

STATE OF NEW YORK

3052

2017-2018 Regular Sessions

IN ASSEMBLY

January 25, 2017

Introduced by M. of A. CUSICK -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to primary elections and amending certain deadlines to facilitate the timely transmission of ballots to military voters stationed overseas; to amend the public officers law, in relation to filling vacancies in elective offices; to amend the election law, in relation to date of primary elections; to amend the election law, in relation to canvass and audit of returns; and to amend chapter 87 of the laws of 2015 relating to the conducting of the presidential primary, in relation to making certain provisions permanent

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 1-106 of the election law, as
2 amended by chapter 700 of the laws of 1977, is amended to read as
3 follows:
4 1. All papers required to be filed pursuant to the provisions of this
5 chapter shall, unless otherwise provided, be filed between the hours of
6 nine A.M. and five P.M. If the last day for filing shall fall on a
7 Saturday, Sunday or legal holiday, the next business day shall become
8 the last day for filing. All papers sent by mail in an envelope post-
9 marked prior to midnight of the last day of filing shall be deemed time-
10 ly filed and accepted for filing when received, except that all certif-
11 icates and petitions of designation or nomination, certificates of
12 acceptance or declination of such designations or nominations, certif-
13 icates of authorization for such designations or nominations, certif-
14 icates of disqualification, certificates of substitution for such desig-
15 nations or nominations and objections and specifications of objections
16 to such certificates and petitions required to be filed with the state
17 board of elections or a board of elections outside of the city of New
18 York shall be deemed timely filed and accepted for filing if sent by

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

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mail or overnight delivery service pursuant to subdivision three of this section, and received no later than two business days after the last day to file such certificates, petitions, objections or specifications. Failure of the post office or any other person or entity to deliver any such petition, certificate or objection to such board of elections outside the city of New York no later than two business days after the last day to file such certificates, petitions, objections or specifications shall be a fatal defect. Excepted further that all certificates

and petitions of designation or nomination, certificates of acceptance or declination of such designations and nominations, certificates of substitution for such designations or nominations and objections and specifications of objections to such certificates and petitions required to be filed with the board of elections of the city of New York must be actually received by such city board of elections on or before the last day to file any such petition, certificate or objection and such office shall be open for the receipt of such petitions, certificates and objections until midnight on the last day to file any such petition, certificate or objection. Failure of the post office or any other person or entity to deliver any such petition, certificate or objection to such city board of elections on or before such last day shall be a fatal defect.

§ 2. Subdivision 1 of section 4-104 of the election law, as amended by chapter 180 of the laws of 2005, is amended to read as follows:

1. Every board of elections shall, in consultation with each city, town and village, designate the polling places in each election district in which the meetings for the registration of voters, and for any election may be held. The board of trustees of each village in which general and special village elections conducted by the board of elections are held at a time other than the time of a general election shall submit such a list of polling places for such village elections to the board of elections. A polling place may be located in a building owned by a religious organization or used by it as a place of worship. If such a building is designated as a polling place, it shall not be required to be open for voter registration on any Saturday if this is contrary to the religious beliefs of the religious organization. In such a situation, the board of elections shall designate an alternate location to be used for voter registration. Such polling places must be designated by ~~May first~~ March fifteenth, of each year, and shall be effective for one year thereafter. Such a list required to be submitted by a village board of trustees must be submitted at least four months before each general village election and shall be effective until four months before the subsequent general village election. No place in which a business licensed to sell alcoholic beverages for on premises consumption is conducted on any day of local registration or of voting shall be so designated. If, within the discretion of the board of elections a particular polling place so designated is subsequently found to be unsuitable or unsafe or should circumstances arise that make a designated polling place unsuitable or unsafe, then the board of elections is empowered to select an alternative meeting place. In the city of New York, the board of elections shall designate such polling places and alternate registration places if the polling place cannot be used for voter registration on Saturdays.

§ 3. Subdivisions 1 and 2 of section 4-106 of the election law, subdivision 2 as amended by chapter 635 of the laws of 1990, are amended to read as follows:

1 1. The state board of elections shall, [~~at least eight months before~~
2 ~~each~~] by February first in the year of each general election, make and
3 transmit to the board of elections of each county, a certificate stating
4 each office, except county, city, village and town offices to be voted
5 for at such election in such county.

