STATE OF NEW YORK

8257--B

2025-2026 Regular Sessions

IN ASSEMBLY

May 5, 2025

Introduced by M. of A. R. CARROLL -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law and the education law, in relation to overseas military voters and special federal voters

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 amended by chapter 481 of the laws of 2023, 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 email,** 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 tenth 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. The board of elections~~

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

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~~shall enclose with such ballot a form of application for absentee ballot if the applicant is registered with such board of elections~~].

§ 2. Subdivision 2 of section 8-408 of the election law is amended by adding a new paragraph (e) to read as follows:

(e) Military voters and special federal voters shall be able to apply for military and special federal ballots using the electronic absentee ballot application transmittal system or any other electronic means, including email or fax. The state board of elections shall ensure the electronic absentee ballot application transmittal system shall be capable of capturing such additional information as may be necessary to determine a voter's eligibility, pursuant to article ten and title two of article eleven of this chapter, and such other information as may be needed. Notwithstanding any other provision of law to the contrary, any application submitted by electronic portal, email or fax, if otherwise valid, shall not require a subsequent or redundant additional paper version of such registration or application to be also submitted in order to be fully effective and valid.

§ 3. Paragraph (d) of subdivision 2 of section 8-700 of the election law, as added by chapter 481 of the laws of 2023, is amended to read as follows:

(d) The board of elections shall mail an early mail ballot to every registered voter otherwise eligible for such a ballot, who requests such an early mail 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, **email** or through an electronic application submitted by the voter through the electronic early mail 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 tenth 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.

§ 4. Section 10-104 of the election law is amended to read as follows:

§ 10-104. Military voters; right to vote. A military voter of this state shall be entitled to vote as fully as if [~~he~~] **they** were present at [~~his~~] **their** polling place and to register and vote in the manner hereinafter provided [~~except that the provisions of this article for absentee voting in primary elections shall not apply to the party positions of members of the ward, town, city or county committee~~].

§ 5. Subdivisions 1, 4, and 11 of section 10-106 of the election law, subdivision 1 as amended by chapter 434 of the laws of 1984 and subdivisions 4 and 11 as amended by chapter 104 of the laws of 2010, are amended to read as follows:

1. On or before the [~~thirty-fifth~~] **tenth** day preceding an election the names and addresses of all military voters who have filed applications for military ballots by such day and who were not already registered shall be registered by the board of elections in the election district of residence of such military voter as hereinafter provided. **Such registration and application for a military ballot shall be filed in person, or by mail, or by electronic portal, or by email, or by fax. Notwithstanding any other provision of law to the contrary, any registration or application submitted by electronic portal, email or fax shall not require a subsequent or redundant additional paper version of such registration or application to be also submitted in order to be fully effective and valid.**

4. Not earlier than the ninetieth or later than the seventy-fifth day before each general **or primary** election, each county or city board of elections shall send, in accordance with the preferred method of transmission designated by the voter pursuant to section 10-107 of this article, to each person who is registered as a military voter and to every other military voter in such county or city for whom it has a military address, an application for a military ballot for such general election in a form prescribed by the state board of elections, which shall include a place for such military voter to enroll in a party, and shall include the return address of such board of elections.

11. A board of elections may send to any spouse, parent, or adult child, brother or sister of a military voter serving inside or outside of the continental limits of the United States, an application for a military ballot, in a form prescribed by the state board of elections. Such application shall be on a postcard addressed to the appropriate board of elections and shall include the statement "I understand that this application will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn". Such application may be signed by the spouse, parent or adult child, brother or sister of such military voter. Upon receipt of such an application from such a relative of a military voter, the board of elections shall mail a military ballot to such military voter [~~together with an application for a military ballot and instructions that such application must be completed and returned together with the envelope containing the military ballot. No ballot sent to a military voter upon the application of a relative of such military voter shall be cast or canvassed unless a completed application for military ballot signed by such military voter is returned within the time limits for the receipt of the military ballot itself~~].

