# 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:**

Section 1. Subdivision 1 of section 8-412 of the election law, as amended by chapter 109 of the laws of 2025, is amended to read as follows:

1. The board of elections shall cause all absentee ballots received by it before the close of the polls on election day and all ballots contained in envelopes showing a cancellation mark of the United States postal service or a foreign country's postal service, or showing a dated endorsement of receipt by another agency of the United States government, with a date which is ascertained to be not later than the day of the election and received by such board of elections not later than seven days following the day of election to be cast and counted except that the absentee ballot of a voter who requested such ballot by letter, rather than application, shall not be counted unless a valid application form, signed by such voter, is received by the board of elections with such ballot. For purposes of this section, any absentee ballot received by the board of elections by mail that does not bear or display a dated postmark shall be presumed to have been timely mailed or delivered if such ballot bears a time stamp of the receiving board of elections indicating receipt by such board on the day after the election. For the purposes of this section, an absentee ballot shall be deemed to be received by the board of elections before the close of the polls on election day if it is deposited in a ballot drop box before the close of polls on election day. **For the purposes of this section, an absentee ballot shall be deemed to be received by the board of elections before the close of the polls on election day if it is contained in an envelope 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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country's postal service which is ascertained to be not later than the day of the election; provided, however, such ballots which would otherwise not be cast nor counted shall only be eligible to be cast and counted for elections other than federal elections. Ballots received in accordance with this section shall be deemed timely and the failure of a board of elections to time stamp such ballots received in this manner on or before election day shall not prohibit the canvassing of such ballots. At the close of the polls on election day, the board of elections shall close every ballot drop box and collect ballots deposited in such ballot drop box.

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

§ 8-710. Early mail ballots; deadline for receipt, and delivery to polling place. 1. The board of elections shall cause all early mail ballots received by it before the close of the polls on election day and all ballots contained in envelopes showing a cancellation mark of the United States postal service or a foreign country's postal service, or showing a dated endorsement of receipt by another agency of the United States government, with a date which is ascertained to be not later than the day of the election and received by such board of elections not later than seven days following the day of election to be cast and counted. For purposes of this section, any early mail ballot received by the board of elections by mail that does not bear or display a dated postmark shall be presumed to have been timely mailed or delivered if such ballot bears a time stamp of the receiving board of elections indicating receipt by such board on the day after the election. For the purposes of this section, an early mail ballot shall be deemed to be received by the board of elections before the close of the polls on election day if it is deposited in a ballot drop box before the close of polls on election day. For the purposes of this section, an early mail ballot shall be deemed to be received by the board of elections before the close of the polls on election day due to it being contained in an envelope showing a postmark date of the United States postal service or a foreign country's postal service which is ascertained to be not later than the day of the election; provided, however, such ballots which would otherwise not be cast nor counted shall only be eligible to be cast and counted for elections other than federal elections. Ballots received in accordance with this section shall be deemed timely and the failure of a board of elections to time stamp such ballots received in this manner on or before election day shall not prohibit the canvassing of such ballots. At the close of the polls on election day, the board of elections shall close every ballot drop box and collect ballots deposited in such ballot drop box.

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

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

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

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

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

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

§ 5. This act shall take effect immediately.