

# STATE OF NEW YORK

1555

2023-2024 Regular Sessions

## IN ASSEMBLY

January 17, 2023

Introduced by M. of A. WOERNER, HAWLEY, BRABENEC, DeSTEFANO, STERN, MANKTELOW, SIMON, STIRPE, GONZALEZ-ROJAS, TAPIA, HUNTER, CRUZ, DICKENS, THIELE, MAGNARELLI, McDONOUGH, WALSH, ANGELINO, MILLER, J. M. GIGLIO, SAYEGH, RAMOS, LEMONDES, SILLITTI, SEAWRIGHT, COOK -- Multi-Sponsored by -- M. of A. TAGUE, ZINERMAN -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to establishing an electronic military ballot application and military ballot transmittal system

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

1 Section 1. The election law is amended by adding a new section 10-110  
2 to read as follows:

3 § 10-110. Military voters; electronic military ballot application and  
4 military ballot transmittal system. 1. In addition to any other means of  
5 application for a military ballot and return of a marked military ballot  
6 provided for by this chapter, the state board of elections shall estab-  
7 lish and maintain an electronic military ballot application and military  
8 ballot transmittal system through which applicants may apply for a mili-  
9 tary ballot and return a marked military ballot, online. The state board  
10 of elections shall electronically transmit such applications and marked  
11 ballots to the applicable board of elections of each county or the city  
12 of New York for filing, processing and verification consistent with this  
13 chapter. In accordance with technical specifications provided by the  
14 state board of elections, each board of elections shall maintain a  
15 system capable of receiving and processing military ballot application  
16 and marked military ballot information, including digital signatures,  
17 from the electronic voter registration transmittal system established by  
18 the state board of elections. Notwithstanding any other inconsistent  
19 provision of this chapter, applications and ballots filed using such  
20 system shall be considered filed with the applicable board of elections

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

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1 on the calendar date such application or ballot is initially transmitted  
2 by the voter through the electronic military ballot application and  
3 military ballot transmittal system.

4 2. As used in this article, the term "digital signature" shall mean  
5 the certificate-based digital identification code issued to qualified  
6 personnel by the United States department of defense as part of the  
7 common access card or its successor.

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, the electronic military ballot application and  
14 military ballot transmittal system established pursuant to section  
15 10-110 of this article or in person notwithstanding that a prior copy  
16 was sent to the board of elections by facsimile transmission or elec-  
17 tronic mail.

18 § 3. Section 10-112 of the election law, as amended by chapter 104 of  
19 the laws of 2010, is amended to read as follows:

20 § 10-112. Military voter; voting. The military voter shall either:

21 1. mark the military ballot provided for in this article in the same  
22 manner as an absentee ballot. After marking the ballot, he or she shall  
23 fold such ballot and enclose it in the inner affirmation envelope bear-  
24 ing the military voter's affirmation on the outside of the envelope and  
25 seal the envelope. He or she shall then sign the affirmation, with the  
26 blanks properly filled in. The inner affirmation envelope containing the  
27 military ballot shall then be inserted in the outer envelope addressed  
28 to the appropriate board of elections, which shall be mailed or  
29 personally delivered to such board of elections of his or her county of  
30 residence within the time limits provided by this chapter; or

31 2. utilize the electronic military ballot application and military  
32 ballot transmittal system established pursuant to section 10-110 of this  
33 article to mark, sign with such military voter's digital signature and  
34 return the military ballot provided for in this article.

35 § 4. This act shall take effect immediately.