a ballot in an **early voting or** affidavit envelope to determine if the vote was counted.

Post-election review of invalid **early mail,** absentee, military and special ballots. (a) Within four business days of the election, the board of elections shall designate itself or such of its employees to act as a central board of canvassers as provided in subdivision one of this section and meet to review **early mail,** absentee, military and special ballots determined to be invalid pursuant to paragraph (a) of subdivision two of this section, ballot envelopes that were returned to the board as undeliverable, and ballot envelopes containing one or more curable defects that have not been timely cured.

9. State board of elections; powers and duties for canvassing of **early mail,** absentee, military, special and affidavit ballots. The state board of elections shall promulgate rules and regulations necessary for the implementation of the provisions of this section. Such rules and regulations shall include, but not be limited to, provisions to (a) ensure an efficient and fair review process that respects the privacy of the voter, (b) ensure the security of the central count scanners used before election day, and (c) ensure that ballots cast as provided in this section are canvassed and counted as if cast on election day.

§ 23. Section 10-122 of the election law, the section heading as amended by chapter 373 of the laws of 1978, is amended to read as follows:

§ 10-122. Military voter; **early mail or** absentee ballot, right to. Any military voter may vote by **early mail ballot or** absentee ballot rather than military ballot provided that he complies with the provisions of this chapter relating thereto.

§ 24. Subdivision 2 of section 10-124 of the election law, as added by chapter 262 of the laws of 2003, is amended to read as follows:

2. The state board of elections shall be responsible for providing information regarding voter registration procedures and [~~absentee~~] ballot procedures applicable to military and special federal voters wishing to register or vote in any jurisdiction of the state.

§ 25. Section 11-300 of the election law, as amended by chapter 163 of the laws of 2010, is amended to read as follows:

§ 11-300. Special ballots on account of religious scruples. A voter may deliver to the inspectors of election of the election district in which he is registered, or to the board of elections, at any time during the period in which an application for **early mail or** absentee ballot may be so delivered pursuant to the provisions of this chapter, a written statement of religious scruples against voting at a polling place located in a premises used for religious purposes. In the event the polling place for any such voter's election district shall be located in a premises used for religious purposes, the board of elections shall permit such voter to cast a special ballot, at an office of such board

of elections, not earlier than one week before the election and not later than the close of the polls on election day. Such ballots shall be retained at the board of elections and cast and canvassed pursuant to the provisions of section 9-209 of this chapter.

§ 26. Subdivision 1 of section 11-306 of the election law, as amended by chapter 150 of the laws of 2019, is amended to read as follows:

1. A voter may deliver to the board of elections, in person or by mail, at any time during the period in which **early mail or** absentee ballot applications may be delivered, a signed written statement swearing or affirming:

(a) that he or she is the victim of domestic violence;

(b) that he or she has left his or her residence because of such violence; and

(c) that because of the threat of physical or emotional harm to himself or herself or to family or household members, he or she wishes to cast a special ballot in the next election. The statement must include the voter's address of registration. The board of elections shall permit such a voter to cast a special ballot at an office of such board of elections not later than the close of the polls on election day, or by mail within the same time and in the same manner in which **early mail or** absentee ballots may be cast, provided however that the distribution of such ballots to such voters shall be timed to afford such voters sufficient time to cast such ballots prior to the close of the polls on election day. Such ballots shall be retained at the board of elections and cast and canvassed pursuant to the provisions of section 9-209 of this chapter.

§ 27. Subdivisions 1 and 2 of section 11-308 of the election law, as added by chapter 485 of the laws of 2016, are amended to read as follows:

1. A registered voter who serves as an emergency responder in times of emergency, as declared by the governor or a court of competent jurisdiction, may apply to the board of elections by letter or special application via mail, facsimile or e-mail, for a special ballot. Such application or letter may be delivered to the board of elections at any time prior to any election, without regard to deadlines for the receipt of **early mail or** absentee ballot applications.

2. Emergency responders may utilize an **early mail or** absentee ballot application to request a special ballot, or may file a written statement that he or she will be unable to appear at the polling place on the day of an election because his or her duties as an emergency responder require such voter to be elsewhere. The emergency responder shall designate a preference for the receipt of a special ballot. The board of elections shall provide such voter a special ballot immediately upon such request, and shall utilize overnight express delivery for such mail ballot delivery. If the designated preference is for facsimile or electronic transmission, the ballot shall be furnished in the same manner applicable to military voters who request ballots in such format.

§ 28. Section 15-100 of the election law, as amended by chapter 359 of the laws of 1989, is amended to read as follows:

§ 15-100. Application of article. This article applies to all general and special village elections for officers and all the provisions of this chapter, not inconsistent with this article, shall apply to all village elections, except that if a village has adopted a resolution pursuant to paragraph c of subdivision one of section 15-104 of this article, the other provisions of this chapter governing the conduct of elections and proceedings relating thereto, including the manner and

times for making nominations and proceedings relating to **early mail and** absentee voting, and the provisions of this article not inconsistent with other provisions of this chapter shall apply to such elections.

§ 29. Subdivision 8 of section 15-118 of the election law, as amended by chapter 217 of the laws of 1992, is amended to read as follows:

8. The village clerk shall furnish the inspectors of election, at village expense, with all necessary registration books, papers, equipment and supplies. The village clerk shall also deliver to the inspectors a list of all persons who have applied for **early mail or** absentee ballots for the election for which the registration meeting is being held.

§ 30. Subdivisions 1 and 5 of section 16-106 of the election law, as amended by chapter 763 of the laws of 2021, are amended to read as follows:

1. The post-election refusal to cast: (a) challenged ballots, blank ballots, or void ballots; (b) **early mail,** absentee, military, special, or federal write-in ballots; (c) emergency ballots; and (d) ballots voted in affidavit envelopes may be contested in a proceeding instituted in the supreme or county court, by any candidate or the chairman of any party committee, and by any voter with respect to the refusal to cast such voter's ballot, against the board of canvassers of the returns from such district, if any, and otherwise against the board of inspectors of election of such district. If the court determines that the person who cast such ballot was entitled to vote at such election, it shall order such ballot to be cast and canvassed, including if the court finds that ministerial error by the board of elections or any of its employees caused such ballot envelope not to be valid on its face.

