

STATE OF NEW YORK

7690

2023-2024 Regular Sessions

IN ASSEMBLY

June 5, 2023

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

AN ACT to amend the election law, in relation to the conducting of the presidential primary, to provide for the election of delegates to a national party convention or a national party conference in 2024, and the "Presidential" and "June" primary in such year; to amend the election law, in relation to electing delegates to a national party convention; to amend the election law, in relation to cure affirmations received by the board of elections; to amend the election law, in relation to write-in votes for candidates; to amend the election law, in relation to ballot envelopes without a postmark; to amend the election law, in relation to certificates to fill a vacancy in a designation; to amend the election law, in relation to canvassing of absentee and affidavit ballots; to amend the election law, in relation to conditions for full manual recounts of ballots; to repeal certain provision of the election law relating to write-in votes for candidates; and providing for the repeal of certain provisions upon expiration thereof

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

1 Section 1. Paragraph (a) of subdivision 1 of section 8-100 of the
2 election law, as amended by chapter 5 of the laws of 2019, is amended to
3 read as follows:
4 (a) A primary election shall be held on the fourth Tuesday in June
5 before every general election unless otherwise changed by an act of the
6 legislature. Members of the state and county committees and assembly
7 district leaders and associate district leaders and all other party
8 positions to be elected shall be elected at such primary and all nomi-
9 nations for public office required to be made at a primary election in
10 such year shall be made at such primary. In [~~each~~] the year two thousand
11 twenty-four in which electors of president and vice president of the

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

LBD11707-05-3

1 United States are to be elected an additional primary election, to be
2 known as the [~~spring~~] presidential primary, shall be held on [~~the first~~
3 ~~Tuesday in February~~] April second, two thousand twenty-four unless
4 otherwise changed by an act of the legislature, for the purpose of
5 electing delegates and alternate delegates to the national convention.

6 § 2. Notwithstanding any inconsistent provisions of the election law,
7 a rule or resolution of a state committee providing for the selection of
8 delegates and alternate delegates to a national party convention or
9 national party conference in the year 2024 shall select either section
10 three or section four of this act in order to conform to the rules of a
11 national committee. A certified copy of such rule or resolution shall be
12 filed with the state board of elections no later than 22 weeks before
13 the presidential primary.

14 § 3. The election law is amended by adding a new section 2-122-a to
15 read as follows:

16 § 2-122-a. National convention; national party conference. 1. The
17 rules of the state committee of a party may provide that the delegates
18 and alternate delegates to a national convention or national party
19 conference be elected by a combination of all of the following methods:

20 a. By votes cast at a primary election for candidates for the office
21 of president of the United States in which the names of candidates for
22 such office appear on the ballot;

23 b. By votes cast at a primary election for candidates for the posi-
24 tions of delegate and alternate delegate to a national convention in
25 districts no larger than congressional districts; and

26 c. By the state committee or a committee of the state committee at a
27 meeting or convention called for such purpose as the rules of the party
28 may provide.

29 2. If the rules of a state committee adopted pursuant to the
30 provisions of this section provide for a primary election in which the
31 office of president of the United States appears on the ballot, desig-
32 nation of candidates for such office shall be made pursuant to the
33 provisions of sections 6-100, 6-118, 6-122 (except that such candidates
34 need not be citizens of New York but only citizens of the United
35 States), 6-130, 6-132 (except that references to a committee to fill
36 vacancies shall be deemed references to a committee to receive notices
37 and individuals appointed to such committee to receive notices shall not
38 be required to file a certificate of acceptance), 6-134, 6-144, the
39 provisions with respect to declinations in subdivisions one and two of
40 section 6-146 (except that references to a committee to fill vacancies
41 shall be deemed references to a committee to receive notices and indi-
42 viduals appointed to such committee to receive notices shall not be
43 required to file a certificate of acceptance), 6-154, and subdivisions
44 one, one-b and the provision with respect to declinations in subdivision
45 two of section 6-158 (except that such candidates may decline such
46 designations not later than February sixth, two thousand twenty-four) of
47 this chapter. The state board of elections shall forthwith notify the
48 appropriate county boards of elections of any such declination filed.

49 3. Designating petitions, where required for candidates for the office
50 of president of the United States to be voted on by voters of the entire
51 state in a primary election, must be signed by not less than fifteen
52 thousand of the then enrolled voters of the party in the state.

