STATE OF NEW YORK

5729

2023-2024 Regular Sessions

IN SENATE

March 15, 2023

Introduced by Sen. HOYLMAN-SIGAL -- 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 the electronic submission of absentee ballots

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 8-416 to read as follows:

§ 8-416. Absentee voters; submission of electronic absentee ballots. 1. The state board of elections shall establish and maintain an electronic absentee ballot submission system through which applicants may return a marked absentee ballot electronically or via electronic mail. The state board of elections shall deliver such marked ballots to the applicable board of elections of each county or the city of New York for filing, processing and verification consistent with the provisions of 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 marked absentee ballot information, including digital signatures and typed signatures, from the electronic absentee ballot application transmittal system established by the state board of elections pursuant to section 8-408 of this title. Notwithstanding any other inconsistent provision of this chapter, 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 absentee ballot transmittal system.

2. Submission of a marked electronic absentee ballot shall only be available for persons residing in a country other than the United States while maintaining eligibility to vote in elections in New York, or for persons who need accommodation by reason of disability who are unable to independently mark a paper ballot.

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

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§ 2. Section 8-410 of the election law, as amended by chapter 228 of the laws of 2022, is amended to read as follows:

§ 8-410. Absentee voting; method of. **1. Marking of the ballot.** The absentee voter shall mark an absentee ballot as provided for paper ballots or ballots prepared for counting by ballot counting machines. [~~He or she~~] **Such voter** shall make no mark or writing whatsoever upon the ballot, except as above prescribed, and shall see that it bears no such mark or writing. [~~He or she~~] **Such voter** shall make no mark or writing whatsoever on the outside of the ballot. In cases where the express intent of the voter is unambiguous, any stray marks or writing shall not be a basis for voiding a ballot.

2. Submission of the ballot; by mail. After marking the ballot or ballots [~~he or she~~] **the voter** shall fold each such ballot and enclose them in the envelope and seal the envelope. [~~He or she~~] **The voter** shall then take and subscribe the oath on the envelope, with blanks properly filled in. The envelope, containing the ballot or ballots, shall then be mailed or delivered to the board of elections of the county or city of [~~his or her~~] **the voter's** residence **in accordance with subdivision three of this section**.

3. Submission of the ballot; by electronic transmission. The voter shall then take and subscribe the oath, with blanks properly filled in. Such voter shall then return the ballot or ballots via electronic mail or electronically to the state board of elections using the electronic absentee ballot submission system established pursuant to section 8-416 of this title.

§ 3. Paragraphs (c) and (d) of subdivision 2 of section 8-408 of the election law, as added by chapter 746 of the laws of 2021, are amended to read as follows:

(c) The online absentee ballot application **and submission** process shall provide reasonable accommodations to improve accessibility for persons with disabilities and shall be compatible for use with standard online accessibility assistance tools for persons with visual, physical or perceptive disabilities.

(d) The state board of elections shall promulgate rules and regulations for the creation and administration of an online absentee ballot registration system pursuant to this section **and for the electronic submission of such absentee ballot pursuant to section 8-416 of this title**.

§ 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.