

# STATE OF NEW YORK

7394--A

2023-2024 Regular Sessions

## IN SENATE

May 22, 2023

Introduced by Sen. GIANARIS -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, the education law, the town law and the New York city charter, in relation to establishing early mail voting

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

1 Section 1. This act shall be known and may be cited as the "New York  
2 Early Mail Voter Act".

3 § 2. Article 8 of the election law is amended by adding a new title 7  
4 to read as follows:

### TITLE VII

#### EARLY MAIL VOTING

5  
6  
7 Section 8-700. Early voting by mail; application for ballot.

8 8-702. Early voting by mail; review of application by board of  
9 elections.

10 8-704. Early mail ballots; delivery of.

11 8-706. Electronic early mail ballot application transmittal  
12 system.

13 8-708. Early voting by mail; method of.

14 8-710. Early mail ballots; deadline for receipt, and delivery to  
15 polling place.

16 8-712. Online early mail ballot tracking system.

17 § 8-700. Early voting by mail; application for ballot. 1. A registered  
18 voter may apply to the county board of elections in the county in which  
19 they are registered, or to the board of elections of the city of New  
20 York, if registered in the city of New York, to vote early by mail under  
21 this title in any election conducted by the board of elections in which  
22 the voter is eligible to vote.

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

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1 2. A registered voter who desires to vote early by mail at an election  
2 must make an application to vote early by mail on a form to be obtained  
3 and filed as provided in this section, by letter as provided in para-  
4 graph (d) of this subdivision, or through the electronic early mail  
5 ballot application transmittal system pursuant to section 8-706 of this  
6 title.

7 (a) Application forms to vote early by mail shall be furnished by and  
8 may be obtained from any board of elections at any time until the day  
9 before such election, or on the electronic early mail ballot application  
10 transmittal system. Application forms shall also be supplied by the  
11 board of inspectors of the election district in which the applicant is a  
12 registered voter on all of the days provided for local registration. In  
13 addition, application forms shall be supplied upon the request of the  
14 person authorized to vote pursuant to this section, any such person's  
15 spouse, parent or child, a person residing with the applicant as a  
16 member of their household, or the applicant's duly authorized agent.  
17 Application forms sent outside of the United States to a country other  
18 than Canada or Mexico, shall be sent by airmail. Any reference to "board  
19 of elections" in the remaining provisions of this section, except with  
20 respect to the furnishing and obtaining of applications to vote early by  
21 mail, means only the board of elections of the county or city in which  
22 the applicant is a registered voter.

23 (b) Applications may be filed with the board of elections, through the  
24 electronic early mail ballot application transmittal system or in person  
25 with the board of inspectors of the election district in which the  
26 applicant is a registered voter on one of the days provided for local  
27 registration.

28 (c) All applications requesting to vote early by mail transmitted by  
29 mail or through the electronic early mail ballot application transmittal  
30 system must be received by the board of elections not later than the  
31 tenth day before the election for which a ballot is first requested.  
32 Applications to vote early by mail delivered in person at the board of  
33 elections must be received by such board not later than the day before  
34 such election.

35 (d) The board of elections shall mail an early mail ballot to every  
36 registered voter otherwise eligible for such a ballot, who requests such  
37 an early mail ballot from such board of elections in writing in a  
38 letter, telefax indicating the address, phone number and the telefax  
39 number from which the writing is sent or other written instrument, or  
40 through an electronic application submitted by the voter through the  
41 electronic early mail ballot application transmittal system established  
42 by the state board of elections, which is signed by the voter and  
43 received by the board of elections not later than the tenth day before  
44 the election for which the ballot is first requested and which states  
45 the address where the voter is registered and the address to which the  
46 ballot is to be mailed.

47 (e) When mailing an early mail ballot application to a voter the board  
48 of elections shall provide a domestic postage paid return envelope. When  
49 providing an early mail ballot application to a voter in-person, the  
50 board of elections shall offer the voter a domestic postage paid return  
51 envelope and provide one if requested.

52 3. The application for an early mail ballot when filed must contain in  
53 each instance the following information:

54 (a) Applicant's full name, date of birth, and residence address,  
55 including the street and number, if any, rural delivery route, if any,

1 mailing address if different from the residence address and their town  
2 or city and an address to which the ballot shall be mailed.

3 (b) A statement that the applicant is a registered voter in the county  
4 or city where they are applying to vote early by mail.

5 4. The application for an early mail ballot shall also provide the  
6 applicant the opportunity to provide their telephone number and e-mail  
7 address.

8 5. The application for an early mail ballot shall also provide the  
9 applicant the opportunity to request to receive an early mail ballot for  
10 all remaining elections in the calendar year in which the applicant is  
11 eligible to vote. If an applicant indicates in the application for an  
12 early mail ballot that they wish to receive an early mail ballot for all  
13 remaining elections in the calendar year, upon filing of such applica-  
14 tion, the board of elections shall indicate such request in the voter's  
15 registration record. When early mail ballots are mailed for subsequent  
16 elections in the calendar year in which the voter is eligible to vote,  
17 the board of elections shall mail an early mail ballot to the voter at  
18 their last known address by first class mail with a request to the  
19 postal authorities not to forward such ballot but to return it in five  
20 days in the event that it cannot be delivered to the addressee. Howev-  
21 er, the board shall not be required to mail an early mail ballot pursu-  
22 ant to this section if the voter's registration has been canceled since  
23 the filing of such application.

24 6. The application for an early mail ballot shall contain the follow-  
25 ing language printed in bold face directly above the signature line: "I  
26 CERTIFY THAT THE INFORMATION IN THIS APPLICATION IS TRUE AND CORRECT AND  
27 UNDERSTAND THAT THIS APPLICATION WILL BE ACCEPTED FOR ALL PURPOSES AS  
28 THE EQUIVALENT OF AN AFFIDAVIT AND, IF IT CONTAINS A MATERIAL FALSE  
29 STATEMENT, SHALL SUBJECT ME TO THE SAME PENALTIES AS IF I HAD BEEN DULY  
30 SWORN." Such application shall be accepted for all purposes as the  
31 equivalent of an affidavit and if it contains a material false statement  
32 shall subject the person signing it to the same penalties as if he or  
33 she had been duly sworn.

34 7. For purposes of this section, the use of titles, initials or  
35 customary abbreviations of given names by the signers or witnesses of an  
36 early mail ballot application or early mail ballot envelope, or the use  
37 of customary abbreviations of addresses of such signers or witnesses,  
38 shall not invalidate such voter's signature or witness's signature on an  
39 application for early mail ballot or upon canvass or recanvass of the  
40 ballot pursuant to this chapter.

41 8. (a) If a person entitled to an early mail ballot is unable to sign  
42 their application because of illness, physical disability or inability  
43 to read, they shall be excused from signing upon making a statement, in  
44 substantially the following form, which shall be witnessed by one  
45 person:

46 "I hereby state that I am unable to sign my application for an early  
47 mail ballot without assistance because I am unable to write by reason of  
48 illness or physical disability or because I am unable to read. I have  
49 made, or have received assistance in making, my mark in lieu of my  
50 signature."

51 .....  
52 (Date)

.....  
(Mark)  
.....

(Name of Voter)

"I, the undersigned, hereby certify that the above named voter affixed their mark to this application in my presence and I know them to be the person who affixed their mark to said application and understand that this statement 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."

.....  
(Signature of Witness)

.....  
(Address of Witness)

(b) Such statement shall be included in the application form furnished by the board of elections.

9. Printed forms of applications for early mail ballots in accordance with the requirements of this section shall be provided by the board of elections. An appropriate number shall be retained by the board of elections for the purpose of furnishing an application form to each registered voter who applies therefor before the board of elections, either in person or by mail, and an appropriate number shall be delivered to each board of inspectors on registration days with the election supplies, and the board of inspectors shall retain the completed and unused applications and return them to the board of elections with their election supplies and an appropriate number shall be available for distribution to officers of political parties, county clerks, city, town and village clerks, colleges, libraries, and any other convenient distribution source which is approved by the local or state board of elections and which requests such forms.

10. The state board of elections shall prescribe a standard application form for use under this section. The use of any application form which substantially complies with the provisions of this section shall be acceptable and any application filed on such a form shall be accepted for filing.

§ 8-702. Early voting by mail; review of application by board of elections. 1. Upon receipt of an application to vote early by mail the board of elections shall determine whether the applicant is a registered voter of the county or city at the address listed in the application and is eligible to vote in the election or elections for which the application is filed. An application to vote early by mail filed or received simultaneously with or on the same day as a valid registration application from the applicant shall be considered valid.

2. If the board of elections determines that the applicant is not a registered voter of the county or city at the address listed in the application pursuant to subdivision one of this section or the applicant is not eligible to vote in all of the elections for which the application is filed, the board of elections shall immediately notify the applicant of the rejection of the application to vote early by mail and provide the reason for such rejection.

3. In the case of a primary election, the board of elections shall deliver only the ballot of the party in which the records of the board of elections show the applicant to be enrolled. In the event a primary election is uncontested in the applicant's election district for all offices or positions except the party position of member of the ward,

1 town, city or county committee, no ballot shall be delivered to such  
2 applicant for such election; and the applicant shall be advised why they  
3 are not being sent a ballot.

4 4. The board shall keep a record of applications to vote early by mail  
5 as they are received, showing the names and residences of the appli-  
6 cants, and their party enrollment in the case of primary elections, and,  
7 as soon as practicable shall, when requested, give to the chairman of  
8 each political party or independent body in the county, and shall make  
9 available for inspection to any other registered voter upon request, a  
10 complete list of all applicants to whom early mail ballots have been  
11 delivered or mailed, containing their names and places of residence as  
12 they appear on the registration record, including the election district  
13 and ward, if any, and in the city of New York and the county of Nassau,  
14 the assembly district, and their party enrollment in the case of primary  
15 elections.

16 § 8-704. Early mail ballots; delivery of. 1. If the board finds that  
17 the applicant is a registered voter of the county or city at the address  
18 listed in the application, the applicant is eligible to vote in the  
19 election at issue, and the application is otherwise sufficient, it  
20 shall, as soon as practicable, mail to the applicant at an address  
21 designated by them, or deliver to them, or to any person designated for  
22 such purpose in writing by them, at the office of the board, an early  
23 mail ballot or set of ballots and an envelope therefor. If the ballot or  
24 ballots are to be sent outside of the United States to a country other  
25 than Canada or Mexico, such ballot or ballots shall be sent by air mail.

26 2. When mailing an early mail ballot to a voter the board of elections  
27 shall provide a domestic postage paid return envelope. When providing an  
28 early mail ballot to a voter in-person, the board of elections shall  
29 offer the voter a domestic postage paid return envelope and provide one  
30 if requested.

31 § 8-706. Electronic early mail ballot application transmittal system.  
32 1. In addition to any other means of applying for an early mail ballot,  
33 the state board of elections shall establish and maintain an electronic  
34 early mail ballot application transmittal system through which voters  
35 may apply for an early mail ballot online. The state board of elections  
36 shall electronically transmit such applications to the applicable board  
37 of elections of each county or the city of New York for processing  
38 consistent with this chapter. In accordance with technical specifica-  
39 tions provided by the state board of elections, each board of elections  
40 shall maintain an early mail ballot application system capable of  
41 receiving and processing electronic early mail ballot applications,  
42 including, but not limited to, electronic signatures, from the electron-  
43 ic early mail ballot application transmittal system established by the  
44 state board of elections pursuant to this section. Such transmittal  
45 system shall be fully integrated with each county board of elections and  
46 the city of New York board of elections so that a voter may apply online  
47 directly either through the website of their board of elections or the  
48 state board of elections. Notwithstanding any other inconsistent  
49 provision of this chapter, applications filed using such system shall be  
50 considered filed with the applicable board of elections on the calendar  
51 date the application is initially transmitted by the voter through the  
52 electronic early mail ballot application transmittal system.

53 2. (a) A voter shall be able to apply for an early mail ballot using a  
54 personal online application submitted through the electronic early mail  
55 ballot application transmittal system when the voter:



1 (i) completes an electronic early mail ballot application promulgated  
2 by the state board of elections which shall include all of the informa-  
3 tion required by section 8-700 of this title; and

4 (ii) affirms, subject to penalty of perjury, by means of electronic or  
5 manual signature, that the information contained in the early mail  
6 ballot application is true; and

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

15 (b) The board of elections shall provide the personal online early  
16 mail ballot application in any language required by the federal Voting  
17 Rights Act of 1965 (52 U.S.C. Sec. 10503) in any county in the state.

18 (c) The online early mail ballot application process shall provide  
19 reasonable accommodations to improve accessibility for persons with  
20 disabilities and shall be compatible for use with standard online acces-  
21 sibility assistance tools for persons with visual, physical or percep-  
22 tive disabilities.

23 (d) The state board of elections shall promulgate rules and regu-  
24 lations for the creation and administration of an early mail ballot  
25 application system pursuant to this section.

26 3. (a) If an early mail ballot exemplar signature is not provided by  
27 an applicant who submits an early mail ballot application pursuant to  
28 this section, the local board shall seek to obtain such exemplar signa-  
29 ture from the statewide voter registration database, the state board of  
30 elections, or a state or local agency designated by section 5-211 or  
31 5-212 of this chapter.

32 (b) If such exemplar signature is not available from the statewide  
33 voter registration database, the state board of elections, or a state or  
34 local agency designated by section 5-211 or 5-212 of this chapter, the  
35 local board of elections shall, absent another reason to reject the  
36 application, require the voter to provide an exemplar signature by any  
37 one of the following methods: in person, by electronic mail, or by elec-  
38 tronic upload to the board of elections through the electronic early  
39 mail ballot application transmittal system.

40 (c) If such voter does not provide the required exemplar signature,  
41 the board of elections shall proceed to issue an early mail ballot to  
42 the voter along with an early mail ballot application form requiring  
43 such voter to submit a signature upon such application form and return  
44 it to the board of elections with the voter's ballot.

45 4. The electronic early mail ballot application transmittal system  
46 shall be combined on a single website with the electronic absentee  
47 ballot application transmittal system created pursuant to section 8-408  
48 of this article. A person using the website must first be provided with  
49 an early mail ballot application before being offered the opportunity to  
50 apply for an absentee ballot. If a person submits an early mail ballot  
51 application, the person shall not be offered the opportunity to apply  
52 for an absentee ballot.