53 4. If the rules of a state committee provide for a primary election in
54 which the office of the president of the United States appears on the
55 ballot, in addition to the spaces on the ballot with the names of the
56 candidates designated for such office there may be a space with the word

1 "uncommitted". The "uncommitted" space shall be listed on the ballot
 2 provided that a designating petition for such "uncommitted" space which
 3 meets the same requirements as a petition designating a candidate for
 4 the office of president of the United States is filed in the same manner
 5 as is required for such a petition.

6 5. a. The form of a petition requesting that an "uncommitted" space be
 7 listed on the ballot at a primary election for the office of president
 8 of the United States held pursuant to the provisions of this section
 9 shall be substantially as follows:

10 I, the undersigned, do hereby state that I am a duly enrolled voter of
 11 the Party and entitled to vote at the next primary
 12 election of such party to be held on the day of
 13 20..., that my place of residence is truly stated oppo-
 14 site my signature hereto, and I do hereby request that an "uncommitted"
 15 space be listed on the ballot at the primary election of such party for
 16 the office of president of the United States.

17 b. The appointment of a committee to receive notices shall be in the
 18 form prescribed for a petition for an opportunity to ballot. The signa-
 19 tures on the petition with all the required information and the signed
 20 statement of a witness or authentication by a person authorized to take
 21 oaths shall be in the form prescribed for a designating petition for
 22 such office.

23 6. a. If the rules of a state committee, adopted pursuant to the
 24 provisions of this section, provide that the positions of delegate and
 25 alternate delegate to a national convention appear on the ballot, desig-
 26 nation of candidates for such positions shall be made pursuant to the
 27 provisions of sections 6-100, 6-118, 6-122, 6-130, 6-132 (except that
 28 references to a committee to fill vacancies shall be deemed references
 29 to a committee to receive notices and individuals appointed to such
 30 committee to receive notices shall not be required to file a certificate
 31 of acceptance), 6-134, 6-144, the provisions with respect to declina-
 32 tions in subdivisions one and two of section 6-146 (except that refer-
 33 ences to a committee to fill vacancies shall be deemed references to a
 34 committee to receive notices and individuals appointed to such committee
 35 to receive notices shall not be required to file a certificate of
 36 acceptance), 6-147, 6-154, and subdivisions one, one-b and the provision
 37 with respect to declinations in subdivision two and subdivision three of
 38 section 6-158 of this chapter.

39 b. Candidates for the positions of district delegate and alternate
 40 district delegate to a national party convention pursuant to the
 41 provisions of this section shall be enrolled members of such party and
 42 residents of the district in which they are candidates. The board of
 43 elections with which a petition is filed shall conduct a prima facie
 44 review of the enrollment status of candidates for district delegate and
 45 alternate district delegate to determine ballot eligibility. The
 46 congressional districts used for the election of such delegates and
 47 alternate delegates shall be those districts in effect for the two thou-
 48 sand twenty-two congressional elections.

49 c. Designating petitions for candidates for such positions must be
 50 signed by at least five hundred enrolled voters of the party residing in
 51 the district in which such candidates are designated, or by at least
 52 one-half of one percent (0.5%) of the then enrolled voters of such party
 53 in such district, whichever is less. Such petition signature requirement
 54 shall be computed using the official February twenty-first, two thousand
 55 twenty-three enrollments published by the state board of elections.

1 d. The designating petition for any such candidate or candidates shall
2 have printed thereon prior to the affixing of any signatures thereto, a
3 legend naming the presidential candidate whom such candidates are
4 pledged to support, or a legend that such candidates are uncommitted.
5 Such legend shall be part of the title of such position.

6 e. No designating petition containing the names of more than one
7 candidate for either such position shall be valid under this section,
8 for purposes of delegates and alternate delegates, unless all such
9 candidates for such positions have printed on such petition the legend
10 that they are pledged to the same presidential candidate or unless all
11 such candidates for such positions have printed on such petition the
12 legend that they are uncommitted.

13 f. On the designating petition shall appear, in parenthesis, the
14 letter (M) if the candidate identifies as male, the letter (F) if the
15 candidate identifies as female or the letter (X) if the candidate iden-
16 tifies as any gender other than female or male. No designating petition
17 containing the names of more than one candidate for either such position
18 shall be presumptively valid unless among the candidates for delegate as
19 a group, and among the candidates for alternate as a group, the variance
20 within each group between those identifying as male and those identify-
21 ing as female shall be no greater than one.

