STATE OF NEW YORK

6653

2023-2024 Regular Sessions

IN SENATE

May 3, 2023

Introduced by Sen. LANZA -- 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 prohibiting the delivery of an absentee ballot or an application therefore to an address associated with a candidate's campaign

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

Section 1. Paragraph (d) of subdivision 2 of section 8-400 of the election law, as separately amended by chapters 273 and 746 of the laws of 2021, is amended to read as follows:

(d) The board of elections shall mail an absentee ballot to every qualified voter otherwise eligible for such a ballot, who requests such an absentee ballot from such board of elections in writing in a letter, telefax indicating the address, phone number and the telefax number from which the writing is sent or other written instrument, or an electronic application submitted by the voter through the electronic absentee ballot application transmittal system established by the state board of elections, which is signed by the voter and received by the board of elections not later than the fifteenth day before the election for which the ballot is first requested and which states the address where the voter is registered and the address to which the ballot is to be mailed; provided, however, a military voter may request a military ballot or voter registration application or an absentee ballot application in a letter as provided in subdivision three of section 10-106 of this chapter; [~~and~~] provided further, a special federal voter may request a special federal ballot or voter registration application or an absentee ballot application in a letter as provided in paragraph d of subdivision one of section 11-202 of this chapter**; and provided further, no ballot application shall be mailed to an address associated with a candidate's campaign**. The board of elections shall enclose with such ballot a form

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

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of application for absentee ballot if the applicant is registered with such board of elections.

§ 2. Subdivision 1 of section 8-406 of the election law, as amended by section 2 of part HH of chapter 55 of the laws of 2022, is amended to read as follows:

1. If the board shall find that the applicant is a qualified voter of the election district containing his **or her** residence as stated in his **or her** statement and that his **or her** statement is sufficient, it shall, as soon as practicable after it shall have determined his **or her** right thereto, mail to him **or her** at an address designated by him **or her**, or deliver to him **or her**, or to any person designated for such purpose in writing by him **or her**, at the office of the board, such an absentee voter's ballot or set of ballots and an envelope therefor. If the ballot or ballots are to be sent outside of the United States to a country other than Canada or Mexico, such ballot or ballots shall be sent by air mail. However, if an applicant who is eligible for an absentee ballot is a resident of a facility operated or licensed by, or under the jurisdiction of, the department of mental hygiene, or a resident of a facility defined as a nursing home or residential health care facility pursuant to subdivisions two and three of section two thousand eight hundred one of the public health law, or a resident of a hospital or other facility operated by the Veteran's Administration of the United States, such absentee ballot need not be so mailed or delivered to any such applicant but, may be delivered to the voter in the manner prescribed by section 8-407 of this [~~chapter~~] **title** if such facility is located in the county or city in which such voter is eligible to vote. **No absentee voter's ballot shall be mailed to an address associated with a candidate's campaign.**

§ 3. This act shall take effect immediately.