

# STATE OF NEW YORK

5677

2023-2024 Regular Sessions

## IN SENATE

March 13, 2023

Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to authorizing electronic absentee ballot applications

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

1 Section 1. Paragraph (c) of subdivision 2 of section 8-400 of the  
2 election law, as separately amended by chapters 273 and 746 of the laws  
3 of 2021, is amended to read as follows:

4 (c) All applications requesting an absentee ballot by mail or through  
5 the electronic absentee ballot application transmittal system must be  
6 received by the board of elections not later than the fifteenth day  
7 before the election for which a ballot is first requested. Applications  
8 for an absentee ballot that will be delivered in person at the board of  
9 elections to the voter or to an agent of the voter must be received by  
10 such board not later than the day before such election. In addition to  
11 postal or personal delivery of the application to the board of  
12 elections, the board of elections shall accept delivery of absentee  
13 ballot applications: (i) by telephone facsimile transmission to a phone  
14 number which shall be designated by the board of elections; (ii) as an  
15 attachment to an electronic mail transmission sent to an electronic mail  
16 address which shall be designated by the board of elections; and (iii)  
17 through an online electronic absentee ballot application filing system  
18 which shall be established by the state board of elections and which  
19 shall transmit each application to the appropriate board of elections  
20 for processing. The website for each board of elections shall advertise  
21 the email address and telephone facsimile number required by this  
22 section and shall provide a link to the online electronic filing system  
23 established pursuant to this section. An application delivered to the  
24 board of elections by electronic means shall be an original application  
25 without necessity for a subsequent conforming paper submission and shall

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

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1 be deemed filed when received by the board of elections, except if  
2 received by electronic means after business hours or extended hours as  
3 designated by this chapter, such application shall be deemed received as  
4 of the next day on which the board is open to receive absentee ballot  
5 applications. Nothing in this section shall be construed to prevent the  
6 application of the electronic signature provisions of the state technol-  
7 ogy law with respect to applications for an absentee ballot.

8 § 2. Subdivision 2 of section 10-107 of the election law, as added by  
9 chapter 104 of the laws of 2010, is amended to read as follows:

10 2. Irrespective of the preferred method of transmission designated by  
11 a military voter, a military voter's original completed voter registra-  
12 tion application[ ~~, military ballot application~~] and military ballot must  
13 be returned by mail or in person notwithstanding that a prior copy was  
14 sent to the board of elections by facsimile transmission or electronic  
15 mail. A completed military ballot application submitted by facsimile  
16 transmission or electronic mail or through an electronic filing system  
17 established by the state board of elections shall be an original appli-  
18 cation and no conforming paper submission shall be required.

19 § 3. Subdivision 2 of section 11-203 of the election law, as added by  
20 chapter 104 of the laws of 2010, is amended to read as follows:

21 2. Irrespective of the preferred method of transmission designated by  
22 a special federal voter, a special federal voter's original completed  
23 voter registration application[ ~~, special federal ballot application~~] and  
24 special federal ballot must be returned by mail or in person notwith-  
25 standing that a prior copy was sent to the board of elections by facsim-  
26 ile transmission or electronic mail. A completed special federal ballot  
27 application submitted by facsimile transmission or electronic mail or  
28 through an electronic filing system established by the state board of  
29 elections shall be an original application and no conforming paper  
30 submission shall be required.

31 § 4. This act shall take effect on the first of January next succeed-  
32 ing the date on which it shall have become a law.