

TO: Sandra Casey, General-Counsel-in-Charge
FROM: Laura Chambers, Intern; Charles Pensabene, Assistant Counsel
SUBJECT: Election Law Amendments to Increase Absentee Voting Options in Response to COVID
DATE: July 3, 2020

On June 7, 2020, the Governor signed into law a bill¹ amending various provisions of the Election Law, which aim to increase voter participation during the COVID-19 pandemic by allowing qualified voters to request absentee ballots through a variety of options, including mail, electronic mail, electronic transmittal service, or web portal established by the state, city, or county board of elections.

Requesting an Absentee Ballot Under Election Law 8-400(2)(d):

All qualified voters eligible to receive an absentee ballot will receive such ballot upon written request to the board of elections.

In addition to the existing means of submitting an absentee ballot requests (either through mail or fax), this bill adds the ability of a voter to submit an electronic application submitted through e-mail, or a web portal established by the state, city, or county board of elections.

This bill also removes the requirement that absentee ballot requests must be signed by the voter.

Note that this portion of this bill took effect on June 30, 2020, and will expire on December 31, 2020 (thereby applying to the November General Election).

Deadline for Receipt (Election Law Section 8-412(1)):

This bill extends the last date that all absentee ballots received via mail must show a United States Postal Service or a foreign postal service cancellation mark from the day before the election to the day of the election in order to be counted.

The bill applies similar extensions to federal write-in absentee ballots (9-209), military ballots (10-114), special presidential voters (11-110), and special federal ballots (11-212), respectively.

This portion of the bill took effect on June 7, 2020, and will expire on December 31, 2020.