

## **2020 Elections and COVID-19**

The COVID-19 pandemic and its attendant distancing requirements have necessitated some changes to the normal election cycles for 2020. The changes which have been made by Executive Order of the Governor are outlined here. This is an evolving issue so check back for up to date information.

On April 27, the NY State Board of Elections announced that they had cancelled the Democratic Presidential primary election scheduled to be held on June 23<sup>rd</sup> due to concerns about spreading the COVID-19 virus and in light of Senator Bernie Sanders having withdrawn his candidacy from the race for President.

On Tuesday May 5, United States District Court Judge Analisa Torres filed an order that the Presidential Primary for New York, scheduled for June 23<sup>rd</sup> must be held with all qualifying candidates on the ballot. The New York State Board of Elections has reinstated the Primary currently, but according to NYS Board of Elections Co-Chair Douglas Kellner is “reviewing the decision and preparing an appeal”.

**\*\*On Tuesday May 19, a federal appeals panel upheld the lower court ruling by Judge Torres re-instating the Presidential Primary for New York, scheduled for June 23. NYS Board of Elections Co-Chair Douglas Kellner has stated that the Board will not appeal to the U. S. Supreme Court and that “There’s a huge amount of work that needs to be done at the Board of Elections in order to manage the primary election, and we’re going to focus our attention on doing just that.”**

The New York State Conference of Mayors has detailed information about elections on their website: <https://www.nycom.org/2-uncategorised/1404-coronavirus-covid-19-guidance>

The Association of Towns of NYS is also updated their COVID-19 information regularly at <https://www.nytowns.org/> under announcements/info.

### **Executive Order [202.26](#) – May 1, 2020**

#### **Village Elections:**

- Village elections originally scheduled for March, April, May or June are postponed until September 15<sup>th</sup>.
- For the September 15<sup>th</sup> election, all nominations on the ballot are to be done by party caucus conducted remotely by August 20<sup>th</sup> and with results of the caucus to be filed by August 22<sup>nd</sup>. Independent nominations for a village election previously scheduled prior to September 2020 and now scheduled for September 15<sup>th</sup> are postponed until the NY on PAUSE order is suspended (unless amended by a future Executive Order).
- For any election scheduled in March, April, May or June for which the ballot was already fully determined, the election will proceed with the same ballot. Any election

postponed by Executive Order for which the ballot was not fully determined, shall be conducted in accordance with the ballot provisions applicable to the September 15<sup>th</sup> election.

- Village officials elected at the rescheduled election on September 15<sup>th</sup> shall assume office as soon as the statement of canvas is filed with the village clerk or certified by the Board of Elections. The term of office for these officials shall end as if they had been elected at the regularly scheduled time.

#### **Special District Elections:**

- 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, except a library district may conduct an election on June 9<sup>th</sup> if the election is managed by a school district.
- Circulation, filing, and collection of any independent nominating petition continue to be postponed (under Executive Order 202.13) until further notice and shall be subject to a future Executive Order.

#### **School District Elections:**

- the annual district meeting and election of every common, union free, central and central high school district 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. 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.
- Modifies 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.
- Allows public libraries established and supported by a school district to re-notice an election noticed pursuant to Section 260 of Education Law. 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.
- Modifies 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.

#### **Miscellaneous:**

- 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, to 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.
- Local in person registration events are modified to the extent that meetings for local in person registration at poll sites shall not be held in 2020.
- Clarifying Executive Order 202.23, “any voter that is in active and/or inactive status and is eligible to vote in a primary or special election who requests an absentee ballot via telephone 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.”

#### **Executive Order 202.23 – April 24, 2020**

Provides that “every voter that is in active and inactive status and is eligible to vote in a primary or special election to be held on June 23, 2020 shall be sent an absentee ballot application form with a postage paid return option for such application”. That is in addition to any other way that is currently available to request an absentee ballot. This built upon Executive Order 202.15 issued on April 9<sup>th</sup> which allowed for an absentee ballot to be granted based on temporary illness or the potential for contraction of the COVID-19 virus for any election held on or before June 23<sup>rd</sup> and to allow for electronic application of such ballot with no requirement for an in-person appearance or signature.

The order also cancelled any scheduled state assembly or state senate special elections which were scheduled to be conducted on June 23<sup>rd</sup>. These offices will be filled at the general election in November. Several other special elections were cancelled under Executive Order 202.24.

#### **Executive Order 202.16 – April 12, 2020**

Postponed any caucus which was scheduled or required in April or May of 2020 to be postponed until June 1<sup>st</sup> without prejudice. The caucus is allowed to continue if it is able to be held remotely through “through use of telephone conference, video conference, and/or other similar service, and provided that notice for any party caucus to be held remotely shall be deemed satisfied if such notice includes specific information on remote participation and has been filed with the clerk and board of elections at least five days preceding the day of the caucus and published either by newspaper publication thereof once within the village, or on the party 's website, or through electronic mail to any previous caucus participant for which the party has an electronic mail address.”

**Executive Orders [202.12](#) and [202.13](#) – March 28 & 29, 2020**

Executive Order 202.12 postponed the Presidential primary election and any special election which had been scheduled to have taken place on April 28<sup>th</sup> until June 23<sup>rd</sup>.

Executive Order 202.13 issued the following day clarified who would be eligible to appear on the ballot for the rescheduled June 23<sup>rd</sup> election.

It also postponed “Circulation, filing, and collection of any designating petitions, or independent nominating petitions for any office that would otherwise be circulated or filed pursuant to the Election Law, Education Law or any other consolidated law for any office commencing March 31, 2020”

Finally, Executive Order 202.13 postponed any school board, library board or village election scheduled to take place in April or May until at least June 1<sup>st</sup> subject “to further directive as to the timing, location or manner of voting for such elections”.

**Executive Order [202.05](#) and [202.04](#) – March 16 & 18, 2020**

Executive Order 202.04 postponed any village election scheduled for March 17<sup>th</sup> specifically and authorized the officials currently holding the positions to hold-over in office until such time as a new election can be held.

Executive Order 202.05 postponed any village election scheduled for March 18<sup>th</sup> specifically and authorized the officials currently holding the positions to hold-over in office until such time as a new election can be held.

**Executive Order [202.02](#) – March 14, 2020**

This was the initial executive order issued in relation to elections. It temporarily suspended or altered section 8-400 of NYS Election Law and required that the potential for the spread of the virus be considered for any election held after April 1<sup>st</sup>; changed deadlines and some requirements for absentee ballots for elections held on or before April 1<sup>st</sup>. Election Law Article 6 was also amended to temporarily lower the number of signatures required on nominating petitions and to temporarily suspend the gathering of signatures effective March 17<sup>th</sup>.

For more information visit the NY State Board of Elections website at <https://www.elections.ny.gov/>.

The new 2020 political calendar (updated March 19<sup>th</sup>) can be found at [https://www.elections.ny.gov/NYSBOE/law/2020PoliticalCalendar\\_Rev0319.pdf](https://www.elections.ny.gov/NYSBOE/law/2020PoliticalCalendar_Rev0319.pdf).