

STATE OF NEW YORK

3044

2023-2024 Regular Sessions

IN SENATE

January 27, 2023

Introduced by Sens. MYRIE, BROUK, GOUNARDES -- 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 requests for absentee ballots

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 2 of section 8-400 of
2 the election law, as amended by chapter 746 of the laws of 2021, is
3 amended to read as follows:

4 A qualified voter desiring to vote at such election as an absentee
5 voter for any reason specified in subdivision one hereof must make
6 application for an absentee ballot on a form to be obtained and filed as
7 provided herein, ~~[by letter]~~ as provided in paragraph (d) of this subdivi-
8 sion, or through the electronic absentee ballot application transmit-
9 tal system pursuant to section 8-408 of this title.

10 § 2. Paragraph (d) of subdivision 2 of section 8-400 of the election
11 law, as separately amended by chapters 273 and 746 of the laws of 2021,
12 is amended to read as follows:

13 (d) (i) The board of elections shall mail an absentee ballot to every
14 qualified voter otherwise eligible for such a ballot, who requests such
15 an absentee ballot from such board of elections in writing in a letter,
16 telefax indicating the address, phone number and the telefax number from
17 which the writing is sent or other written instrument, or by telephone,
18 or an electronic application submitted by the voter through the elec-
19 tronic absentee ballot application transmittal system established by the
20 state board of elections, which is signed by the voter and received by
21 the board of elections not later than the fifteenth day before the
22 election for which the ballot is first requested and which states the
23 address where the voter is registered and the address to which the
24 ballot is to be mailed; provided, however, a military voter may request

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

LBD00778-01-3

1 a military ballot or voter registration application or an absentee
2 ballot application in a letter as provided in subdivision three of
3 section 10-106 of this chapter; and provided further, a special federal
4 voter may request a special federal ballot or voter registration appli-
5 cation or an absentee ballot application in a letter as provided in
6 paragraph d of subdivision one of section 11-202 of this chapter. [~~The
7 board of elections shall enclose with such ballot a form of application
8 for absentee ballot if the applicant is registered with such board of
9 elections.~~]

10 (ii) For purposes of this subdivision, a voter requesting an absentee
11 ballot by telephone shall not be required to complete an application
12 prior to or simultaneously with receiving the ballot. The board of
13 elections receiving the telephone request shall maintain a written
14 record of all such telephone requests for an absentee ballot, and may
15 complete the absentee ballot application as such record on behalf of the
16 voter requesting the absentee ballot, provided that no ballot requested
17 or issued pursuant to this subparagraph shall be deemed invalid for lack
18 of a complete absentee ballot application for any reason.

19 § 3. This act shall take effect immediately.