

# STATE OF NEW YORK

8917

## IN SENATE

August 14, 2020

Introduced by Sen. GIANARIS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the election law, in relation to the time period during which absentee ballots shall be mailed or delivered after an application for such ballot is received by the board of elections

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 8-406 of the election law, as amended by chapter  
2 296 of the laws of 1988, is amended to read as follows:

3 § 8-406. Absentee ballots, delivery of. If the board shall find that  
4 the applicant is a qualified voter of the election district containing  
5 his or her residence as stated in his or her statement and that his or  
6 her statement is sufficient, it shall, as soon as practicable after it  
7 shall have determined his or her right thereto, mail to him or her at an  
8 address designated by him or her, or deliver to him or her, or to any  
9 person designated for such purpose in writing by him or her, at the  
10 office of the board, such an absentee voter's ballot or set of ballots  
11 and an envelope therefor. Such mailing or delivery shall occur no later  
12 than the forty-sixth day before the day of the election if the applica-  
13 tion was received by the board at least sixty days before the day of the  
14 election; and if the application was received by the board after the  
15 sixtieth day before the day of the election, but no later than the thir-  
16 tieth day before the day of the election, the board shall mail or deliv-  
17 er the absentee ballot within four days of receiving the absentee ballot  
18 application; and if the application was received by the board after the  
19 thirtieth day before the day of the election, but no later than the  
20 fifteenth day before the day of the election, the board shall mail or  
21 deliver the absentee ballot within three days of receiving the absentee  
22 ballot application; and if the application was received by the board  
23 after the fifteenth day before the day of the election, the board shall  
24 mail or deliver the absentee ballot within two days of receiving the  
25 absentee ballot application. If the ballot or ballots are to be sent  
26 outside of the United States to a country other than Canada or Mexico,  
27 such ballot or ballots shall be sent by air mail. However, if an appli-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 cant who is eligible for an absentee ballot is a resident of a facility  
2 operated or licensed by, or under the jurisdiction of, the department of  
3 mental hygiene, or a resident of a facility defined as a nursing home or  
4 residential health care facility pursuant to subdivisions two and three  
5 of section two thousand eight hundred one of the public health law, or a  
6 resident of a hospital or other facility operated by the Veteran's  
7 Administration of the United States, such absentee ballot need not be so  
8 mailed or delivered to any such applicant but, may be delivered to the  
9 voter in the manner prescribed by section 8-407 of this chapter if such  
10 facility is located in the county or city in which such voter is eligi-  
11 ble to vote.

12 § 2. This act shall take effect immediately.