5. In the event procedural irregularities or other facts arising during the election suggest a change or altering of the canvass schedule, as provided for in section 9-209 of this chapter, may be warranted, a candidate may seek an order for temporary or preliminary injunctive relief or an impound order halting or altering the canvassing schedule of **early mail,** absentee, military, special or affidavit ballots. Upon any such application, the board or boards of elections have a right to be heard. To obtain such relief, the petitioner must meet the criteria in article sixty-three of the civil practice law and rules and show by clear and convincing evidence, that, because of procedural irregularities or other facts arising during the election, the petitioner will be irreparably harmed absent such relief. For the purposes of this section, allegations that opinion polls show that an election is close is insufficient to show irreparable harm to a petitioner by clear and convincing evidence.

§ 31. Subdivision 4 of section 16-108 of the election law is amended to read as follows:

4. Such court, justice or judge, in a proceeding instituted by any voter unlawfully denied an **early mail or** absentee ballot or the application therefor, shall compel, by order, the delivery to such voter of a ballot or application.

§ 32. Subdivision 8 of section 17-132 of the election law is amended and a new closing paragraph is added to read as follows:

8. Fraudulently signs the name of another upon an **early mail or** absentee voter's envelope or aids in doing or attempting to do a fraudulent act in connection with an **early mail or** absentee vote cast or attempted to be cast; or,

§ 33. Paragraph (b) of subdivision 1 of section 17-212 of the election law, as added by chapter 226 of the laws of 2022, is amended to read as follows:

(b) A violation of paragraph (a) of this subdivision shall be established if:

(i) a person uses or threatens to use any force, violence, restraint, abduction or duress, or inflicts or threatens to inflict any injury, damage, harm or loss, or in any other manner practices intimidation that causes or will reasonably have the effect of causing any person to vote or refrain from voting in general or for or against any particular person or for or against any proposition submitted to voters at such election; to place or refrain from placing their name upon a registry of voters; or to request or refrain from requesting an **early mail or** absentee ballot; or

(ii) a person knowingly uses any deceptive or fraudulent device, contrivance or communication, that impedes, prevents or otherwise interferes with the free exercise of the elective franchise by any person, or that causes or will reasonably have the effect of causing any person to vote or refrain from voting in general or for or against any particular person or for or against any proposition submitted to voters at such election; to place or refrain from placing their name upon a registry of voters; or to request or refrain from requesting an **early mail or** absentee ballot; or

(iii) a person obstructs, impedes, or otherwise interferes with access to any polling place or elections office, or obstructs, impedes, or otherwise interferes with any voter in any manner that causes or will reasonably have the effect of causing any delay in voting or the voting process, including the canvassing and tabulation of ballots.

§ 34. Subdivision 1 of section 1512 of the education law, as amended by chapter 461 of the laws of 1996, is amended to read as follows:

1. Such meeting shall be organized as provided in section fifteen hundred twenty-three. Such meeting may adopt a resolution to consolidate such districts if two-thirds of the qualified electors of each district having less than fifteen of such electors are present, or in case of districts having fifteen or more qualified electors if ten or more are present. The vote upon such resolution shall be by ballot or by taking and recording the ayes and noes. If the vote shall be by taking and recording the ayes and noes, the clerk and such assistants as may be provided for him by the meeting shall keep a poll-list upon which shall be recorded the names of all qualified electors voting upon the resolution, the districts in which such electors reside, and how each elector voted. If the vote shall be by ballot, one or more inspectors of election shall be appointed in such manner as the meeting shall determine, who shall receive the votes cast, canvass the same and announce the result of the ballot to the chairman. If the vote shall be by ballot then voting machines may be used in the manner prescribed by section two thousand thirty-five of this [~~chapter~~] **title** and provision shall be made for absentee ballots as provided in section two thousand eighteen-a or two thousand eighteen-b of this [~~chapter~~] **title, whichever shall apply, and early mail ballots as provided in section two thousand eighteen-e or two thousand eighteen-f of this title, whichever shall apply**. If it shall appear that a majority of the qualified electors present and voting from each district are in favor of such resolution, it shall be declared adopted and where at least one of the districts consolidated is a union free school district it shall be lawful for such meeting thereafter to proceed to the election of a board of education as

provided in sections seventeen hundred two and seventeen hundred four of this [~~chapter~~] **title**. If a majority of the qualified electors present and voting from each district are not in favor of such resolution, all further proceedings at such meeting, except a motion to reconsider or adjourn, shall be dispensed with and no such meeting shall be again called within one year thereafter.

§ 35. Subdivision 5 of section 1522 of the education law, as amended by chapter 461 of the laws of 1996, is amended to read as follows:

5. Whenever fifteen persons, entitled as aforesaid, from each of two or more adjoining districts, shall unite in a request for a meeting of the inhabitants of such districts, to determine whether such districts shall be consolidated by the establishment of a union free school district therein, it shall be the duty of the trustees of such districts, or a majority of them, to submit such proposed consolidation to the commissioner of education for approval. If the commissioner approve such proposed consolidation, it shall be the duty of such trustees, or a majority of them, to give public notice of such meeting, at some convenient place within such districts, and as central as may be, within the time and to be published and served in the manner set forth in this section, in each of such districts and to provide for the use of absentee ballots as provided under section two thousand eighteen-a or two thousand eighteen-b of this [~~chapter~~] **title**, whichever shall apply**, and early mail ballots as provided in section two thousand eighteen-e or two thousand eighteen-f of this title, whichever shall apply**.

