

STATE OF NEW YORK

7138

2025-2026 Regular Sessions

IN ASSEMBLY

March 20, 2025

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~~] the applicant's residence as
6 stated in [~~his~~] such applicant's statement and that [~~his~~] the appli-
7 cant's statement is sufficient, it shall, as soon as practicable after
8 it shall have determined [~~his~~] the applicant's right thereto, mail to
9 [~~him~~] the applicant at an address designated by [~~him~~] the applicant, or
10 deliver to [~~him~~] the applicant, or to any person designated for such
11 purpose in writing by [~~him~~] the applicant, at the office of the board,
12 such an absentee voter's ballot or set of ballots and an envelope there-
13 for. Such mailing or delivery at the board of elections shall
14 occur no later than the forty-sixth day before the day of the election
15 if the application was received by the board at least sixty days
16 before the day of the election; and if the application was received by
17 the board after the sixtieth day before the day of the election,
18 but no later than the forty-sixth day before the day of the election,
19 the board shall mail or deliver at the board of elections the absentee
20 ballot no later than the forty-second day before the day of the
21 election; and if the application was received by the board after the
22 forty-sixth day before the day of the election, but no later than the
23 thirtieth day before the day of the election, the board shall mail or
24 deliver at the board of elections the absentee ballot within four days

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

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1 of receiving the absentee ballot application; and if the application was
2 received by the board after the thirtieth day before the day of the
3 election, but no later than the fifteenth day before the day of the
4 election, the board shall mail or deliver at the board of elections the
5 absentee ballot within three days of receiving the absentee ballot
6 application; and if the application was received by the board after the
7 fifteenth day before the day of the election but no later than the
8 seventh day before the day of the election, the board shall mail or
9 deliver at the board of elections the absentee ballot within two days
10 of receiving the absentee ballot application; and if the application
11 was received timely postmarked by mail after the seventh day before the
12 day of the election, the board shall make every reasonable effort to
13 mail or deliver at the board of elections the ballot on the day the
14 application is received; and if the application was delivered in person
15 after the seventh day before the day of the election and no later than
16 the day before the election, the board shall make every reasonable
17 effort to deliver the ballot at the board of elections on the day the
18 application is received. If the ballot or ballots are to be sent outside
19 of the United States to a country other than Canada or Mexico, such
20 ballot or ballots shall be sent by air mail. However, if an applicant
21 who is eligible for an absentee ballot is a resident of a facility oper-
22 ated or licensed by, or under the jurisdiction of, the department of
23 mental hygiene, or a resident of a facility defined as a nursing home or
24 residential health care facility pursuant to subdivisions two and three
25 of section two thousand eight hundred one of the public health law, or a
26 resident of a hospital or other facility operated by the Veteran's
27 Administration of the United States, such absentee ballot need not be so
28 mailed or delivered to any such applicant but, may be delivered to the
29 voter in the manner prescribed by section 8-407 of this chapter if such
30 facility is located in the county or city in which such voter is eligi-
31 ble to vote.

32 § 2. This act shall take effect immediately.