6 2. Each county, city, village and town clerk, [~~at least eight months~~
7 ~~before each~~] by February first in the year of each general election,
8 shall make and transmit to the board of elections a certificate stating
9 each county, city, village or town office, respectively to be voted for
10 at each such election. Each village clerk, at least five months before
11 each general village election conducted by the board of elections, shall
12 make, and transmit to such board, a certificate stating each village
13 office to be filled at such election.

14 § 4. Paragraph b of subdivision 1 of section 4-108 of the election
15 law, as amended by chapter 117 of the laws of 1985, is amended to read
16 as follows:

17 b. Whenever any proposal, proposition or referendum as provided by law
18 is to be submitted to a vote of the people of a county, city, town,
19 village or special district, at an election conducted by the board of
20 elections, the clerk of such political subdivision, at least [~~thirty-six~~
21 ~~days~~] three months prior to the general election at which such proposal,
22 proposition or referendum is to be submitted, shall transmit to each
23 board of elections a certified copy of the text of such proposal, propo-
24 sition or referendum and a statement of the form in which it is to be
25 submitted. If a special election is to be held, such transmittal shall
26 also give the date of such election.

27 § 5. Section 4-110 of the election law, as amended by chapter 87 of
28 the laws of 2015, is amended to read as follows:

29 § 4-110. Certification of primary election candidates; state board of
30 elections. The state board of elections, not later than [~~thirty-six~~
31 fifty-five] days before a primary election or [~~fifty-four days before~~] a
32 presidential primary election, shall certify to each county board of
33 elections: The name and residence of each candidate to be voted for
34 within the political subdivision of such board for whom a designation
35 has been filed with the state board; the title of the office or position
36 for which the candidate is designated; the name of the party upon whose
37 primary ballot his or her name is to be placed; and the order in which
38 the names of the candidates are to be printed as determined by the state
39 board. Where an office or position is uncontested, such certification
40 shall state such fact.

41 § 6. Subdivision 1 of section 4-112 of the election law, as amended by
42 chapter 4 of the laws of 2011, is amended to read as follows:

43 1. The state board of elections, not later than [~~thirty-six~~] fifty-
44 five days before a general election, or fifty-three days before a
45 special election, shall certify to each county board of elections the
46 name and residence of each candidate nominated in any valid certificate
47 filed with it or by the returns canvassed by it, the title of the office
48 for which nominated; the name of the party or body specified of which he
49 or she is a candidate; the emblem chosen to distinguish the candidates
50 of the party or body; and a notation as to whether or not any litigation
51 is pending concerning the candidacy. Upon the completion of any such
52 litigation, the state board of elections shall forthwith notify the
53 appropriate county boards of elections of the results of such liti-
54 gation.

55 § 7. Section 4-114 of the election law, as amended by chapter 87 of
56 the laws of 2015, is amended to read as follows:

§ 4-114. Determination of candidates and questions; county board of elections. The county board of elections, not later than the ~~[thirty-fifth]~~ fifty-fourth day before the day of a primary or general election, or the fifty-third day before a special election or presidential primary election, shall determine the candidates duly nominated for public office and the questions that shall appear on the ballot within the jurisdiction of that board of elections.

§ 8. Subdivision 1 of section 4-117 of the election law, as amended by chapter 44 of the laws of 2016, is amended to read as follows:

