STATE OF NEW YORK

8195

IN SENATE

January 12, 2024

Introduced by Sen. COMRIE -- 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 enacting the "disaster voting relief act of 2024"

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

Section 1. Short title. This act shall be known and may be cited as the "disaster voting relief act of 2024".

§ 2. The election law is amended by adding a new section 3-109 to read as follows:

§ 3-109. Disaster; governor may suspend or delay voting. 1. The governor may, upon issuance of an executive order declaring a state of emergency or upon the issuance of a federal disaster declaration suspend or delay an election in such municipality.

2. If a delay or suspension is authorized by the governor, the delayed voting shall resume or be rescheduled as soon as practicable pursuant to the procedures outlined in section 3-108 of this title. The state board of elections shall promulgate such rules and regulations to further effectuate the provisions of this section.

§ 3. The election law is amended by adding a new section 8-416 to read as follows:

§ 8-416. Persons entitled to vote absentee when an emergency is declared. Upon issuance of an executive order declaring a state of emergency or upon the issuance of a federal disaster declaration within fourteen days of an election any qualified voter whose polling location is within the area affected by such declaration may vote as an absentee voter notwithstanding the provisions of this chapter.

§ 4. Section 8-302 of the election law is amended by adding a new subdivision 6 to read as follows:

6. Upon the governor's issuance of an executive order declaring a state of emergency pursuant to section twenty-eight of the executive law or upon the issuance of a federal disaster declaration a voter seeking to vote by affidavit need not affirm that such voter is duly registered in the election district in which such voter seeks to cast an affidavit

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

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ballot if such voter is registered to vote within the county for which such declaration has been issued.

§ 5. The opening paragraph of section 9-209 of the election law, as separately amended by chapters 479 and 481 of the laws of 2023, is amended to read as follows:

Before completing the canvass of votes cast in any primary, general, special, or other election at which voters are required to sign their registration poll records before voting, the board of elections shall proceed in the manner hereinafter prescribed to review, cast and canvass early mail, any absentee, military, special presidential, special federal or other special ballots and any ballots cast in affidavit envelopes, including ballots cast by voters pursuant to section 8-604 of this chapter. Each such ballot shall be retained in the original envelope containing the voter's affidavit and signature, in which it is delivered to the board of elections until such time as it is to be reviewed, in order to be cast and canvassed. **Absentee ballots cast by voters pursuant to section 8-416 of this chapter shall be transmitted by the county board of elections where such ballot was cast to the board of elections where such voter is registered to vote to be canvassed with other affidavit and absentee ballots for the election district wherein the voter resides.**

§ 6. This act shall take effect on the one hundred eightieth day after 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.