STATE OF NEW YORK

8644

IN SENATE

January 7, 2026

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

AN ACT to amend the election law and the New York city charter, in relation to the state board of elections creating uniform ballots for early mail, absentee, military and special voters who vote by mail; and to repeal certain provisions of the election law relating thereto

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

Section 1. Paragraph (a) of subdivision 1, subdivision 3 and subdivision 6 of section 7-119 of the election law, as added by chapter 481 of the laws of 2023, are amended to read as follows:

(a) Ballots for early mail voters shall be, as nearly as practicable, in the same form as those to be voted in the district on election day, except that such ballots need not have a stub[~~, and shall have the words "Early Mail Ballot", endorsed thereon~~].

3. There shall be three envelopes for each early mail ballot issued by mail: the inner affirmation envelope into which a voter places their voted ballot, the outer envelope which shall be addressed to the early mail voter, and the mailing envelope which is addressed to the county board of elections. The board of elections shall furnish with each early mail ballot an inner affirmation envelope **in accordance with section 7-132 of this title**. [~~On one side of the envelope shall be printed:~~

~~OFFICIAL EARLY MAIL BALLOT~~

~~for~~

~~GENERAL (OR PRIMARY OR SPECIAL) ELECTION,~~

~~....., 20.....~~

~~Name of voter .....~~

~~Residence (street and number if any) .....~~

~~City/or town of (village, if any) .....~~

~~County of .....~~

~~Assembly District .....~~

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

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~~Legislative District (as applicable) .....~~
~~Ward (as applicable) .....~~
~~Election District .....~~
~~Party Enrollment (in case of primary election) .....~~]

6. [~~On the~~] The reverse side of such inner affirmation envelope shall be [~~printed the following statement:~~

~~AFFIRMATION~~

~~I do declare that I am a citizen of the United States, that I am duly registered in the election district shown on the reverse side of this envelope and I am qualified to vote in such district; that I have not qualified nor do I intend to vote elsewhere, that I have not committed any act nor am I under any impediment which denies me the right to vote.~~

~~I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of early mail voter, I shall be guilty of a misdemeanor.~~

~~Date ..... 20 .....~~

~~.....~~
~~Signature or mark of voter~~

~~.....~~
~~Signature of Witness~~
~~(required only if voter does not sign their own name)~~

~~.....~~
~~Address of Witness~~]
in accordance with section 7-132 of this title.

§ 2. Paragraph (a) of subdivision 1, subdivision 3 and subdivision 6 of section 7-122 of the election law, paragraph (a) of subdivision 1 as separately amended by chapter 615 of the laws of 2019, and subdivision 3 and subdivision 6 as amended by chapter 411 of the laws of 2019, are amended to read as follows:

(a) Ballots for absentee voters shall be, as nearly as practicable, in the same form as those to be voted in the district on election day, except that such ballots need not have a stub[~~, and shall have the words "Absentee Ballot", endorsed thereon~~].

3. There shall be three envelopes for each absentee ballot issued by mail: the inner affirmation envelope into which a voter places [~~his or her~~] their voted ballot, the outer envelope which shall be addressed to the absentee voter, and the mailing envelope which is addressed to the county board of elections. The board of elections shall furnish with each absentee ballot an inner affirmation envelope in accordance with section 7-132 of this title. [~~On one side of the envelope shall be printed:~~

~~OFFICIAL ABSENTEE BALLOT~~
~~for~~
~~GENERAL (OR PRIMARY OR SPECIAL) ELECTION,~~

~~....., 20.....~~
~~Name of voter.....~~
~~Residence (street and number if any).....~~
~~City/or town of.....(village, if any).....~~
~~County of.....~~
~~Assembly district .....~~
~~Legislative District (as applicable) .....~~
~~Ward (as applicable) .....~~
~~Election District.....~~
~~Party Enrollment (in case of primary election).....~~]

6. [~~On the~~] **The** reverse side of such inner affirmation envelope shall be [~~printed the following statement:~~

