§ 8-407. Voting by residents of nursing homes, residential health care facilities, facilities operated or licensed, or under the jurisdiction of, the department of mental hygiene or hospitals or facilities operated by the Veteran's Administration of the United States. 1. The board of elections of a county or city in which there is located at least one facility operated or licensed, or under the jurisdiction of, the department of mental hygiene, or 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 an adult care facility subject to the provisions of title two of article seven of the social services law, or a hospital or other facility operated by the Veteran's Administration of the United States shall provide that residents of each such facility for which such board has received twenty-five or more applications for absentee ballots from voters who are eligible to vote by absentee ballot in such city or county at such election, may vote by absentee ballot only in the manner provided for in this section. Such board may, in its discretion, provide that the procedure described in this subdivision shall be applicable to all such facilities in such county or city without regard to the number of absentee ballot applications received from the residents of any such facility.

2. Such a board of elections shall appoint, in the same manner as other inspectors, one or more bi-partisan boards of inspectors, each composed of two such inspectors. Such inspectors may be regular employees of such board of elections.

3. Not earlier than thirteen days before or later than the day before such an election such a board of inspectors shall, between the hours of nine o'clock in the morning and five o'clock in the evening, attend at each such facility for the residents of which the board of elections has custody of twenty-five or more absentee ballots or, if the board of elections has so provided, each such facility for which the board has custody of one or more such absentee ballots, pursuant to the provisions of this chapter.

4. Each such board of inspectors may attend at more than one facility,

provided, however, that no such board of inspectors shall be assigned to attend at more facilities than it reasonably can be expected to complete within the time specified by this section.

5. The board of elections shall deliver to each board of inspectors all the absentee ballots in the custody of such board of elections which are addressed to residents of the facilities which such board of inspectors is assigned to attend, together with one or more portable voting booths of a type approved by the state board of elections and such other supplies as such board of inspectors will require to discharge its duties properly.

6. The board of elections, at least twenty days before each such election, or on the day after it shall have received the requisite number of applications for absentee ballots from the residents of any such facility, whichever is later, shall communicate with the superintendent, administrator or director of each such facility to arrange the day and time when the board of inspectors will attend at such facility. The board of elections shall keep a list of the day and time at which the board of inspectors will attend at each such facility as a public record at its office.

7. It shall be the duty of each such superintendent, administrator or director to assist the board of inspectors attending such facility in the discharge of its duties, including, but not limited to making available to such board of inspectors space within such facility suitable for the discharge of its duties.

8. The board of inspectors shall deliver each absentee ballot addressed to a resident of each such facility to such resident. If such resident is physically disabled the inspectors shall, if necessary, deliver the ballot to such voter at his bedside.

9. The board of inspectors shall arrange the portable voting booth or booths provided and effect such safeguards as may be necessary to provide secrecy for the votes cast by such residents.

10. If such a resident is unable to mark his ballot, he may be assisted in marking such ballot by the two members of the board of inspectors or such other person as he may select. If a voter is unable to mark the ballot and unable to communicate how he wishes such ballot marked, such ballot shall not be cast. No person who assists a voter to mark his ballot pursuant to the provisions of this section, shall disclose to any other person how any such ballot was marked.

11. Except as otherwise provided in this section, all ballots cast pursuant to this section shall be cast in the manner provided by this chapter for the casting of absentee ballots.

12. After such ballots have been cast and sealed in the appropriate envelopes, they shall be returned to such inspectors.

13. Upon completion of its duties, the board of inspectors shall forthwith return all such ballots to the board of elections.

14. Any person, political committee or independent body entitled to appoint watchers for the election district in which any such facility is located at the election for which such absentee ballots are cast, shall be entitled to appoint a watcher to attend such board of inspectors at such facility.

15. All ballots cast pursuant to the provisions of this section which are received before the close of the polls on election day by the board of elections charged with the duty of casting and canvassing such ballots, may be delivered to the inspectors of election in the manner prescribed by this chapter or retained at the board of elections and cast and canvassed pursuant to the provisions of section 9-209 of this chapter as such board shall, in its discretion, determine pursuant to the provisions of subdivision one of this section.