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**MEMORANDUM IN SUPPORT OF:  
S7046 (Fernandez)/A.3291 (Dinowitz)**

**To:** New York State Assembly and Senate

**Subject:** An Act to make permanent previous amendments of the Election Law relating to absentee voting because of illness

**Date:** May 19, 2023

The League of Women Voters of New York State (LWVNYS) supports the above referenced legislation which would continue to provide that illness for purposes of absentee voting includes instances where a qualified voter is unable to personally appear at their polling place because there is a risk of contracting or spreading a disease to the voter or other members of the public.

During the Covid-19 pandemic, the Legislature amended the Election Law to clarify that absentee voting was allowed for voters who were unable to vote at their polling site because of a risk of contracting or spreading a disease that may cause illness. However, these provisions expired at the end of 2022.

The League of Women Voters believes that it is critical that this legislation be passed to continue to ensure voters the right to cast a ballot without fear for their own health or that of their loved ones. Voters should be certain of their rights and County Boards of Elections throughout the state should uniformly apply the right to an absentee ballot. New York courts have found this clarification to be consistent with state constitutional limits on absentee voting.

**For the above reasons, the League of Women Voters of New York State urges the Senate to introduce, and the Legislature to pass, S7046 (Fernandez)/A.3291(Dinowitz).**