~~AFFIRMATION~~

~~I do declare that I am a citizen of the United States, that I am duly registered in the election district shown on the reverse side of this envelope and I am qualified to vote in such district; that I will be unable to appear personally on the day of the election for which this ballot is voted at the polling place of the election district in which I am a qualified voter because of the reason given on my application heretofore submitted; that I have not qualified nor do I intend to vote elsewhere, that I have not committed any act nor am I under any impediment which denies me the right to vote.~~

~~I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of absentee voter, I shall be guilty of a misdemeanor.~~

~~Date.....20..... .....~~
~~Signature or mark of voter~~

~~.....~~
~~Signature of Witness (required only if voter does not sign his or her own name)~~

~~.....~~
~~Address of Witness~~]

in accordance with section 7-132 of this title.

§ 3. Subdivision e of section 1057-hh of the New York city charter as added by local law number 11 of the city of New York for the year 2022, is amended to read as follows:

e. Section 7-122 of the election law shall apply to absentee ballots and municipal absentee ballots mailed to municipal voters[~~, except that the affirmation of United States citizenship in subdivision six of such section shall not apply to an inner affirmation envelope included with an absentee ballot or municipal absentee ballot distributed to a municipal voter~~] and shall [~~be replaced with~~] **include** an affirmation stating that the undersigned is qualified to vote under this chapter.

§ 4. Subdivisions 3, 4, 5, and 7 of section 7-123 of the election law, subdivisions 3 and 4 as amended and subdivisions 5 and 7 as added by chapter 104 of the laws of 2010 and the opening paragraph of subdivision 3 as amended by chapter 411 of the laws of 2019, are amended to read as follows:

3. There shall be three envelopes for each military absentee ballot issued when the military voter's preferred method of transmission is by mail: the inner affirmation envelope into which a voter places [~~his or her~~] **their** voted ballot, the outer envelope which shall be addressed to the absentee voter, and the mailing envelope which is addressed to the county board of elections. The board of elections shall furnish an inner affirmation envelope [~~with each military ballot upon which envelope shall be printed:~~

~~BALLOT FOR MILITARY VOTER~~
~~AFFIRMATION~~

~~I swear or affirm that:~~
~~(a) I am a member of the uniformed services or merchant marine on active duty or an eligible spouse, parent, child or dependent of such a member, and~~
~~(b) I am a United States citizen, at least eighteen years of age (or will be by the day of the election), eligible to vote in the requested jurisdiction, and~~
~~(c) I have neither been convicted of a felony or other disqualifying offense nor been adjudicated mentally incompetent, or if so, my voting rights have been reinstated, and~~
~~(d) I am not registering, requesting a ballot, or voting in any other jurisdiction in the United States, and~~
~~(e) My signature and date below indicate when I completed this document, and~~
~~(f) The information on this form is true and complete to the best of my knowledge.~~
~~I understand that a material misstatement of fact in the completion of this document may constitute grounds for conviction of a crime.~~

~~Date ..... 20....~~

~~.....~~
~~Signature or mark of voter~~
~~.....~~
~~Signature of Witness (required only if voter does not sign his or her own name)~~
~~.....~~
~~Address of Witness~~]

in accordance with section 7-132 of this title.

4. [~~On the~~] **The** reverse side of the inner affirmation envelope shall be [~~printed:~~

~~TO BE FILLED IN BY THE BOARD OF ELECTIONS:~~

~~FOR.....ELECTION..... 20.....~~
~~County of.....~~
~~Name of voter.....~~
~~Voting residence (street and number, if any).....~~
~~City (or town) of.....Ward.....~~
~~Assembly District.....Election District.....~~
~~Party Enrollment (in case of primary election).....~~

~~IMPORTANT TO MILITARY VOTER: YOU MUST SIGN THE AFFIRMATION ON THIS ENVELOPE~~] **in accordance with section 7-132 of this article**.

5. The information in subdivision four of this section shall be filled in by the board of elections **in accordance with section 7-132 of this title** prior to the mailing of any military ballot and envelopes if the military voter's preferred method of transmission with the board of elections is by mail, or it may be filled in by the board of elections upon the receipt of the returned military ballot and envelope where the ballot and envelope have been transmitted to the military voter other than by mail or in person.