1. The board of elections, ~~[between August first and August fifth of each year]~~ not less than sixty-five days nor more than seventy days before the primary election in each year, shall send by mail on which is endorsed such language designated by the state board of elections to ensure postal authorities do not forward such mail but return it to the board of elections with forwarding information, when it cannot be delivered as addressed and which contains a request that any such mail received for persons not residing at the address be dropped back in the mail, a communication, in a form approved by the state board of elections, to every registered voter who has been registered without a change of address since the beginning of such year, except that the board of elections shall not be required to send such communications to voters in inactive status. The communication shall notify the voter of the days and hours of the ensuing primary and general elections, the place where he or she appears by his or her registration records to be entitled to vote, the fact that voters who have moved or will have moved from the address where they were last registered must re-register or, that if such move was to another address in the same county or city, that such voter may either notify the board of elections of his or her new address or vote by paper ballot at the polling place for his or her new address even if such voter has not re-registered, or otherwise notified the board of elections of the change of address. If the location of the polling place for the voter's election district has been moved, the communication shall contain the following legend in bold type: "YOUR POLLING PLACE HAS BEEN CHANGED. YOU NOW VOTE AT.....". The communication shall also indicate whether the polling place is accessible to physically disabled voters, that a voter who will be out of the city or county on the day of the primary or general election or a voter who is ill or physically disabled may obtain an absentee ballot, that a physically disabled voter whose polling place is not accessible may request that his or her registration record be moved to an election district which has a polling place which is accessible, the phone number to call for applications to move a registration record or for absentee ballot applications, the phone number to call for the location of registration and polling places, the phone number to call to indicate that the voter is willing to serve on election day as an election inspector, poll clerk, interpreter or in other capacities, the phone number to call to obtain an application for registration by mail, and such other information concerning the elections or registration as the board may include. In lieu of sending such communication to every registered voter, the board of elections may send a single communication to a household containing more than one registered voter, provided that the names of all such voters appear as part of the address on such communication.

§ 9. Subdivision 1 of section 5-604 of the election law, as amended by chapter 28 of the laws of 2010, is amended to read as follows:

1. The board of elections shall also cause to be published for each election district a complete list of the registered voters of each

1 election district. Such list shall, in addition to the information
2 required for registration lists, include the party enrollment of each
3 voter. At least as many copies of such list shall be prepared as the
4 required minimum number of registration lists.

5 Lists for all the election districts in a ward or assembly district
6 may be bound together in one volume. The board of elections shall also
7 cause to be published a complete list of names and residence addresses
8 of the registered voters, including the party enrollment of each voter,
9 for each town and city over which the board has jurisdiction. The names
10 for each town and city may be arranged according to street and number or
11 alphabetically. Such lists shall be published before the first day of
12 ~~April~~ February. The board shall keep at least five copies for public
13 inspection at each main office or branch office of the board. Surplus
14 copies of the lists shall be sold at a charge not exceeding the cost of
15 publication.

16 § 10. Paragraph a of subdivision 5 of section 5-708 of the election
17 law, as added by chapter 659 of the laws of 1994, is amended to read as
18 follows:

19 a. At least once each year during the month of ~~May~~ February, each
20 board of elections shall obtain through the National Change of Address
21 System, the forwarding address for every voter registered with such
22 board of elections for whom the United States Postal Service has such a
23 forwarding address together with the name of each such voter whom the
24 Postal Service records indicate has moved from the address at which he
25 is registered without leaving a forwarding address.

26 § 11. Subdivision 1 of section 6-108 of the election law, as amended
27 by chapter 160 of the laws of 1996, is amended to read as follows:

28 1. In any town in a county having a population of over seven hundred
29 fifty thousand inhabitants, as shown by the latest federal decennial or
30 special population census, party nominations of candidates for town
31 offices shall be made at the primary preceding the election. In any
32 other town, nominations of candidates for town offices shall be made by
33 caucus or primary election as the rules of the county committee shall
34 provide, except that the members of the county committee from a town may
35 adopt by a two-thirds vote, a rule providing that the party candidates
36 for town offices shall be nominated at the primary election. If a rule
37 adopted by the county committee of a political party or by the members
38 of the county committee from a town, provides that party candidates for
39 town offices, shall be nominated at a primary election, such rule shall
40 not apply to nor affect a primary held less than four months after a
41 certified copy of the rule shall have been filed with the board of
42 elections. After the filing of such a rule, the rule shall continue in
43 force until a certified copy of a rule revoking the same shall have been
44 filed with such board at least four months before a subsequent primary.
45 Such a caucus shall be held no earlier than the first day on which
46 designating petitions for the ~~fall~~ primary election may be signed.

47 § 12. Subdivisions 1 and 2 of section 6-147 of the election law, as
48 amended by chapter 434 of the laws of 1984, are amended to read as
49 follows:

50 1. The name of a person designated on more than one petition as a
51 candidate for a party position to be filled by two or more persons shall
52 be printed on the ballot with the group of candidates designated by the
53 petition first filed unless such person, in a certificate duly acknowl-
54 edged by him or her and filed with the board of elections not later than
55 the ~~eighth~~ tenth Tuesday preceding the primary election or five days
56 after the board of elections mails such person notice of his or her

1 designation in more than one group, whichever is later, specifies another group in which his or her name shall be printed.