22 g. In the event that a designating petition is filed for candidates
23 for such positions listed as pledged to support a presidential candidate
24 or as uncommitted, and the name of such presidential candidate, or the
25 word uncommitted, will not appear on the ballot at the presidential
26 primary election in two thousand twenty-four, then the petition desig-
27 nating such candidates for such positions shall be null and void and the
28 names of such candidates for such positions shall not appear on the
29 ballot.

30 h. Every board of elections with which designating petitions are filed
31 pursuant to the provisions of this section shall, not later than four
32 days after the last day to file such petitions, file with the state
33 board of elections by express mail or by electronic transmission, a
34 complete list of all candidates for delegate and alternate delegate
35 together with their residence addresses, the districts in which they are
36 candidates and the name of the presidential candidate whom they are
37 pledged to support or that they are uncommitted. Such boards of
38 elections shall, not later than the day after a certificate of declina-
39 tion or substitution is filed with respect to any such candidate, file
40 such information with respect to such candidate with the state board of
41 elections by electronic transmission.

42 7. a. The rules of a state committee adopted pursuant to the
43 provisions of this section may provide that no candidate for the posi-
44 tions of delegate and alternate delegate may appear on the ballot as
45 pledged to support a particular presidential candidate, or as uncommi-
46 tied, unless the name of such candidate for such position appears on a
47 certificate listing the names of those candidates for such positions who
48 have filed statements of candidacy for such positions with the secretary
49 of the state committee within the time prescribed by such rules and who,
50 if their statements of candidacy contained a pledge of support of a
51 presidential candidate, were not rejected by such presidential candi-
52 date. Such certificate shall also list the address and gender of each
53 such candidate for delegate and alternate delegate and the district in
54 which such candidate may appear on the ballot.

55 b. Such certificate shall be filed by the secretary of such state
56 committee, with the board of elections with which the designating

1 petitions for such candidates for such positions are required to be
2 filed, not later than January twenty-third, two thousand twenty-four.

3 c. In the event that a designating petition for candidates for such
4 positions, listed as pledged to support a presidential candidate,
5 contains the names of one or more persons who have not been permitted by
6 such presidential candidate to appear on the ballot as so pledged pursu-
7 ant to the provisions of this section, then the names of such candidates
8 shall not appear on the ballot but the names of other candidates on such
9 petition who have been permitted by the presidential candidate to appear
10 on the ballot shall be placed on the ballot provided that such candi-
11 dates are otherwise eligible and that such petition is otherwise valid.

12 d. The state board of elections shall send a copy of the certificate
13 required by section 4-110 of this chapter to the secretary of the state
14 committee of each party conducting a primary pursuant to the provisions
15 of this section not later than February eighth, two thousand twenty-
16 four. Every other board of elections with which designating petitions
17 for delegate and alternate delegate were filed pursuant to the
18 provisions of this section shall, not later than February ninth, two
19 thousand twenty-four, send a list of the names and addresses of those
20 candidates who will appear on the ballot to the secretary of each such
21 state committee.

22 8. a. If the rules of a state committee adopted pursuant to the
23 provisions of this section provide for an election in which candidates
24 for the office of president of the United States and the word "uncommit-
25 ted" and candidates for the positions of delegate and alternate delegate
26 to a national convention appear on the ballot, such ballot shall be
27 arranged in the manner prescribed by this section.

28 b. The name of each candidate for the office of president of the
29 United States who has qualified to appear on the ballot and the word
30 "uncommitted," if a valid designating petition to place such word on the
31 ballot was filed with the state board of elections, shall appear in a
32 separate row or column. The names of all the candidates for delegate to
33 a national convention who filed designating petitions containing a
34 legend naming the presidential candidate whom they are pledged to
35 support or stating that they are uncommitted shall be listed in such row
36 or column immediately under or adjacent to the name of such presidential
37 candidate or the word "uncommitted," followed by the names of all candi-
38 dates for alternate delegate to such convention who filed such
39 petitions. If the number of candidates, or groups of candidates for
40 delegate and alternate delegate who are pledged to support a particular
41 presidential candidate or who are uncommitted is greater than the number
42 who may be listed in one row or column and if there are more rows or
43 columns available on the ballot than are required for the candidates for
44 president who have qualified to appear on the ballot, then the board of
45 elections shall use two rows or columns on such ballot to list the names
46 of such candidates for delegate and alternate delegate.

