

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:

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

4 1. If the board shall find that the applicant is a qualified voter of
5 the election district containing his or her residence as stated in his
6 or her statement and that his or her statement is sufficient, it shall,
7 as soon as practicable after it shall have determined his or her right
8 thereto, mail to him or her at an address designated by him or her, or
9 deliver to him or her, or to any person designated for such purpose in
10 writing by him or her, at the office of the board, such an absentee
11 voter's ballot or set of ballots and an envelope therefor. Such mailing
12 or delivery at the board of elections shall occur no later than
13 the forty-sixth day before the day of the election if the application
14 was received by the board at least sixty days before the day of the
15 election; and if the application was received by the board after the
16 sixtieth day before the day of the election, but no later than
17 the forty-sixth day before the day of the election, the board shall mail
18 or deliver at the board of elections the absentee ballot no later than
19 the forty-second day before the day of the election; and if the
20 application was received by the board after the forty-sixth day before
21 the day of the election, but no later than the thirtieth day before
22 the day of the election, the board shall mail or deliver at the board of
23 elections the absentee ballot within four days of receiving the absen-
24 tee 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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1 board after the thirtieth day before the day of the election, but no
2 later than the fifteenth day before the day of the election, the
3 board shall mail or deliver at the board of elections the absentee
4 ballot within three days of receiving the absentee ballot applica-
5 tion; and if the application was received by the board after the
6 fifteenth day before the day of the election but no later than the
7 seventh day before the day of the election, the board shall mail or
8 deliver at the board of elections the absentee ballot within two days
9 of receiving the absentee ballot application; and if the application
10 was received timely postmarked by mail after the seventh day before the
11 day of the election, the board shall make every reasonable effort to
12 mail or deliver at the board of elections the ballot on the day the
13 application is received; and if the application was delivered in person
14 after the seventh day before the day of the election and no later than
15 the day before the election, the board shall make every reasonable
16 effort to deliver the ballot at the board of elections on the day the
17 application is received. If the ballot or ballots are to be sent outside
18 of the United States to a country other than Canada or Mexico, such
19 ballot or ballots shall be sent by air mail. However, if an applicant
20 who is eligible for an absentee ballot is a resident of a facility oper-
21 ated or licensed by, or under the jurisdiction of, the department of
22 mental hygiene, or a resident of a facility defined as a nursing home or
23 residential health care facility pursuant to subdivisions two and three
24 of section two thousand eight hundred one of the public health law, or a
25 resident of a hospital or other facility operated by the Veteran's
26 Administration of the United States, such absentee ballot need not be so
27 mailed or delivered to any such applicant but, may be delivered to the
28 voter in the manner prescribed by section 8-407 of this chapter if such
29 facility is located in the county or city in which such voter is eligi-
30 ble to vote.

31 § 2. This act shall take effect immediately.