2
3 2. A person designated as a candidate for the position of member of
4 the county committee in more than one election district shall be deemed
5 to have been designated in the lowest numbered election district unless
6 such person, in a certificate duly acknowledged by him or her, and filed
7 with the board of elections not later than the [~~eighth~~] tenth Tuesday
8 preceding the primary election or five days after the board of elections
9 mails such person notice of his or her designation in more than one
10 election district whichever is later, specifies that he or she wishes to
11 be deemed designated in a different election district.

12 § 13. Subdivisions 1, 4, 5, 6, 9, 11, 12 and 14 of section 6-158 of
13 the election law, subdivisions 1, 4, 11 and 12 as amended by chapter 434
14 of the laws of 1984, subdivision 6 as amended by chapter 87 of the laws
15 of 2015, and subdivision 9 as amended by chapter 517 of the laws of
16 1986, are amended to read as follows:

17 1. A designating petition shall be filed not earlier than the [~~tenth~~]
18 thirteenth Monday before, and not later than the [~~ninth~~] twelfth Thurs-
19 day preceding the primary election.

20 4. A petition of enrolled members of a party requesting an opportunity
21 to write in the name of an undesignated candidate for a public office or
22 party position at a primary election shall be filed not later than the
23 [~~eighth~~] eleventh Thursday preceding the primary election. However,
24 where a designating petition has been filed and the person named therein
25 has declined such designation and another person has been designated to
26 fill the vacancy, then in that event, a petition for an opportunity to
27 ballot in a primary election shall be filed not later than the [~~seventh~~]
28 tenth Thursday preceding such primary election.

29 5. A judicial district convention shall be held not earlier than the
30 [~~Tuesday~~] Thursday following the [~~third Monday in September~~] first
31 Monday in August preceding the general election and not later than [~~the~~]
32 ~~fourth Monday in September preceding such election~~ six days thereafter.

33 6. (a) A certificate of a party nomination made other than at the
34 primary election for an office to be filled at the time of a general
35 election shall be filed not later than [~~seven~~] thirty days after the
36 [~~fall~~] primary election, (b) except that a certificate of nomination for
37 an office which becomes vacant after the seventh day preceding such
38 primary election shall be filed not later than [~~fourteen~~] thirty days
39 after the primary election or ten days after the creation of such vacan-
40 cy, whichever is later, and (c) except, further, that a certificate of
41 party nomination of candidates for elector of president and vice-presi-
42 dent of the United States shall be filed not later than [~~sixty~~] seven-
43 ty-six days [~~before the two thousand sixteen general~~] after the fall
44 primary election, and (d) except still further that a certificate of
45 party nomination made at a judicial district convention shall be filed
46 not later than the day after the last day to hold such convention and
47 the minutes of such convention, duly certified by the chairman and
48 secretary, shall be filed within seventy-two hours after adjournment of
49 the convention. A certificate of party nomination for an office to be
50 filled at a special election shall be filed not later than ten days
51 following the issuance of a proclamation of such election.

52 9. A petition for an independent nomination for an office to be filled
53 at the time of a general election shall be filed not earlier than
54 [~~twelve~~] twenty-four weeks and not later than [~~eleven~~] twenty-three
55 weeks preceding such election. A petition for an independent nomination
56 for an office to be filled at a special election shall be filed not

1 later than twelve days following the issuance of a proclamation of such
2 election. [~~A petition for trustee of the Long Island Power Authority~~
3 ~~shall be filed not earlier than seven weeks and not later than six weeks~~
4 ~~preceding the day of the election of such trustees.~~]

5 11. A certificate of acceptance or declination of an independent nomi-
6 nation for an office to be filled at the time of a general election
7 shall be filed not later than the third day after the [~~eleventh~~] twen-
8 ty-third Tuesday preceding such election except that a candidate who
9 files such a certificate of acceptance for an office for which there
10 have been filed certificates or petitions designating more than one
11 candidate for the nomination of any party, may thereafter file a certif-
12 icate of declination not later than the third day after the primary
13 election. A certificate of acceptance or declination of an independent
14 nomination for an office to be filled at a special election shall be
15 filed not later than fourteen days following the issuance of a proclama-
16 tion of such election.