47 c. The order of the names of candidates for the office of president
48 and the word "uncommitted" on the ballot and the order of the names of
49 candidates for the positions of delegate or alternate delegate within a
50 particular row or column shall be determined pursuant to the provisions
51 of subdivision three of section 7-116 of this chapter except that names
52 of candidates for such positions who are designated by individual
53 petitions and not in a group shall have their positions determined by
54 lot in the same drawing as groups and except further that candidates or
55 groups of candidates for delegates and alternate delegates designated by
56 the same petition shall be treated as one group for the purposes of such

1 determination by lot. The provisions of subdivision six of such section
2 7-116 of this chapter shall not apply to any election conducted pursuant
3 to the provisions of this section.

4 d. Immediately following the name of each candidate for delegate and
5 alternate delegate on the ballot shall appear, in parenthesis, the
6 letter (M) if such candidate identifies as male, the letter (F) if such
7 candidate identifies as female, or the letter (X) if such candidate
8 identifies as any gender other than female or male.

9 9. All primary elections conducted pursuant to the provisions of this
10 section shall use only voting systems authorized by title two of article
11 seven of this chapter.

12 10. Persons entitled to vote pursuant to section 11-200 of this chap-
13 ter shall be entitled to sign designating petitions for, and vote in,
14 any election held pursuant to the provisions of this section.

15 11. If the rules of a state committee provide for a primary election
16 in which the office of president of the United States and the positions
17 of delegate and alternate delegate to a national convention appear on
18 the ballot pursuant to the provisions of this section, the state board
19 of elections and the county boards of elections as the case may be shall
20 canvass the results of such primary election for such office and posi-
21 tions pursuant to the provisions of sections 9-200 and 9-202 of this
22 chapter, and shall certify to the secretary of the state committee of
23 such party the votes cast for each candidate for such office and posi-
24 tions in such primary election and the votes cast for the "uncommitted"
25 preference, tallied separately by congressional districts, except that
26 no candidate or "uncommitted" preference shall be certified as nominated
27 or elected to any such office or position.

28 12. Except as provided in this section and party rules and regu-
29 lations, all provisions of the election law, except any provisions of
30 section 2-122 of this article which are inconsistent with this section
31 and those sections and subdivisions of article six of this chapter not
32 specified in this section, shall apply to elections conducted pursuant
33 to this section.

34 § 4. The election law is amended by adding a new section 2-122-b to
35 read as follows:

36 § 2-122-b. Presidential primary. 1. Applicability. The selection of
37 delegates and alternate delegates from New York state to the national
38 convention of the Republican party in each year in which electors of
39 president and vice-president of the United States are to be elected
40 shall be conducted pursuant to the provisions of this section. The state
41 committee of any other political party may, by rule or resolution, opt
42 to conduct the selection of delegates and alternate delegates in any
43 such year in accordance with the provisions of this section. A certified
44 copy of such rule or resolution shall be filed with the state board of
45 elections no later than twenty weeks prior to the date of such election.

46 2. General provisions. The awarding of delegates and alternate deleg-
47 ates to a national convention or conference of a political party pursu-
48 ant to this section shall be determined by the votes cast at a statewide
49 primary election for candidates for the office of president of the
50 United States in which the names of candidates for such office appear on
51 the ballot and the names of delegates and alternate delegates do not
52 appear on such ballot. The total number of delegates and alternate
53 delegates shall be determined by the call for the national convention.
54 Three delegates and three alternate delegates shall be awarded from
55 every congressional district in the state, unless the rules of the
56 national Republican party and/or the call for the national convention

1 provide differently. The total number of delegates and alternate deleg-
2 ates as established by the call for the national convention minus the
3 number of delegates and alternate delegates to be awarded from the
4 congressional districts shall be designated at-large delegates and
5 at-large alternate delegates.

6 A political party shall certify to the state board of elections, at
7 least sixteen weeks prior to the date of the presidential primary, the
8 number of delegates to which such party is entitled pursuant to its
9 rules.

