

# 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 Assem-  
bly, 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 juris-  
diction of, the department of mental hygiene, or a resident of a facili-  
ty defined as a nursing home or residential health care facility pursu-  
ant 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 deliv-  
ered 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 deliv-  
ered 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.

LBD07296-01-3