

STATE OF NEW YORK

6666

2023-2024 Regular Sessions

IN SENATE

May 4, 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 no longer permitting the use of electronic absentee voting applications; and providing for the repeal of certain provisions of such law relating thereto

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

Section 1. Section 8-408 of the election law is REPEALED.

§ 2. Subdivision 2 of section 8-400 of the election law, as amended by chapter 746 of the laws of 2021, paragraphs (c) and (d) as separately amended by chapters 273 and 746 of the laws of 2021, and paragraph (e) as added by section 1 of part HH of chapter 55 of the laws of 2022, is amended to read as follows:

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

(a) Application forms shall be furnished by and may be obtained from any board of elections at any time until the day before such election~~[, or on the electronic absentee ballot application transmittal system].~~ Application forms shall also be supplied by the board of inspectors of the election district in which applicant is a qualified voter on all of the days provided for local registration. In addition, application forms shall be supplied upon the request of the person authorized to vote pursuant to this section, any such person's spouse, parent or child, a person residing with the applicant as a member of his household, or the applicant's duly authorized agent. Application forms sent outside of the United States to a country other than Canada or Mexico, shall be sent airmail. Any reference to "board of elections" in the remaining

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

LBD10848-01-3

1 provisions of this section, except with respect to the furnishing and
2 obtaining of applications for absentee ballots, means only the board of
3 elections of the county or city in which the applicant is a qualified
4 voter.

5 (b) Applications may be filed with the board of elections[~~, through~~
6 ~~the electronic absentee ballot application transmittal system~~] or in
7 person with the board of inspectors of the election district in which
8 the applicant is a qualified voter on one of the days provided for local
9 registration.

10 (c) All applications [~~requesting an absentee ballot by mail or through~~
11 ~~the electronic absentee ballot application transmittal system~~] must be
12 [~~received by~~] mailed to the board of elections not later than the
13 fifteenth day before the election for which a ballot is first
14 requested[~~, Applications for an absentee ballot that will be delivered~~
15 ~~in person at the board of elections to the voter or to an agent of the~~
16 ~~voter must be received by~~] or delivered to such board not later than the
17 day before such election.

18 (d) The board of elections shall mail an absentee ballot to every
19 qualified voter otherwise eligible for such a ballot, who requests such
20 an absentee ballot from such board of elections in writing in a letter,
21 telefax indicating the address, phone number and the telefax number from
22 which the writing is sent or other written instrument, [~~or an electronic~~
23 ~~application submitted by the voter through the electronic absentee~~
24 ~~ballot application transmittal system established by the state board of~~
25 ~~elections,~~] which is signed by the voter and received by the board of
26 elections not later than the fifteenth day before the election for which
27 the ballot is first requested and which states the address where the
28 voter is registered and the address to which the ballot is to be mailed;
29 provided, however, a military voter may request a military ballot or
30 voter registration application or an absentee ballot application in a
31 letter as provided in subdivision three of section 10-106 of this chap-
32 ter; and provided further, a special federal voter may request a special
33 federal ballot or voter registration application or an absentee ballot
34 application in a letter as provided in paragraph d of subdivision one of
35 section 11-202 of this chapter. The board of elections shall enclose
36 with such ballot a form of application for absentee ballot if the appli-
37 cant is registered with such board of elections.

38 (e) When mailing an absentee ballot application to a voter the board
39 of elections shall provide a domestic postage paid return envelope. When
40 providing an absentee ballot application to a voter in-person, the board
41 of elections shall offer the voter a domestic postage paid return envel-
42 ope and provide one if requested.

43 § 3. This act shall take effect immediately.