State of New York

Executive Chamber

No. 202.26

EXECUTIVE ORDER

Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to be continue;

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through May 31, 2020 the following:

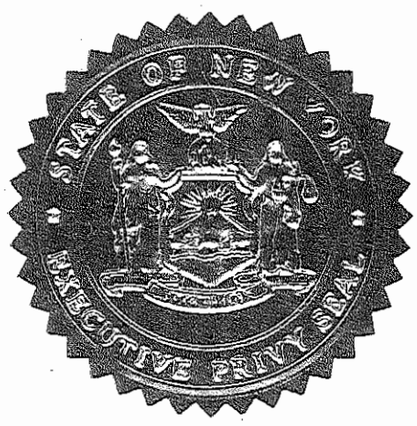
- Sections 103 and 104-b of the General Municipal Law, to the extent necessary to allow a board of elections to procure and provide absentee ballot applications, absentee ballots, envelopes, or any other means of transmitting an absentee ballot application or absentee ballot, including postage, to voters without the usual advertising for bids and offers and compliance with existing procurement policies and procedures;
- Sections 1804, 1906, 2002, 2022, 2601-a of the Education Law, to the extent necessary, to provide that the annual district meeting and election of every common, union free, central and central high school district and the annual meeting of every city school district in a city having a population of less than one hundred twenty-five thousand inhabitants was scheduled to be held on the third Tuesday of May, two thousand twenty is hereby adjourned and rescheduled until June 9, 2020, which shall be deemed the statewide uniform voting day;
- Sections 2003, 2004, 2022 2601-a of the Education Law, to the extent necessary to provide that trustees or boards of education of each such school district shall provide notice of such adjourned meeting to the qualified voters in the manner prescribed for notice of the annual meeting except that the number of required publications shall be two and the first publication must be no later than 28 days before the election, and such notice shall provide for an adjourned budget hearing. Such adjourned meeting shall take place remotely, and qualified voters shall vote in such adjourned election only by absentee ballot, to be provided to all qualified voters by each school district. Each district shall send out postcard notice which details the date of the election, date of budget hearing, definition of qualified voter, and an absentee ballot, The adjourned district meeting or district meeting and election shall be deemed the annual meeting or annual meeting and election of the district for all purposes;
- Sections 1608 and 1716 of the Education Law to the extent necessary to allow report cards to be submitted to the State Education Department no later than 18 days prior to the date of the adjourned meeting, and the department shall make its compilation available electronically at the latest on June 2, 2020, seven days prior to the adjourned meeting date;
- Sections 2018-a and 2018-b of the Education Law are temporarily suspended and hereby modified to provide that due to the prevalence and community spread of COVID-19, that the potential for contraction of the COVID-19 virus shall be deemed temporary illness;