§ 36. Subdivision 1 of section 1524 of the education law, as amended by chapter 461 of the laws of 1996, is amended to read as follows:

1. Notwithstanding the provisions of this chapter or any other general, special, or local law to the contrary, whenever the qualified voters of a school district which is contiguous to the city school district of a city with less than one hundred twenty-five thousand inhabitants, according to the latest federal census, by a majority vote taken at an annual or special meeting of such district shall adopt a proposition to consolidate such school district with such city school district, and the board of education of such city school district shall by resolution duly adopted consent thereto, the commissioner of education may by order consolidate such school district with such city school district; provided, however, that where several school districts are contiguous to each other and at least one of such school districts is contiguous to such city school district, such vote may be taken in each of such school districts at the same time, and if the proposition to consolidate is adopted by a majority vote in each such district, including any votes cast by absentee ballot as provided under section two thousand eighteen-a or two thousand eighteen-b of this [~~chapter~~] **title**, whichever shall apply, **and any votes cast by early mail ballots as provided in section two thousand eighteen-e or two thousand eighteen-f of this title, whichever shall apply,** and upon the consent of the city school district board of education, the commissioner of education may include each such district in one order of consolidation; provided, further, however, that if the proposition to consolidate is not adopted by a majority vote in each such district, but is so adopted in one or more of such districts, upon the consent of the city school district board of education, the commissioner may include in one order of consolidation only such district or districts as, either singly or as a group, are contiguous to such city school district. Such order shall specify a date on which the same shall take effect, and shall have the same effect as an order made by a district superintendent dissolving two or more common

school districts and forming a new district therefrom, or dissolving one or more common school districts and uniting the territory thereof to a union free school district under the provisions of article thirty-one of this [~~chapter~~] title. A copy of such order shall be filed with the clerk of each school district affected thereby.

§ 37. Subdivision 5 of section 1803 of the education law, as amended by chapter 461 of the laws of 1996, is amended to read as follows:

5. Votes upon the adoption of a resolution shall be cast in the same manner as votes for the election of school district trustees. The commissioner of education may order such modifications in the manner of voting as are customary for school district elections in the community affected by such vote. Such modifications may include the use of voting machines and shall include the use of absentee ballots as provided under section two thousand eighteen-a or two thousand eighteen-b of this [~~chapter~~] title, whichever shall apply, and early mail ballots as provided in section two thousand eighteen-e or two thousand eighteen-f of this title, whichever shall apply.

§ 38. Paragraph f of subdivision 2 of section 1803-a of the education law, as added by chapter 461 of the laws of 1996, is amended to read as follows:

f. Provision shall be made for the use of absentee ballots as provided under section two thousand eighteen-a or two thousand eighteen-b of this [~~chapter~~] title, whichever shall apply, and early mail ballots as provided under section two thousand eighteen-e or two thousand eighteen-f of this title, whichever shall apply.

§ 39. Subdivision 2 of section 1951 of the education law is amended by adding a new paragraph t to read as follows:

t. The board of cooperative educational services shall provide early mail ballots to qualified voters. The commissioner shall adopt regulations for the purposes of implementing the provisions of this paragraph which shall include, but not be limited to, creating the procedure for which such early mail ballots shall be submitted; providing that such early mail ballots shall be, as nearly as practicable, in the same form as those voted at the district election; requiring that any early mail ballot applicant is or will be, on the day of the vote, a qualified voter of the board of cooperative educational services and that he or she will be on such date over eighteen years of age, a citizen of the United States and has or will have resided in said district for thirty days next preceding such date; and providing instructions as to the proper marking thereof.

§ 40. Subdivision 7 of section 2004 of the education law, as added by chapter 219 of the laws of 1978, is amended to read as follows:

7. Such notice shall also state that applications for early mail and absentee ballots for election of board members may be applied for at the office of the clerk of the district. Such notice, in such case, shall further state that a list of all persons to whom early mail and absentee ballots shall have been issued, will be available in the said office of the clerk on each of the five days prior to the day of the election except Sundays, and that such list will also be posted at the polling place or places at the election of members of the board of education.

§ 41. Subdivision 6 of section 2018-a of the education law, as amended by chapter 29 of the laws of 2000, is amended to read as follows:

6. The board of registration shall make a list of all persons to whom absentee voter's ballots shall have been issued and file such list in the office of the clerk where it shall be available for public inspection during regular office hours until the day of the election.

Any qualified voter may, upon examination of such list, file a written challenge of the qualifications as a voter of any person whose name appears on such list, stating the reasons for such challenge. **A challenge to an absentee ballot may not be made on the basis that the voter should have applied for an early mail ballot.** Such written challenge shall be transmitted by the clerk to the inspectors of election on election day.

§ 42. Subdivisions 3 and 7 of section 2018-b of the education law, subdivision 3 as amended by chapter 46 of the laws of 1992 and subdivision 7 as amended by chapter 29 of the laws of 2000, are amended to read as follows:

3. If, upon examining the application required under the provisions of subdivision two of this section, and upon such inquiry as it deems proper, the clerk of the school district or designee of the trustees or school board shall be satisfied that the applicant is a qualified voter of the district, and entitled to vote by absentee ballot, such clerk of the school district or designee of the trustees or school board shall cause to be issued or mailed to the applicant an absentee voter's ballot and the clerk of the school district or designee of the trustees or school board shall make an appropriate entry on the poll list pursuant to section two thousand twenty-nine of this [~~article~~] **part**.

7. The clerk of the school district or designee of the trustees or school board shall make a list of all persons to whom absentee voter's ballots shall have been issued and maintain such list where it shall be available for public inspection during regular office hours until the day of the election. Any qualified voter may, upon examination of such list, file a written challenge of the qualifications as a voter of any person whose name appears on such list, stating the reasons for such challenge. **A challenge to an absentee ballot may not be made on the basis that the voter should have applied for an early mail ballot.** Such written challenge shall be transmitted by the clerk or the designee of the trustees or school board to the inspectors of election on election day.

§ 43. The education law is amended by adding a new section 2018-e to read as follows:

§ 2018-e. Early mail ballots for school district elections. 1. The board of education of any union free, central or central high school district which elects school board members by ballot and provides for personal registration of voters, shall provide for early mail ballots for the election of members of the board of education and school district public library trustees, the adoption of the annual budget and school district public library budget and referenda, in accordance with the provisions of this section.

1-a. In counties with a population of one million or more, the board of education of any union free, central or central high school district which elects school board members by ballot and provides for personal registration of voters shall provide for early mail ballots for the election of members of the board of education and school district public library trustees, the adoption of the annual budget and school district public library budget and referenda, in accordance with the provisions of this section.