17 12. A certificate to fill a vacancy caused by a declination of an
18 independent nomination for an office to be filled at the time of a
19 general election shall be filed not later than the sixth day after the
20 [~~eleventh~~] twenty-third Tuesday preceding such election. A certificate
21 to fill a vacancy caused by a declination of an independent nomination
22 for an office to be filled at a special election shall be filed not
23 later than sixteen days following the issuance of a proclamation of such
24 election.

25 14. A vacancy occurring three months before [~~September twentieth of~~]
26 the general election in any year in any office authorized to be filled
27 at a general election, except in the offices of governor, lieutenant-
28 governor, or United States senator shall be filled at the general
29 election held next thereafter, unless otherwise provided by the consti-
30 tution, or unless previously filled at a special election.

31 § 14. Paragraph (a) of subdivision 1 of section 8-100 of the election
32 law, as amended by chapter 87 of the laws of 2015, is amended to read as
33 follows:

34 (a) A primary election[~~, to be known as the fall primary,~~] shall be
35 held on the [~~first~~] fourth Tuesday [~~after the second Monday~~] in [~~Septem-~~
36 ~~ber~~] June before every general election unless otherwise changed by an
37 act of the legislature. Members of the state and county committees and
38 assembly district leaders and associate district leaders and all other
39 party positions to be elected shall be elected at such primary and all
40 nominations for public office required to be made at a primary election
41 in such year shall be made at such primary. In each year in which elec-
42 tors of president and vice president of the United States are to be
43 elected an additional primary election, to be known as the spring prima-
44 ry, shall be held on the first Tuesday in February unless otherwise
45 changed by an act of the legislature, for the purpose of electing deleg-
46 ates to the national convention[~~, members of state and county committees~~
47 ~~and assembly district leaders and associate assembly district leaders~~].

48 § 15. Subdivision 1 of section 9-200 of the election law, as amended
49 by chapter 250 of the laws of 1984, is amended to read as follows:

50 1. The board of elections shall canvass the returns of primary
51 elections filed with it. It shall canvass first the votes of the deleg-
52 ates and alternates to judicial district conventions and complete such
53 canvass at the earliest time possible. It shall complete the canvass
54 otherwise within [~~nine~~] thirteen days from the day upon which the prima-
55 ry election is held. Upon the completion of the canvass the board shall
56 make and file in its office tabulated statements, signed by the members

1 of such board or a majority thereof, of the number of votes cast for all
2 the candidates for nomination to each public office or for election to
3 each party position, and the number of votes cast for each such candi-
4 date. The candidate receiving the highest number of votes for nomination
5 for a public office or for election to a party position voted for wholly
6 within the political unit for which such board is acting, shall be the
7 nominee of his party for such office or elected to such party position
8 and the board, if requested by a candidate elected to a party position,
9 shall furnish to him a certificate of election.

10 § 16. Subdivision 1 of section 9-208 of the election law, as amended
11 by chapter 163 of the laws of 2010, is amended to read as follows:

12 1. Within fifteen days after each general~~[,]~~ or special ~~[or]~~ election,
13 and within twenty days after a primary election, and within seven days
14 after every village election conducted by the board of elections at
15 which ballot scanners are used, the board of elections, or a bipartisan
16 committee of or appointed by said board shall, in each county using
17 ballot scanners, make a record of the serial number of each ballot scan-
18 ner used in each election district in such general, special or primary
19 election. No person who was a candidate at such election shall be
20 appointed to membership on the committee. Such board of elections or
21 bipartisan committee shall recanvass the tabulated result tape from each
22 ballot scanner used in each election district by comparing such tape
23 with the numbers as recorded on the return of canvass. The said board or
24 committee shall also make a recanvass of any election day paper ballots
25 that have not been scanned and were hand counted pursuant to subdivision
26 two of section 9-110 of this article and compare the results with the
27 number as recorded on the return of canvass. The board or committee
28 shall then recanvass write-in votes, if any, on ballots which were
29 otherwise scanned and canvassed at polling places on election night. The
30 board or committee shall validate and prove such sums. Before making
31 such canvass the board of elections, with respect to each election
32 district to be recanvassed, shall give notice in writing to the voting
33 machine custodian thereof, to the state and county chair of each party
34 or independent body which shall have nominated candidates for the said
35 general or special election or nominated or elected candidates at the
36 said primary election and to each individual candidate whose name
37 appears on the office ballot, of the time and place where such canvass
38 is to be made; and the state and county chair of each such party or
39 independent body and each such individual candidate may send a represen-
40 tative to be present at such recanvass. Each candidate whose name
41 appears on the official ballot, or his or her representative, shall have
42 the right personally to examine and make a record of the vote recorded
43 on the tabulated result tape and any ballots which were hand counted.

