

ABSENTEE VOTING

Recent League Activity

In 2016 the bill allowing for a Constitutional Amendment to be made for no-excuse absentee voting was passed in the Assembly. The League has advocated for this change for many years and we were very happy to see its passage in the Assembly. Unfortunately, the bill was not considered by the Senate.

Past League Activity

The 1963, LWVNYS position stipulated that all those otherwise eligible to vote in New York State should be able to vote by absentee ballot. That same year the voters, with active LWV campaigning, approved an amendment to the state constitution authorizing the legislature to extend absentee voting to all eligible voters who would be absent from their counties on election day; therefore, in 1964, “vacations” was added to the list of acceptable reasons for an absentee ballot.

In 1972 a League consensus called for absentee voting in primary elections. This passed in 1974, followed in 1975 by a provision for absentee voting in special elections.

A three-fold plan was developed by the League in 1977 to simplify the absentee voting process:

1. Wide distribution of absentee ballot applications;
2. Ability to apply in person for absentee ballots through the day before the election and fill out the ballot immediately; and
3. Simplification of the absentee application form.

The second of these became law in 1978. Continued prodding resulted in further easing of the law in 1981 to allow local boards of elections to provide “an appropriate number” of applications to distribution sources that request the forms and are approved by either the state Board of Elections or any of the local boards.

In 1988 after several years of League effort, the election law was amended to permit a letter to serve as an application for an absentee ballot. Prior to that time a voter was required to write a letter to request an application, a system that required double effort on the part of the voter as well as of the Board of Elections.

Also in 1988 the League initiated legislation, now law, to amend the election law in regard to obtaining an absentee ballot after the deadline for application by mail had passed. The law now allows a person other than the absentee voter to obtain the ballot from the local board of elections by presenting the voter’s completed and signed application.

In 1993, the League testified at statewide hearings called by the State Board of Elections on the absentee ballot application, arguing for simplification of the process and the form. No modifications to the form have been made although legislative and agency proposals have been introduced.

Absentee voting by residents of nursing homes and residential care facilities is governed by section 8-407 of the New York State Election Law. Implementation by local boards of election of this provision has been permissive, not mandatory. Leagues, which monitor elections throughout the state, found evidence of irregularities in the conduct of this type of absentee balloting that violates the integrity of the electoral process. Residents of nursing homes and adult homes, many of whom are elderly, may be subject to undue pressure to vote for a particular candidate or to cast a ballot. League-supported legislation to mandate implementation of the existing law requiring bipartisan election officials to supervise absentee balloting in institutions where there are five or more residents was introduced in the legislature in January 2001. It was passed with intensive League advocacy and signed into law by the Governor in August 2001.

In 2010, after seventeen years of advocacy to support revision of the absentee ballot application that required certain unnecessary personal information, the League achieved success on this much needed reform. For our successful efforts in reforming the absentee ballot application, the League received a “pen certificate” from the bill’s sponsor, Assemblywoman Sandra Galef, AD 95 in June 2010. Another statutory change to the absentee ballot application process included allowing requests for a form by letter, telefax, or other written instrument. (This position aligns with the Nation League’s positions on Public Advocacy for Voter Protection and the Help America Vote Act. LWVUS Impact on Issues, 2014-2016, p. 8, 12)