§ 6. Subdivision 2 of section 10-107 of the election law, as added by chapter 104 of the laws of 2010, is amended to read as follows:

2. Irrespective of the preferred method of transmission designated by a military voter, a military voter's original completed [~~voter registration application, military ballot application and~~] military ballot must be returned by mail or in person [~~notwithstanding that a prior copy was sent to the board of elections by facsimile transmission or electronic mail~~]. **A completed military ballot application submitted through the electronic absentee ballot application transmittal system established under section 8-408 of this chapter or by email or by fax shall be an original application and no conforming paper submission, including but not limited to a federal post card application form, shall be required to be submitted to either the state board of elections or any county board of elections.**

§ 7. Paragraph (a) of subdivision 1 of section 10-108 of the election law, as amended by chapter 164 of the laws of 2022, is amended to read as follows:

(a) Ballots for military voters shall be mailed or otherwise distributed by the board of elections, in accordance with the preferred method of transmission designated by the voter pursuant to section 10-107 of this article, as soon as practicable but in any event not later than forty-six days before a primary or general election; twenty-five days before a New York city community school board district or city of Buffalo school district election; fourteen days before a village election conducted by the board of elections; forty-five days before a special election; and twenty-three days before a special election held

pursuant to paragraph b of subdivision three of section forty-two of the public officers law. A voter who submits a military ballot application shall be entitled to a military ballot thereafter for each subsequent election [~~through and including the next two regularly scheduled general elections held in even numbered years, including any run-offs which may occur~~] **unless the voter's registration is cancelled or placed in inactive status, the voter ceases to meet the qualifications to vote a military ballot, or the voter requests otherwise, whichever occurs first**; provided, however, such application shall not be valid for any election held within seven days after its receipt. Ballots shall also be mailed to any qualified military voter who is already registered and who requests such military ballot from such board of elections in a letter, which is signed by the voter and received by the board of elections not later than the seventh day before the election for which the ballot is requested and which states the address where the voter is registered and the address to which the ballot is to be mailed. [~~The board of elections shall enclose with such ballot a form of application for military ballot.~~] In the case of a primary election, the board shall deliver only the ballot of the party with which the military voter is enrolled according to the military voter's registration records. In the event a primary election is uncontested in the military voter's election district for all offices or positions [~~except the party position of member of the ward, town, city or county committee~~], no ballot shall be delivered to such military voter for such election; and the military voter shall be advised of the reason why [~~he or she~~] **they** will not receive a ballot.

§ 8. Subdivision 2 of section 10-109 of the election law, as amended by chapter 200 of the laws of 1996, is amended to read as follows:

2. If any ballot, application form or other mail sent to a military voter at [~~his~~] **their** military address by the board of elections is returned by the post office as undeliverable, the board of elections shall ascertain whether the military voter is residing at the address given on [~~his~~] **their** registration records as [~~his~~] **their** permanent address. If [~~he~~] **such military voter** is residing at such address, the board shall not send [~~him~~] **them** any further military ballots unless [~~he~~] **such military voter** applies for them in the regular way, giving a new military address. If such military voter is not residing at such permanent address, the board of elections shall send a confirmation notice to such military voter at [~~his~~] **their** last military address pursuant to the provisions of section 5-712 of this chapter and shall place the registration of such voter in inactive status. However, if such a voter notifies the board of elections that [~~he has~~] **they have** moved to a new military address, the board shall restore the registration of such voter to active status in the manner prescribed by section 5-213 of this chapter **and the voter shall continue to receive a ballot for elections in which the voter is entitled to vote pursuant to paragraph (a) of subdivision one of section 10-108 of this article**.

§ 9. Paragraphs a and b of subdivision 1 of section 11-202 of the election law, paragraph a as amended by chapter 113 of the laws of 2023 and paragraph b as amended by chapter 262 of the laws of 2003, are amended to read as follows:

a. A person, who, pursuant to this title, is qualified to vote as a special federal voter may, by application received by the state board of elections or any local board of elections on or before the tenth day next preceding any election in which such person would be entitled to vote [~~or the last day of local registration for such election, whichever~~

~~is later,~~] apply to the board of elections of the county in which they resided [~~in person or by personal application by mail for registration and enrollment as a special federal voter~~]. Such registration and application for a special federal ballot shall be filed in person, or by mail, or by electronic portal, or by email, or by fax. Notwithstanding any other provision of law to the contrary, any registration or application submitted by electronic portal, email or fax shall not require a subsequent or redundant additional paper version of such registration or application to be also submitted in order to be fully effective and valid. An application for registration and enrollment pursuant to this article shall be treated as an application for a special federal ballot for every election in which the applicant would be eligible to vote [~~which is held through and including the next two regularly scheduled general elections held in even numbered years, including any run-offs which may occur~~] and shall remain in effect unless the special federal voter's registration is cancelled or inactivated, the voter ceases to meet the qualifications to vote as a special federal voter, or the voter requests otherwise, whichever occurs first.