7. If a military voter has designated a preference to receive [~~his or her~~] **their** ballot by facsimile transmission or electronic mail pursuant to section 10-107 of this chapter, the transmission of the military voter's ballot shall include, together with all information and instructional materials that accompany ballot materials sent by the board of elections to other absentee voters, appropriate instructions as to the folding of same so as to create an inner affirmation envelope containing all of the information set forth in subdivisions three, four and six of this section **and section 7-132 of this title**.

§ 5. Subdivision f of section 1057-hh of the New York city charter as added by local law number 11 of the city of New York for the year 2022, is amended to read as follows:

f. The board of elections in the city of New York may prescribe a separate absentee ballot for military voters who are municipal voters consistent with section 7-123 of the election law, but [~~omitting the~~] otherwise [~~required affirmation of United States citizenship and replacing it with~~] **require** an affirmation that the military voter meets the qualifications of a municipal voter under this chapter.

§ 6. Subdivisions 1, 2, 3, 4 and 6 of section 7-124 of the election law, subdivisions 1, 2 and 4 as amended and subdivision 6 as added by chapter 104 of the laws of 2010 and the opening and closing paragraphs of subdivision 2 as amended by chapter 411 of the laws of 2019, are amended to read as follows:

1. The ballots for special federal voters shall provide for voting for presidential and vice-presidential electors, United States senator, representative in congress, and delegates and alternate delegates to a national convention only and shall be in the form prescribed by this chapter for absentee ballots[~~, except that on either the front or the back of the ballot shall be printed or stamped the words "Official Ballot--Special Federal Voter", provided, however, that at any election at which special federal voters may vote for all the offices and positions on the ballot, no such separate ballot shall be printed and the ballot for special federal voters shall be the same as the ballot provided to absentee voters in such election~~].

2. There shall be three envelopes for each special federal absentee ballot issued by mail: the inner affirmation envelope into which a voter places [~~his or her~~] **their** voted ballot, the outer envelope which shall be addressed to the absentee voter, and the mailing envelope which is addressed to the county board of elections. The board of elections shall furnish an inner affirmation envelope with each special federal ballot [~~upon which envelope shall be printed:~~

~~I swear or affirm that:~~

~~(a) I am a United States citizen residing outside the United States, and~~

~~(b) I am at least eighteen years of age (or will be by the day of the election), eligible to vote in the requested jurisdiction, and~~

~~(c) I have neither been convicted of a felony or other disqualifying offense nor been adjudicated mentally incompetent, or if so, my voting rights have been reinstated, and~~

~~(d) I am not qualified to register, request a ballot, or vote in any other jurisdiction in the United States, and~~

~~(e) My signature and date below indicate when I completed this document, and~~

~~(f) The information on this form is true and complete to the best of my knowledge.~~

~~I understand that a material misstatement of fact in the completion of this document may constitute grounds for conviction of a crime.~~

~~Date.....20..... .....~~
~~Signature or mark of voter~~

~~.....~~
~~Signature of Witness (required only if voter does not sign his or her own name)~~

~~.....~~
~~Address of Witness~~]

in accordance with section 7-132 of this title.

3. [~~On the~~] The reverse side of the inner affirmation envelope shall be [~~printed:~~

~~TO BE FILLED IN BY THE BOARD OF ELECTIONS~~

~~FOR.....ELECTION..... 20.....~~

~~Name of voter .....~~
~~Residence from which vote is being cast:~~
~~Street and number .....~~
~~City or town .....~~
~~County .....~~
~~Assembly District or Ward .....~~
~~Election District .....~~
~~Party Enrollment (in case of primary election) .....~~

~~IMPORTANT TO SPECIAL FEDERAL VOTER: YOU MUST SIGN THE AFFIRMATION ON THIS ENVELOPE~~] in accordance with section 7-132 of this title.

4. The information in subdivision three of this section shall be filled in by the board of elections in accordance with section 7-132 of this title prior to the mailing of any special federal ballot and envelopes if the special federal voter's preferred method of transmission with the board of elections is by mail, or it may be filled in by the board of elections upon receipt of the returned special federal ballot and envelope when the ballot and envelope have been transmitted to the special federal voter other than by mail or in person.

