STATE OF NEW YORK

8257

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

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. 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 who receive a federal post card application form shall be able to submit such federal post card application form using the electronic absentee ballot application transmittal system.

§ 2. 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 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.**

§ 3. 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

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

LBD11782-04-5

this article, as soon as practicable but in any event not **earlier than ninety days nor** later than [~~**forty-six**~~] **seventy-five** 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; 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.

§ 4. Section 10-112 of the election law, as amended by chapter 104 of the laws of 2010, is amended to read as follows:

§ 10-112. Military voter; voting. The military voter shall mark the military ballot provided for in this article in the same manner as an absentee ballot. After marking the ballot, [~~**he or she**~~] **such military voter** shall fold such ballot and enclose it in the inner affirmation envelope bearing the military voter's affirmation on the outside of the envelope and seal the envelope. [~~**He or she**~~] **Such military voter** shall then sign the affirmation, with the blanks properly filled in. The inner affirmation envelope containing the military ballot shall then be inserted in the outer envelope addressed to the appropriate board of elections, which shall be mailed or personally delivered to such board of elections of [~~**his or her**~~] **such military voter's** county of residence within the time limits provided by this chapter. **A board of elections shall not refuse to accept and process any valid military ballot without the official post card form prescribed under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 USC 1973ff).**

§ 5. Subdivisions 1 and 2 of section 10-125 of the election law, as added by chapter 104 of the laws of 2010, are amended to read as follows:

1. A board of elections shall not refuse to accept and process any otherwise valid voter registration application or military ballot application (including the official post card form prescribed under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 USC 1973ff)) or marked military ballot submitted by mail or personally delivered, solely on the basis of the following:

(a) Notarization requirements;

(b) Restrictions on paper type, including weight and size; [~~or~~]
(c) Restrictions on envelope type, including weight and size; or
(d) Not including the official post card form prescribed under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 USC 1973ff) with the military ballot application or marked military ballot.

2. A board of elections shall not refuse to accept and process any otherwise valid federal write-in absentee ballot submitted in any manner by a military voter solely on the basis of the following:
(a) Notarization requirements;
(b) Restrictions on paper type, including weight and size; [~~or~~]
(c) Restrictions on envelope type, including weight and size; or
(d) Not including the official post card form prescribed under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 USC 1973ff) with the federal write-in absentee ballot.

§ 6. 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 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. Subdivision 1 of section 11-210 of the election law, as amended by chapter 262 of the laws of 2003, is 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 entitled to receive a ballot for such election~~].

§ 8. Subdivisions 1 and 2 of section 11-219 of the election law, as added by chapter 104 of the laws of 2010, are amended to read as follows:

1. A board of elections shall not refuse to accept and process any otherwise valid voter registration application or special federal ballot application (including the official post card form prescribed under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 USC 1973ff)) or marked special federal ballot submitted by mail or personally delivered, solely on the basis of the following:
(a) Notarization requirements;
(b) Restrictions on paper type, including weight and size; [~~or~~]
(c) Restrictions on envelope type, including weight and size; or
(d) Not including the official post card form prescribed under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 USC 1973ff) with the special federal ballot application or marked special federal ballot.

2. A board of elections shall not refuse to accept and process any otherwise valid federal write-in absentee ballot submitted in any manner by a special federal voter solely on the basis of the following:

(a) Notarization requirements;

(b) Restrictions on paper type, including weight and size; [~~or~~]

(c) Restrictions on envelope type, including weight and size**; or**

(d) Not including the official post card form prescribed under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 USC 1973ff) with the federal write-in absentee ballot.

§ 9. 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 post card 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.

§ 10. 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.