

STATE OF NEW YORK

4469

2025-2026 Regular Sessions

IN SENATE

February 5, 2025

Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to absentee ballots for school district elections due to a religious commitment

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

1 Section 1. Paragraphs a and c of subdivision 2 of section 2018-a of
2 the education law, paragraph a as amended and paragraph c as added by
3 chapter 616 of the laws of 2019, are amended to read as follows:

4 a. A qualified voter may vote as an absentee voter under this section
5 if during all the hours of voting on the day of an election [~~he or she~~
6 ~~will~~] such voter expects to be:

7 (1) absent from [~~the~~] their county of [~~his or her~~] residence; or

8 (2) unable to appear at the polling place because of illness or phys-
9 ical disability, or duties related to the primary care of one or more
10 individuals who are ill or physically disabled, or because [~~he or she~~]
11 such voter will be or is a patient in a hospital; or

12 (3) an [~~inmate~~] incarcerated individual or patient of a veteran's
13 administration hospital; or

14 (4) absent from [~~his or her~~] such voter's voting residence because [~~he~~
15 ~~or she~~] such voter is detained in jail awaiting action by a grand jury
16 or awaiting trial, or confined in jail or prison after a conviction for
17 an offense other than a felony, provided that [~~he or she~~] such voter is
18 qualified to vote in the election district of [~~his or her~~] such voter's
19 residence[~~-~~]; or

20 (5) unable to be present due to such voter's observance of a religious
21 commitment or following such voter's religious teaching or tenet that
22 forbids secular activity on that day.

23 c. The application for an absentee ballot when filed must contain in
24 each instance the following information:

25 (1) Applicant's full name, date of birth, and residence address,
26 including the street and number, if any, rural delivery route, if any,
27 mailing address if different from the residence address and an address
28 to which the ballot shall be mailed.

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

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(2) A statement that the applicant is a qualified and registered voter.

(3) A statement, as appropriate, that on the day of such election the applicant expects in good faith to be in one of the following categories:

(a) absent from ~~[the]~~ their county of ~~[his or her]~~ residence; provided, however, if the applicant expects to be absent from such county for a duration covering more than one election and seeks an absentee ballot for each election, ~~[he or she]~~ such applicant shall state the dates when ~~[he or she expects]~~ they expect to begin and end such absence; or

(b) unable to appear at a polling place 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

(c) an ~~[inmate]~~ incarcerated individual or patient of a veteran's administration hospital; or

(d) 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 and stating the place where ~~[he or she]~~ such applicant is so detained or confined~~[-]; or~~

(e) unable to be present due to such voter's observance of a religious commitment or following such voter's religious teaching or tenet that forbids secular activity on that day.

§ 2. Paragraph a of subdivision 2 of section 2018-b of the education law, as amended by chapter 46 of the laws of 1992, is amended to read as follows:

a. An applicant for such an absentee ballot shall submit an application setting forth (1) ~~[his]~~ such applicant's name and residence address, including the street and number, if any, or town and rural delivery route, if any; (2) that ~~[he]~~ such applicant is or will be, on the day of the school district election, a qualified voter of the school district in which ~~[he resides]~~ they reside in that ~~[he]~~ such applicant is or will be, on such date, over eighteen years of age, a citizen of the United States and has or will have resided in the district for thirty days next preceding such date; (3) that ~~[he]~~ such applicant will be unable to appear to vote in person on the day of the school district election for which the absentee ballot is requested because ~~[he]~~ such applicant is, or will be on such day (a) a patient in a hospital, or unable to appear personally at the polling place on such day because of illness or physical disability or (b) because ~~[his]~~ such applicant's duties, occupation, business, or studies will require ~~[him]~~ them to be outside of the county or city of ~~[his]~~ their residence on such day, (c) because ~~[he]~~ such applicant will be on vacation outside the county or city of ~~[his]~~ their residence on such day; ~~[or,]~~ (d) absent from ~~[his]~~ such applicant's voting residence because ~~[he]~~ such applicant is detained in jail awaiting action by a grand jury or awaiting trial or is confined in prison after conviction for an offense other than a felony; or (e) unable to be present due to such applicant's observance of a religious commitment, or following such applicant's religious teaching or tenet that forbids secular activity on that day. Such application must be received by the district clerk or designee of the trustees or school board at least seven days before the election if the ballot is to be mailed to the voter, or the day before the election, if the ballot is to be delivered personally to the voter.

§ 3. This act shall take effect immediately.