2. a. A qualified voter may vote as an early mail voter under this section.

b. Each person entitled to vote as an early mail voter pursuant to this section and desirous of obtaining an early mail ballot shall make written application therefor to the district clerk. Application forms

for use pursuant to this section shall be in a form prescribed by the state board of elections. The use of any application which is on a form prescribed by the state board of elections shall be acceptable.

c. The application for an early mail ballot when filed must contain in each instance the following information:

(1) Applicant's full name, date of birth, and residence address, including the street and number, if any, rural delivery route, if any, mailing address if different from the residence address and an address to which the ballot shall be mailed.

(2) A statement that the applicant is a qualified and registered voter.

d. Such application shall include the following statement to be signed by the voter:

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of application for early mail ballot, I shall be guilty of a misdemeanor.

Date.....Signature of Voter .....

e. An application must be received by the district clerk no earlier than the thirtieth day before the election for which an early mail ballot is sought. If the application requests that the early mail ballot be mailed, such application must be received not later than seven days before the election. If the applicant or their agent delivers the application to the district clerk in person, such application must be received not later than the day before the election. The district clerk shall examine each application and shall determine from the information contained therein whether the applicant is qualified under this section to receive an early mail ballot.

f. No later than six days before the election for which an application has been received and for which the district clerk has determined the applicant to be qualified to vote by early mail ballot the district clerk shall mail, by regular mail, an early mail ballot to each qualified applicant who has applied before such day and who has requested that such early mail ballot be mailed to him or her at the address set forth in their application. If the applicant or their agent delivers the application to the district clerk in person after the seventh day before the election and not later than the day before the election, the district clerk shall forthwith deliver such early mail ballots for those applicants whom he or she determines are qualified to make such applications and to receive such ballots to such applicants or the agents named in the applications when such applicants or agents appear in the district clerk's office.

3. If, upon examining the application required under the provisions of subdivision two of this section, and upon such inquiry as it deems proper, the board of registration shall be satisfied that the applicant is a qualified voter of the district entitled to vote by early mail ballot, such board shall place their name upon the register, thereupon the applicant shall be issued or mailed an early mail voter's ballot and the board of registration shall make an appropriate entry on the register indicating that an early mail ballot has been applied for by, and issued to, the applicant.

4. Ballots for early mail voters shall be, as nearly as practicable, in the same form as those to be voted at the district election; if the vote at such election shall be by ballot, the early mail ballot shall conform to the regular ballot; if the vote of such election shall be by voting machine, the early mail ballot shall conform as closely as possi-

ble to the manner in which the names of the candidates, the questions and the propositions appear on the voting machines, except that the early mail ballot shall also contain a space for a write-in or write-ins. Such early mail ballots shall also contain instructions as to the proper marking thereof, in accordance with the provisions of sections two thousand thirty-two and two thousand thirty-four of this part. On the back of such early mail ballots shall be printed the words "Official Ballot, Early Mail Voter".

5. a. The board of registration shall enclose each early mail voter's ballot in an envelope which shall be labelled:

ELECTION MATERIAL
PLEASE EXPEDITE

On one side of such envelope shall be printed:

OFFICIAL BALLOT, EARLY MAIL VOTER
for
School District Election

Name of Voter .....
Residence (street and number, if any) .....
City (or Town) of .....
County of .....
School District .....
School Election District (if applicable) .....

The date of the election and name of the school district shall be printed, and the name of the voter, residence, school district and school election district (if applicable) shall be written in by the board of registration.

b. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF EARLY MAIL VOTER

I do declare that I am a citizen of the United States, and will be at least eighteen years of age, on the date of the school district election; that I will have been a resident of this state and of the school district and school election district, if any, shown on the reverse side of this envelope for thirty days next preceding the said election and duly registered in the school district and school election district, if any, shown on the reverse side of this envelope and that I am or on such date will be, a qualified voter of said school district; that I have not qualified, or do I intend to vote, elsewhere than as set forth on the reverse side of this envelope; that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of a vote at this school district election, and have not made any promise to influence the giving or withholding of any such votes; that I have not made or become directly or indirectly interested in any bet or wager depending upon the result of this school district election; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the right of suffrage, or received a certificate of relief from disabilities or a certificate of good conduct pursuant to article twenty-three of the correction law removing my disability to register and vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material

false statement in the foregoing statement of early mail voter, I shall be guilty of a misdemeanor.

Date ..... Signature of Voter .....

c. The envelope shall be gummed, ready for sealing, and shall have printed thereon, on the side opposite the statement, instructions as to the duties of the voter after the marking of the ballot, which instructions shall include a specific direction stating that the envelope must reach the office of the clerk of the school district not later than five P.M. on the day of the election in order that their vote may be canvassed.

d. A person who shall make any material false statement in the statement of early mail voter appearing on the reverse side of the envelope as provided in this subdivision, shall be guilty of a misdemeanor.

6. The board of registration shall make a list of all persons to whom early mail voter's ballots shall have been issued and file such list in the office of the clerk where it shall be available for public inspection during regular office hours until the day of the election. Any qualified voter may, upon examination of such list, file a written challenge of the qualifications as a voter of any person whose name appears on such list, stating the reasons for such challenge. A challenge to an early mail voter may not be made on the basis that the voter should have applied for an absentee ballot. Such written challenge shall be transmitted by the clerk to the inspectors of election on election day.

7. a. The board of registration shall be authorized to call upon the commissioner of police and the officers and members of the police force for such assistance in the enforcement of the provisions of this section as such board shall require, and such commissioner and officers and members of the police force shall be authorized to render such assistance.

b. The board of registration may require any person to attend before it at the office of the clerk of the school district and be examined by the board as to any matter in relation to which such board is charged with a duty under this section, and may issue a subpoena therefor. Each member of such board shall be authorized to administer any oath that may be required or authorized by law in this connection.

8. No early mail voter's ballot shall be canvassed, unless it shall have been received in the office of the clerk of the school district not later than five P.M. on the day of the election.

9. The clerk of the district shall, on the day of the election, transmit all early mail voters' envelopes, received by them in accordance with subdivision eight of this section, to the inspectors of election.