b. A person who, pursuant to the provisions of this title, is already registered as a special federal voter, may, by application received by the state board of elections or any local board of elections, apply to the board of elections of the county in which [~~he is~~] they are so registered [~~in person or by mail~~] by any means provided for by this chapter for a special federal ballot. Such an application shall entitle such a voter to receive a ballot for every election in which such voter is entitled to vote [~~which is held through and including the next two regularly scheduled general elections held in even numbered years, including any run-offs which may occur~~] and shall remain in effect unless the special federal voter's registration is cancelled or placed in inactive status, the voter ceases to meet the qualifications to vote as a special federal voter, or the voter requests otherwise, whichever occurs first, provided, however, such application shall not apply to any election held on or before the seventh day after receipt of such application.

§ 10. Subdivision 2 of section 11-203 of the election law, as added by chapter 104 of the laws of 2010, is amended to read as follows:

2. Irrespective of the preferred method of transmission designated by a special federal voter, a special federal voter's [~~original completed voter registration application, special federal ballot application and~~] special federal ballot must be returned by mail or in person [~~notwithstanding that a prior copy was sent to the board of elections by facsimile transmission or electronic mail~~]. A completed special federal voter ballot application submitted through the electronic absentee ballot application transmittal system established under section 8-408 of this chapter or by email or by fax shall be an original application and no conforming paper submission, including but not limited to a federal postcard application form, shall be required to be submitted to either the state board of elections or any county board of elections.

§ 11. Subdivisions 1 and 2 of section 11-208 of the election law, as amended by chapter 200 of the laws of 1996, are amended to read as follows:

1. Voters registered pursuant to this title shall be eligible to vote in every election in which special federal voters are eligible to vote which is held on or after the [~~thirtieth~~] tenth day after receipt of their applications for such registration.

2. If any ballot, application form or other mail sent to a special federal voter at [~~his~~] their address outside the United States by such

board is returned by the post office as undeliverable, the board of elections shall send a confirmation notice to such special federal voter at such address pursuant to the provisions of section 5-712 of this chapter and shall place the registration of such voter in inactive status. If the board of elections subsequently receives notice of a new address outside the United States for such voter, or notice that the voter is still at the same address outside the United States, the board shall restore the registration of such voter to active status in the manner prescribed by section 5-213 of this chapter **and the voter shall continue to receive a ballot for elections in which the voter is entitled to vote pursuant to paragraph b of subdivision one of section 11-202 of this article**.

§ 12. Subdivisions 1 and 2 of section 11-210 of the election law, as amended by chapter 262 of the laws of 2003, are amended to read as follows:

1. Not earlier than [~~sixty~~] **ninety** or later than [~~forty~~] **seventy-five** days before each general or primary election in which special federal voters are eligible to vote, the board of elections shall mail to each voter who is eligible to vote in such election and who was registered pursuant to this title for the previous election at which such voters were eligible to vote, the application for a special federal ballot provided for by this title; provided, however, the board of elections shall not send such an application to any person who [~~has applied for a ballot and who~~] is **already** entitled to receive a ballot for such election **provided, however, the board of elections shall not send such an application to any person who is already entitled to receive a ballot for such election**.

2. If a special election for representative in congress is called by proclamation of the governor, such an application shall be mailed to each voter registered pursuant to this title, who is eligible to vote in such special election, not later than three days after the issuance of the proclamation for such special election; provided, however, the board of elections shall not send such an application to any person who [~~has applied for a ballot and who~~] is **already** entitled to receive a ballot for such election.

§ 13. Section 305 of the education law is amended by adding a new subdivision 63 to read as follows:

63. The commissioner shall require institutions of higher education to provide all enrolled students which are participating in classes or educational experiences while in another country during a primary or general election with an electronic form for a federal postcard application or a link to such a form or application with clear direction on how to vote from another country at least one week prior to the start of such classes or educational experiences in another country.

§ 14. This act shall take effect on the thirtieth 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.