STATE OF NEW YORK

3985

2023-2024 Regular Sessions

IN ASSEMBLY

February 8, 2023

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

AN ACT to amend the election law, in relation to the mailing or delivery of absentee ballots

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. 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~~] **United States Department of Veterans Affairs**, 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. **No absentee ballot shall be mailed or delivered to a voter unless such voter specifically requests to receive an absentee ballot.**

§ 2. This act shall take effect immediately.

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

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