10. If, at the school district election, any early mail voters' envelopes shall have been received at the polling place, the inspectors of election immediately after the closing of the polls shall examine them, and shall compare the signature, if any, on each envelope with the signature, if any, on the register, of the person of the same name who registered from the same address. If the signatures are found to correspond, the inspectors shall certify thereto by signing their initials opposite the name of the voter at the appropriate place in the register. If a person whose name is on an envelope as a voter, shall have already voted in person at such school district election, or if their name, residence and signature, as stated on the envelope, are not on the register, or if there is no signature on the envelope, this envelope shall be laid aside unopened and be returned unopened to the clerk of the district. If such person is found to be registered and has not so

voted in person, and if no objection is made, or if an objection made be not sustained, the envelope shall be opened and the ballot withdrawn without unfolding and deposited in the proper box or boxes. At the time of the deposit of such ballot, the inspectors shall enter the words "early mail vote" at an appropriate place in the register.

11. During such examination any qualified voter present in the polling place may object to the voting of the ballot contained in any envelope upon the ground or grounds that the person named thereon is not a qualified voter of the school district, or school election district (where applicable). An inspector shall make such an objection if he shall know or suspect that the person named on such envelope is not such a qualified voter. The inspectors of election shall forthwith proceed to determine each objection including any written challenge transmitted to them by the district clerk as provided in subdivision six of this section. Unless the inspectors, by majority vote, shall sustain the objection, the chairman, or if he refuses, another inspector shall endorse upon the envelope the objection and the words "not sustained," shall sign such endorsement, and shall open the envelope and deposit the ballot as provided in this section. Should the inspectors, by majority vote, sustain such objection, the objection and word "sustained" shall be similarly endorsed upon the envelope, the envelope shall not be opened nor the ballots therein canvassed, and such envelope shall be returned unopened to the clerk of the district. If the inspectors of election shall have received an envelope endorsed with the name of a person who to the knowledge of the inspectors is deceased on the day of the election, the inspectors shall return such envelope unopened to the clerk of the district with the words "deceased--objection sustained" endorsed on the envelope.

12. If the inspectors of election shall have received an envelope, and upon opening the same no ballot shall be found therein, the inspectors shall make a memorandum showing that the ballot is missing. When the casting of early mail voters' ballots shall have been completed, the inspectors shall ascertain the number of such ballots which have been deposited in the ballot box by deducting from the number of envelopes opened the number of missing ballots, and shall make a separate return thereof in duplicate. The number of early mail voters' ballots deposited in the ballot box shall be added to the number of other ballots deposited in the ballot box in order to determine the number of all ballots to be accounted for in the ballot box. Such ballots shall then be counted or canvassed by the inspectors of election along with the other ballots cast at such school district election, or, where voting machines are used, shall be added to the votes recorded on such machines.

13. Where the district shall have been divided into school election districts pursuant to the provisions of this chapter, the provisions of this section shall be applicable, provided that any reference in this section to the term "board of registration" shall in such case refer to the board of registration appointed by the board of education for each school election district, except that paragraph b of subdivision seven of this section shall apply according to its terms.

§ 44. The education law is amended by adding a new section 2018-f to read as follows:

§ 2018-f. Early mail ballots for school district elections by poll registration. 1. Notwithstanding the provisions of sections two thousand fourteen and two thousand eighteen-e of this part, the trustees or the board of education of any common, union free, central or central high school district which does not provide for the personal registration of

voters for school district meetings and elections but which elects trustees or school board members by ballot, shall provide for early mail ballots for the election of the trustees or members of the board and school district public library trustees, the adoption of the annual budget and school district public library budget and referenda.

1-a. Notwithstanding the provisions of sections two thousand fourteen and two thousand eighteen-e of this part, in any county with a population of one million or more, the trustees or the board of education of any common, union free, central or central high school district which does not provide for the personal registration of voters for school district meetings and elections but which elects trustees or school board members by ballot shall provide for early mail ballots for the election of the trustees or members of the board and school district public library trustees, the adoption of the annual budget and school district public library budget and referenda.

2. a. An applicant for such an early mail ballot shall submit an application setting forth (1) their name and residence address, including the street and number, if any, or town and rural delivery route, if any; (2) that they are or will be, on the day of the school district election, a qualified voter of the school district in which he resides in that he is or will be, on such date, over eighteen years of age, a citizen of the United States and has or will have resided in the district for thirty days next preceding such date. Such application must be received by the district clerk or designee of the trustees or school board at least seven days before the election if the ballot is to be mailed to the voter, or the day before the election, if the ballot is to be delivered personally to the voter.

b. Such application shall include the following statement to be signed by the voter.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of application for early mail ballot, I shall be guilty of a misdemeanor.

Date ..... Signature of Voter .....

3. If, upon examining the application required under the provisions of subdivision two of this section, and upon such inquiry as it deems proper, the clerk of the school district or designee of the trustees or school board shall be satisfied that the applicant is a qualified voter of the district, and entitled to vote by early mail ballot, such clerk of the school district or designee of the trustees or school board shall cause to be issued or mailed to the applicant an early mail voter's ballot and the clerk of the school district or designee of the trustees or school board shall make an appropriate entry on the poll list pursuant to section two thousand twenty-nine of this part.

4. The clerk of the school district or a designee of the trustees or school board shall also mail an early mail ballot to every qualified voter otherwise eligible for such ballot, who requests an early mail ballot from such clerk or trustees or school board designee in a letter which is signed by the voter and received by the clerk or trustees or school board designee not earlier than the thirtieth day nor later than the seventh day before the election for which the ballot is first requested and which states the address where the voter resides and to which the ballot is to be mailed. The clerk or designee of the trustees or school board shall enclose with such ballot a form of application for early mail ballot. The early mail ballot of a voter who requested such ballot by letter, rather than application, shall not be counted unless a

valid application form, signed by such voter, is received by the clerk of the school district or designee of the trustees or school board with such ballot.