10 Congressional district delegates and alternate delegates shall be
11 awarded based upon the results of separate and distinct primary
12 elections held within each congressional district of the state. Congres-
13 sional district delegates and alternate delegates shall be awarded to
14 presidential candidates pursuant to paragraph b of subdivision four of
15 this section and elected pursuant to paragraph c of subdivision four of
16 this section. At-large delegates and alternate delegates shall be
17 elected by the state committee and allocated to presidential candidates
18 pursuant to subdivision five of this section.

19 3. Ballot access methods. Candidates shall be eligible to appear on
20 the ballot in a primary election of a political party for the office of
21 president of the United States pursuant to any of the following
22 provisions:

23 a. Any candidate who has been certified as eligible to receive presi-
24 denial primary matching fund payments pursuant to the provisions of 11
25 Code of Federal Regulations Part 9033, or any candidate who meets the
26 eligibility criteria regarding matchable contributions established in 11
27 Code of Federal Regulations Part 9033.2(b)(3) regardless of whether such
28 candidate actually applied for such matching fund payments, may request,
29 by certificate filed and received by the state board of elections no
30 sooner than sixteen weeks and not later than nine weeks prior to the
31 date of the presidential primary, that the name of such candidate appear
32 on the ballot at the primary of such party in the state of New York for
33 that year.

34 b. Any candidate may request, by certificate filed and received by the
35 state board of elections no sooner than sixteen weeks and not later than
36 nine weeks prior to the date of the presidential primary, that the name
37 of such candidate appear on the ballot at the primary of such party in
38 the state of New York for the office of president of the United States.
39 Such candidate shall be eligible to appear on the ballot of such party
40 in the state of New York at the primary election for that year if the
41 state board of elections determines that the person is a nationally
42 known and recognized candidate and the candidacy of such person for the
43 party nomination for president is generally and seriously advocated or
44 recognized according to reports in the national or state news media.
45 Notwithstanding any inconsistent provision of law to the contrary, a
46 request by a candidate to appear on the presidential primary ballot of a
47 major political party shall be determined solely upon a joint recommen-
48 dation by the commissioners of the state board of elections who have
49 been appointed on the recommendation of such political party or the
50 legislative leaders of such political party, and no other commissioner
51 of the state board of elections shall participate in such determination.
52 The state board of elections shall act upon any such request no later
53 than fifty-six days before the presidential primary.

54 c. Any candidate shall be eligible to appear on the ballot pursuant to
55 the provisions of article six of this chapter. Designating petitions

1 shall be signed by not less than five thousand or five percent, whichever
2 is less, of the then enrolled voters of the party in the state.

3 d. Presidential candidates determined eligible to appear on the primary
4 ballot may have their name removed from such primary ballot by filing
5 a certificate with the state board of elections and received no later
6 than fifty-six days before such primary election. After such date but
7 before the seventh day before the primary, presidential candidates may
8 file a certificate with the state board of elections deeming any vote
9 for such presidential candidate to be a void vote.

10 4. Election of delegates and alternate delegates from congressional
11 districts. a. Each congressional district shall conduct a separate and
12 distinct primary election. Enrolled Republican voters from a congress-
13 sional district shall vote for a presidential candidate who has quali-
14 fied for the primary ballot pursuant to subdivision three of this
15 section.

16 b. All three delegates and all three alternate delegates from a
17 congressional district shall be awarded to a presidential candidate who
18 receives a majority of the total votes cast for presidential candidates
19 in such congressional district. If no presidential candidate receives a
20 majority of the votes in a congressional district, the presidential
21 candidate receiving the most votes in the congressional district shall
22 be awarded two delegates and two alternate delegates and the presiden-
23 tial candidate who receives the second most votes in the congressional
24 district shall be awarded one delegate and one alternate delegate,
25 provided however, that a presidential candidate must receive at least
26 twenty percent of the total votes cast for presidential candidates in
27 the congressional district in order to be awarded any delegates and
28 alternate delegates from that congressional district. If only one presi-
29 dential candidate receives twenty percent or more of the total votes
30 cast for presidential candidates in a congressional district, such presi-
31 dential candidate shall be awarded all three delegates and all three
32 alternate delegates. If no presidential candidate receives twenty
33 percent or more of the total votes cast for presidential candidates in a
34 congressional district, the three delegate and three alternate delegate
35 positions from such district shall be deemed vacant and filled pursuant
36 to the rules of the national Republican party.