53 § 8-708. Early voting by mail; method of. The early mail voter shall  
54 mark an early mail ballot as provided for paper ballots or ballots  
55 prepared for counting by ballot counting machines. They shall make no  
56 mark or writing whatsoever upon the ballot, except as above prescribed,

1 and shall see that it bears no such mark or writing. They shall make no  
2 mark or writing whatsoever on the outside of the ballot. In cases where  
3 the express intent of the voter is unambiguous, any stray marks or writ-  
4 ing shall not be a basis for voiding a ballot. After marking the ballot  
5 or ballots they shall fold each such ballot and enclose them in the  
6 envelope and seal the envelope. They shall then take and subscribe the  
7 oath on the envelope, with blanks properly filled in. The envelope,  
8 containing the ballot or ballots, shall then be mailed or delivered to  
9 the board of elections of the county or city of their residence.

10 § 8-710. Early mail ballots; deadline for receipt, and delivery to  
11 polling place. 1. The board of elections shall cause all early mail  
12 ballots received by it before the close of the polls on election day and  
13 all ballots contained in envelopes showing a cancellation mark of the  
14 United States postal service or a foreign country's postal service, or  
15 showing a dated endorsement of receipt by another agency of the United  
16 States government, with a date which is ascertained to be not later than  
17 the day of the election and received by such board of elections not  
18 later than seven days following the day of election to be cast and  
19 counted. For purposes of this section, any early mail ballot received  
20 by the board of elections by mail that does not bear or display a dated  
21 postmark shall be presumed to have been timely mailed or delivered if  
22 such ballot bears a time stamp of the receiving board of elections indi-  
23 cating receipt by such board on the day after the election.

24 2. Early mail ballots received by the board of elections shall be  
25 retained at the board of elections and cast and canvassed pursuant to  
26 the provisions of section 9-209 of this chapter.

27 § 8-712. Online early mail ballot tracking system. 1. The state board  
28 of elections shall establish and maintain an electronic early mail  
29 ballot tracking system. In accordance with technical specifications  
30 provided by the state board of elections, each local board of elections  
31 shall maintain an early mail ballot tracking system integrated with the  
32 state board's system, and which may be integrated with the United States  
33 postal service tracking system, to allow a voter who has submitted an  
34 application for an early mail ballot to track the status of an early  
35 mail ballot application and an early mail ballot on the state board or  
36 local board website.

37 2. Such website shall not require users to create an account but shall  
38 require verification that the user is accessing their own record through  
39 the inclusion of data identifying the voter and the board of elections  
40 at which the voter is registered, and any other information required by  
41 the state board of elections.

42 3. The ballot tracking system shall indicate to the voter if the  
43 board:

- 44 (a) received such voter's application for an early mail ballot;
- 45 (b) approved or rejected such application and, if rejected, an indi-  
46 cation of the reason for such rejection;
- 47 (c) mailed or delivered an early mail ballot to such voter, the date  
48 of such mailing or delivery, and the expected date of receipt;
- 49 (d) received the ballot back as undeliverable;
- 50 (e) received such voter's completed early mail ballot;
- 51 (f) determined the ballot envelope was subject to a cure; and
- 52 (g) counted or rejected such voter's completed early mail ballot and,  
53 if rejected, a brief statement of the reason for rejection.

54 4. The electronic early mail ballot tracking system shall be combined  
55 on a single website with the electronic absentee ballot tracking system  
56 created pursuant to section 8-414 of this article.

1 § 3. Paragraphs (c) and (d) of subdivision 2 of section 8-400 of the  
2 election law, as separately amended by chapters 273 and 746 of the laws  
3 of 2021, are amended to read as follows:

4 (c) All applications requesting an absentee ballot by mail or through  
5 the electronic absentee ballot application transmittal system must be  
6 received by the board of elections not later than the [~~fifteenth~~] tenth  
7 day before the election for which a ballot is first requested. Applica-  
8 tions for an absentee ballot that will be delivered in person at the  
9 board of elections to the voter or to an agent of the voter must be  
10 received by such board not later than the day before such election.

11 (d) The board of elections shall mail an absentee ballot to every  
12 qualified voter otherwise eligible for such a ballot, who requests such  
13 an absentee ballot from such board of elections in writing in a letter,  
14 telefax indicating the address, phone number and the telefax number from  
15 which the writing is sent or other written instrument, or an electronic  
16 application submitted by the voter through the electronic absentee  
17 ballot application transmittal system established by the state board of  
18 elections, which is signed by the voter and received by the board of  
19 elections not later than the [~~fifteenth~~] tenth day before the election  
20 for which the ballot is first requested and which states the address  
21 where the voter is registered and the address to which the ballot is to  
22 be mailed; provided, however, a military voter may request a military  
23 ballot or voter registration application or an absentee ballot applica-  
24 tion in a letter as provided in subdivision three of section 10-106 of  
25 this chapter; and provided further, a special federal voter may request  
26 a special federal ballot or voter registration application or an absen-  
27 tee ballot application in a letter as provided in paragraph d of subdivi-  
28 sion one of section 11-202 of this chapter. The board of elections  
29 shall enclose with such ballot a form of application for absentee ballot  
30 if the applicant is registered with such board of elections.

31 § 4. The election law is amended by adding a new section 7-119 to read  
32 as follows:

33 § 7-119. Ballots; early mail voters. 1. (a) Ballots for early mail  
34 voters shall be, as nearly as practicable, in the same form as those to  
35 be voted in the district on election day, except that such ballots need  
36 not have a stub, and shall have the words "Early Mail Ballot", endorsed  
37 thereon.

38 (b) All provisions of this chapter not inconsistent with this subdivi-  
39 sion shall be applicable to early mail ballots prepared for counting by  
40 a ballot scanner or by hand. The instructions for marking an early mail  
41 ballot shall be provided and shall be substantially as follows, so that  
42 they accurately reflect the ballot layout:

43 INSTRUCTIONS

44 Mark the (insert "oval" or "square") to the left of the name of your  
45 choice. (Provide illustration of correctly-marked voting position here.)  
46 To vote for a candidate whose name is not printed on the ballot, (insert  
47 "mark the oval (or square) to the left of 'write-in' and print the name  
48 clearly" or "print the name clearly in the box labeled 'write-in'"),  
49 staying within the box. Any mark or writing outside the spaces provided  
50 for voting may void the entire ballot. You have a right to a replacement  
51 ballot. If you make a mistake or want to change your vote, call the  
52 board of elections at (insert phone number here) for instructions on how  
53 to obtain a new ballot. The number of choices is listed for each  
54 contest. Do not mark the ballot for more candidates than allowed. If you  
55 do, your vote in that contest will not count.



1 (c) When a question or proposal is included on the ballot,  
2 instructions substantially similar to those provided in subdivision  
3 fifteen of section 7-104 of this article shall be included.

4 2. The determination of the appropriate county board of elections as  
5 to the candidates duly designated or nominated for public office or  
6 party position whose name shall appear on the early mail ballot and as  
7 to ballot proposals to be voted on shall be made no later than the day  
8 after the state board of elections issues its certification of those  
9 candidates to be voted for at the general, special or primary election.  
10 The determinations of the state board of elections and the respective  
11 county boards of elections shall be final and conclusive with respect to  
12 such offices for which petitions or certificates are required to be  
13 filed with such boards, as the case may be but nothing contained in this  
14 section shall prevent a board of elections, or a court of competent  
15 jurisdiction from determining at a later date that any such certif-  
16 ication, designation or nomination is invalid and, in the event of such  
17 later determination, no vote cast for any such nominee by any voter  
18 shall be counted at the election.

19 3. There shall be three envelopes for each early mail ballot issued by  
20 mail: the inner affirmation envelope into which a voter places their  
21 voted ballot, the outer envelope which shall be addressed to the early  
22 mail voter, and the mailing envelope which is addressed to the county  
23 board of elections. The board of elections shall furnish with each early  
24 mail ballot an inner affirmation envelope. On one side of the envelope  
25 shall be printed:

26 OFFICIAL EARLY MAIL BALLOT  
27 for  
28 GENERAL (OR PRIMARY OR SPECIAL) ELECTION,

29 ....., 20.....

30 Name of voter .....  
31 Residence (street and number if any) .....  
32 City/or town of (village, if any) .....  
33 County of .....

34 Assembly District .....  
35 Legislative District (as applicable) .....  
36 Ward (as applicable) .....  
37 Election District .....  
38 Party Enrollment (in case of primary election) .....

39 4. The date of the election, name of the county, and name of a city,  
40 if there be a separate ballot for city voters, shall be printed, and the  
41 name of the voter, residence, number of the assembly district, if any,  
42 name of town, number of ward, if any, election district and party  
43 enrollment, if required, shall be either printed or written or stamped  
44 in by the board.

45 5. There shall also be a place for two board of elections staff  
46 members or inspectors of opposite political parties to indicate, by  
47 placing their initials thereon, that they have checked and marked the  
48 voter's poll record and a box labeled "BOE use only" for notations  
49 required when the board of elections reviews affirmation ballot envel-  
50 opes pursuant to section 9-209 of this chapter.

51 6. On the reverse side of such inner affirmation envelope shall be  
52 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

7. The inner affirmation envelope shall be gummed, ready for sealing, and shall have printed thereon, on the side opposite the statement, instructions as to the duties of the voter after the marking of the ballot, which instructions shall include a specific direction stating when such ballot must be postmarked and when such ballot must reach the office of the board of elections in order to be canvassed.

8. Each inner affirmation ballot envelope shall be enclosed in an outer envelope addressed to the appropriate board of elections and bearing on it a specific direction that if an original application for an early mail ballot is received with the ballot, such application must be completed by the voter and returned in the outer envelope together with the sealed inner affirmation envelope containing the early mail ballot within the time limits for receipt of the early mail ballot itself. Such inner affirmation envelope and outer envelope shall be enclosed in the third envelope addressed to the early mail voter. The outer and third envelopes shall have printed on the face thereof the words "Election Material--Please Expedite".

§ 5. The election law is amended by adding a new section 15-119 to read as follows:

§ 15-119. Early mail voting at village elections. 1. A registered voter of a village may vote by early mail ballot under this section for a general or special village election in which the voter is eligible to vote.

2. A registered voter desirous of obtaining an early mail ballot shall make written application therefor to the village clerk. Application forms for use pursuant to this section shall be in a form prescribed by the state board of elections. The use of any application which is on a form prescribed by the state board of elections shall be acceptable.

3. An application for an early mail ballot must be signed by the applicant. If a person entitled to an early mail ballot is unable to

1 sign their application because of illness, physical disability or  
 2 inability to read, they shall be excused from signing upon making a  
 3 statement, in substantially the following form, which shall be witnessed  
 4 by one person: "I hereby state that I am unable to sign my application  
 5 for an early mail ballot without assistance because I am unable to write  
 6 by reason of illness or physical disability or because I am unable to  
 7 read. I have made, or have received assistance in making, my mark in  
 8 lieu of my signature."

9 .....

10 (Date)

11 .....

12 (Mark)

13 .....

14 (Name of Voter)

15 "I, the undersigned, hereby certify that the above named voter affixed  
 16 their mark to this application in my presence and I know them to be the  
 17 person who affixed their mark to said application and understand that  
 18 this statement will be accepted for all purposes as the equivalent of an  
 19 affidavit and if it contains a material false statement, shall subject  
 20 me to the same penalties as if I had been duly sworn."

21 .....

22 (Signature of Witness)

23 .....

24 (Address of Witness)

25 Such statement shall be included in the application blank form furnished  
 26 by the village clerk.

27 4. The application for an early mail ballot when filed must contain in  
 28 each instance the following information:

29 (a) Applicant's full name, date of birth, and residence address,  
 30 including the street and number, if any, rural delivery route, if any,  
 31 mailing address if different from the residence address and their  
 32 village and an address to which the ballot shall be mailed.

33 (b) A statement that the applicant is a registered voter.

34 (c) Such application shall permit the applicant to apply for an early  
 35 mail ballot for a single election or for all remaining elections in the  
 36 calendar year for which the voter is eligible to vote.

37 5. The application for an early mail ballot shall also provide the  
 38 applicant the opportunity to provide their telephone number and e-mail  
 39 address.

40 6. Printed forms containing the application for the early mail ballot,  
 41 in accordance with the requirements of this section, shall be in the  
 42 form prescribed by the state board of elections and shall be provided by  
 43 the village clerk and shall be available at the office of the clerk.  
 44 Application forms for early mail ballots for use pursuant to this  
 45 section shall be furnished by the village clerk upon request of the  
 46 person authorized to vote under this section or by any such person's  
 47 spouse, parent, child, authorized agent or any nurse charged with the  
 48 care of such person.

49 7. An application must be received by the village clerk no earlier  
 50 than four months before the election for which an early mail ballot is  
 51 sought, except as provided in paragraph (c) of subdivision four of this  
 52 section. If the application requests that the early mail ballot be  
 53 mailed, such application must be received not later than seven days

1 before the election. If the applicant or their agent delivers the appli-  
2 cation to the village clerk in person, such application must be received  
3 not later than the day before the election. The village clerk shall  
4 examine each application. If the application is complete, the applicant  
5 is a registered voter of the village at the address listed in the appli-  
6 cation, and the applicant is eligible to vote in the election, the  
7 application shall be deemed accepted.

8 8. No later than six days before the election for which an application  
9 has been received and accepted by the village clerk, the village clerk  
10 shall mail, by regular mail, an early mail ballot to each applicant who  
11 has applied before such day and who has requested that such early mail  
12 ballot be mailed to them at the address set forth in their application.  
13 If the applicant or their agent delivers the application to the village  
14 clerk in person after the seventh day before the village election and  
15 not later than the day before the election, the village clerk shall  
16 forthwith deliver such early mail ballots for those applicants whom they  
17 determine are qualified to make such applications and to receive such  
18 ballots to such applicants or the agents named in the applications when  
19 such applicants or agents appear in the village clerk's office.

20 9. The early mail ballot shall be caused to be prepared and printed by  
21 the village clerk as provided by law for paper ballots or machine  
22 ballots, whichever are to be used in said election and appropriate  
23 modifications for the purposes of this section. The village clerk shall  
24 also cause to be prepared and printed return envelopes addressed to  
25 themselves, conforming so far as may be practicable to the provisions of  
26 this chapter stating thereon that in order for the ballot contained  
27 therein to be counted it must be received by the village clerk not later  
28 than the close of the polls on election day. On the reverse side of each  
29 return envelope there shall be written instructions for the voter to  
30 insert at designated places their signature, their name printed, their  
31 residence address within the village and their village election district  
32 if there be more than one district within the village.

33 10. The method of marking, preparing and mailing such ballot for  
34 voting shall conform, wherever practicable, to the methods used for  
35 early mail ballots for a general election, except that the envelope in  
36 which it is contained shall be returned to the village clerk. On the day  
37 of the election, the village clerk shall deliver all such ballots, which  
38 have been returned to them, in the sealed envelopes to the board of  
39 inspectors of election of the proper election district. No such ballot  
40 shall be deemed to have been voted unless or until it shall have been  
41 delivered to the board of inspectors of election of the election  
42 district in which the elector casting the ballot resides and shall have  
43 been deposited by the chairman of such board in the box provided for  
44 receiving such ballot.