5. Ballots for early mail voters shall be, as nearly as practicable, in the same form as those to be voted at the district election; if the vote at such election shall be by ballot, the early mail ballot shall conform to the regular ballot; if the vote of such election shall be by voting machine, the early mail ballot shall conform as closely as possible to the manner in which the names of the candidates, the questions and the propositions appear on the voting machines, except that the early mail ballot shall also contain a space for a write-in or write-ins. On the back of such early mail ballots shall be printed words "Official Ballot, Early Mail Voter".

6. a. The clerk of the school district or designee of the trustees or school board shall enclose each early mail voter's ballot in an envelope which shall be labelled:

ELECTION MATERIAL
PLEASE EXPEDITE

On one side of such envelope shall be printed:

OFFICIAL BALLOT, EARLY MAIL VOTER
for
School District Election

Name of Voter .....
Residence (street and number, if any) .....
City (or Town) of .....
County of .....
School District .....
School Election District (if applicable) .....

The date of the election and name of the school district shall be printed, and the name of the voter, residence, school district and school election district (if applicable) shall be included.

b. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF EARLY MAIL VOTER

I do declare that I am a citizen of the United States, and will be at least eighteen years of age on the date of the school district election; that I will have been a resident of this state and of the school district and school election district, if any, shown on the reverse side of this envelope for thirty days next preceding the said election and that I am or on such date will be, a qualified voter of said school district; that I have not qualified, or do I intend to vote, elsewhere than as set forth on the reverse side of this envelope; that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of a vote at this school district election, and have not made any promise to influence the giving or withholding of any such votes; that I have not made or become directly or indirectly interested in any bet or wager depending upon the result of this school district election; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the right of suffrage, or have received a certificate of relief from disabilities or a certificate of good conduct pursuant to

article twenty-three of the correction law removing my disability to vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of early mail voter, I shall be guilty of a misdemeanor.

Date ..... Signature of Voter .....

c. The envelope shall be gummed, ready for sealing, and shall have printed thereon, on the side opposite the statement, instructions as to the duties of the voter after the marking of the ballot, which instructions shall include a specific direction stating that the envelope must reach the office of the clerk of the school district or designee of the trustees or school board not later than five P.M. on the day of the election in order that their vote may be canvassed.

d. A person who shall make any material false statement in the statement of the early mail voter appearing on the reverse side of the envelope as provided in this subdivision, shall be guilty of a misdemeanor.

7. The clerk of the school district or designee of the trustees or school board shall make a list of all persons to whom early mail voter's ballots shall have been issued and maintain such list where it shall be available for public inspection during regular office hours until the day of the election. Any qualified voter may, upon examination of such list, file a written challenge of the qualifications as a voter of any person whose name appears on such list, stating the reasons for such challenge. A challenge to an early mail ballot may not be made on the basis that the voter should have applied for an absentee ballot. Such written challenge shall be transmitted by the clerk or the designee of the trustees or school board to the inspectors of election on election day.

8. a. The clerk of the school district or designee of the trustees or school board shall be authorized to call upon the commissioner of police and the officers and members of the police force for such assistance in the enforcement of the provisions of this section as such trustees or board shall require, and such commissioner and officers and members of the police force shall be authorized to render such assistance.

b. The clerk of the school district or designee of the trustees or school board may require any person to attend before it at the office of the clerk of the school district or the office of the designee of the trustees or school board and be examined by the trustees or board as to any matter in relation to which such trustees or board is charged with a duty under this section, and may issue a subpoena therefor. Each member of such trustees or board shall be authorized to administer any oath that may be required or authorized by law in this connection.

9. No early mail voter's ballot shall be canvassed, unless it shall have been received in the office of the clerk of the school district or designee of the trustees or school board not later than five P.M. on the day of the election.

10. The clerk of the district or designee of the trustees or school board shall, on the day of the election, transmit all early mail voters' envelopes, received by him in accordance with subdivision eight of this section, to the inspectors of election.

11. If a person whose name is on an envelope as a voter shall have already voted in person at such school district election, or if there is no signature on the envelope, this envelope shall be laid aside unopened

and be returned unopened to the clerk of the district or designee of the trustees or school board. If such person has not so voted in person, and if no objection is made, or if an objection made be not sustained, the envelope shall be opened and the ballot withdrawn without unfolding and deposited in the proper box or boxes.

12. If the inspectors of election shall have received an envelope, and upon opening the same no ballot shall be found therein, the inspectors shall make a memorandum showing that the ballot is missing. When the casting of early mail voters' ballots shall have been completed, the inspectors shall ascertain the number of such ballots which have been deposited in the ballot box by deducting from the number of envelopes opened the number of missing ballots, and shall make a separate return thereof in duplicate. The number of early mail voters' ballots deposited in the ballot box shall be added to the number of other ballots to be accounted for in the ballot box. Such ballots shall then be counted or canvassed by the inspectors of election along with the other ballots cast at such school district election, or, where voting machines are used, shall be added to the votes recorded on such machines.

§ 45. Section 2613 of the education law, as amended by chapter 489 of the laws of 2019, is amended to read as follows:

§ 2613. Absentee, early mail, and military ballots. The board of education of each city school district to which this article applies shall provide for absentee ballots in accordance with the provisions of section two thousand eighteen-a of this title, early mail ballots in accordance with the provisions of section two thousand eighteen-e of this title, and military ballots in accordance with section two thousand eighteen-d of this title.

§ 46. Subdivision 5 of section 84 of the town law, as amended by chapter 281 of the laws of 1998, is amended to read as follows:

5. In order to assist boards of registration in the preparation of their registers, the town clerk, prior to the first meeting of such boards of registration, shall obtain from the board of elections of the county in which such town is located, the list of names and addresses of all voters registered with such board of elections on or before the twenty-third day before such special election. The town clerk shall deliver the names and addresses of qualified voters to the appropriate board or boards of registration on or before the first meeting of such board or boards. At the first and subsequent meetings of the board of registration for each voting place designated by the town board for such special town election, such board of registration shall place on the register described in subdivision four hereof the names of all qualified voters and all other qualified voters who personally appear, those voters who have made application for early mail ballots, and those military voters and such other voters who are absent by reason of confining illness or physical disability or whose duties, occupation or business required them to be outside of the state of New York, having the qualifications of voters prescribed in this section and who have made application for absentee ballots as certified to them by the town clerk.

