STATE OF NEW YORK

2405

2023-2024 Regular Sessions

IN SENATE

January 20, 2023

Introduced by Sen. MYRIE -- 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 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:

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

§ 10-110. Military voters; electronic military ballot application and military ballot transmittal system. 1. In addition to any other means of application for a military ballot and return of a marked military ballot provided for by this chapter, the state board of elections shall establish and maintain an electronic military ballot application and military ballot transmittal system through which applicants may apply for a military ballot and return a marked military ballot, online. The state board of elections shall electronically transmit such applications and marked ballots to the applicable board of elections of each county or the city of New York for filing, processing and verification consistent with this chapter. In accordance with technical specifications provided by the state board of elections, each board of elections shall maintain a system capable of receiving and processing military ballot application and marked military ballot information, including digital signatures, from the electronic voter registration transmittal system established by the state board of elections. Notwithstanding any other inconsistent provision of this chapter, applications and ballots filed using such system shall be considered filed with the applicable board of elections on the calendar date such application or ballot is initially transmitted by the voter through the electronic military ballot application and military ballot transmittal system.

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

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

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

2. Irrespective of the preferred method of transmission designated by a military voter, a military voter's original completed voter registration application, military ballot application and military ballot must be returned by mail**, the electronic military ballot application and military ballot transmittal system established pursuant to section 10-110 of this article** or in person notwithstanding that a prior copy was sent to the board of elections by facsimile transmission or electronic mail.

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

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

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

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

§ 4. This act shall take effect immediately.