45 11. When such ballots shall have been delivered to the board of  
46 inspectors of election of the proper election district and shall have  
47 been duly determined by such board to have been lawfully cast by a qual-  
48 ified elector of such district, the chairman of such board shall, after  
49 the close of the polls, open the envelopes containing such ballots and,  
50 without unfolding such ballots or permitting the face thereof to be  
51 exposed to the view of anyone, shall deposit each such ballot in a box  
52 specifically furnished for such purpose by the village clerk. If the  
53 board of inspectors shall determine that any such ballot has been cast  
54 by an elector who would not be qualified under the provisions of this  
55 section, then such ballot shall not be counted.

1 12. After all the ballots shall have been deposited, the box shall be  
2 opened and such ballots canvassed in the same manner as other ballots  
3 cast at such election and shall be counted and included in the total of  
4 all ballots cast at such election.

5 § 6. Paragraph b of subdivision 2 of section 15-124 of the election  
6 law is amended to read as follows:

7 b. the investigation of any registrant or any applicant for an early  
8 mail or absentee ballot to determine his or her qualifications to be  
9 registered or vote, and

10 § 7. Subdivision 4 of section 3-108 of the election law is amended to  
11 read as follows:

12 4. Only those persons duly registered to vote upon the original date  
13 of the general election who did not vote on such date shall be entitled  
14 to vote on the additional day for voting. Voting on the additional day  
15 provided for in this section shall be accomplished solely by physically  
16 appearing at the polling place and nothing contained in this section  
17 shall be construed to extend the time set by law for casting or canvass-  
18 ing a military, early mail, absentee or special presidential ballot;  
19 provided, however, that nothing contained herein shall be deemed to  
20 invalidate any early mail, absentee, military or special presidential  
21 ballot duly received on the original date of the general election.

22 § 8. Subdivision 3 of section 3-222 of the election law, as amended by  
23 chapter 282 of the laws of 2011, is amended to read as follows:

24 3. Except as hereinafter provided, packages of protested, void and  
25 wholly blank ballots, open packages of unused ballots and all early  
26 mail, absentee and military, special federal, special presidential and  
27 emergency ballots and ballot envelopes, if any, opened or unopened,  
28 shall be preserved for two years after the election. Sealed packages of  
29 unused ballots shall be retained for four months, and may then be  
30 destroyed, provided a certificate articulating the election district  
31 identifying data and numbers of such ballots is filed with the balance  
32 of ballots described in this section, for the balance of the two year  
33 retention period. Except as hereinafter provided, boxes containing voted  
34 paper ballots, if any shall be preserved inviolate for four months after  
35 the election, or until one month before the next election occurring  
36 within five months after a preceding election if such boxes are needed  
37 for use at such next election and if the officer or board in charge of  
38 such voted paper ballots is required by law to furnish ballot boxes  
39 therefor. Provided, however, that such ballot boxes and such packages  
40 may be opened, and their contents and the early mail, absentee and mili-  
41 tary, special federal, special presidential and emergency ballots and  
42 ballot envelopes may be examined, upon the order of any court or justice  
43 of competent jurisdiction. Boxes and envelopes containing early mail,  
44 absentee, military and emergency ballots voted at a general or special  
45 election, for the office of member of the senate or assembly, packages  
46 of void, protested and wholly blank ballots, unopened early mail, absen-  
47 tee and military ballot envelopes and the packages of unused ballots, in  
48 connection with such election, also may be opened, and their contents  
49 and such envelopes also may be examined, by direction of a committee of  
50 the senate or assembly to investigate and report on contested elections  
51 of members of the legislature. Unless otherwise ordered or directed by  
52 such a court, justice or committee, such boxes shall be opened and their  
53 contents and such packages and the envelopes containing voted ballots  
54 and ballot envelopes shall be destroyed, at the expiration of the period  
55 during which they are required by the provisions of this section to be  
56 preserved, except that instead of being destroyed, they may be sold and



1 the proceeds paid over in the manner provided with respect to the sale  
2 of books, records and papers pertaining to an election.

3 § 9. Section 3-506 of the election law, as added by chapter 244 of the  
4 laws of 2009, is amended to read as follows:

5 § 3-506. Boards of elections; voting materials in Russian. A board of  
6 elections in a city of over one million shall provide the same informa-  
7 tion in Russian that it provides in languages other than English on its  
8 website. It shall also produce and disseminate citywide a booklet that  
9 includes: (a) a voter registration form in English with instructions in  
10 Russian; (b) instructions in Russian regarding the criteria and applica-  
11 tion process for obtaining an early mail or absentee ballot; and (c) a  
12 section with general voter information in Russian including frequently  
13 asked questions. Such board may include other languages on its website  
14 and in such booklet.

15 § 10. Subdivision 1 of section 4-117 of the election law, as amended  
16 by chapter 175 of the laws of 2022, is amended to read as follows:

17 1. The board of elections, between the third Tuesday in April and the  
18 second Friday in May in each year, shall send by mail on which is  
19 endorsed such language designated by the state board of elections to  
20 ensure postal authorities do not forward such mail but return it to the  
21 board of elections with forwarding information, when it cannot be deliv-  
22 ered as addressed and which contains a request that any such mail  
23 received for persons not residing at the address be dropped back in the  
24 mail, a communication, in a form approved by the state board of  
25 elections, to every registered voter who has been registered without a  
26 change of address since the beginning of such year, except that the  
27 board of elections shall not be required to send such communications to  
28 voters in inactive status. The communication shall notify the voter in  
29 bold print contained in such notice of the days and hours of the ensuing  
30 primary and general elections, the place where he or she appears by his  
31 or her registration records to be entitled to vote, and also in other  
32 than bold type of the fact that voters who have moved or will have moved  
33 from the address where they were last registered must either notify the  
34 board of elections of his or her new address or vote by paper ballot at  
35 the polling place for his or her new address even if such voter has not  
36 re-registered, or otherwise notified the board of elections of the  
37 change of address. If the primary will not be held on the first Tuesday  
38 after the second Monday in September, the communication shall contain a  
39 conspicuous notice in all capital letters and bold font notifying the  
40 voter of the primary date. If the location of the polling place for the  
41 voter's election district has been moved, the communication shall  
42 contain the following legend in bold type: "YOUR POLLING PLACE HAS BEEN  
43 CHANGED. YOU NOW VOTE AT.....". The communication shall indicate  
44 that any registered voter may vote early by mail by applying for an  
45 early mail ballot, and provide information on how to apply for an early  
46 mail ballot. The communication shall also indicate whether the polling  
47 place is accessible to physically disabled voters, that a voter who will  
48 be out of the city or county on the day of the primary or general  
49 election or a voter who is ill or physically disabled may obtain an  
50 absentee ballot, that a physically disabled voter whose polling place is  
51 not accessible may request that his registration record be moved to an  
52 election district which has a polling place which is accessible, the  
53 phone number to call for applications to move a registration record or  
54 for early mail or absentee ballot applications, the phone number to call  
55 for the location of registration and polling places, the phone number to  
56 call to indicate that the voter is willing to serve on election day as

1 an election inspector, poll clerk, interpreter or in other capacities,  
2 the phone number to call to obtain an application for registration by  
3 mail, and such other information concerning the elections or registra-  
4 tion as the board may include. In lieu of sending such communication to  
5 every registered voter, the board of elections may send a single commu-  
6 nication to a household containing more than one registered voter,  
7 provided that the names of all such voters appear as part of the address  
8 on such communication.

9 § 11. Subdivision 1 of section 4-119 of the election law, as amended  
10 by chapter 992 of the laws of 1984, is amended to read as follows:

11 1. The board or body authorized to designate places for registration  
12 in any city, other than the city of New York, shall publish on each day  
13 of registration a list of the places for registration designated within  
14 such city in two newspapers published in such city. The lists shall  
15 refer to the election districts by their numbers and wards or assembly  
16 districts. Such lists shall identify those polling places which do not  
17 provide access to handicapped voters. The board of elections of the city  
18 of New York shall publish in at least two newspapers in such city, a  
19 notice, at least one-half page in size, in English and such other  
20 languages as such board deems appropriate which shall set forth the  
21 dates and hours of registration and the phone number to call for infor-  
22 mation about location of polling places, their accessibility to the  
23 handicapped, applications for early mail and absentee ballots and any  
24 other subjects which such board deems appropriate. So far as is consist-  
25 ent with the provisions of this section, one of such newspapers in each  
26 such city or, in each county of the city of New York, shall represent  
27 each of the major political parties and shall have a large circulation  
28 affording wide publicity. If the newspaper is an evening newspaper the  
29 notice shall be published on the last day, other than a Sunday, prior to  
30 any such day of registration.

31 § 12. Subdivision 3 of section 4-120 of the election law, as amended  
32 by chapter 359 of the laws of 1989, is amended to read as follows:

33 3. The board of elections of the city of New York shall publish on the  
34 eighth day before and the day before each general election, in at least  
35 two newspapers in such city, a notice, at least one-half page in size,  
36 in English and such other languages as such board deems appropriate,  
37 which sets forth the dates and hours of the election and the phone  
38 number to call for information about the location of polling places,  
39 their accessibility to the handicapped, applications for early mail and  
40 absentee ballots and any other subjects which such board deems appropri-  
41 ate.

42 § 13. Subdivision 9 of section 5-210 of the election law, as amended  
43 by chapter 113 of the laws of 2023, is amended to read as follows:

44 9. The county board of elections shall, as soon as practicable and in  
45 any event, not later than seven days after receipt by it of the applica-  
46 tion, verify the identity of the applicant. In order to do so, the coun-  
47 ty board of elections shall utilize the information provided in the  
48 application and shall attempt to verify such information with the infor-  
49 mation provided by the department of motor vehicles, social security  
50 administration and any other lawful available information source. If the  
51 county board of elections is unable to verify the identity of the appli-  
52 cant within seven days of the receipt of the application, it shall imme-  
53 diately take steps to confirm that the information provided by the  
54 applicant was accurately utilized by such county board of elections, was  
55 accurately verified with other information sources and that no data  
56 entry error, or other similar type of error, occurred. Following

1 completion of the preceding steps, the county board of elections shall  
2 mail (a) a notice of its approval, (b) a notice of its approval which  
3 includes an indication that such board has not yet been able to verify  
4 the identity of the applicant and a request for more information so that  
5 such verification may be completed, or (c) a notice of its rejection of  
6 the application to the applicant in a form approved by the state board  
7 of elections. Notices of approval, notices of approval with requests for  
8 more information or notices of rejection shall be sent by nonforwardable  
9 first class or return postage guaranteed mail on which is endorsed such  
10 language designated by the state board of elections to ensure postal  
11 authorities do not forward such mail but return it to the board of  
12 elections with forwarding information, when it cannot be delivered as  
13 addressed and which contains a request that any such mail received for  
14 persons not residing at the address be dropped back in the mail. The  
15 voter's registration and enrollment shall be complete upon receipt of  
16 the application by the appropriate county board of elections. The fail-  
17 ure of a county board of elections to verify an applicant's identity  
18 shall not be the basis for the rejection of a voter's application,  
19 provided, however, that such verification failure shall be the basis for  
20 requiring county board of elections to take the additional verification  
21 steps provided by this chapter. The notice shall also advise the regis-  
22 trant of the date when their registration and enrollment is effective,  
23 of the date and the hours of the next regularly scheduled primary or  
24 general election in which such registrant will be eligible to vote, of  
25 the location of the polling place of the election district in which such  
26 registrant is or will be a qualified voter, whether such polling place  
27 is accessible to physically handicapped voters, an indication that any  
28 registered voter may vote early by mail and information on how to obtain  
29 an early mail ballot, that physically handicapped voters or voters who  
30 are ill or voters who will be out of the city or county on the day of  
31 the primary or general election, may obtain an absentee ballot and the  
32 phone number to call for absentee ballot applications, the phone numbers  
33 to call for location of polling places, to obtain registration forms and  
34 the phone number to call to indicate that the voter is willing to serve  
35 on election day as an inspector, poll clerk or interpreter. The notice  
36 of approval, notice of approval with request for more information or  
37 notice of rejection shall also advise the applicant to notify the board  
38 of elections if there is any inaccuracy. The form of such mail notifica-  
39 tion shall be prescribed by the state board of elections and shall  
40 contain such other information and instructions as it may reasonably  
41 require to carry out the purposes of this section. The request for more  
42 information shall inform the voter that "THE FAILURE TO CONTACT THE  
43 BOARD OF ELECTIONS AND CORRECT ANY INACCURACIES IN THE APPLICATION OR  
44 PROVIDE REQUESTED ADDITIONAL INFORMATION MAY RESULT IN A REQUEST FOR  
45 IDENTIFICATION AT THE POLLS IN ORDER TO CAST A VOTE ON A VOTING  
46 MACHINE." If such notice is returned undelivered without a new address,  
47 the board shall forthwith send such applicant a confirmation notice  
48 pursuant to the provisions of section 5-712 of this article and place  
49 such applicant in inactive status. The state board of elections shall  
50 prepare uniform notices by this section as provided for in subdivision  
51 eight of section 3-102 of this chapter.

52 § 14. Subdivision 18 of section 5-211 of the election law, as amended  
53 by section 1 of subpart M of part XX of chapter 55 of the laws of 2020,  
54 is amended to read as follows:

55 18. (a) (i) On or before January first, two thousand twenty, all  
56 institutions of the state university of New York and the city university

1 of New York shall create and make available to all students a webpage  
2 for voter education on each such institution's website, containing a  
3 link to an application for voter registration, a link to an application  
4 for an [absentee] early mail ballot, contact information for the county  
5 board of elections, and the name and contact information for the admin-  
6 istrator responsible for voter registration assistance on each campus.

7 (ii) Each such institution shall, at the beginning of the school year,  
8 and again in January of a year in which the president of the United  
9 States is to be elected, provide an application for voter registration  
10 and an application for an [absentee] early mail ballot to each student  
11 in each such institution. Each institution shall be considered in  
12 compliance with the requirements of this subparagraph for each student  
13 to whom the institution electronically transmits a message containing  
14 the link to the webpage for voter education, the link to an application  
15 for voter registration and the link to an application for an [absentee]  
16 early mail ballot, if such information is in an electronic message  
17 devoted exclusively to voter registration.

18 (iii) Each such institution shall provide the same degree of assist-  
19 ance as required of participating agencies.