§ 47. Paragraph a of subdivision 6 of section 84-a of the town law, as added by chapter 396 of the laws of 1988, is amended to read as follows:

a. The town clerk shall make a list of all persons to whom absentee voter's ballots shall have been issued and keep such list on file in his office where it shall be available for public inspection during regular office hours until the day of the election. Any qualified voter may, upon examination of such list, file a written challenge of the qualifications as a voter of any person whose name appears on such list,

stating the reasons for such challenge. A challenge to an absentee ballot may not be made on the basis that the voter should have applied for an early mail ballot. Such written challenge shall be transmitted by the town clerk to the inspectors of election on election day.

§ 48. The town law is amended by adding a new section 84-b to read as follows:

§ 84-b. Early mail ballots for special town elections; special provisions. 1. Early mail ballots shall be provided for all special town elections for which personal registration is required.

2. a. An applicant for such an early mail ballot shall submit an application setting forth (1) their name and residence address, including the street and number, if any, or town and rural delivery route, if any; (2) that they are or will be, on the day of the election, a qualified voter of the town in which they reside; and (3) that they are registered in the town. Such application must be received by the town clerk at least seven days before the election if the ballot is to be mailed to the voter, or the day before the election, if the ballot is to be delivered personally to the voter or their agent.

b. Such application shall include the following statement to be signed by the voter:

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of application for early mail ballots, I shall be guilty of a misdemeanor.

Date ..... Signature of Voter .....

3. If, upon examining the application required under the provisions of subdivision two of this section, and upon such inquiry as it deems proper, the board of inspectors shall be satisfied that the applicant is a qualified voter of the town, and entitled to vote by early mail ballot, such board of inspectors shall place their name upon a list, thereupon the applicant shall be issued or mailed an early mail ballot and the town clerk shall make an appropriate entry on the list indicating that an early mail ballot has been applied for by, and issued to, the applicant.

4. Ballots for early mail voters shall be, as nearly as practicable, in the same form as those to be voted at the town election. On the back of such early mail ballots shall be printed the words "Official Ballot, Early Mail Voter".

5. a. The board of registration shall enclose each early mail voter's ballot in an envelope which shall be labelled:

ELECTION MATERIAL
PLEASE EXPEDITE

On one side of such envelope shall be printed:

OFFICIAL BALLOT, EARLY MAIL VOTER
for
Special Town Election

Name of Voter .....
Residence (street and number, if any) .....
Town of .....
County of .....

The date of the election and name of the town shall be printed, and the name of the voter, residence and district shall be written in by the town clerk.

b. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF EARLY MAIL VOTER

I do declare that I will have been a citizen of the United States for thirty days, and will be at least eighteen years of age, on the date of the special town election; that I will have been a resident of this state and of the town shown on the reverse side of this envelope for thirty days next preceding the said election; that I am or on such date will be, a registered voter of said town; that I have not qualified, or do I intend to vote, elsewhere than as set forth on the reverse side of this envelope; that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of a vote at this special town election, and have not made any promise to influence the giving or withholding of any such votes; that I have not made or become directly or indirectly interested in any bet or wager depending upon the result of this special town election; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the right of suffrage, or received a certificate of relief from disabilities or a certificate of good conduct pursuant to article twenty-three of the correction law removing my disability to register and vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of early mail voter, I shall be guilty of a misdemeanor.

Date.... Signature of Voter....

c. The envelope shall be gummed, ready for sealing, and shall have printed thereon, on the side opposite the statement, instructions as to the duties of the voter after the marking of the ballot, which instructions shall include a specific direction stating that the envelope must reach the office of the town clerk not later than five P.M. on the day of the election in order that their vote may be canvassed.

d. A person who shall make any material false statement in the statement of early mail voter appearing on the reverse side of the envelope as provided in this subdivision, shall be guilty of a misdemeanor.

6. a. The town clerk shall make a list of all persons to whom early mail voter's ballots shall have been issued and keep such list on file in their office where it shall be available for public inspection during regular office hours until the day of the election. Any qualified voter may, upon examination of such list, file a written challenge of the qualifications as a voter of any person whose name appears on such list, stating the reasons for such challenge. A challenge to an early mail ballot may not be made on the basis that the voter should have applied for an absentee ballot. Such written challenge shall be transmitted by the town clerk to the inspectors of election on election day.

b. Such list shall also be posted in a conspicuous place or places during the election, and any qualified voter may challenge the acceptance of the early mail voter's ballot of any person on such list, by making their challenge and the reasons therefor known to the inspectors of election before the close of the polls.

7. a. The town clerk shall be authorized to call upon the commissioner of police and the officers and members of the police force for such assistance in the enforcement of the provisions of this section as he shall require, and such commissioner and officers and members of the police force shall be authorized to render such assistance.

b. The board of inspectors may require any person to attend before it at the office of the town clerk of the district and be examined as to any matter in relation to which such board is charged with a duty under this section, and may issue a subpoena therefor. Each member of such board of inspectors district shall be authorized to administer any oath that may be required or authorized by law in this connection.

8. No early mail voter's ballot shall be canvassed, unless it shall have been received in the office of the town clerk not later than five P.M. on the day of the election.

9. The town clerk shall, on the day of the election, transmit all early mail voters' envelopes, received by him in accordance with subdivision eight of this section, to the inspectors of election.

10. If, at the election, any early mail voters' envelopes shall have been received at the polling place, the inspectors of election immediately after the closing of the polls shall examine them, and shall compare the signature, if any, on each envelope with the signature, if any, on the register, of the person of the same name who registered from the same address. If the signatures are found to correspond, the inspectors shall certify thereto by signing their initials opposite the name of the voter at the appropriate place in the register. If a person whose name is on an envelope as a voter, shall have already voted in person at such special town election, or if their name, residence and signature, as stated on the envelope, are not on the register, or if there is no signature on the envelope, this envelope shall be laid aside unopened and be returned unopened to the town clerk. If such person is found to be registered and has not so voted in person, and if no objection is made, or if an objection made be not sustained, the envelope shall be opened and the ballot withdrawn without unfolding and deposited in the proper box or boxes. At the time of the deposit of such ballot, the inspectors shall enter the words "early mail vote" at an appropriate place in the register.