37 c. All congressional district delegates and alternate delegates shall
38 be elected by the members of the New York Republican state committee
39 representing each such congressional district and awarded to presiden-
40 tial candidates pursuant to paragraph b of this subdivision. The
41 congressional district delegates and alternate delegates shall be
42 elected by the members of the New York Republican state committee
43 representing each such congressional district at meetings called by the
44 state chairman and scheduled in compliance with Rules 16 and 20 of the
45 Rules of the Republican Party (National) but, if practicable, following
46 the certification of the results of the presidential primary by the New
47 York state board of elections. The notices of call issued by the state
48 chairman shall designate New York Republican state committee members to
49 serve as chairs and secretaries of the congressional district meetings.
50 At these congressional district meetings, the members of the New York
51 Republican state committee shall each cast votes equal to the Republican
52 enrollment for their unit of representation that is within the congress-
53 sional district. Voting by proxy at the congressional district meeting
54 shall be valid. The chair and secretary of each congressional district
55 meeting shall file a certificate with the New York state board of
56 elections stating the names and addresses of the individuals elected as

1 congressional district delegates and alternate delegates within five
2 days of the meeting.

3 5. Election of at-large delegates and at-large alternate delegates.
4 At-large delegates and at-large alternate delegates shall be selected by
5 the New York Republican state committee and awarded to presidential
6 candidates based upon the statewide vote results of the presidential
7 primary election. All at-large delegates and at-large alternate deleg-
8 ates shall be awarded to the presidential candidate who receives a
9 majority of the statewide total votes cast for presidential candidates.
10 If no presidential candidate receives a majority of the statewide total
11 votes cast for presidential candidates, at-large delegates and at-large
12 alternate delegates shall be allocated and awarded as follows: based on
13 the ratio of the total statewide vote received by each presidential
14 candidate in relation to the total statewide vote for all presidential
15 candidates receiving at least twenty percent of the statewide vote in
16 the presidential primary election, the New York Republican state commit-
17 tee shall apportion pro-rata the number of at-large delegates and
18 at-large alternate delegates that each presidential candidate is enti-
19 tled to receive rounded to the nearest whole number: provided however,
20 that a presidential candidate must receive at least twenty percent of
21 the total statewide vote of the presidential primary election in order
22 to be awarded any at-large delegates by the New York Republican state
23 committee. In the event the pro-rata apportionment of delegates leaves
24 one or more delegates unawarded by process of mathematical distribution,
25 then any such delegate or delegates, shall be awarded to the presiden-
26 tial candidate with the most statewide votes for all presidential candi-
27 dates. In the event pro-rata apportionment entitles presidential candi-
28 dates by process of mathematical distribution to more delegates than are
29 authorized pursuant to the rules of the national Republican party and
30 the call for the national convention, then the number of delegates
31 awarded for the candidate receiving the least statewide votes among
32 those presidential candidates otherwise entitled to be awarded deleg-
33 ates, shall be decreased to the extent necessary to conform to the
34 number of authorized delegate positions.

35 6. All provisions of this chapter which are not inconsistent with this
36 section shall be applicable to a primary election conducted pursuant to
37 this section.

38 § 5. Section 6-158 of the election law is amended by adding a new
39 subdivision 1-b to read as follows:

40 1-b. A designating petition for a presidential primary election shall
41 be filed not earlier than the thirteenth Monday before, and not later
42 than the eleventh Thursday preceding the presidential primary election.

43 § 6. Subdivision 6 of section 6-158 of the election law, as amended by
44 chapter 164 of the laws of 2022, is amended to read as follows:

45 6. (a) A certificate of a party nomination made other than at the
46 primary election for an office to be filled at the time of a general
47 election shall be filed not later than thirty days after the June prima-
48 ry election, (b) except that a certificate of nomination for an office
49 which becomes vacant after the seventh day preceding such primary
50 election shall be filed not later than thirty days after the June prima-
51 ry election or ten days after the creation of such vacancy, whichever is
52 later, and (c) except, further, that a certificate of party nomination
53 of candidates for elector of president and vice-president of the United
54 States shall be filed not later than [~~seventy-four~~] seventy-three days
55 after the June primary election, and (d) except still further that a
56 certificate of party nomination made at a judicial district convention

1 shall be filed not later than the day after the last day to hold such
2 convention and the minutes of such convention, duly certified by the
3 chairman and secretary, shall be filed within seventy-two hours after
4 adjournment of the convention. A certificate of party nomination for an
5 office to be filled at a special election shall be filed not later than
6 ten days following the issuance of a proclamation of such election,
7 provided, however, such certificate shall be filed not later than seven
8 days following the issuance of a proclamation for a special election
9 held pursuant to paragraph b of subdivision three of section forty-two
10 of the public officers law.

