

STATE OF NEW YORK

9521

IN SENATE

May 16, 2024

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

AN ACT to amend the education law, in relation to absentee ballots for school district elections due to a religious commitment

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

1 Section 1. Paragraphs a and c of subdivision 2 of section 2018-a of
2 the education law, paragraph a as amended and paragraph c as added by
3 chapter 616 of the laws of 2019, are amended to read as follows:

4 a. A qualified voter may vote as an absentee voter under this section
5 if during all the hours of voting on the day of an election [~~he or she~~
6 ~~will~~] such voter expects to be:

7 (1) absent from [~~the~~] their county of [~~his or her~~] residence; or

8 (2) unable to appear at the polling place because of illness or phys-
9 ical disability, or duties related to the primary care of one or more
10 individuals who are ill or physically disabled, or because [~~he or she~~]
11 such voter will be or is a patient in a hospital; or

12 (3) an [~~inmate~~] incarcerated individual or patient of a veteran's
13 administration hospital; or

14 (4) absent from [~~his or her~~] such voter's voting residence because [~~he~~
15 ~~or she~~] such voter is detained in jail awaiting action by a grand jury
16 or awaiting trial, or confined in jail or prison after a conviction for
17 an offense other than a felony, provided that [~~he or she~~] such voter is
18 qualified to vote in the election district of [~~his or her~~] such voter's
19 residence[~~+~~]; or

20 (5) unable to be present due to such voter's observance of a religious
21 commitment or following such voter's religious teaching or tenet that
22 forbids secular activity on that day.

23 c. The application for an absentee ballot when filed must contain in
24 each instance the following information:

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

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

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

3 (3) A statement, as appropriate, that on the day of such election the
4 applicant expects in good faith to be in one of the following catego-
5 ries:

6 (a) absent from [~~the~~] their county of [~~his or her~~] residence;
7 provided, however, if the applicant expects to be absent from such coun-
8 ty for a duration covering more than one election and seeks an absentee
9 ballot for each election, [~~he or she~~] such applicant shall state the
10 dates when [~~he or she expects~~] they expect to begin and end such
11 absence; or

12 (b) unable to appear at a polling place because of illness or physical
13 disability or duties related to the primary care of one or more individ-
14 uals who are ill or physically disabled; or

15 (c) an [~~inmate~~] incarcerated individual or patient of a veteran's
16 administration hospital; or

17 (d) detained in jail awaiting action by a grand jury or awaiting trial
18 or confined in jail or prison after a conviction for an offense other
19 than a felony and stating the place where [~~he or she~~] such applicant is
20 so detained or confined[~~r~~]; or

21 (e) unable to be present due to such voter's observance of a religious
22 commitment or following such voter's religious teaching or tenet that
23 forbids secular activity on that day.

24 § 2. Paragraph a of subdivision 2 of section 2018-b of the education
25 law, as amended by chapter 46 of the laws of 1992, is amended to read as
26 follows:

27 a. An applicant for such an absentee ballot shall submit an applica-
28 tion setting forth (1) [~~his~~] such applicant's name and residence
29 address, including the street and number, if any, or town and rural
30 delivery route, if any; (2) that [~~he~~] such applicant is or will be, on
31 the day of the school district election, a qualified voter of the school
32 district in which [~~he resides~~] they reside in that [~~he~~] such applicant
33 is or will be, on such date, over eighteen years of age, a citizen of
34 the United States and has or will have resided in the district for thir-
35 ty days next preceding such date; (3) that [~~he~~] such applicant will be
36 unable to appear to vote in person on the day of the school district
37 election for which the absentee ballot is requested because [~~he~~] such
38 applicant is, or will be on such day (a) a patient in a hospital, or
39 unable to appear personally at the polling place on such day because of
40 illness or physical disability or (b) because [~~his~~] such applicant's
41 duties, occupation, business, or studies will require [~~him~~] them to be
42 outside of the county or city of [~~his~~] their residence on such day, (c)
43 because [~~he~~] such applicant will be on vacation outside the county or
44 city of [~~his~~] their residence on such day; [~~or,~~] (d) absent from [~~his~~]
45 such applicant's voting residence because [~~he~~] such applicant is
46 detained in jail awaiting action by a grand jury or awaiting trial or is
47 confined in prison after conviction for an offense other than a felony;
48 or (e) unable to be present due to such applicant's observance of a
49 religious commitment, or following such applicant's religious teaching
50 or tenet that forbids secular activity on that day. Such application

51 must be received by the district clerk or designee of the trustees or
52 school board at least seven days before the election if the ballot is to
53 be mailed to the voter, or the day before the election, if the ballot is
54 to be delivered personally to the voter.

55 § 3. This act shall take effect immediately.