

STATE OF NEW YORK

3250

2023-2024 Regular Sessions

IN ASSEMBLY

February 2, 2023

Introduced by M. of A. EPSTEIN -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to allowing pre-registered voters to apply for an absentee ballot

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

1 Section 1. The opening paragraph of subdivision 1, subdivision 2,
2 paragraph (b) of subdivision 3, and subdivision 8 of section 8-400 of
3 the election law, the opening paragraph of subdivision 1 as amended by
4 chapter 63 of the laws of 2010, subdivision 2 as amended by chapter 746
5 of the laws of 2021, paragraphs (c) and (d) of subdivision 2 as separately
6 amended by chapter 273 of the laws of 2021, paragraph (e) of
7 subdivision 2 as added by section 1 of part HH of chapter 55 of the laws
8 of 2022, paragraph (b) of subdivision 3 as amended by chapter 63 of the
9 laws of 2010 and subdivision 8 as amended by chapter 684 of the laws of
10 1981 and as renumbered by chapter 40 of the laws of 2009, are amended to
11 read as follows:

12 A qualified voter, or pre-registered voter who will be qualified on
13 the date of the next election, may vote as an absentee voter under this
14 chapter if, on the occurrence of any village election conducted by the
15 board of elections, primary election, special election, general election
16 or New York city community school board district or city of Buffalo
17 school district election, he or she expects to be:

18 2. A qualified voter, or pre-registered voter who will be qualified on
19 the date of the next election, desiring to vote at such election as an
20 absentee voter for any reason specified in subdivision one hereof must
21 make application for an absentee ballot on a form to be obtained and
22 filed as provided herein, by letter as provided in paragraph (d) of this
23 subdivision, or through the electronic absentee ballot application trans-
24 smittal system pursuant to section 8-408 of this title.

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

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1 (a) Application forms shall be furnished by and may be obtained from
2 any board of elections at any time until the day before such election,
3 or on the electronic absentee ballot application transmittal system.
4 Application forms shall also be supplied by the board of inspectors of
5 the election district in which the applicant is a qualified voter, or
6 pre-registered voter who will be qualified on the date of the next
7 election, on all of the days provided for local registration. In addi-
8 tion, application forms shall be supplied upon the request of the person
9 authorized to vote pursuant to this section, any such person's spouse,
10 parent or child, a person residing with the applicant as a member of his
11 or her household, or the applicant's duly authorized agent. Application
12 forms sent outside of the United States to a country other than Canada
13 or Mexico, shall be sent airmail. Any reference to "board of elections"
14 in the remaining provisions of this section, except with respect to the
15 furnishing and obtaining of applications for absentee ballots, means
16 only the board of elections of the county or city in which the applicant
17 is a qualified voter, or pre-registered voter who will be qualified on
18 the date of the next election.

19 (b) Applications may be filed with the board of elections, through the
20 electronic absentee ballot application transmittal system or in person
21 with the board of inspectors of the election district in which the
22 applicant is a qualified voter, or pre-registered voter who will be
23 qualified on the date of the next election, on one of the days provided
24 for local registration.

25 (c) All applications requesting an absentee ballot by mail or through
26 the electronic absentee ballot application transmittal system must be
27 received by the board of elections not later than the fifteenth day
28 before the election for which a ballot is first requested. Applications
29 for an absentee ballot that will be delivered in person at the board of
30 elections to the voter or to an agent of the voter must be received by
31 such board not later than the day before such election.

32 (d) The board of elections shall mail an absentee ballot to every
33 qualified voter, or pre-registered voter who will be qualified on the
34 date of the next election, who is otherwise eligible for such a ballot,
35 who requests such an absentee ballot from such board of elections in
36 writing in a letter, telefax indicating the address, phone number and
37 the telefax number from which the writing is sent or other written
38 instrument, or an electronic application submitted by the voter through
39 the electronic absentee ballot application transmittal system estab-
40 lished by the state board of elections, which is signed by the voter and
41 received by the board of elections not later than the fifteenth day
42 before the election for which the ballot is first requested and which
43 states the address where the voter is registered and the address to
44 which the ballot is to be mailed; provided, however, a military voter
45 may request a military ballot or voter registration application or an
46 absentee ballot application in a letter as provided in subdivision three
47 of section 10-106 of this chapter; and provided further, a special
48 federal voter may request a special federal ballot or voter registration
49 application or an absentee ballot application in a letter as provided in
50 paragraph d of subdivision one of section 11-202 of this chapter. The
51 board of elections shall enclose with such ballot a form of application
52 for absentee ballot if the applicant is registered with such board of
53 elections.

54 (e) When mailing an absentee ballot application to a voter the board
55 of elections shall provide a domestic postage paid return envelope. When
56 providing an absentee ballot application to a voter in-person, the board

1 of elections shall offer the voter a domestic postage paid return envel-
2 ope and provide one if requested.

3 (b) A statement that the applicant is a qualified and registered
4 voter, or pre-registered voter who will be qualified on the date of the
5 next election.

6 8. Printed forms of applications for absentee ballots in accordance
7 with the requirements of this section shall be provided by the board of
8 elections. An appropriate number shall be retained by the board of
9 elections for the purpose of furnishing an application form to each
10 qualified voter, or pre-registered voter who will be qualified on the
11 date of the next election, who applies therefor before the board of
12 elections, either in person or by mail, and an appropriate number shall
13 be delivered to each board of inspectors on registration days with the
14 election supplies, and the board of inspectors shall retain the
15 completed and unused applications and return them to the board of
16 elections with their election supplies and an appropriate number shall
17 be available for distribution to officers of political parties, county
18 clerks, city, town and village clerks, colleges, libraries, hospitals,
19 nursing homes, senior citizens centers and any other convenient distrib-
20 ution source which is approved by the local or state board of elections
21 and which requests such forms.

22 § 2. This act shall take effect immediately.