11 § 7. Subdivision 1 of section 8-600 of the election law, as added by
12 chapter 6 of the laws of 2019, is amended to read as follows:

13 1. (a) Beginning the tenth day prior to any general, primary, run-off
14 primary pursuant to subdivision one of section 6-162 of this chapter or
15 special election for any public or party position except for such an
16 election held pursuant to title two of article six or article fifteen of
17 this chapter, and ending on and including the second day prior to such
18 general, primary, run-off primary or special election for such public
19 office or party position, persons duly registered and eligible to vote
20 at such election shall be permitted to vote as provided in this title.
21 The board of elections shall establish procedures, subject to approval
22 of the state board of elections, to ensure that persons who vote during
23 the early voting period shall not be permitted to vote subsequently in
24 the same election.

25 (b) Notwithstanding the other provisions of this subdivision, early
26 voting for the presidential primary held on the second day of April in
27 the year two thousand twenty-four shall begin on the twenty-third day of
28 March of such year and shall end on the thirtieth day of March of such
29 year.

30 § 8. Section 8-600 of the election law is amended by adding a new
31 subdivision 4-a to read as follows:

32 4-a. Notwithstanding any provisions of subdivision four of this
33 section to the contrary, the duration for early voting for the presiden-
34 tial primary held on the second day of April in the year two thousand
35 twenty-four shall be, in accordance with the other requirements of this
36 section, at least nine hours on each day of early voting.

37 § 9. Paragraph (e) of subdivision 3 of section 9-209 of the election
38 law, as added by chapter 763 of the laws of 2021, is amended to read as
39 follows:

40 (e) Such cure affirmation shall be [~~filed with~~] received by the board
41 no later than seven business days after the board's mailing of such
42 curable rejection notice or the day before the election, whichever is
43 later. Provided the board determines that such affirmation addresses the
44 curable defect, the rejected ballot shall be reinstated and prepared for
45 canvassing pursuant to subdivision two of this section. If the board of
46 elections is split as to the sufficiency of the cure affirmation, such
47 envelope shall be prepared for canvassing pursuant to paragraph (d) of
48 subdivision two of this section.

49 § 10. Subdivision 2 of section 8-308 of the election law is REPEALED
50 and a new subdivision 2 is added to read as follows:

51 2. Any write-in vote for a candidate whether or not such candidate's
52 name is on the ballot for that contest shall be counted for such candi-
53 date unless such write-in vote creates an invalid overvote in the
54 contest.

1 § 11. Paragraphs (b) and (d) of subdivision 3 of section 9-209 of the
2 election law, as added by chapter 763 of the laws of 2021, are amended
3 to read as follows:

4 (b) A curable defect includes instances where the ballot envelope: (i)
5 is unsigned; (ii) has a signature that does not correspond to the regis-
6 tration signature; (iii) has no required witness to a mark; (iv) is
7 returned without a ballot affirmation envelope in the return envelope;
8 (v) has a ballot affirmation envelope that is signed by the person that
9 has provided assistance to the voter but is not signed or marked by the
10 voter; ~~(vi)~~ (vi) contains the signature of someone other than the voter
11 and not of the voter; or (vii) is returned by mail between two and seven
12 days after the election without a postmark.

13 (d) The voter may cure the aforesaid defects by filing a duly signed
14 affirmation attesting to the same information required by the ballot
15 affirmation envelope and attesting that the signer of the affirmation is
16 the same person who submitted such ballot envelope; provided, however,
17 that for the defect described in subparagraph (vii) of paragraph (b) of
18 this subdivision, such affirmation shall also include an attestation
19 that the voter mailed the ballot envelope on or before the day of the
20 election. The board shall include a form of such affirmation with the
21 notice to the voter. The affirmation shall be in a form prescribed by
22 the state board of elections.