6. If a special federal voter has designated a preference to receive [~~his or her~~] their ballot by facsimile transmission or electronic mail pursuant to section 11-203 of this chapter, the transmission of the special federal voter's ballot shall include, together with all information and instructional materials that accompany ballot materials sent by the board of elections to other absentee voters, appropriate

instructions as to the folding of same so as to create an envelope containing all of the information set forth in subdivisions two, three and five of this section **and section 7-132 of this title**.

§ 7. Subdivisions 1, 2 and 3 of section 7-125 of the election law, subdivision 1 as amended by chapter 259 of the laws of 1991, and subdivisions 2 and 3 as amended by chapter 411 of the laws of 2019, are amended to read as follows:

1. The ballots for special presidential voters shall provide for voting for presidential and vice presidential electors only and shall be in the form prescribed for absentee ballots[~~, except that either on the front or the back they shall be endorsed with the words printed or stamped, "Official Ballot Special Presidential Voter" and "Presidential Electors"~~].

2. There shall be three envelopes for each special presidential absentee ballot issued by mail: the inner affirmation envelope into which a voter places [~~his or her~~] **their** voted ballot, the outer envelope which shall be addressed to the absentee voter, and the mailing envelope which is addressed to the county board of elections. The board of elections shall furnish with each special presidential ballot an envelope **in accordance with section 7-132 of this title**. [~~On one side of the envelope shall be printed:~~

~~OFFICIAL BALLOT, SPECIAL PRESIDENTIAL VOTERS,~~
~~FOR GENERAL ELECTION,~~
~~NOVEMBER....., 20....~~

~~Name of voter .....~~
~~Residence from which vote is being cast:~~
~~Street and number .....~~
~~City or town .....~~
~~County .....~~
~~Assembly District or Ward .....~~
~~Election District .....~~

~~The date of the election and name of the county shall be printed, and the name of the voter, residence, name of the city or town, number of ward or assembly district, if any, and election district shall be printed, written or stamped in by the board.~~]

3. [~~On the~~] **The** reverse side of such envelope shall be [~~printed the following statement:~~

~~STATEMENT OF SPECIAL PRESIDENTIAL VOTER~~

~~I do declare I am a qualified special presidential voter of said district; that I am not qualified and am not able to qualify to vote elsewhere than as set forth on the reverse side of this envelope; that I am a citizen of the United States; that on the date of the election for which this ballot is voted, I will be at least eighteen years of age; and that I have not committed any act, nor am I under any impediment, which denies me the right to vote.~~

~~I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement, I shall be guilty of a misdemeanor.~~

~~Date.....20.....~~ ~~.....~~
~~Signature or mark of voter~~

~~.....~~
~~Signature of Witness (required only if voter does not sign his or her own name)~~

~~.....~~
~~Address of Witness~~]

in accordance with section 7-132 of this title.

§ 8. The election law is amended by adding a new section 7-132 to read as follows:

§ 7-132. Ballots; form for voters by mail. 1. The state board of elections shall prescribe a single, uniform ballot form to be used by early mail, absentee, military and special voters who vote by mail. Such ballot shall satisfy all requirements and standards set forth by the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. Sec. 20302 et seq.).

2. The state board of elections shall create a uniform inner affirmation envelope, containing a uniform oath, to be used by county boards of election into which early mail, absentee, military and special voters place their voted ballot. In the event that such envelope conflicts with federal law, the state board of elections shall create alternate inner affirmation envelopes in a manner consistent with federal law.

3. The state board of elections shall promulgate rules and regulations necessary for the implementation of this section. Such rules and regulations shall include, but not be limited to, provisions that authorize the state board of elections to: standardize and format the single, uniform ballot; provide such ballot in any language required by the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503); and consult with vendors to ensure ballot uniformity.

4. The state board of elections shall promulgate rules and regulations for the creation and administration of a statewide online ballot application system for early mail, absentee, military and special voters who vote by mail pursuant to the provisions of this section.