20 (b) The state university of New York and the city university of New  
21 York, on behalf of each institution within its system, shall on or  
22 before June first, two thousand twenty, and each subsequent year, submit  
23 a report disaggregated according to each institution to the state board  
24 of elections that includes:

25 (i) the efforts of the institution to register voters in the preceding  
26 calendar year;

27 (ii) a date-stamped screen shot of the webpage for voter education  
28 that contains the required information under paragraph (a) of this  
29 subdivision;

30 (iii) the number of students who were registered for course work in  
31 the preceding twelve months at such institution and the number of clicks  
32 on the links to online voter registration and [absentee] early mail  
33 ballot applications; and

34 (iv) any other efforts or recommendations the institution plans to  
35 implement to improve access to voter registration and [absentee] early  
36 mail ballot voting for students at the institution.

37 (c) The state board of elections shall make the reports provided  
38 pursuant to paragraph (b) of this subdivision publicly available on its  
39 website.

40 § 15. Subdivision 5 of section 5-215 of the election law, as amended  
41 by chapter 375 of the laws of 2015, is amended to read as follows:

42 5. If a veterans health administration hospital in which any veteran  
43 entitled to vote in this state is a resident or patient, is located  
44 outside the State of New York, an application for an early mail or  
45 absentee ballot signed by such veteran or his or her spouse, parent or  
46 child accompanying or being with him or her, if a qualified voter and a  
47 resident of the same election district, shall constitute permanent  
48 personal registration.

49 § 16. Subdivision 1 of section 5-502 of the election law, as amended  
50 by chapter 510 of the laws of 1985, is amended to read as follows:

51 1. The board of elections shall furnish in time for use by the boards  
52 of inspectors of election, the registration records, an American flag, a  
53 map or certified description of the election district, and the adjoining  
54 election districts, challenge affidavits, early mail ballot applica-  
55 tions, absentee voting applications, a list of voters who are currently  
56 registered in the election district, a list of those voters who have

1 been cancelled in the last year with the reason for such cancellations,  
2 forms for statements of temporary absence, a sufficient number of copies  
3 of the ballot proposals to be submitted to the voters at the ensuing  
4 election, at least one copy of the instruction booklet for inspectors  
5 and all other forms and supplies required for the administration of the  
6 registration system as provided by this article.

7 § 17. Paragraph i of subdivision 3 of section 5-614 of the election  
8 law, as added by chapter 24 of the laws of 2005, is amended to read as  
9 follows:

10 i. allow local boards of elections, using their own systems, to  
11 perform essential election functions including but not limited to proc-  
12 essing of early mail voters, absentee voters, administration of poll  
13 workers and polling places, assignment of election jurisdictions based  
14 on residence and address and other functions necessary for the conduct  
15 of elections using voter registration information from the official  
16 statewide voter registration list.

17 § 18. Subdivision 2-a and subparagraph (ii) of paragraph (e) of subdivi-  
18 sion 3 of section 8-302 of the election law, subdivision 2-a as added  
19 by chapter 763 of the laws of 2021, and subparagraph (ii) of paragraph  
20 (e) of subdivision 3 as amended by chapter 113 of the laws of 2023, are  
21 amended to read as follows:

22 2-a. If a voter's name appears in the ledger or computer generated  
23 registration list with a notation indicating that the board of elections  
24 has issued the voter an early mail, absentee, military or special  
25 ballot, such voter shall not be permitted to vote on a voting machine at  
26 an early voting site or on election day but may vote by affidavit  
27 ballot.

28 (ii) They may swear to and subscribe an affidavit stating that they  
29 have duly registered to vote, the address in such election district from  
30 which they registered, that they remain a duly qualified voter in such  
31 election district, that their registration poll record appears to be  
32 lost or misplaced or that their name and/or their signature was omitted  
33 from the computer generated registration list or such record indicates  
34 the voter already voted when they did not do so or that they have moved  
35 within New York state since they last registered, the address from which  
36 they were previously registered and the address at which they currently  
37 reside, and at a primary election, the party in which they are enrolled.  
38 The inspectors of election shall offer such an affidavit to each such  
39 voter whose residence address is in such election district. Each such  
40 affidavit shall be in a form prescribed by the state board of elections,  
41 shall be printed on an envelope of the size and quality used for an  
42 [~~absentee~~] early mail ballot envelope, and shall contain an acknowledg-  
43 ment that the affiant understands that any false statement made therein  
44 is perjury punishable according to law. Such form prescribed by the  
45 state board of elections shall request information required to register  
46 such voter should the county board determine that such voter is not yet  
47 registered and shall constitute an application to register to vote. The  
48 voter's name and the entries required shall then be entered without  
49 delay and without further inquiry in the fourth section of the challenge  
50 report or in the place provided in the computer generated registration  
51 list, with the notation that the voter has executed the affidavit  
52 hereinabove prescribed, or, if such person's name appears in such regis-  
53 tration list, the board of elections may provide a place to make such  
54 entry next to their name in such list. The voter shall then, without  
55 further inquiry, be permitted to vote an affidavit ballot provided for  
56 by this chapter. Such ballot shall thereupon be placed in the envelope



1 containing their affidavit, and the envelope sealed and returned to the  
2 board of elections in the manner provided by this chapter for protested  
3 official ballots, including a statement of the number of such ballots.

4 § 19. Section 8-502 of the election law, as amended by chapter 373 of  
5 the laws of 1978, is amended to read as follows:

6 § 8-502. Challenges; generally. Before his vote is cast at an election  
7 any person may be challenged as to his right to vote, or his right to  
8 vote by early mail, absentee, military, special federal or special pres-  
9 idential ballot. Such challenge may be made by an inspector or clerk, by  
10 any duly appointed watcher, or by any registered voter properly in the  
11 polling place. An inspector shall challenge every person offering to  
12 vote, whom he shall know or suspect is not entitled to vote in the  
13 district, and every person whose name appears on the list of persons to  
14 be challenged on election day which is furnished by the board of  
15 elections.

16 § 20. The section heading and subdivision 1 of section 8-506 of the  
17 election law, the section heading as amended by chapter 8 of the laws of  
18 1978 and subdivision 1 as amended by chapter 40 of the laws of 2009, are  
19 amended to read as follows:

20 Challenges; early mail, absentee, military, special federal and  
21 special presidential ballots. 1. During the examination of early mail,  
22 absentee, military, special federal and special presidential voters'  
23 ballot envelopes, any inspector shall, and any watcher or registered  
24 voter properly in the polling place may, challenge the casting of any  
25 ballot upon the ground or grounds allowed for challenges generally, or  
26 (a) that the voter was not entitled to cast an early mail, absentee,  
27 military, special federal or special presidential ballot, or (b) that  
28 notwithstanding the permissive use of titles, initials or customary  
29 abbreviations of given names, the signature on the ballot envelope does  
30 not correspond to the signature on the registration poll record, or (c)  
31 that the voter died before the day of the election. A challenge to an  
32 early mail ballot may not be made on the basis that the voter should  
33 have applied for an absentee ballot. A challenge to an absentee ballot  
34 may not be made on the basis that the voter should have applied for an  
35 early mail ballot.

36 § 21. Subdivisions 1 and 3 of section 9-124 of the election law, as  
37 amended by chapter 437 of the laws of 2019, are amended to read as  
38 follows:

39 1. After the returns of the canvass are made out and signed, the  
40 inspectors shall enclose the ballot stubs, protested and void ballots  
41 and the ballots cast in affidavit envelopes in separate sealed envelopes  
42 or containers and endorse thereon a certificate signed by each of them  
43 stating the number of the district and the number of ballots contained  
44 in such envelopes or containers. The inspectors shall enclose the  
45 unscanned voted ballots canvassed in accordance with section 9-110 of  
46 this title in a separate sealed envelope or container and endorse there-  
47 on a certificate signed by each of them stating the number of the  
48 district, ballot scanner identification information and the number of  
49 ballots contained in such envelope or container. The inspectors shall  
50 then package and seal the other voted ballots and place them in one or  
51 more boxes or containers, and include within such boxes or containers  
52 one portable memory device from each ballot scanner pursuant to para-  
53 graph (d) of subdivision two of section 9-102 of this title, and any  
54 early mail, absentee, military, special federal, or special presidential  
55 ballots which may have been delivered to the poll site during election  
56 day, and securely lock and seal such boxes or containers. Notwithstand-

1 ing the preceding sentence, such portable memory device from each ballot  
2 scanner with the corresponding results tape may be enclosed in a sealed  
3 container and transported prior to and separately from other materials  
4 referenced in this section for the purpose of using such device to  
5 provide an unofficial tally of results as required by section 9-126 of  
6 this title.

7 3. (a) Except in the city of New York, the registration poll records  
8 or computer generated registration lists, the returns of canvass with  
9 results tapes and tally sheets, if any, annexed, the voted ballots,  
10 stubs, opened packages of unused ballots and ballot envelopes, any early  
11 mail, absentee, military, special federal, or special presidential  
12 ballots which may have been delivered to the poll site during election  
13 day, the challenge report records, keys and the package of protested and  
14 void ballots shall be filed with the board of elections.

15 (b) Records and supplies to be filed with a city, town or village  
16 clerk shall be so filed or delivered immediately after the completion of  
17 the returns of the canvass, by an inspector designated by the board of  
18 inspectors. Returns, papers and registration poll records or computer  
19 generated registration lists to be filed with the board of elections  
20 shall be so filed by the chairman of the board of inspectors within  
21 twenty-four hours after the completion of such returns. The person  
22 receiving such returns in the board of elections shall give to the  
23 person delivering the returns a receipt stating therein the date and  
24 hour of delivery, the name of the person making the delivery, and to  
25 whom said returns were delivered and shall keep a duplicate of said  
26 receipt on file in the office of the board of elections.

27 (c) In the city of New York, the board of inspectors shall deliver to  
28 police or peace officers designated by the police commissioner of such  
29 city, at the polling place the registration poll records or computer  
30 generated registration lists, challenge report, records, keys, other  
31 election supplies, including two copies of the returns of the canvass  
32 and any early mail, absentee, military, special federal, or special  
33 presidential ballots which may have been delivered to the poll site  
34 during election day, voted ballots, stubs, open packages of unused  
35 ballots and ballot envelopes. Such police or peace officers shall file  
36 the returns, the package of void and protested ballots, if any, and the  
37 early mail, absentee, military, special federal, or special presidential  
38 ballots which may have been delivered to the poll site during election  
39 day; and emergency ballots, stubs and ballot envelopes, if any, within  
40 twenty-four hours after the close of the polls, in the office of the  
41 board of elections or its branch office within the borough, as the case  
42 may be.

43 § 22. The section heading and opening paragraph, subdivision 1, the  
44 subdivision heading and opening paragraph of subdivision 2, paragraphs  
45 (a) and (b) of subdivision 4, the subdivision heading and paragraph (f)  
46 of subdivision 6, paragraphs (a) and (k) of subdivision 7, the subdivi-  
47 sion heading and paragraph (a) of subdivision 8 and subdivision 9 of  
48 section 9-209 of the election law, as added by chapter 763 of the laws  
49 of 2021, are amended to read as follows:

50 Canvass of early mail, absentee, military and special ballots, and  
51 ballots cast in affidavit envelopes. Before completing the canvass of  
52 votes cast in any primary, general, special, or other election at which  
53 voters are required to sign their registration poll records before  
54 voting, the board of elections shall proceed in the manner hereinafter  
55 prescribed to review, cast and canvass early mail, any absentee, mili-  
56 tary, special presidential, special federal or other special ballots and

1 any ballots cast in affidavit envelopes. Each such ballot shall be  
2 retained in the original envelope containing the voter's affidavit and  
3 signature, in which it is delivered to the board of elections until such  
4 time as it is to be reviewed, in order to be cast and canvassed.

5 1. Central board of canvassers. Within four days of the receipt of an  
6 early mail, absentee, military or special ballot, the board of elections  
7 shall designate itself or such of its employees as it shall deem appro-  
8 priate as a set of poll clerks to review such ballot envelopes. The  
9 board may designate additional sets of poll clerks and if it designates  
10 more than one such set shall apportion among all such sets the election  
11 districts from which such ballots have been received, provided that when  
12 reviewing ballots, all ballots from a single election district shall be  
13 assigned to a single set of clerks, and that each such set shall be  
14 divided equally between representatives of the two major political  
15 parties. Each such set of clerks shall be deemed a central board of  
16 canvassers for purposes of this section.

17 Review of early mail, absentee, military and special ballot envelopes.  
18 Within four days of the receipt of an early mail, absentee, military or  
19 special ballot before the election, and within one day of receipt on or  
20 after the election, each central board of canvassers shall examine the  
21 ballot affirmation envelopes as nearly as practicable in the following  
22 manner:

23 (a) Such central board of canvassers shall review any federal write-in  
24 absentee ballots validly cast by an early mail voter, an absentee voter,  
25 a military voter or a special federal voter for the offices of president  
26 and vice-president, United States senator and representative in  
27 congress. Such central board of canvassers shall also review any federal  
28 write-in absentee ballots validly cast by a military voter for all ques-  
29 tions or proposals, public offices or party positions for which a mili-  
30 tary voter is otherwise eligible to vote as provided in section 10-104  
31 of this chapter.

32 (b) Federal write-in absentee ballots shall be deemed valid only if:  
33 (i) an application for an early mail, absentee, military or special  
34 federal ballot was received from the early mail, absentee, military or  
35 special federal voter; (ii) the federal write-in absentee ballot was  
36 submitted from inside or outside the United States by a military voter  
37 or was submitted from outside the United States by a special federal  
38 voter; (iii) such ballot is received by the board of elections not later  
39 than thirteen days following the day of election or seven days after a  
40 primary election; and (iv) the early mail, absentee, military or special  
41 federal ballot which was sent to the voter is not received by the board  
42 of elections by the thirteenth day following the day of a general or  
43 special election or the seventh day after a primary election.

44 Casting and canvassing of early mail, absentee, military and special  
45 ballots.

46 (f) Upon completing the casting and canvassing of any remaining valid  
47 ballots as hereinabove provided for any election district, the central  
48 board of canvassers shall thereupon, as nearly as practicable in the  
49 manner provided in this article for early mail, absentee, military and  
50 special ballots, verify the number of ballots so cast, tally the votes  
51 so cast, add such tally to the previous tally of all votes cast in such  
52 election district, and record the result.

53 (a) Within four business days of the election, the board of elections  
54 shall review all affidavit ballots cast in the election. If the central  
55 board of canvassers determines that a person was entitled to vote at  
56 such election it shall cast and canvass such affidavit ballot; provided,

1 however, if the board of elections receives one or more timely early  
2 mail or absentee ballots from a voter who also cast an affidavit ballot  
3 at a poll site, the last such timely early mail or absentee ballot  
4 received shall be canvassed and the affidavit ballot shall be set aside  
5 unopened; and provided further, if a voter was issued an early mail or  
6 absentee ballot and votes in person via an affidavit ballot and the  
7 board does not receive such early mail or absentee ballot, the affidavit  
8 ballot shall be canvassed if the voter is otherwise qualified to vote in  
9 such election.

