

STATE OF NEW YORK

5182

2025-2026 Regular Sessions

IN SENATE

February 19, 2025

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

AN ACT to amend the election law, in relation to enacting the "disaster voting relief act"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "disaster voting relief act".

3 § 2. The election law is amended by adding a new section 3-109 to read
4 as follows:

5 § 3-109. Disaster; governor may suspend or delay voting. 1. The gover-
6 nor may, upon issuance of an executive order declaring a state of emer-
7 gency or upon the issuance of a federal disaster declaration suspend or
8 delay an election in such municipality.

9 2. If a delay or suspension is authorized by the governor, the delayed
10 voting shall resume or be rescheduled as soon as practicable pursuant to
11 the procedures outlined in section 3-108 of this title. The state board
12 of elections shall promulgate such rules and regulations to further
13 effectuate the provisions of this section.

14 § 3. The election law is amended by adding a new section 8-418 to read
15 as follows:

16 § 8-418. Persons entitled to vote absentee when an emergency is
17 declared. Upon issuance of an executive order declaring a state of emer-
18 gency or upon the issuance of a federal disaster declaration within
19 fourteen days of an election any qualified voter whose polling location
20 is within the area affected by such declaration may vote as an absentee
21 voter notwithstanding the provisions of this chapter.

22 § 4. Section 8-302 of the election law is amended by adding a new
23 subdivision 6 to read as follows:

24 6. Upon the governor's issuance of an executive order declaring a
25 state of emergency pursuant to section twenty-eight of the executive law

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

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1 or upon the issuance of a federal disaster declaration a voter seeking
2 to vote by affidavit need not affirm that such voter is duly registered
3 in the election district in which such voter seeks to cast an affidavit
4 ballot if such voter is registered to vote within the county for which
5 such declaration has been issued.

6 § 5. The opening paragraph of section 9-209 of the election law, as
7 separately amended by chapters 479 and 481 of the laws of 2023, is
8 amended to read as follows:

9 Before completing the canvass of votes cast in any primary, general,
10 special, or other election at which voters are required to sign their
11 registration poll records before voting, the board of elections shall
12 proceed in the manner hereinafter prescribed to review, cast and canvass
13 early mail, any absentee, military, special presidential, special feder-
14 al or other special ballots and any ballots cast in affidavit envelopes,
15 including ballots cast by voters pursuant to section 8-604 of this chap-
16 ter. Each such ballot shall be retained in the original envelope
17 containing the voter's affidavit and signature, in which it is delivered
18 to the board of elections until such time as it is to be reviewed, in
19 order to be cast and canvassed. Absentee ballots cast by voters pursuant
20 to section 8-418 of this chapter shall be transmitted by the county
21 board of elections where such ballot was cast to the board of elections
22 where such voter is registered to vote to be canvassed with other affi-
23 davit and absentee ballots for the election district wherein the voter
24 resides.

25 § 6. This act shall take effect on the one hundred eightieth day after
26 it shall have become a law. Effective immediately, the addition, amend-
27 ment and/or repeal of any rule or regulation necessary for the implemen-
28 tation of this act on its effective date are authorized to be made and
29 completed on or before such effective date.