44 § 17. Subdivision 1 of section 9-211 of the election law, as amended
45 by chapter 515 of the laws of 2015, is amended to read as follows:

46 1. Within fifteen days after each general or special election, ~~[and]~~
47 within ~~[seven]~~ thirteen days after every primary ~~[or]~~ election, and
48 within seven days after every village election conducted by the board of
49 elections, the board of elections or a bipartisan committee appointed by
50 such board shall audit the voter verifiable audit records from three
51 percent of voting machines or systems within the jurisdiction of such
52 board. Such audits may be performed manually or via the use of any auto-
53 mated tool authorized for such use by the state board of elections which
54 is independent from the voting system it is being used to audit. Voting
55 machines or systems shall be selected for audit through a random, manual
56 process. At least five days prior to the time fixed for such selection

1 process, the board of elections shall send notice by first class mail to
2 each candidate, political party and independent body entitled to have
3 had watchers present at the polls in any election district in such
4 board's jurisdiction. Such notice shall state the time and place fixed
5 for such random selection process. The audit shall be conducted in the
6 same manner, to the extent applicable, as a canvass of paper ballots.
7 Each candidate, political party or independent body entitled to appoint
8 watchers to attend at a polling place shall be entitled to appoint such
9 number of watchers to observe the audit.

10 § 18. Paragraph (a) of subdivision 1 of section 10-108 of the election
11 law, as amended by chapter 87 of the laws of 2015, is amended to read as
12 follows:

13 (a) Ballots for military voters shall be mailed or otherwise distrib-
14 uted by the board of elections, in accordance with the preferred method
15 of transmission designated by the voter pursuant to section 10-107 of
16 this article, as soon as practicable but in any event not later than
17 ~~[thirty-two]~~ **forty-six** days before a primary or general election~~[-; twen-~~
18 ~~ty-five days before]~~, a New York city community school board district or
19 city of Buffalo school district election; fourteen days before a village
20 election conducted by the board of elections; and forty-five days before
21 a special election or presidential primary election. A voter who submits
22 a military ballot application shall be entitled to a military ballot
23 thereafter for each subsequent election through and including the next
24 two regularly scheduled general elections held in even numbered years,
25 including any run-offs which may occur; provided, however, such applica-
26 tion shall not be valid for any election held within seven days after
27 its receipt. Ballots shall also be mailed to any qualified military
28 voter who is already registered and who requests such military ballot
29 from such board of elections in a letter, which is signed by the voter
30 and received by the board of elections not later than the seventh day
31 before the election for which the ballot is requested and which states
32 the address where the voter is registered and the address to which the
33 ballot is to be mailed. The board of elections shall enclose with such
34 ballot a form of application for military ballot. In the case of a
35 primary election, the board shall deliver only the ballot of the party
36 with which the military voter is enrolled according to the military
37 voter's registration records. In the event a primary election is uncon-
38 tested in the military voter's election district for all offices or
39 positions except the party position of member of the ward, town, city or
40 county committee, no ballot shall be delivered to such military voter
41 for such election; and the military voter shall be advised of the reason
42 why he or she will not receive a ballot.