10 (k) The board of elections shall enter information into the ballot  
11 tracking system, as defined in [~~section~~] sections 8-414 and 8-712 of  
12 this chapter, to allow a voter who cast a ballot in an early voting or  
13 affidavit envelope to determine if the vote was counted.

14 Post-election review of invalid early mail, absentee, military and  
15 special ballots. (a) Within four business days of the election, the  
16 board of elections shall designate itself or such of its employees to  
17 act as a central board of canvassers as provided in subdivision one of  
18 this section and meet to review early mail, absentee, military and  
19 special ballots determined to be invalid pursuant to paragraph (a) of  
20 subdivision two of this section, ballot envelopes that were returned to  
21 the board as undeliverable, and ballot envelopes containing one or more  
22 curable defects that have not been timely cured.

23 9. State board of elections; powers and duties for canvassing of early  
24 mail, absentee, military, special and affidavit ballots. The state board  
25 of elections shall promulgate rules and regulations necessary for the  
26 implementation of the provisions of this section. Such rules and regu-  
27 lations shall include, but not be limited to, provisions to (a) ensure  
28 an efficient and fair review process that respects the privacy of the  
29 voter, (b) ensure the security of the central count scanners used before  
30 election day, and (c) ensure that ballots cast as provided in this  
31 section are canvassed and counted as if cast on election day.

32 § 23. Section 10-122 of the election law, the section heading as  
33 amended by chapter 373 of the laws of 1978, is amended to read as  
34 follows:

35 § 10-122. Military voter; early mail or absentee ballot, right to. Any  
36 military voter may vote by early mail ballot or absentee ballot rather  
37 than military ballot provided that he complies with the provisions of  
38 this chapter relating thereto.

39 § 24. Subdivision 2 of section 10-124 of the election law, as added by  
40 chapter 262 of the laws of 2003, is amended to read as follows:

41 2. The state board of elections shall be responsible for providing  
42 information regarding voter registration procedures and [~~absentee~~]  
43 ballot procedures applicable to military and special federal voters  
44 wishing to register or vote in any jurisdiction of the state.

45 § 25. Section 11-300 of the election law, as amended by chapter 163 of  
46 the laws of 2010, is amended to read as follows:

47 § 11-300. Special ballots on account of religious scruples. A voter  
48 may deliver to the inspectors of election of the election district in  
49 which he is registered, or to the board of elections, at any time during  
50 the period in which an application for early mail or absentee ballot may  
51 be so delivered pursuant to the provisions of this chapter, a written  
52 statement of religious scruples against voting at a polling place  
53 located in a premises used for religious purposes. In the event the  
54 polling place for any such voter's election district shall be located in  
55 a premises used for religious purposes, the board of elections shall  
56 permit such voter to cast a special ballot, at an office of such board

1 of elections, not earlier than one week before the election and not  
2 later than the close of the polls on election day. Such ballots shall be  
3 retained at the board of elections and cast and canvassed pursuant to  
4 the provisions of section 9-209 of this chapter.

5 § 26. Subdivision 1 of section 11-306 of the election law, as amended  
6 by chapter 150 of the laws of 2019, is amended to read as follows:

7 1. A voter may deliver to the board of elections, in person or by  
8 mail, at any time during the period in which early mail or absentee  
9 ballot applications may be delivered, a signed written statement swear-  
10 ing or affirming:

11 (a) that he or she is the victim of domestic violence;

12 (b) that he or she has left his or her residence because of such  
13 violence; and

14 (c) that because of the threat of physical or emotional harm to  
15 himself or herself or to family or household members, he or she wishes  
16 to cast a special ballot in the next election. The statement must  
17 include the voter's address of registration. The board of elections  
18 shall permit such a voter to cast a special ballot at an office of such  
19 board of elections not later than the close of the polls on election  
20 day, or by mail within the same time and in the same manner in which  
21 early mail or absentee ballots may be cast, provided however that the  
22 distribution of such ballots to such voters shall be timed to afford  
23 such voters sufficient time to cast such ballots prior to the close of  
24 the polls on election day. Such ballots shall be retained at the board  
25 of elections and cast and canvassed pursuant to the provisions of  
26 section 9-209 of this chapter.

27 § 27. Subdivisions 1 and 2 of section 11-308 of the election law, as  
28 added by chapter 485 of the laws of 2016, are amended to read as  
29 follows:

30 1. A registered voter who serves as an emergency responder in times of  
31 emergency, as declared by the governor or a court of competent jurisdic-  
32 tion, may apply to the board of elections by letter or special applica-  
33 tion via mail, facsimile or e-mail, for a special ballot. Such applica-  
34 tion or letter may be delivered to the board of elections at any time  
35 prior to any election, without regard to deadlines for the receipt of  
36 early mail or absentee ballot applications.

37 2. Emergency responders may utilize an early mail or absentee ballot  
38 application to request a special ballot, or may file a written statement  
39 that he or she will be unable to appear at the polling place on the day  
40 of an election because his or her duties as an emergency responder  
41 require such voter to be elsewhere. The emergency responder shall desig-  
42 nate a preference for the receipt of a special ballot. The board of  
43 elections shall provide such voter a special ballot immediately upon  
44 such request, and shall utilize overnight express delivery for such mail  
45 ballot delivery. If the designated preference is for facsimile or elec-  
46 tronic transmission, the ballot shall be furnished in the same manner  
47 applicable to military voters who request ballots in such format.

48 § 28. Section 15-100 of the election law, as amended by chapter 359 of  
49 the laws of 1989, is amended to read as follows:

50 § 15-100. Application of article. This article applies to all general  
51 and special village elections for officers and all the provisions of  
52 this chapter, not inconsistent with this article, shall apply to all  
53 village elections, except that if a village has adopted a resolution  
54 pursuant to paragraph c of subdivision one of section 15-104 of this  
55 article, the other provisions of this chapter governing the conduct of  
56 elections and proceedings relating thereto, including the manner and



1 times for making nominations and proceedings relating to early mail and  
2 absentee voting, and the provisions of this article not inconsistent  
3 with other provisions of this chapter shall apply to such elections.

4 § 29. Subdivision 8 of section 15-118 of the election law, as amended  
5 by chapter 217 of the laws of 1992, is amended to read as follows:

6 8. The village clerk shall furnish the inspectors of election, at  
7 village expense, with all necessary registration books, papers, equip-  
8 ment and supplies. The village clerk shall also deliver to the inspec-  
9 tors a list of all persons who have applied for early mail or absentee  
10 ballots for the election for which the registration meeting is being  
11 held.

12 § 30. Subdivisions 1 and 5 of section 16-106 of the election law, as  
13 amended by chapter 763 of the laws of 2021, are amended to read as  
14 follows:

15 1. The post-election refusal to cast: (a) challenged ballots, blank  
16 ballots, or void ballots; (b) early mail, absentee, military, special,  
17 or federal write-in ballots; (c) emergency ballots; and (d) ballots  
18 voted in affidavit envelopes may be contested in a proceeding instituted  
19 in the supreme or county court, by any candidate or the chairman of any  
20 party committee, and by any voter with respect to the refusal to cast  
21 such voter's ballot, against the board of canvassers of the returns from  
22 such district, if any, and otherwise against the board of inspectors of  
23 election of such district. If the court determines that the person who  
24 cast such ballot was entitled to vote at such election, it shall order  
25 such ballot to be cast and canvassed, including if the court finds that  
26 ministerial error by the board of elections or any of its employees  
27 caused such ballot envelope not to be valid on its face.

28 5. In the event procedural irregularities or other facts arising  
29 during the election suggest a change or altering of the canvass sched-  
30 ule, as provided for in section 9-209 of this chapter, may be warranted,  
31 a candidate may seek an order for temporary or preliminary injunctive  
32 relief or an impound order halting or altering the canvassing schedule  
33 of early mail, absentee, military, special or affidavit ballots. Upon  
34 any such application, the board or boards of elections have a right to  
35 be heard. To obtain such relief, the petitioner must meet the criteria  
36 in article sixty-three of the civil practice law and rules and show by  
37 clear and convincing evidence, that, because of procedural irregulari-  
38 ties or other facts arising during the election, the petitioner will be  
39 irreparably harmed absent such relief. For the purposes of this section,  
40 allegations that opinion polls show that an election is close is insuf-  
41 ficient to show irreparable harm to a petitioner by clear and convincing  
42 evidence.

43 § 31. Subdivision 4 of section 16-108 of the election law is amended  
44 to read as follows:

45 4. Such court, justice or judge, in a proceeding instituted by any  
46 voter unlawfully denied an early mail or absentee ballot or the applica-  
47 tion therefor, shall compel, by order, the delivery to such voter of a  
48 ballot or application.

49 § 32. Subdivision 8 of section 17-132 of the election law is amended  
50 and a new closing paragraph is added to read as follows:

51 8. Fraudulently signs the name of another upon an early mail or absen-  
52 tee voter's envelope or aids in doing or attempting to do a fraudulent  
53 act in connection with an early mail or absentee vote cast or attempted  
54 to be cast; or,

1 § 33. Paragraph (b) of subdivision 1 of section 17-212 of the election  
2 law, as added by chapter 226 of the laws of 2022, is amended to read as  
3 follows:

4 (b) A violation of paragraph (a) of this subdivision shall be estab-  
5 lished if:

6 (i) a person uses or threatens to use any force, violence, restraint,  
7 abduction or duress, or inflicts or threatens to inflict any injury,  
8 damage, harm or loss, or in any other manner practices intimidation that  
9 causes or will reasonably have the effect of causing any person to vote  
10 or refrain from voting in general or for or against any particular  
11 person or for or against any proposition submitted to voters at such  
12 election; to place or refrain from placing their name upon a registry of  
13 voters; or to request or refrain from requesting an early mail or absen-  
14 tee ballot; or

15 (ii) a person knowingly uses any deceptive or fraudulent device,  
16 contrivance or communication, that impedes, prevents or otherwise inter-  
17 feres with the free exercise of the elective franchise by any person, or  
18 that causes or will reasonably have the effect of causing any person to  
19 vote or refrain from voting in general or for or against any particular  
20 person or for or against any proposition submitted to voters at such  
21 election; to place or refrain from placing their name upon a registry of  
22 voters; or to request or refrain from requesting an early mail or absen-  
23 tee ballot; or

24 (iii) a person obstructs, impedes, or otherwise interferes with access  
25 to any polling place or elections office, or obstructs, impedes, or  
26 otherwise interferes with any voter in any manner that causes or will  
27 reasonably have the effect of causing any delay in voting or the voting  
28 process, including the canvassing and tabulation of ballots.

29 § 34. Subdivision 1 of section 1512 of the education law, as amended  
30 by chapter 461 of the laws of 1996, is amended to read as follows:

31 1. Such meeting shall be organized as provided in section fifteen  
32 hundred twenty-three. Such meeting may adopt a resolution to consolidate  
33 such districts if two-thirds of the qualified electors of each district  
34 having less than fifteen of such electors are present, or in case of  
35 districts having fifteen or more qualified electors if ten or more are  
36 present. The vote upon such resolution shall be by ballot or by taking  
37 and recording the ayes and noes. If the vote shall be by taking and  
38 recording the ayes and noes, the clerk and such assistants as may be  
39 provided for him by the meeting shall keep a poll-list upon which shall  
40 be recorded the names of all qualified electors voting upon the resol-  
41 ution, the districts in which such electors reside, and how each elector  
42 voted. If the vote shall be by ballot, one or more inspectors of  
43 election shall be appointed in such manner as the meeting shall deter-  
44 mine, who shall receive the votes cast, canvass the same and announce  
45 the result of the ballot to the chairman. If the vote shall be by  
46 ballot then voting machines may be used in the manner prescribed by  
47 section two thousand thirty-five of this [~~chapter~~] title and provision  
48 shall be made for absentee ballots as provided in section two thousand  
49 eighteen-a or two thousand eighteen-b of this [~~chapter~~] title, whichever  
50 shall apply, and early mail ballots as provided in section two thousand  
51 eighteen-e or two thousand eighteen-f of this title, whichever shall  
52 apply. If it shall appear that a majority of the qualified electors  
53 present and voting from each district are in favor of such resolution,  
54 it shall be declared adopted and where at least one of the districts  
55 consolidated is a union free school district it shall be lawful for such  
56 meeting thereafter to proceed to the election of a board of education as

1 provided in sections seventeen hundred two and seventeen hundred four of  
2 this [~~chapter~~] title. If a majority of the qualified electors present  
3 and voting from each district are not in favor of such resolution, all  
4 further proceedings at such meeting, except a motion to reconsider or  
5 adjourn, shall be dispensed with and no such meeting shall be again  
6 called within one year thereafter.

7 § 35. Subdivision 5 of section 1522 of the education law, as amended  
8 by chapter 461 of the laws of 1996, is amended to read as follows:

9 5. Whenever fifteen persons, entitled as aforesaid, from each of two  
10 or more adjoining districts, shall unite in a request for a meeting of  
11 the inhabitants of such districts, to determine whether such districts  
12 shall be consolidated by the establishment of a union free school  
13 district therein, it shall be the duty of the trustees of such  
14 districts, or a majority of them, to submit such proposed consolidation  
15 to the commissioner of education for approval. If the commissioner  
16 approve such proposed consolidation, it shall be the duty of such trus-  
17 tees, or a majority of them, to give public notice of such meeting, at  
18 some convenient place within such districts, and as central as may be,  
19 within the time and to be published and served in the manner set forth  
20 in this section, in each of such districts and to provide for the use of  
21 absentee ballots as provided under section two thousand eighteen-a or  
22 two thousand eighteen-b of this [~~chapter~~] title, whichever shall apply,  
23 and early mail ballots as provided in section two thousand eighteen-e or  
24 two thousand eighteen-f of this title, whichever shall apply.

