STATE OF NEW YORK

1436

2023-2024 Regular Sessions

IN SENATE

January 11, 2023

Introduced by Sen. GRIFFO -- 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 any registered voter to vote by absentee ballot

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

Section 1. Subdivision 1, paragraph (c) of subdivision 2 and subdivisions 3 and 4 of section 8-400 of the election law, subdivision 1 as amended by chapter 63 of the laws of 2010, paragraph (c) of subdivision 1 as amended by chapter 375 of the laws of 2015, paragraph (c) of subdivision 2 as separately amended by chapters 273 and 746 of the laws of 2021, subdivisions 3 and 4 as amended by chapter 63 of the laws of 2010, and subparagraph (iii) of paragraph (c) of subdivision 3 as amended by chapter 375 of the laws of 2015, are amended to read as follows:

1. [~~A qualified voter may vote as an absentee voter under this chapter if, on the occurrence of any village election conducted by the board of elections, primary election, special election, general election or New York city community school board district or city of Buffalo school district election, he or she expects to be:~~

~~(a) absent from the county of his or her residence, or, if a resident of the city of New York absent from said city; or~~

~~(b) unable to appear personally at the polling place of the election district in which he or she is a qualified voter because of illness or physical disability or duties related to the primary care of one or more individuals who are ill or physically disabled, or because he or she will be or is a patient in a hospital; or~~

~~(c) a resident or patient of a veterans health administration hospital; or~~

~~(d) absent from his or her voting residence because he or she is detained in jail awaiting action by a grand jury or awaiting trial, or confined in jail or prison after a conviction for an offense other than~~

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

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~~a felony, provided that he or she is qualified to vote in the election district of his or her residence.~~] **(a) Any person who is registered to vote may vote by absentee ballot.**

(b) A registered voter may not vote in person if the voter filed an application to vote by absentee ballot.

(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 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~~] **of** such election.

3. The application for an absentee 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 his or her town or city and an address to which the ballot shall be mailed.

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

(c) [~~A statement, as appropriate, that on the day of such election the applicant expects in good faith to be in one of the following categories:~~

~~(i) absent from the county of his or her residence, or if a resident of the city of New York absent from said city; provided, however, if the applicant expects to be absent from such county or city for a duration covering more than one election and seeks an absentee ballot for each election, he or she shall state the dates when he or she expects to begin and end such absence; or~~

~~(ii) unable to appear at a polling place because of illness or physical disability or duties related to the primary care of one or more individuals who are ill or physically disabled; or~~

~~(iii) a resident or patient of a veterans health administration hospital; or~~

~~(iv) detained in jail awaiting action by a grand jury or awaiting trial or confined in jail or prison after a conviction for an offense other than a felony and stating the place where he or she is so detained or confined.~~

~~(d)~~] Such application shall permit the applicant to apply for an absentee ballot for either a primary election or the general election in any year and for those persons who will be continuously absent from their county of residence during the period between the fall primary election and the general election in any year to apply for ballots for both such elections in such year. A voter who applies for an absentee ballot shall be sent an absentee ballot for any special election or winter primary that occurs during the period of absence specified in the application.

4. [~~A voter who claims permanent illness or physical disability~~] **Any voter** may make application for an absentee ballot and the right to receive an absentee ballot for each election thereafter as provided herein without further application[~~, by filing with the board of elections an application which shall contain a statement to be executed by the voter~~]. Upon filing of such application the board of elections shall cause the registration records of the voter to be marked [~~"Permanently Disabled"~~] **"permanent absentee"** and thereafter shall send an absentee ballot for each succeeding primary, special or general election

to such voter at his or her 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. The mailing of such ballot for each election shall continue until such voter's registration is cancelled.

§ 2. This act shall take effect immediately.