43 § 19. Subdivision 4 of section 11-204 of the election law, as amended
44 by chapter 87 of the laws of 2015, is amended to read as follows:

45 4. If the board of elections shall determine that the applicant making
46 the application provided for in this section is qualified to receive and
47 vote a special federal ballot, it shall, as soon as practicable after it
48 shall have so determined, or not later than ~~[thirty-two]~~ **forty-six** days
49 before each general or primary election ~~[and forty-five days before~~
50 ~~each]~~ **or** special election or presidential primary election in which such
51 applicant is qualified to vote, or three days after receipt of such an
52 application, whichever is later, mail to him or her at the residence
53 address outside the United States shown in his or her application, a
54 special federal ballot, an inner affirmation envelope and an outer
55 envelope, or otherwise distribute same to the voter in accordance with
56 the preferred method of transmission designated by the voter pursuant to

1 section 11-203 of this title. The board of elections shall also mail, or
2 otherwise distribute in accordance with the preferred method of trans-
3 mission designated by the voter pursuant to section 11-203 of this
4 title, a special federal ballot to every qualified special federal voter
5 who is already registered and who requests such special federal ballot
6 from such board of elections in a letter, which is signed by the voter
7 and received by the board of elections not later than the seventh day
8 before the election for which the ballot is first requested and which
9 states the address where the voter is registered and the address to
10 which the ballot is to be mailed. The board of elections shall enclose
11 with such ballot a form of application for a special federal ballot.

12 § 20. Subdivision 4 of section 16-102 of the election law, as added by
13 chapter 135 of the laws of 1986, is amended to read as follows:

14 4. A final order including the resolution of any appeals in any
15 proceeding involving the names of candidates on ballots or voting
16 machines shall be made, if possible, at least five weeks before the day
17 of the election at which such ballots or voting machines are to be used,
18 or if such proceeding is commenced within five weeks of such election,
19 no later than the day following the day on which the case is heard.

20 § 21. Subdivisions 3 and 4 of section 16-104 of the election law,
21 subdivision 3 as added by chapter 136 of the laws of 1978 and subdivi-
22 sion 4 as amended by chapter 117 of the laws of 1985, are amended to
23 read as follows:

24 3. A proceeding pursuant to subdivision two of this section must be
25 instituted within [~~fourteen~~] seven days after the last day to certify
26 the wording of any such abstract or form of submission.

27 4. A final order including the resolution of any appeals in any
28 proceeding involving the contents of official ballots on voting machines
29 shall be made, if possible, at least five weeks before the day of the
30 election at which such voting machines are to be used, or if such
31 proceeding is commenced within five weeks of an election, no later than
32 the day following the day on which the case is heard.

33 § 22. Subdivisions 1 and 4 of section 42 of the public officers law,
34 subdivision 1 as amended by chapter 878 of the laws of 1946 and subdivi-
35 sion 4 as amended by chapter 317 of the laws of 1954, are amended to
36 read as follows:

37 1. A vacancy occurring three months before [~~September twentieth of~~]
38 the general election in any year in any office authorized to be filled
39 at a general election, except in the offices of governor or lieutenant-
40 governor, shall be filled at the general election held next thereafter,
41 unless otherwise provided by the constitution, or unless previously
42 filled at a special election.

43 4. A special election shall not be held to fill a vacancy in the
44 office of a representative in congress unless such vacancy occurs on or
45 before the first day of July of the last year of the term of office, or
46 unless it occurs thereafter and a special session of congress is called
47 to meet before the next general election, or be called after [~~September~~
48 ~~nineteenth of~~] three months before the general election in such year;
49 nor to fill a vacancy in the office of state senator or in the office of
50 member of assembly, unless the vacancy occurs before the first day of
51 April of the last year of the term of office, or unless the vacancy
52 occurs in either such office of senator or member of assembly after such
53 first day of April and a special session of the legislature be called to
54 meet between such first day of April and the next general election or be
55 called after three months before the next general election [~~or be called~~
56 ~~after September nineteenth~~] in such year. If a special election to fill

1 an office shall not be held as required by law, the office shall be
2 filled at the next general election.

3 § 23. Section 13 of chapter 87 of the laws of 2015, relating to the
4 conducting of the presidential primary, is amended to read as follows:

5 § 13. This act shall take effect immediately; provided, however, if
6 this act shall become law after July 1, 2015, it shall take effect imme-
7 diately and shall be deemed to have been in full force and effect on and
8 after July 1, 2015; provided further that sections six, seven, eight,
9 nine, ten and eleven of this act shall take effect December 15, 2015;
10 and provided further, that sections two, three, four and eleven of this
11 act shall expire December 31, 2016 when upon such date the provisions of
12 [~~this act~~] such sections shall be deemed repealed.

13 § 24. This act shall take effect immediately.