25 § 36. Subdivision 1 of section 1524 of the education law, as amended  
26 by chapter 461 of the laws of 1996, is amended to read as follows:

27 1. Notwithstanding the provisions of this chapter or any other gener-  
28 al, special, or local law to the contrary, whenever the qualified voters  
29 of a school district which is contiguous to the city school district of  
30 a city with less than one hundred twenty-five thousand inhabitants,  
31 according to the latest federal census, by a majority vote taken at an  
32 annual or special meeting of such district shall adopt a proposition to  
33 consolidate such school district with such city school district, and the  
34 board of education of such city school district shall by resolution duly  
35 adopted consent thereto, the commissioner of education may by order  
36 consolidate such school district with such city school district;  
37 provided, however, that where several school districts are contiguous to  
38 each other and at least one of such school districts is contiguous to  
39 such city school district, such vote may be taken in each of such school  
40 districts at the same time, and if the proposition to consolidate is  
41 adopted by a majority vote in each such district, including any votes  
42 cast by absentee ballot as provided under section two thousand eigh-  
43 teen-a or two thousand eighteen-b of this [~~chapter~~] title, whichever  
44 shall apply, and any votes cast by early mail ballots as provided in  
45 section two thousand eighteen-e or two thousand eighteen-f of this  
46 title, whichever shall apply, and upon the consent of the city school  
47 district board of education, the commissioner of education may include  
48 each such district in one order of consolidation; provided, further,  
49 however, that if the proposition to consolidate is not adopted by a  
50 majority vote in each such district, but is so adopted in one or more of  
51 such districts, upon the consent of the city school district board of  
52 education, the commissioner may include in one order of consolidation  
53 only such district or districts as, either singly or as a group, are  
54 contiguous to such city school district. Such order shall specify a date  
55 on which the same shall take effect, and shall have the same effect as  
56 an order made by a district superintendent dissolving two or more common

1 school districts and forming a new district therefrom, or dissolving one  
2 or more common school districts and uniting the territory thereof to a  
3 union free school district under the provisions of article thirty-one of  
4 this [~~chapter~~] title. A copy of such order shall be filed with the  
5 clerk of each school district affected thereby.

6 § 37. Subdivision 5 of section 1803 of the education law, as amended  
7 by chapter 461 of the laws of 1996, is amended to read as follows:

8 5. Votes upon the adoption of a resolution shall be cast in the same  
9 manner as votes for the election of school district trustees. The  
10 commissioner of education may order such modifications in the manner of  
11 voting as are customary for school district elections in the community  
12 affected by such vote. Such modifications may include the use of voting  
13 machines and shall include the use of absentee ballots as provided under  
14 section two thousand eighteen-a or two thousand eighteen-b of this  
15 [~~chapter~~] title, whichever shall apply, and early mail ballots as  
16 provided in section two thousand eighteen-e or two thousand eighteen-f  
17 of this title, whichever shall apply.

18 § 38. Paragraph f of subdivision 2 of section 1803-a of the education  
19 law, as added by chapter 461 of the laws of 1996, is amended to read as  
20 follows:

21 f. Provision shall be made for the use of absentee ballots as provided  
22 under section two thousand eighteen-a or two thousand eighteen-b of this  
23 [~~chapter~~] title, whichever shall apply, and early mail ballots as  
24 provided under section two thousand eighteen-e or two thousand eigh-  
25 teen-f of this title, whichever shall apply.

26 § 39. Subdivision 2 of section 1951 of the education law is amended by  
27 adding a new paragraph t to read as follows:

28 t. The board of cooperative educational services shall provide early  
29 mail ballots to qualified voters. The commissioner shall adopt regu-  
30 lations for the purposes of implementing the provisions of this para-  
31 graph which shall include, but not be limited to, creating the procedure  
32 for which such early mail ballots shall be submitted; providing that  
33 such early mail ballots shall be, as nearly as practicable, in the same  
34 form as those voted at the district election; requiring that any early  
35 mail ballot applicant is or will be, on the day of the vote, a qualified  
36 voter of the board of cooperative educational services and that he or  
37 she will be on such date over eighteen years of age, a citizen of the  
38 United States and has or will have resided in said district for thirty  
39 days next preceding such date; and providing instructions as to the  
40 proper marking thereof.

41 § 40. Subdivision 7 of section 2004 of the education law, as added by  
42 chapter 219 of the laws of 1978, is amended to read as follows:

43 7. Such notice shall also state that applications for early mail and  
44 absentee ballots for election of board members may be applied for at the  
45 office of the clerk of the district. Such notice, in such case, shall  
46 further state that a list of all persons to whom early mail and absentee  
47 ballots shall have been issued, will be available in the said office of  
48 the clerk on each of the five days prior to the day of the election  
49 except Sundays, and that such list will also be posted at the polling  
50 place or places at the election of members of the board of education.

51 § 41. Subdivision 6 of section 2018-a of the education law, as amended  
52 by chapter 29 of the laws of 2000, is amended to read as follows:

53 6. The board of registration shall make a list of all persons to whom  
54 absentee voter's ballots shall have been issued and file such list in  
55 the office of the clerk where it shall be available for public  
56 inspection during regular office hours until the day of the election.

1 Any qualified voter may, upon examination of such list, file a written  
2 challenge of the qualifications as a voter of any person whose name  
3 appears on such list, stating the reasons for such challenge. A chal-  
4 lenge to an absentee ballot may not be made on the basis that the voter  
5 should have applied for an early mail ballot. Such written challenge  
6 shall be transmitted by the clerk to the inspectors of election on  
7 election day.

8 § 42. Subdivisions 3 and 7 of section 2018-b of the education law,  
9 subdivision 3 as amended by chapter 46 of the laws of 1992 and subdivi-  
10 sion 7 as amended by chapter 29 of the laws of 2000, are amended to read  
11 as follows:

12 3. If, upon examining the application required under the provisions of  
13 subdivision two of this section, and upon such inquiry as it deems prop-  
14 er, the clerk of the school district or designee of the trustees or  
15 school board shall be satisfied that the applicant is a qualified voter  
16 of the district, and entitled to vote by absentee ballot, such clerk of  
17 the school district or designee of the trustees or school board shall  
18 cause to be issued or mailed to the applicant an absentee voter's ballot  
19 and the clerk of the school district or designee of the trustees or  
20 school board shall make an appropriate entry on the poll list pursuant  
21 to section two thousand twenty-nine of this [article] part.

22 7. The clerk of the school district or designee of the trustees or  
23 school board shall make a list of all persons to whom absentee voter's  
24 ballots shall have been issued and maintain such list where it shall be  
25 available for public inspection during regular office hours until the  
26 day of the election. Any qualified voter may, upon examination of such  
27 list, file a written challenge of the qualifications as a voter of any  
28 person whose name appears on such list, stating the reasons for such  
29 challenge. A challenge to an absentee ballot may not be made on the  
30 basis that the voter should have applied for an early mail ballot. Such  
31 written challenge shall be transmitted by the clerk or the designee of  
32 the trustees or school board to the inspectors of election on election  
33 day.

34 § 43. The education law is amended by adding a new section 2018-e to  
35 read as follows:

36 § 2018-e. Early mail ballots for school district elections. 1. The  
37 board of education of any union free, central or central high school  
38 district which elects school board members by ballot and provides for  
39 personal registration of voters, shall provide for early mail ballots  
40 for the election of members of the board of education and school  
41 district public library trustees, the adoption of the annual budget and  
42 school district public library budget and referenda, in accordance with  
43 the provisions of this section.

44 1-a. In counties with a population of one million or more, the board  
45 of education of any union free, central or central high school district  
46 which elects school board members by ballot and provides for personal  
47 registration of voters shall provide for early mail ballots for the  
48 election of members of the board of education and school district public  
49 library trustees, the adoption of the annual budget and school district  
50 public library budget and referenda, in accordance with the provisions  
51 of this section.

52 2. a. A qualified voter may vote as an early mail voter under this  
53 section.

54 b. Each person entitled to vote as an early mail voter pursuant to  
55 this section and desirous of obtaining an early mail ballot shall make  
56 written application therefor to the district clerk. Application forms



1 for use pursuant to this section shall be in a form prescribed by the  
2 state board of elections. The use of any application which is on a form  
3 prescribed by the state board of elections shall be acceptable.

4 c. The application for an early mail ballot when filed must contain in  
5 each instance the following information:

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

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

12 d. Such application shall include the following statement to be signed  
13 by the voter:

14 I hereby declare that the foregoing is a true statement to the best of  
15 my knowledge and belief, and I understand that if I make any material  
16 false statement in the foregoing statement of application for early mail  
17 ballot, I shall be guilty of a misdemeanor.

18 Date.....Signature of Voter .....

19 e. An application must be received by the district clerk no earlier  
20 than the thirtieth day before the election for which an early mail  
21 ballot is sought. If the application requests that the early mail ballot  
22 be mailed, such application must be received not later than seven days  
23 before the election. If the applicant or their agent delivers the appli-  
24 cation to the district clerk in person, such application must be  
25 received not later than the day before the election. The district clerk  
26 shall examine each application and shall determine from the information  
27 contained therein whether the applicant is qualified under this section  
28 to receive an early mail ballot.

29 f. No later than six days before the election for which an application  
30 has been received and for which the district clerk has determined the  
31 applicant to be qualified to vote by early mail ballot the district  
32 clerk shall mail, by regular mail, an early mail ballot to each quali-  
33 fied applicant who has applied before such day and who has requested  
34 that such early mail ballot be mailed to him or her at the address set  
35 forth in their application. If the applicant or their agent delivers the  
36 application to the district clerk in person after the seventh day before  
37 the election and not later than the day before the election, the  
38 district clerk shall forthwith deliver such early mail ballots for those  
39 applicants whom he or she determines are qualified to make such applica-  
40 tions and to receive such ballots to such applicants or the agents named  
41 in the applications when such applicants or agents appear in the  
42 district clerk's office.

43 3. If, upon examining the application required under the provisions of  
44 subdivision two of this section, and upon such inquiry as it deems prop-  
45 er, the board of registration shall be satisfied that the applicant is a  
46 qualified voter of the district entitled to vote by early mail ballot,  
47 such board shall place their name upon the register, thereupon the  
48 applicant shall be issued or mailed an early mail voter's ballot and the  
49 board of registration shall make an appropriate entry on the register  
50 indicating that an early mail ballot has been applied for by, and issued  
51 to, the applicant.

52 4. Ballots for early mail voters shall be, as nearly as practicable,  
53 in the same form as those to be voted at the district election; if the  
54 vote at such election shall be by ballot, the early mail ballot shall  
55 conform to the regular ballot; if the vote of such election shall be by  
56 voting machine, the early mail ballot shall conform as closely as possi-

1 ble to the manner in which the names of the candidates, the questions  
 2 and the propositions appear on the voting machines, except that the  
 3 early mail ballot shall also contain a space for a write-in or write-  
 4 ins. Such early mail ballots shall also contain instructions as to the  
 5 proper marking thereof, in accordance with the provisions of sections  
 6 two thousand thirty-two and two thousand thirty-four of this part. On  
 7 the back of such early mail ballots shall be printed the words "Official  
 8 Ballot, Early Mail Voter".

9 5. a. The board of registration shall enclose each early mail voter's  
 10 ballot in an envelope which shall be labelled:

11 ELECTION MATERIAL  
 12 PLEASE EXPEDITE

13 On one side of such envelope shall be printed:

14 OFFICIAL BALLOT, EARLY MAIL VOTER

15 for

16 School District Election

17 Name of Voter .....

18 Residence (street and number, if any) .....

19 City (or Town) of .....

20 County of .....

21 School District .....

22 School Election District (if applicable) .....

23 The date of the election and name of the school district shall be  
 24 printed, and the name of the voter, residence, school district and  
 25 school election district (if applicable) shall be written in by the  
 26 board of registration.

27 b. On the reverse side of such envelope shall be printed the following  
 28 statement:

29 STATEMENT OF EARLY MAIL VOTER

30 I do declare that I am a citizen of the United States, and will be at  
 31 least eighteen years of age, on the date of the school district  
 32 election; that I will have been a resident of this state and of the  
 33 school district and school election district, if any, shown on the  
 34 reverse side of this envelope for thirty days next preceding the said  
 35 election and duly registered in the school district and school election  
 36 district, if any, shown on the reverse side of this envelope and that I  
 37 am or on such date will be, a qualified voter of said school district;  
 38 that I have not qualified, or do I intend to vote, elsewhere than as set  
 39 forth on the reverse side of this envelope; that I have not received or  
 40 offered, do not expect to receive, have not paid, offered or promised to  
 41 pay, contributed, offered or promised to contribute to another to be  
 42 paid or used, any money or other valuable thing, as a compensation or  
 43 reward for the giving or withholding of a vote at this school district  
 44 election, and have not made any promise to influence the giving or with-  
 45 holding of any such votes; that I have not made or become directly or  
 46 indirectly interested in any bet or wager depending upon the result of  
 47 this school district election; and that I have not been convicted of  
 48 bribery or any infamous crime, or, if so convicted, that I have been  
 49 pardoned or restored to all the rights of a citizen, without restriction  
 50 as to the right of suffrage, or received a certificate of relief from  
 51 disabilities or a certificate of good conduct pursuant to article twen-  
 52 ty-three of the correction law removing my disability to register and  
 53 vote.

54 I hereby declare that the foregoing is a true statement to the best of  
 55 my knowledge and belief, and I understand that if I make any material

1 false statement in the foregoing statement of early mail voter, I shall  
2 be guilty of a misdemeanor.

3 Date ..... Signature of Voter .....

4 c. The envelope shall be gummed, ready for sealing, and shall have  
5 printed thereon, on the side opposite the statement, instructions as to  
6 the duties of the voter after the marking of the ballot, which  
7 instructions shall include a specific direction stating that the envel-  
8 ope must reach the office of the clerk of the school district not later  
9 than five P.M. on the day of the election in order that their vote may  
10 be canvassed.

11 d. A person who shall make any material false statement in the state-  
12 ment of early mail voter appearing on the reverse side of the envelope  
13 as provided in this subdivision, shall be guilty of a misdemeanor.

14 6. The board of registration shall make a list of all persons to whom  
15 early mail voter's ballots shall have been issued and file such list in  
16 the office of the clerk where it shall be available for public  
17 inspection during regular office hours until the day of the election.  
18 Any qualified voter may, upon examination of such list, file a written  
19 challenge of the qualifications as a voter of any person whose name  
20 appears on such list, stating the reasons for such challenge. A chal-  
21 lenge to an early mail voter may not be made on the basis that the voter  
22 should have applied for an absentee ballot. Such written challenge shall  
23 be transmitted by the clerk to the inspectors of election on election  
24 day.

25 7. a. The board of registration shall be authorized to call upon the  
26 commissioner of police and the officers and members of the police force  
27 for such assistance in the enforcement of the provisions of this section  
28 as such board shall require, and such commissioner and officers and  
29 members of the police force shall be authorized to render such assist-  
30 ance.

31 b. The board of registration may require any person to attend before  
32 it at the office of the clerk of the school district and be examined by  
33 the board as to any matter in relation to which such board is charged  
34 with a duty under this section, and may issue a subpoena therefor. Each  
35 member of such board shall be authorized to administer any oath that may  
36 be required or authorized by law in this connection.

37 8. No early mail voter's ballot shall be canvassed, unless it shall  
38 have been received in the office of the clerk of the school district not  
39 later than five P.M. on the day of the election.

