STATE OF NEW YORK

1364

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. WALKER -- read once and referred to the Committee on Election Law

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:

Section 1. Subdivision 1 of section 8-406 of the election law, as amended by section 2 of part HH of chapter 55 of the laws of 2022, is amended to read as follows:

1. If the board shall find that the applicant is a qualified voter of the election district containing his **or her** residence as stated in his **or her** statement and that his **or her** statement is sufficient, it shall, as soon as practicable after it shall have determined his **or her** right thereto, mail to him **or her** at an address designated by him **or her**, or deliver to him **or her**, or to any person designated for such purpose in writing by him **or her**, at the office of the board, such an absentee voter's ballot or set of ballots and an envelope therefor. **Such mailing or delivery at the board of elections shall occur no later than the forty-sixth day before the day of the election if the application was received by the board at least sixty days before the day of the election; and if the application was received by the board after the sixtieth day before the day of the election, but no later than the forty-sixth day before the day of the election, the board shall mail or deliver at the board of elections the absentee ballot no later than the forty-second day before the day of the election; and if the application was received by the board after the forty-sixth day before the day of the election, but no later than the thirtieth day before the day of the election, the board shall mail or deliver at the board of elections the absentee ballot within four days of receiving the absentee ballot application; and if the application was received by the**

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

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board after the thirtieth day before the day of the election, but no later than the fifteenth day before the day of the election, the board shall mail or deliver at the board of elections the absentee ballot within three days of receiving the absentee ballot application; and if the application was received by the board after the fifteenth day before the day of the election but no later than the seventh day before the day of the election, the board shall mail or deliver at the board of elections the absentee ballot within two days of receiving the absentee ballot application; and if the application was received timely postmarked by mail after the seventh day before the day of the election, the board shall make every reasonable effort to mail or deliver at the board of elections the ballot on the day the application is received; and if the application was delivered in person after the seventh day before the day of the election and no later than the day before the election, the board shall make every reasonable effort to deliver the ballot at the board of elections on the day the application is received. If the ballot or ballots are to be sent outside of the United States to a country other than Canada or Mexico, such ballot or ballots shall be sent by air mail. However, if an applicant who is eligible for an absentee ballot is a resident of a facility operated or licensed by, or under the jurisdiction of, the department of mental hygiene, or a resident of a facility defined as a nursing home or residential health care facility pursuant to subdivisions two and three of section two thousand eight hundred one of the public health law, or a resident of a hospital or other facility operated by the Veteran's Administration of the United States, such absentee ballot need not be so mailed or delivered to any such applicant but, may be delivered to the voter in the manner prescribed by section 8-407 of this chapter if such facility is located in the county or city in which such voter is eligible to vote.

§ 2. This act shall take effect immediately.