- Sections 2018-a and 2018-b of the Education Law are hereby modified, only for the purpose of any election held on or before June 30, 2020, to require every eligible voter be sent an absentee ballot with a postage paid return envelope;
- Sections 2018, 2032, and 2608 of the Education Law to the extent necessary to allow candidates be listed on ballots alphabetically, and that ballots for small city school districts shall be set 30 days before the election;
- Sections 2018 and 2608 of the Education Law to the extent necessary to eliminate any minimum threshold of signatures required, provided, however, an individual must meet any other requirements necessary to be placed on the ballot, including any applicable residency and age requirements;
- Section 260 of the Education Law to the extent necessary to authorize public libraries established and supported by a school district to re-notice an election noticed pursuant to this section. Such election and/or budget vote shall be conducted via absentee ballot in conjunction with the school district's rescheduled absentee ballot process or independently using the guidelines created for the school district's absentee ballot process. Such a vote may be managed by the school district or the library, at the library's request. Furthermore, the same provisions that are made for a school board trustee's petition shall apply to a library board trustee's petition;
- Section 259 (1) of the Education Law to the extent necessary to give applicable school ballot funding propositions for public or association libraries to take place on the absentee ballot used to administer the school district's budget vote;
- Sections 259 and 260 of the Education Law are hereby modified for any library election held on or before July 1, 2020, to eliminate any requirement for an application to access an absentee ballot, and each such eligible voter shall be mailed an absentee ballot with a postage paid return envelope;
- Article 6 and 15 of the Election Law in relation to conducting any village election to be held September 15, 2020 pursuant to this Executive Order, are temporarily suspended and otherwise modified as follows:
    - Any village election previously scheduled to be held in March, April, May, or June will be held on September 15, 2020.
    - For any village election scheduled to be held on September 15, 2020 as directed by this Executive Order, all party nominations shall be made by party caucus, which may be conducted remotely as set forth by the chair of such party, and which shall be held not later than August 20, 2020, and provided that a certificate of nomination from such caucus and any certificates of declination or acceptance shall be filed not later than August 22, 2020, and provided that once a certificate of declination is submitted, no substitutions shall be permitted.
    - All independent nominations for a village election previously scheduled prior to September 2020, now to be held on September 15, 2020, shall be postponed until such time as NY on Pause is suspended, subject to a process determined by a future Executive Order.
    - Any village election postponed by Executive Order originally scheduled for a date in March, April, May or June of 2020 for which the ballot was fully determined at the time of this Executive Order shall proceed with the same ballot as would have been used at such prior election, and if such ballots were already printed, such ballots may be used at the September 15, 2020 election despite containing thereon the original date of the election.
    - Any provision of the election law or village law otherwise applicable to the manner of conducting such an election in March, April, May or June, shall apply to the date of the September 15, 2020 election.
    - Village officials elected at a rescheduled election held on September 15, 2020, shall assume office as soon as the statement of canvass is filed with the village clerk pursuant to section 15-126 of the Election Law or certified by the board of election, and the term of office of such officers shall end as if they had been elected at the time of the originally scheduled election.
    - Any village election previously postponed by Executive Order for which ballot access was not completed at the time of such suspension shall be conducted solely in accordance with the ballot access provisions applicable to the September 15, 2020, election.
- Section 8-406 that is modified to the extent that any absentee ballot sent to a voter for a primary or special election to be held on June 23, 2020 shall be provided with a postage paid return envelope;
- Section 9-209 of the Election Law in relation to canvassing absentee ballots is modified to permit any absentee ballot submitted by a voter who requested such ballot for the prior date of an election canceled and then rescheduled due to the COVID-19 public health emergency, shall be cast and canvassed unless otherwise invalid, unless such voter shall appear to vote on the date of the rescheduled election or such voter requests and returns a subsequent absentee ballot;
- Section 8-410 of the Election Law in relation to marking absentee ballots is modified to the extent that for any election held before July 1, 2020, upon transmitting or mailing absentee ballots to voters, the board of elections shall provide and maintain, in its office, a voting system that is accessible for voters wishing to mark their ballot privately and independently, and provided that availability of this service shall be posted on the website of each board of elections;

- Section 16-108 of the Election Law is modified to permit any Justice of the Supreme Court appointed to hear election matters on election day may hear and determine such matters telephonically or by video conference and shall not be required to be physically at a board of elections;
- Section 8-407 of the Election Law, in relation to providing absentee ballots to voters residing in certain facilities, is modified to the extent that inspectors of the board shall not attend and/or visit facilities described in section 8-407 of the Election Law, and shall not physically deliver ballots to residents of facilities in person for primaries or elections held on or prior to July 1, 2020, and boards of elections, in the same manner as absentee ballots are delivered to other absentee voters pursuant to Title 4 of Article 8 of the Election Law, shall instead mail or deliver absentee ballots to voters residing in such facilities; and
- Section 5-204 of the Election Law in relation to local in person registration is modified to the extent that meetings for local in person registration at poll sites shall not be held in 2020.

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby issue the following directives for the period from the date of this Executive Order through May 31, 2020:

- Any district or special district, including, but not limited to fire, library, sewer, or water, that conducts an election and/or budget vote shall be rescheduled to September 15, 2020 and collection of signatures for nominating petitions is hereby suspended until further notice, subject to a process determined by a future Executive Order; provided however, a library district may conduct an election on June 9, 2020 pursuant to this Executive Order if such election is managed by a school district.
- Circulation, filing, and collection of any independent nominating petition pursuant to section 6-138 of the Election Law for any office that would otherwise be circulated or filed pursuant to the Election Law or for any special district election, as provided for in Executive Order 202.13, continue to be postponed until further notice and shall be subject to a future Executive Order.
- Any village election that was postponed in March of 2020, or scheduled to be held on June 16, 2020, or any time prior to September 15, 2020, is hereby rescheduled for September 15, 2020.
- Executive Order 202.23 is modified to clarify that any voter that is in active and/or inactive status and is eligible to vote in a primary or special election to be held on June 23, 2020 who requests an absentee ballot via telephone for the June 23 special election or primary election, shall be sent an absentee ballot with a postage paid return envelope; provided however each voter shall not be sent more than one ballot, and shall not be required to complete an application either prior to or simultaneously to receiving the ballot. Further, the board of elections receiving the telephone request shall maintain a record of such telephone request for an absentee ballot, and may complete the absentee ballot application as such record on behalf of the voter requesting the absentee ballot, provided that no ballot shall be deemed invalid for lack of a complete absentee ballot application for any reason.



GIVEN under my hand and the Privy Seal of the State in the City of Albany this first day of May in the year two thousand twenty.

BY THE GOVERNOR

Secretary to the Governor