11. During such examination any qualified voter present in the polling place may object to the voting of the ballot contained in any envelope upon the ground or grounds that the person named thereon is not a qualified voter of the town. An inspector shall make such an objection if he shall know or suspect that the person named on such envelope is not such a qualified voter. The election inspectors shall forthwith proceed to determine each objection including any written challenge transmitted to them by the town clerk as provided in subdivision six of this section. Unless the inspectors, by majority vote, shall sustain the objection, the chairman, or if he refuses, another inspector shall endorse upon the envelope the objection and the words "not sustained," shall sign such endorsement, and shall open the envelope and deposit the ballot as provided in this section. Should the inspectors, by majority vote, sustain such objection, the objection and word "sustained" shall be similarly endorsed upon the envelope, the envelope shall not be opened nor the ballots therein canvassed, and such envelope shall be returned unopened to the town clerk. If the inspectors of election shall have received an envelope endorsed with the name of a person who to the knowledge of the inspectors is deceased on the day of the election, the inspectors shall return such envelope unopened to the town clerk with the words "deceased--objection sustained" endorsed on the envelope.

12. If the inspectors of election shall have received an envelope, and upon opening the same no ballot shall be found therein, the inspectors shall make a memorandum showing that the ballot is missing. When the casting of early mail voters' ballots shall have been completed, the

inspectors shall ascertain the number of such ballots which have been deposited in the ballot box by deducting from the number of envelopes opened the number of missing ballots, and shall make a separate return thereof in duplicate. The number of early mail voters' ballots deposited in the ballot box shall be added to the number of other ballots deposited in the ballot box in order to determine the number of all ballots to be accounted for in the ballot box. Such ballots shall then be counted or canvassed by the inspectors of election along with the other ballots cast at such district election, or, where voting machines are used, shall be added to the votes recorded on such machines.

13. The provisions of this section shall apply to early mail ballots in special town elections, notwithstanding any other provision of law. The provisions of any other law as they relate to special town elections not inconsistent herewith shall apply to the conduct of such elections.

§ 49. Paragraph 1 of subdivision a of section 1053 of the New York city charter, as amended by local law number 48 of the city of New York for the year 2022, is amended to read as follows:

1. material explaining the date and hours during which the polls will be open for that election; when, where, and how to register to vote; when an eligible voter is required to reregister; when, where, and how early mail and absentee ballots are obtained and used; instructions on how to vote; information on the political subdivisions applicable to a particular voter's address; and any other general information on voting deemed by the board to be necessary or useful to the electorate or otherwise consistent with the goals of this charter;

§ 50. Paragraph 8 of subdivision b of section 1054 of the New York city charter, as added by local law number 6 of the city of New York for the year 2019, is amended to read as follows:

8. conduct yearly trainings for all relevant staff of the department of correction. Such training shall include, at minimum, information on voting laws for currently and formerly incarcerated individuals in the state of New York, voter registration procedures, early mail and absentee voting, and determining eligibility to vote.

§ 51. Subdivision 9 of section 1057-a of the New York city charter, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

9. In addition to the other requirements of this section, the department of correction shall implement and administer a program of distribution and submission of early mail and absentee ballot applications, and subsequently received early mail or absentee ballots, for eligible incarcerated individuals. Such department shall offer, to all incarcerated individuals who are registered to vote, early mail and absentee ballot applications, and a means to complete them, during the period from sixty days prior to any primary, special, or general election in the city of New York until two weeks prior to any such election. Such department shall subsequently provide any early mail or absentee ballot received from the board of elections in response to any such application to the applicable incarcerated individual, as well as a means to complete it. Such department shall provide assistance to any such incarcerated individual in filling out such application or ballot upon request. Such department shall, not later than five days after receipt, transmit such completed applications and ballots from any incarcerated individual who wishes to have them transmitted to the board of elections for the city of New York. The provisions of this subdivision shall not apply in any specific instance in which the department deems it unsafe to comply therewith.

§ 52. Paragraph 3 of subdivision a of section 1057-d of the New York city charter, as added by local law number 64 of the city of New York for the year 2016, is amended to read as follows:

(3) notification of the deadline for submission of [~~a~~] **an early mail voting application or a** mailed absentee voting application for such election, sent ten business days prior to such deadline; and

§ 53. Subdivision a of section 1057-e of the New York city charter, as added by local law number 65 of the city of New York for the year 2016, is amended to read as follows:

a. allowing any registered voter who has submitted an application for an **early mail or** absentee ballot, or who otherwise has a right to receive an **early mail or** absentee ballot, for an upcoming election pursuant to the election law to view the current status of their **early mail or** absentee application and **early mail or** absentee ballot. Such website and mobile application shall indicate for each such voter whether the board of elections in the city of New York has:

(1) received such voter's request for an **early mail or** absentee ballot, if applicable;

(2) approved or rejected such request, if applicable, and, if rejected, a brief statement of the reason for rejection;

(3) mailed or delivered an **early mail or** absentee ballot to such voter for such upcoming election, and shall include the ability for such voter to see the status of a mailed **early mail or** absentee ballot by United States postal service intelligent mail barcode or successor technology;

(4) received such voter's completed **early mail or** absentee ballot for such upcoming election; and

(5) determined that such voter's completed **early mail or** absentee ballot was invalid, and, if such a finding was made, a brief statement of the reason.

§ 54. The last undesignated paragraph of subparagraph (a) of paragraph 3 of subdivision d of section 1057-g of the New York city charter, as amended by local law number 3 of the city of New York for the year 2023, is amended to read as follows:

You have a right to a replacement ballot. If you make a mistake, or want to change your vote, (insert "ask a poll worker for a new ballot" or, for **early mail or** absentee ballots, "call the board of elections at (insert phone number here) for instructions on how to obtain a new ballot").

§ 55. This act shall take effect January 1, 2024 and shall apply to any general, primary, run-off primary, or special election held thereafter.