5. Nothing in this section shall be construed to alter eligibility requirements for persons who vote by mail.

6. Nothing in this section shall be deemed to authorize the state board of elections to contravene the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. Sec. 20302 et seq.).

§ 9. Sections 8-408 and 8-706 of the election law are REPEALED and a new section 8-318 is added to read as follows:

§ 8-318. Ballots; electronic mail ballot application transmittal system. 1. In addition to any other means of applying for an early mail, absentee, military or special voters' ballot, the state board of elections shall establish and maintain an electronic early mail, absentee, military and special voters' ballot application transmittal system through which persons who vote by mail may apply for an early mail, absentee, military or special voters' ballot online. The state board of elections shall electronically transmit such applications to the applicable board of elections of each county or the city of New York for processing consistent with this chapter. In accordance with technical specifications provided by the state board of elections, each board of elections shall maintain an early mail, absentee, military and special

voters' application system capable of receiving and processing electronic early mail, absentee, military and special voters' ballot applications, including, but not limited to, electronic signatures, from the electronic early mail, absentee, military and special voters' ballot application transmittal system established by the state board of elections pursuant to this section. Such transmittal system shall be fully integrated with each county board of elections and the city of New York board of elections so that a voter may apply online directly either through the website of their board of elections or the state board of elections. Notwithstanding any other inconsistent provision of this chapter, applications filed using such system shall be considered filed with the applicable board of elections on the calendar date the application is initially transmitted by the voter through the electronic early mail, absentee, military and special voters' ballot application transmittal system.

2. (a) A voter shall be able to apply for an early mail, absentee, military or special voters' ballot using a personal online application submitted through the electronic early mail, absentee, military and special voters' ballot application transmittal system when the voter:

(i) completes an electronic early mail, absentee, military or special voters' ballot application promulgated by the state board of elections; and

(ii) affirms, subject to penalty of perjury, by means of electronic or manual signature, that the information contained in the early mail, absentee, military or special voters' ballot application is true; and

(iii) consents to the use of an electronic copy of the individual's manual signature that is in the custody of the department of motor vehicles, the state board of elections, or other agency designated by section 5-211 or 5-212 of this chapter, as the individual's early mail, absentee, military or special voters' ballot exemplar signature, or provides such a signature by direct upload in a manner that complies with the New York state electronic signature and records act and the rules and regulations promulgated by the state board of elections.

(b) The board of elections shall provide the personal online early mail, absentee, military and special voters' ballot application in any language required by the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503) in any county in the state.

(c) The online early mail, absentee, military and special voters' ballot application process shall provide reasonable accommodations to improve accessibility for persons with disabilities and shall be compatible for use with standard online accessibility assistance tools for persons with visual, physical or perceptive disabilities.

(d) The state board of elections shall promulgate rules and regulations for the creation and administration of an early mail, absentee, military and special voters' ballot application system pursuant to this section.

3. (a) If an early mail, absentee, military or special voters' ballot exemplar signature is not provided by an applicant who submits an early mail, absentee, military or special voters' ballot application pursuant to this section, the local board shall seek to obtain such exemplar signature from the statewide voter registration database, the state board of elections, or a state or local agency designated by section 5-211 or 5-212 of this chapter.

(b) If such exemplar signature is not available from the statewide voter registration database, the state board of elections, or a state or local agency designated by section 5-211 or 5-212 of this chapter, the

local board of elections shall, absent another reason to reject the application, require the voter to provide an exemplar signature by any one of the following methods: in person, by electronic mail, or by electronic upload to the board of elections through the electronic early mail, absentee, military and special voters' ballot application transmittal system.

(c) If such voter does not provide the required exemplar signature, the board of elections shall proceed to issue an early mail, absentee, military or special voters' ballot to the voter along with an early mail, absentee, military or special voters' ballot application form requiring such voter to submit a signature upon such application form and return it to the board of elections with the voter's ballot.

4. The electronic early mail, absentee, military and special voters' ballot application transmittal system shall be combined on a single website.

§ 10. This act shall take effect immediately.