40 9. The clerk of the district shall, on the day of the election, trans-  
41 mit all early mail voters' envelopes, received by them in accordance  
42 with subdivision eight of this section, to the inspectors of election.

43 10. If, at the school district election, any early mail voters' envel-  
44 opes shall have been received at the polling place, the inspectors of  
45 election immediately after the closing of the polls shall examine them,  
46 and shall compare the signature, if any, on each envelope with the  
47 signature, if any, on the register, of the person of the same name who  
48 registered from the same address. If the signatures are found to corre-  
49 spond, the inspectors shall certify thereto by signing their initials  
50 opposite the name of the voter at the appropriate place in the register.  
51 If a person whose name is on an envelope as a voter, shall have already  
52 voted in person at such school district election, or if their name,  
53 residence and signature, as stated on the envelope, are not on the  
54 register, or if there is no signature on the envelope, this envelope  
55 shall be laid aside unopened and be returned unopened to the clerk of  
56 the district. If such person is found to be registered and has not so

1 voted in person, and if no objection is made, or if an objection made be  
2 not sustained, the envelope shall be opened and the ballot withdrawn  
3 without unfolding and deposited in the proper box or boxes. At the time  
4 of the deposit of such ballot, the inspectors shall enter the words  
5 "early mail vote" at an appropriate place in the register.

6 11. During such examination any qualified voter present in the polling  
7 place may object to the voting of the ballot contained in any envelope  
8 upon the ground or grounds that the person named thereon is not a quali-  
9 fied voter of the school district, or school election district (where  
10 applicable). An inspector shall make such an objection if he shall know  
11 or suspect that the person named on such envelope is not such a quali-  
12 fied voter. The inspectors of election shall forthwith proceed to deter-  
13 mine each objection including any written challenge transmitted to them  
14 by the district clerk as provided in subdivision six of this section.  
15 Unless the inspectors, by majority vote, shall sustain the objection,  
16 the chairman, or if he refuses, another inspector shall endorse upon the  
17 envelope the objection and the words "not sustained," shall sign such  
18 endorsement, and shall open the envelope and deposit the ballot as  
19 provided in this section. Should the inspectors, by majority vote,  
20 sustain such objection, the objection and word "sustained" shall be  
21 similarly endorsed upon the envelope, the envelope shall not be opened  
22 nor the ballots therein canvassed, and such envelope shall be returned  
23 unopened to the clerk of the district. If the inspectors of election  
24 shall have received an envelope endorsed with the name of a person who  
25 to the knowledge of the inspectors is deceased on the day of the  
26 election, the inspectors shall return such envelope unopened to the  
27 clerk of the district with the words "deceased--objection sustained"  
28 endorsed on the envelope.

29 12. If the inspectors of election shall have received an envelope, and  
30 upon opening the same no ballot shall be found therein, the inspectors  
31 shall make a memorandum showing that the ballot is missing. When the  
32 casting of early mail voters' ballots shall have been completed, the  
33 inspectors shall ascertain the number of such ballots which have been  
34 deposited in the ballot box by deducting from the number of envelopes  
35 opened the number of missing ballots, and shall make a separate return  
36 thereof in duplicate. The number of early mail voters' ballots deposited  
37 in the ballot box shall be added to the number of other ballots deposit-  
38 ed in the ballot box in order to determine the number of all ballots to  
39 be accounted for in the ballot box. Such ballots shall then be counted  
40 or canvassed by the inspectors of election along with the other ballots  
41 cast at such school district election, or, where voting machines are  
42 used, shall be added to the votes recorded on such machines.

43 13. Where the district shall have been divided into school election  
44 districts pursuant to the provisions of this chapter, the provisions of  
45 this section shall be applicable, provided that any reference in this  
46 section to the term "board of registration" shall in such case refer to  
47 the board of registration appointed by the board of education for each  
48 school election district, except that paragraph b of subdivision seven  
49 of this section shall apply according to its terms.

50 § 44. The education law is amended by adding a new section 2018-f to  
51 read as follows:

52 § 2018-f. Early mail ballots for school district elections by poll  
53 registration. 1. Notwithstanding the provisions of sections two thousand  
54 fourteen and two thousand eighteen-e of this part, the trustees or the  
55 board of education of any common, union free, central or central high  
56 school district which does not provide for the personal registration of

1 voters for school district meetings and elections but which elects trus-  
 2 tees or school board members by ballot, shall provide for early mail  
 3 ballots for the election of the trustees or members of the board and  
 4 school district public library trustees, the adoption of the annual  
 5 budget and school district public library budget and referenda.

6 1-a. Notwithstanding the provisions of sections two thousand fourteen  
 7 and two thousand eighteen-e of this part, in any county with a popu-  
 8 lation of one million or more, the trustees or the board of education of  
 9 any common, union free, central or central high school district which  
 10 does not provide for the personal registration of voters for school  
 11 district meetings and elections but which elects trustees or school  
 12 board members by ballot shall provide for early mail ballots for the  
 13 election of the trustees or members of the board and school district  
 14 public library trustees, the adoption of the annual budget and school  
 15 district public library budget and referenda.

16 2. a. An applicant for such an early mail ballot shall submit an  
 17 application setting forth (1) their name and residence address, includ-  
 18 ing the street and number, if any, or town and rural delivery route, if  
 19 any; (2) that they are or will be, on the day of the school district  
 20 election, a qualified voter of the school district in which he resides  
 21 in that he is or will be, on such date, over eighteen years of age, a  
 22 citizen of the United States and has or will have resided in the  
 23 district for thirty days next preceding such date. Such application must  
 24 be received by the district clerk or designee of the trustees or school  
 25 board at least seven days before the election if the ballot is to be  
 26 mailed to the voter, or the day before the election, if the ballot is to  
 27 be delivered personally to the voter.

28 b. Such application shall include the following statement to be signed  
 29 by the voter.

30 I hereby declare that the foregoing is a true statement to the best of  
 31 my knowledge and belief, and I understand that if I make any material  
 32 false statement in the foregoing statement of application for early mail  
 33 ballot, I shall be guilty of a misdemeanor.

34 Date ..... Signature of Voter .....

35 3. If, upon examining the application required under the provisions of  
 36 subdivision two of this section, and upon such inquiry as it deems prop-  
 37 er, the clerk of the school district or designee of the trustees or  
 38 school board shall be satisfied that the applicant is a qualified voter  
 39 of the district, and entitled to vote by early mail ballot, such clerk  
 40 of the school district or designee of the trustees or school board shall  
 41 cause to be issued or mailed to the applicant an early mail voter's  
 42 ballot and the clerk of the school district or designee of the trustees  
 43 or school board shall make an appropriate entry on the poll list pursu-  
 44 ant to section two thousand twenty-nine of this part.

45 4. The clerk of the school district or a designee of the trustees or  
 46 school board shall also mail an early mail ballot to every qualified  
 47 voter otherwise eligible for such ballot, who requests an early mail  
 48 ballot from such clerk or trustees or school board designee in a letter  
 49 which is signed by the voter and received by the clerk or trustees or  
 50 school board designee not earlier than the thirtieth day nor later than  
 51 the seventh day before the election for which the ballot is first  
 52 requested and which states the address where the voter resides and to  
 53 which the ballot is to be mailed. The clerk or designee of the trustees  
 54 or school board shall enclose with such ballot a form of application for  
 55 early mail ballot. The early mail ballot of a voter who requested such  
 56 ballot by letter, rather than application, shall not be counted unless a



valid application form, signed by such voter, is received by the clerk of the school district or designee of the trustees or school board with such ballot.

5. Ballots for early mail voters shall be, as nearly as practicable, in the same form as those to be voted at the district election; if the vote at such election shall be by ballot, the early mail ballot shall conform to the regular ballot; if the vote of such election shall be by voting machine, the early mail ballot shall conform as closely as possible to the manner in which the names of the candidates, the questions and the propositions appear on the voting machines, except that the early mail ballot shall also contain a space for a write-in or write-ins. On the back of such early mail ballots shall be printed words "Official Ballot, Early Mail Voter".

6. a. The clerk of the school district or designee of the trustees or school board shall enclose each early mail voter's ballot in an envelope which shall be labelled:

ELECTION MATERIAL  
PLEASE EXPEDITE

On one side of such envelope shall be printed:

OFFICIAL BALLOT, EARLY MAIL VOTER

for

School District Election

- Name of Voter .....
- Residence (street and number, if any) .....
- City (or Town) of .....
- County of .....
- School District .....
- School Election District (if applicable) .....

The date of the election and name of the school district shall be printed, and the name of the voter, residence, school district and school election district (if applicable) shall be included.

b. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF EARLY MAIL VOTER

I do declare that I am a citizen of the United States, and will be at least eighteen years of age on the date of the school district election; that I will have been a resident of this state and of the school district and school election district, if any, shown on the reverse side of this envelope for thirty days next preceding the said election and that I am or on such date will be, a qualified voter of said school district; that I have not qualified, or do I intend to vote, elsewhere than as set forth on the reverse side of this envelope; that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of a vote at this school district election, and have not made any promise to influence the giving or withholding of any such votes; that I have not made or become directly or indirectly interested in any bet or wager depending upon the result of this school district election; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the right of suffrage, or have received a certificate of relief from disabilities or a certificate of good conduct pursuant to

1 article twenty-three of the correction law removing my disability to  
2 vote.

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

7 Date ..... Signature of Voter .....

8 c. The envelope shall be gummed, ready for sealing, and shall have  
9 printed thereon, on the side opposite the statement, instructions as to  
10 the duties of the voter after the marking of the ballot, which  
11 instructions shall include a specific direction stating that the envel-  
12 ope must reach the office of the clerk of the school district or desig-  
13 nee of the trustees or school board not later than five P.M. on the day  
14 of the election in order that their vote may be canvassed.

15 d. A person who shall make any material false statement in the state-  
16 ment of the early mail voter appearing on the reverse side of the envel-  
17 ope as provided in this subdivision, shall be guilty of a misdemeanor.

18 7. The clerk of the school district or designee of the trustees or  
19 school board shall make a list of all persons to whom early mail voter's  
20 ballots shall have been issued and maintain such list where it shall be  
21 available for public inspection during regular office hours until the  
22 day of the election. Any qualified voter may, upon examination of such  
23 list, file a written challenge of the qualifications as a voter of any  
24 person whose name appears on such list, stating the reasons for such  
25 challenge. A challenge to an early mail ballot may not be made on the  
26 basis that the voter should have applied for an absentee ballot. Such  
27 written challenge shall be transmitted by the clerk or the designee of  
28 the trustees or school board to the inspectors of election on election  
29 day.

30 8. a. The clerk of the school district or designee of the trustees or  
31 school board shall be authorized to call upon the commissioner of police  
32 and the officers and members of the police force for such assistance in  
33 the enforcement of the provisions of this section as such trustees or  
34 board shall require, and such commissioner and officers and members of  
35 the police force shall be authorized to render such assistance.

36 b. The clerk of the school district or designee of the trustees or  
37 school board may require any person to attend before it at the office of  
38 the clerk of the school district or the office of the designee of the  
39 trustees or school board and be examined by the trustees or board as to  
40 any matter in relation to which such trustees or board is charged with a  
41 duty under this section, and may issue a subpoena therefor. Each member  
42 of such trustees or board shall be authorized to administer any oath  
43 that may be required or authorized by law in this connection.

44 9. No early mail voter's ballot shall be canvassed, unless it shall  
45 have been received in the office of the clerk of the school district or  
46 designee of the trustees or school board not later than five P.M. on the  
47 day of the election.

48 10. The clerk of the district or designee of the trustees or school  
49 board shall, on the day of the election, transmit all early mail voters'  
50 envelopes, received by him in accordance with subdivision eight of this  
51 section, to the inspectors of election.

52 11. If a person whose name is on an envelope as a voter shall have  
53 already voted in person at such school district election, or if there is  
54 no signature on the envelope, this envelope shall be laid aside unopened

1 and be returned unopened to the clerk of the district or designee of the  
2 trustees or school board. If such person has not so voted in person, and  
3 if no objection is made, or if an objection made be not sustained, the  
4 envelope shall be opened and the ballot withdrawn without unfolding and  
5 deposited in the proper box or boxes.

6 12. If the inspectors of election shall have received an envelope, and  
7 upon opening the same no ballot shall be found therein, the inspectors  
8 shall make a memorandum showing that the ballot is missing. When the  
9 casting of early mail voters' ballots shall have been completed, the  
10 inspectors shall ascertain the number of such ballots which have been  
11 deposited in the ballot box by deducting from the number of envelopes  
12 opened the number of missing ballots, and shall make a separate return  
13 thereof in duplicate. The number of early mail voters' ballots deposited  
14 in the ballot box shall be added to the number of other ballots to be  
15 accounted for in the ballot box. Such ballots shall then be counted or  
16 canvassed by the inspectors of election along with the other ballots  
17 cast at such school district election, or, where voting machines are  
18 used, shall be added to the votes recorded on such machines.

19 § 45. Section 2613 of the education law, as amended by chapter 489 of  
20 the laws of 2019, is amended to read as follows:

21 § 2613. Absentee, early mail, and military ballots. The board of  
22 education of each city school district to which this article applies  
23 shall provide for absentee ballots in accordance with the provisions of  
24 section two thousand eighteen-a of this title, early mail ballots in  
25 accordance with the provisions of section two thousand eighteen-e of  
26 this title, and military ballots in accordance with section two thousand  
27 eighteen-d of this title.

28 § 46. Subdivision 5 of section 84 of the town law, as amended by chap-  
29 ter 281 of the laws of 1998, is amended to read as follows:

30 5. In order to assist boards of registration in the preparation of  
31 their registers, the town clerk, prior to the first meeting of such  
32 boards of registration, shall obtain from the board of elections of the  
33 county in which such town is located, the list of names and addresses of  
34 all voters registered with such board of elections on or before the  
35 twenty-third day before such special election. The town clerk shall  
36 deliver the names and addresses of qualified voters to the appropriate  
37 board or boards of registration on or before the first meeting of such  
38 board or boards. At the first and subsequent meetings of the board of  
39 registration for each voting place designated by the town board for such  
40 special town election, such board of registration shall place on the  
41 register described in subdivision four hereof the names of all qualified  
42 voters and all other qualified voters who personally appear, those  
43 voters who have made application for early mail ballots, and those mili-  
44 tary voters and such other voters who are absent by reason of confining  
45 illness or physical disability or whose duties, occupation or business  
46 required them to be outside of the state of New York, having the quali-  
47 fications of voters prescribed in this section and who have made appli-  
48 cation for absentee ballots as certified to them by the town clerk.

