

# STATE OF NEW YORK

9789

## IN SENATE

May 30, 2024

Introduced by Sen. MANNION -- (at request of the State Board of Elections) -- 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 accessible absentee ballots

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

1 Section 1. Subdivision 3 of section 8-400 of the election law is  
2 amended by adding a new paragraph (e) to read as follows:

3 (e) Such application shall permit an applicant with a disability that  
4 interferes with the effective reading, writing, or use of printed mate-  
5 rial to apply for an accessible absentee ballot as provided for in  
6 section 8-405 of this title.

7 § 2. The election law is amended by adding new section 8-405 to read  
8 as follows:

9 § 8-405. Accessible absentee ballots. 1. Voters with a disability  
10 that interferes with the effective reading, writing, or use of printed  
11 material who apply for an accessible absentee ballot and are otherwise  
12 eligible to receive an absentee ballot shall be sent an accessible  
13 absentee ballot by accessible electronic system. Such system shall  
14 allow such voter to download an accessible absentee ballot, mark such  
15 ballot privately and independently using such voter's own assistive  
16 technology, and print such voter's marked ballot.

17 2. Such accessible absentee ballots shall be returned, counted, and  
18 canvassed as provided in this chapter for other absentee voters' ballots  
19 and all provisions of this chapter, not inconsistent with this section,  
20 shall apply.

21 § 3. Subdivision 4 of section 8-400 of the election law, as amended by  
22 chapter 63 of the laws of 2010, is amended to read as follows:

23 4. A voter who claims permanent illness or physical disability may  
24 make application for an absentee ballot and the right to receive an  
25 absentee ballot for each election thereafter as provided herein without  
26 further application, by filing with the board of elections an applica-  
27 tion which shall contain a statement to be executed by the voter. Such

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

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1 application may also contain a statement that such voter has a permanent  
2 disability that requires the use of an accessible absentee ballot pursu-  
3 ant to section 8-405 of this title. Upon filing of such application the  
4 board of elections shall cause the registration records of the voter to  
5 be marked "Permanently Disabled" and thereafter shall send an absentee  
6 ballot or an accessible absentee ballot, as applicable, for each  
7 succeeding primary, special or general election to such voter at [~~his or~~  
8 ~~her~~] their last known address by first class mail with a request to the  
9 postal authorities not to forward such ballot but to return it in five  
10 days in the event that it cannot be delivered to the addressee. The  
11 mailing of such ballot for each election shall continue, including, but  
12 not limited to, when such voter's registration is transferred to another  
13 county, until such voter's registration is cancelled.

14 § 4. Section 8-406 of the election law, as amended by section 2 of  
15 part HH of chapter 55 of the laws of 2022, is amended to read as  
16 follows:

17 § 8-406. Absentee ballots, delivery of. 1. If the board shall find  
18 that the applicant is a qualified voter of the election district  
19 containing [~~his~~] such applicant's residence as stated in [~~his~~] their  
20 statement and that [~~his~~] such statement is sufficient, it shall, as soon  
21 as practicable after it shall have determined [~~his~~] such applicant's  
22 right thereto, mail to [~~him~~] them at an address designated by [~~him~~] such  
23 applicant, or deliver to [~~him~~] them, or to any person designated for  
24 such purpose in writing by [~~him~~] such applicant, at the office of the  
25 board, such an absentee voter's ballot or set of ballots and an envelope  
26 therefor. If the ballot or ballots are to be sent outside of the United  
27 States to a country other than Canada or Mexico, such ballot or ballots  
28 shall be sent by air mail. However, if an applicant who is eligible for  
29 an absentee ballot is a resident of a facility operated or licensed by,  
30 or under the jurisdiction of, the department of mental hygiene, or a  
31 resident of a facility defined as a nursing home or residential health  
32 care facility pursuant to subdivisions two and three of section two  
33 thousand eight hundred one of the public health law, or a resident of a  
34 hospital or other facility operated by the Veteran's Administration of  
35 the United States, such absentee ballot need not be so mailed or deliv-  
36 ered to any such applicant but, may be delivered to the voter in the  
37 manner prescribed by section 8-407 of this [~~chapter~~] title if such  
38 facility is located in the county or city in which such voter is eligi-  
39 ble to vote. Provided, however, if an applicant who is eligible for an  
40 absentee ballot has requested an accessible absentee ballot such acces-  
41 sible absentee ballot need not be so mailed or delivered to any such  
42 applicant but shall be delivered to the voter in the manner prescribed  
43 by section 8-405 of this title.

44 2. When mailing an absentee ballot to a voter or providing an accessi-  
45 ble absentee ballot pursuant to section 8-405 of this title the board of  
46 elections shall provide a domestic postage paid return envelope. When  
47 providing an absentee ballot to a voter in-person, the board of  
48 elections shall offer the voter a domestic postage paid return envelope  
49 and provide one if requested.

50 § 5. This act shall take effect immediately.