

# STATE OF NEW YORK

11485

## IN ASSEMBLY

May 27, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Lee) -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to deeming all ballots mailed into the board of elections postmarked not later than election day to have been received by the board of elections before the close of the polls on election day for certain 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 8-412 of the election law, as  
2 amended by chapter 109 of the laws of 2025, is amended to read as  
3 follows:  
4 1. The board of elections shall cause all absentee ballots received by  
5 it before the close of the polls on election day and all ballots  
6 contained in envelopes showing a cancellation mark of the United States  
7 postal service or a foreign country's postal service, or showing a dated  
8 endorsement of receipt by another agency of the United States govern-  
9 ment, with a date which is ascertained to be not later than the day of  
10 the election and received by such board of elections not later than  
11 seven days following the day of election to be cast and counted except  
12 that the absentee ballot of a voter who requested such ballot by letter,  
13 rather than application, shall not be counted unless a valid application  
14 form, signed by such voter, is received by the board of elections with  
15 such ballot. For purposes of this section, any absentee ballot received  
16 by the board of elections by mail that does not bear or display a dated  
17 postmark shall be presumed to have been timely mailed or delivered if  
18 such ballot bears a time stamp of the receiving board of elections indi-  
19 cating receipt by such board on the day after the election. For the  
20 purposes of this section, an absentee ballot shall be deemed to be  
21 received by the board of elections before the close of the polls on  
22 election day if it is deposited in a ballot drop box before the close of  
23 polls on election day. For the purposes of this section, an absentee  
24 ballot shall be deemed to be received by the board of elections before  
25 the close of the polls on election day if it is contained in an envelope  
26 showing a postmark date of the United States postal service or a foreign

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

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1 country's postal service which is ascertained to be not later than the  
2 day of the election; provided, however, such ballots which would other-  
3 wise not be cast nor counted shall only be eligible to be cast and  
4 counted for elections other than federal elections. Ballots received in  
5 accordance with this section shall be deemed timely and the failure of a  
6 board of elections to time stamp such ballots received in this manner on  
7 or before election day shall not prohibit the canvassing of such  
8 ballots. At the close of the polls on election day, the board of  
9 elections shall close every ballot drop box and collect ballots deposit-  
10 ed in such ballot drop box.

11 § 2. Section 8-710 of the election law, as added by chapter 481 of the  
12 laws of 2023 and subdivision 1 as amended by chapter 109 of the laws of  
13 2025, is amended to read as follows:

14 § 8-710. Early mail ballots; deadline for receipt, and delivery to  
15 polling place. 1. The board of elections shall cause all early mail  
16 ballots received by it before the close of the polls on election day and  
17 all ballots contained in envelopes showing a cancellation mark of the  
18 United States postal service or a foreign country's postal service, or  
19 showing a dated endorsement of receipt by another agency of the United  
20 States government, with a date which is ascertained to be not later than  
21 the day of the election and received by such board of elections not  
22 later than seven days following the day of election to be cast and  
23 counted. For purposes of this section, any early mail ballot received by  
24 the board of elections by mail that does not bear or display a dated  
25 postmark shall be presumed to have been timely mailed or delivered if  
26 such ballot bears a time stamp of the receiving board of elections indi-  
27 cating receipt by such board on the day after the election. For the  
28 purposes of this section, an early mail ballot shall be deemed to be  
29 received by the board of elections before the close of the polls on  
30 election day if it is deposited in a ballot drop box before the close of  
31 polls on election day. For the purposes of this section, an early mail  
32 ballot shall be deemed to be received by the board of elections before  
33 the close of the polls on election day due to it being contained in an  
34 envelope showing a postmark date of the United States postal service or  
35 a foreign country's postal service which is ascertained to be not later  
36 than the day of the election; provided, however, such ballots which  
37 would otherwise not be cast nor counted shall only be eligible to be  
38 cast and counted for elections other than federal elections. Ballots  
39 received in accordance with this section shall be deemed timely and the  
40 failure of a board of elections to time stamp such ballots received in  
41 this manner on or before election day shall not prohibit the canvassing  
42 of such ballots. At the close of the polls on election day, the board of  
43 elections shall close every ballot drop box and collect ballots deposit-  
44 ed in such ballot drop box.

45 2. Early mail ballots received by the board of elections shall be  
46 retained at the board of elections and cast and canvassed pursuant to  
47 the provisions of section 9-209 of this chapter.

48 § 3. Subdivision 1 of section 10-114 of the election law, as amended  
49 by chapter 250 of the laws of 2021, is amended to read as follows:

50 1. The board of elections shall cause all military ballots received by  
51 it before the close of the polls on election day and all ballots  
52 contained in envelopes showing a cancellation mark of the United States  
53 postal service or a foreign country's postal service, or showing a dated  
54 endorsement of receipt by another agency of the United States government  
55 or are signed and dated by the voter and one witness thereto, with a  
56 date which is ascertained to be not later than the day of the election

1 and received by such board of elections not later than seven days  
2 following the day of a primary election and not later than thirteen days  
3 following the day of a general or special election to be cast and count-  
4 ed. For the purposes of this section, a military ballot shall be deemed  
5 to be received by the board of elections before the close of the polls  
6 on election day if it is contained in an envelope showing a postmark  
7 date of the United States postal service or a foreign country's postal  
8 service which is ascertained to be not later than the day of the  
9 election; provided, however, such ballots which would otherwise not be  
10 cast nor counted shall only be eligible to be cast and counted for  
11 elections other than federal elections.

12 § 4. Section 9-209 of the election law is amended by adding a new  
13 subdivision 10 to read as follows:

14 10. Casting of mailed in ballots; federal elections; timeliness of  
15 receipt of ballot. If a court of competent jurisdiction determines that  
16 only ballots received by the board of elections on or prior to election  
17 day can be cast and counted for the purposes of federal elections, all  
18 ballots otherwise timely received by the board of elections shall be  
19 eligible to be cast and counted for elections other than federal  
20 elections.

21 § 5. This act shall take effect immediately.