49 § 47. Paragraph a of subdivision 6 of section 84-a of the town law, as  
50 added by chapter 396 of the laws of 1988, is amended to read as follows:

51 a. The town clerk shall make a list of all persons to whom absentee  
52 voter's ballots shall have been issued and keep such list on file in his  
53 office where it shall be available for public inspection during regular  
54 office hours until the day of the election. Any qualified voter may,  
55 upon examination of such list, file a written challenge of the quali-  
56 fications as a voter of any person whose name appears on such list,

1 stating the reasons for such challenge. A challenge to an absentee  
2 ballot may not be made on the basis that the voter should have applied  
3 for an early mail ballot. Such written challenge shall be transmitted by  
4 the town clerk to the inspectors of election on election day.

5 § 48. The town law is amended by adding a new section 84-b to read as  
6 follows:

7 § 84-b. Early mail ballots for special town elections; special  
8 provisions. 1. Early mail ballots shall be provided for all special town  
9 elections for which personal registration is required.

10 2. a. An applicant for such an early mail ballot shall submit an  
11 application setting forth (1) their name and residence address, includ-  
12 ing the street and number, if any, or town and rural delivery route, if  
13 any; (2) that they are or will be, on the day of the election, a quali-  
14 fied voter of the town in which they reside; and (3) that they are  
15 registered in the town. Such application must be received by the town  
16 clerk at least seven days before the election if the ballot is to be  
17 mailed to the voter, or the day before the election, if the ballot is to  
18 be delivered personally to the voter or their agent.

19 b. Such application shall include the following statement to be signed  
20 by the voter:

21 I hereby declare that the foregoing is a true statement to the best of  
22 my knowledge and belief, and I understand that if I make any material  
23 false statement in the foregoing statement of application for early mail  
24 ballots, I shall be guilty of a misdemeanor.

25 Date ..... Signature of Voter .....

26 3. If, upon examining the application required under the provisions of  
27 subdivision two of this section, and upon such inquiry as it deems prop-  
28 er, the board of inspectors shall be satisfied that the applicant is a  
29 qualified voter of the town, and entitled to vote by early mail ballot,  
30 such board of inspectors shall place their name upon a list, thereupon  
31 the applicant shall be issued or mailed an early mail ballot and the  
32 town clerk shall make an appropriate entry on the list indicating that  
33 an early mail ballot has been applied for by, and issued to, the appli-  
34 cant.

35 4. Ballots for early mail voters shall be, as nearly as practicable,  
36 in the same form as those to be voted at the town election. On the back  
37 of such early mail ballots shall be printed the words "Official Ballot,  
38 Early Mail Voter".

39 5. a. The board of registration shall enclose each early mail voter's  
40 ballot in an envelope which shall be labelled:

41 ELECTION MATERIAL

42 PLEASE EXPEDITE

43 On one side of such envelope shall be printed:

44 OFFICIAL BALLOT, EARLY MAIL VOTER

45 for

46 Special Town Election

47 Name of Voter .....

48 Residence (street and number, if any) .....

49 Town of .....

50 County of .....

51 The date of the election and name of the town shall be printed, and  
52 the name of the voter, residence and district shall be written in by the  
53 town clerk.

54 b. On the reverse side of such envelope shall be printed the following  
55 statement:

STATEMENT OF EARLY MAIL VOTER

1  
2 I do declare that I will have been a citizen of the United States for  
3 thirty days, and will be at least eighteen years of age, on the date of  
4 the special town election; that I will have been a resident of this  
5 state and of the town shown on the reverse side of this envelope for  
6 thirty days next preceding the said election; that I am or on such date  
7 will be, a registered voter of said town; that I have not qualified, or  
8 do I intend to vote, elsewhere than as set forth on the reverse side of  
9 this envelope; that I have not received or offered, do not expect to  
10 receive, have not paid, offered or promised to pay, contributed, offered  
11 or promised to contribute to another to be paid or used, any money or  
12 other valuable thing, as a compensation or reward for the giving or  
13 withholding of a vote at this special town election, and have not made  
14 any promise to influence the giving or withholding of any such votes;  
15 that I have not made or become directly or indirectly interested in any  
16 bet or wager depending upon the result of this special town election;  
17 and that I have not been convicted of bribery or any infamous crime, or,  
18 if so convicted, that I have been pardoned or restored to all the rights  
19 of a citizen, without restriction as to the right of suffrage, or  
20 received a certificate of relief from disabilities or a certificate of  
21 good conduct pursuant to article twenty-three of the correction law  
22 removing my disability to register and vote.

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

27 Date.... Signature of Voter....

28 c. The envelope shall be gummed, ready for sealing, and shall have  
29 printed thereon, on the side opposite the statement, instructions as to  
30 the duties of the voter after the marking of the ballot, which  
31 instructions shall include a specific direction stating that the envel-  
32 ope must reach the office of the town clerk not later than five P.M. on  
33 the day of the election in order that their vote may be canvassed.

34 d. A person who shall make any material false statement in the state-  
35 ment of early mail voter appearing on the reverse side of the envelope  
36 as provided in this subdivision, shall be guilty of a misdemeanor.

37 6. a. The town clerk shall make a list of all persons to whom early  
38 mail voter's ballots shall have been issued and keep such list on file  
39 in their office where it shall be available for public inspection during  
40 regular office hours until the day of the election. Any qualified voter  
41 may, upon examination of such list, file a written challenge of the  
42 qualifications as a voter of any person whose name appears on such list,  
43 stating the reasons for such challenge. A challenge to an early mail  
44 ballot may not be made on the basis that the voter should have applied  
45 for an absentee ballot. Such written challenge shall be transmitted by  
46 the town clerk to the inspectors of election on election day.

47 b. Such list shall also be posted in a conspicuous place or places  
48 during the election, and any qualified voter may challenge the accept-  
49 ance of the early mail voter's ballot of any person on such list, by  
50 making their challenge and the reasons therefor known to the inspectors  
51 of election before the close of the polls.

52 7. a. The town clerk shall be authorized to call upon the commissioner  
53 of police and the officers and members of the police force for such  
54 assistance in the enforcement of the provisions of this section as he  
55 shall require, and such commissioner and officers and members of the  
56 police force shall be authorized to render such assistance.



1 b. The board of inspectors may require any person to attend before it  
2 at the office of the town clerk of the district and be examined as to  
3 any matter in relation to which such board is charged with a duty under  
4 this section, and may issue a subpoena therefor. Each member of such  
5 board of inspectors district shall be authorized to administer any oath  
6 that may be required or authorized by law in this connection.

7 8. No early mail voter's ballot shall be canvassed, unless it shall  
8 have been received in the office of the town clerk not later than five  
9 P.M. on the day of the election.

10 9. The town clerk shall, on the day of the election, transmit all  
11 early mail voters' envelopes, received by him in accordance with subdivi-  
12 vision eight of this section, to the inspectors of election.

13 10. If, at the election, any early mail voters' envelopes shall have  
14 been received at the polling place, the inspectors of election imme-  
15 diately after the closing of the polls shall examine them, and shall  
16 compare the signature, if any, on each envelope with the signature, if  
17 any, on the register, of the person of the same name who registered from  
18 the same address. If the signatures are found to correspond, the inspec-  
19 tors shall certify thereto by signing their initials opposite the name  
20 of the voter at the appropriate place in the register. If a person whose  
21 name is on an envelope as a voter, shall have already voted in person at  
22 such special town election, or if their name, residence and signature,  
23 as stated on the envelope, are not on the register, or if there is no  
24 signature on the envelope, this envelope shall be laid aside unopened  
25 and be returned unopened to the town clerk. If such person is found to  
26 be registered and has not so voted in person, and if no objection is  
27 made, or if an objection made be not sustained, the envelope shall be  
28 opened and the ballot withdrawn without unfolding and deposited in the  
29 proper box or boxes. At the time of the deposit of such ballot, the  
30 inspectors shall enter the words "early mail vote" at an appropriate  
31 place in the register.

32 11. During such examination any qualified voter present in the polling  
33 place may object to the voting of the ballot contained in any envelope  
34 upon the ground or grounds that the person named thereon is not a quali-  
35 fied voter of the town. An inspector shall make such an objection if he  
36 shall know or suspect that the person named on such envelope is not such  
37 a qualified voter. The election inspectors shall forthwith proceed to  
38 determine each objection including any written challenge transmitted to  
39 them by the town clerk as provided in subdivision six of this section.  
40 Unless the inspectors, by majority vote, shall sustain the objection,  
41 the chairman, or if he refuses, another inspector shall endorse upon the  
42 envelope the objection and the words "not sustained," shall sign such  
43 endorsement, and shall open the envelope and deposit the ballot as  
44 provided in this section. Should the inspectors, by majority vote,  
45 sustain such objection, the objection and word "sustained" shall be  
46 similarly endorsed upon the envelope, the envelope shall not be opened  
47 nor the ballots therein canvassed, and such envelope shall be returned  
48 unopened to the town clerk. If the inspectors of election shall have  
49 received an envelope endorsed with the name of a person who to the know-  
50 ledge of the inspectors is deceased on the day of the election, the  
51 inspectors shall return such envelope unopened to the town clerk with  
52 the words "deceased--objection sustained" endorsed on the envelope.

53 12. If the inspectors of election shall have received an envelope, and  
54 upon opening the same no ballot shall be found therein, the inspectors  
55 shall make a memorandum showing that the ballot is missing. When the  
56 casting of early mail voters' ballots shall have been completed, the

1 inspectors shall ascertain the number of such ballots which have been  
2 deposited in the ballot box by deducting from the number of envelopes  
3 opened the number of missing ballots, and shall make a separate return  
4 thereof in duplicate. The number of early mail voters' ballots deposited  
5 in the ballot box shall be added to the number of other ballots deposit-  
6 ed in the ballot box in order to determine the number of all ballots to  
7 be accounted for in the ballot box. Such ballots shall then be counted  
8 or canvassed by the inspectors of election along with the other ballots  
9 cast at such district election, or, where voting machines are used,  
10 shall be added to the votes recorded on such machines.

11 13. The provisions of this section shall apply to early mail ballots  
12 in special town elections, notwithstanding any other provision of law.  
13 The provisions of any other law as they relate to special town elections  
14 not inconsistent herewith shall apply to the conduct of such elections.

15 § 49. Paragraph 1 of subdivision a of section 1053 of the New York  
16 city charter, as amended by local law number 48 of the city of New York  
17 for the year 2022, is amended to read as follows:

18 1. material explaining the date and hours during which the polls will  
19 be open for that election; when, where, and how to register to vote;  
20 when an eligible voter is required to reregister; when, where, and how  
21 early mail and absentee ballots are obtained and used; instructions on  
22 how to vote; information on the political subdivisions applicable to a  
23 particular voter's address; and any other general information on voting  
24 deemed by the board to be necessary or useful to the electorate or  
25 otherwise consistent with the goals of this charter;

26 § 50. Paragraph 8 of subdivision b of section 1054 of the New York  
27 city charter, as added by local law number 6 of the city of New York for  
28 the year 2019, is amended to read as follows:

29 8. conduct yearly trainings for all relevant staff of the department  
30 of correction. Such training shall include, at minimum, information on  
31 voting laws for currently and formerly incarcerated individuals in the  
32 state of New York, voter registration procedures, early mail and absen-  
33 tee voting, and determining eligibility to vote.

34 § 51. Subdivision 9 of section 1057-a of the New York city charter, as  
35 amended by chapter 322 of the laws of 2021, is amended to read as  
36 follows:

37 9. In addition to the other requirements of this section, the depart-  
38 ment of correction shall implement and administer a program of distrib-  
39 ution and submission of early mail and absentee ballot applications, and  
40 subsequently received early mail or absentee ballots, for eligible  
41 incarcerated individuals. Such department shall offer, to all incarcer-  
42 ated individuals who are registered to vote, early mail and absentee  
43 ballot applications, and a means to complete them, during the period  
44 from sixty days prior to any primary, special, or general election in  
45 the city of New York until two weeks prior to any such election. Such  
46 department shall subsequently provide any early mail or absentee ballot  
47 received from the board of elections in response to any such application  
48 to the applicable incarcerated individual, as well as a means to  
49 complete it. Such department shall provide assistance to any such incar-  
50 cated individual in filling out such application or ballot upon  
51 request. Such department shall, not later than five days after receipt,  
52 transmit such completed applications and ballots from any incarcerated  
53 individual who wishes to have them transmitted to the board of elections  
54 for the city of New York. The provisions of this subdivision shall not  
55 apply in any specific instance in which the department deems it unsafe  
56 to comply therewith.

1 § 52. Paragraph 3 of subdivision a of section 1057-d of the New York  
2 city charter, as added by local law number 64 of the city of New York  
3 for the year 2016, is amended to read as follows:

4 (3) notification of the deadline for submission of [~~a~~] an early mail  
5 voting application or a mailed absentee voting application for such  
6 election, sent ten business days prior to such deadline; and

7 § 53. Subdivision a of section 1057-e of the New York city charter, as  
8 added by local law number 65 of the city of New York for the year 2016,  
9 is amended to read as follows:

10 a. allowing any registered voter who has submitted an application for  
11 an early mail or absentee ballot, or who otherwise has a right to  
12 receive an early mail or absentee ballot, for an upcoming election  
13 pursuant to the election law to view the current status of their early  
14 mail or absentee application and early mail or absentee ballot. Such  
15 website and mobile application shall indicate for each such voter wheth-  
16 er the board of elections in the city of New York has:

17 (1) received such voter's request for an early mail or absentee  
18 ballot, if applicable;

19 (2) approved or rejected such request, if applicable, and, if  
20 rejected, a brief statement of the reason for rejection;

21 (3) mailed or delivered an early mail or absentee ballot to such voter  
22 for such upcoming election, and shall include the ability for such voter  
23 to see the status of a mailed early mail or absentee ballot by United  
24 States postal service intelligent mail barcode or successor technology;

25 (4) received such voter's completed early mail or absentee ballot for  
26 such upcoming election; and

27 (5) determined that such voter's completed early mail or absentee  
28 ballot was invalid, and, if such a finding was made, a brief statement  
29 of the reason.

30 § 54. The last undesignated paragraph of subparagraph (a) of paragraph  
31 3 of subdivision d of section 1057-g of the New York city charter, as  
32 amended by local law number 3 of the city of New York for the year 2023,  
33 is amended to read as follows:

34 You have a right to a replacement ballot. If you make a mistake, or  
35 want to change your vote, (insert "ask a poll worker for a new ballot"  
36 or, for early mail or absentee ballots, "call the board of elections at  
37 (insert phone number here) for instructions on how to obtain a new  
38 ballot").

39 § 55. This act shall take effect January 1, 2024 and shall apply to  
40 any general, primary, run-off primary, or special election held there-  
41 after.