

STATE OF NEW YORK

2358

2025-2026 Regular Sessions

IN ASSEMBLY

January 16, 2025

Introduced by M. of A. EICHENSTEIN -- read once and referred to the
Committee on Election Law

AN ACT to amend the election law, in relation to authorizing absentee
voting for religious observance

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

Section 1. Subdivision 1 of section 8-400 of the election law, as
amended by chapter 63 of the laws of 2010 and paragraph (c) as amended
by chapter 375 of the laws of 2015, is amended to read as follows:

1. A qualified voter may vote as an absentee voter under this chapter
if, on the occurrence of any village election conducted by the board of
elections, primary election, special election, general election or New
York city community school board district or city of Buffalo school
district election, ~~[he or she]~~ such person expects to be:

(a) absent from the county of ~~[his or her]~~ residence, or, if a resi-
dent of the city of New York absent from said city; or

(b) unable to appear personally at the polling place of the election
district in which ~~[he or she]~~ such person is a qualified voter because
of illness or physical disability or duties related to the primary care
of one or more individuals who are ill or physically disabled, or
because ~~[he or she]~~ such person will be or is a patient in a hospital;
or

(c) a resident or patient of a veterans health administration hospi-
tal; or

(d) absent from ~~[his or her]~~ their voting residence because ~~[he or
she]~~ such person is detained in jail awaiting action by a grand jury or
awaiting trial, or confined in jail or prison after a conviction for an
offense other than a felony, provided that ~~[he or she]~~ such person is
qualified to vote in the election district of ~~[his or her]~~ residence~~[-]~~;
or

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

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1 (e) unable to appear personally at the polling place of the election
2 district in which such person is a qualified voter because of a reli-
3 gious observance or practice.

4 § 2. This act shall take effect January 1, 2026 and shall apply to any
5 general, primary, run-off primary, or special election held thereafter.