23 § 12. Subdivisions 1 and 2 of section 16-102 of the election law,
24 subdivision 1 as amended by chapter 373 of the laws of 1978 and subdivi-
25 sion 2 as amended by chapter 164 of the laws of 2022, are amended to
26 read as follows:

27 1. The nomination or designation of any candidate for any public
28 office or party position or any independent nomination, or the holding
29 of an uncontested primary election, by reason of a petition for an
30 opportunity to ballot having been filed, or the election of any person
31 to any party position, or the certificate to fill a vacancy in a desig-
32 nation, may be contested in a proceeding instituted in the supreme court
33 by any aggrieved candidate, or by the chairman of any party committee or
34 by a person who shall have filed objections, as provided in this chap-
35 ter, except that the chairman of a party committee may not bring a
36 proceeding with respect to a designation or the holding of an otherwise
37 uncontested primary.

38 2. A proceeding with respect to a petition shall be instituted within
39 fourteen days after the last day to file the petition, within four days
40 after the last day that a certificate to fill a vacancy in a designation
41 shall be filed, or within three business days after the officer or board
42 with whom or which such petition was filed, makes a determination of
43 invalidity with respect to such petition or certificate to fill a vacan-
44 cy, whichever is later; except that a proceeding with respect to a peti-
45 tion for a village election or a nomination for a special election shall
46 be instituted within seven days after the last day to file the certif-
47 icate or petition for such village election or nomination or within
48 three business days after the officer or board with whom or which such
49 certificate or petition was filed, makes a determination of invalidity
50 with respect to such certificate or petition, whichever is later. A
51 proceeding with respect to a primary, convention, meeting of a party
52 committee, or caucus shall be instituted within ten days after the hold-
53 ing of such primary or convention or the filing of the certificate of
54 nominations made at such caucus or meeting of a party committee.

55 § 13. Subdivision 3 of section 9-110 of the election law, as amended
56 by chapter 437 of the laws of 2019, is amended to read as follows:

1 3. Nothing in this section shall be construed to require or permit
2 absentee or affidavit ballots to be canvassed at the poll site on
3 election day. Such ballots shall be canvassed pursuant to section 9-209
4 of this article.

5 § 14. Subdivision 5 of section 9-209 of the election law, as added by
6 chapter 763 of the laws of 2021, is amended to read as follows:

7 5. Nothing in this section prohibits a representative of a candidate,
8 political party, or independent body entitled to have watchers present
9 at the polls in any election district in the board's jurisdiction from
10 observing, without objection, the review of ballot envelopes required by
11 subdivisions two, three ~~and~~, four, and seven of this section.

12 § 15. Subdivision 7 of section 9-209 of the election law is amended by
13 adding a new paragraph (1) to read as follows:

14 (1) The provisions of this subdivision shall apply notwithstanding any
15 other provision of this chapter.

16 § 16. Paragraph (d) of subdivision 4 of section 9-208 of the election
17 law, as added by section 1 of part JJ of chapter 55 of the laws of 2020,
18 is amended to read as follows:

19 (d) No board of elections shall commence a full manual recount of a
20 particular contest unless and until such board of elections has
21 completed and announced the results of the recanvass required by subdi-
22 vision one of this section, for each applicable election district.

23 (e) The result of the manual recount of ballots shall supersede the
24 returns filed by the inspectors of election of the election district in
25 which the canvass was initially made.

26 § 17. Severability. If any sentence, clause, subparagraph, paragraph,
27 subdivision, section or part of section one, two, three, four, five,
28 six, seven, or eight of this act, or the application thereof to any
29 party, person or circumstances shall be held or adjudged by any court of
30 competent jurisdiction to be invalid, such holding or judgment shall not
31 affect, impair or invalidate the remainder or any portion of the remain-
32 der of this act, or the application of such section or part of a section
33 held or adjudged to be invalid, to any other person or circumstances,
34 but shall be confined in its operation to the sentence, clause, subpara-
35 graph, paragraph, subdivision, section or part of such section or
36 sections directly involved in the controversy in which such holding or
37 judgment shall have been rendered, or to the party, person and circum-
38 stances therein involved.

39 § 18. This act shall take effect immediately; provided, however, if
40 this act shall have become a law after July 1, 2023, it shall take
41 effect immediately and sections one through eight of this act shall be
42 deemed to have been in full force and effect on and after July 1, 2023;
43 provided, however, that section nine of this act shall take effect on
44 the first of January next succeeding the date upon which it shall have
45 become a law; and provided further, sections one through eight of this
46 act shall expire December 31, 2024 when upon such date the provisions of
47 this act shall be deemed repealed.