S T A T E O F N E W Y O R K

242

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

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

AN ACT to amend the election law, in relation to enacting the "nominating petitions streamlining act"

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Short title. This act shall be known and may be cited as the "nominating petitions streamlining act".

S 2. Subdivision 6 of section 6-104 of the election law, as amended by chapter 79 of the laws of 1992, is amended to read as follows:

6. The meeting of the state committee for the purpose of designating candidates shall be held not earlier than twenty-one days before the first day to [sign designating petitions] FILE A NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION and not later than the first day to [sign designating petitions] FILE A NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION for the primary election.

S 2. Subdivision 1 of section 6-108 of the election law, as amended by chapter 160 of the laws of 1996, is amended to read as follows:

1. In any town in a county having a population of over seven hundred fifty thousand inhabitants, as shown by the latest federal decennial or special population census, party nominations of candidates for town offices shall be made at the primary preceding the election. In any other town, nominations of candidates for town offices shall be made by caucus or primary election as the rules of the county committee shall provide, except that the members of the county committee from a town may adopt by a two-thirds vote, a rule providing that the party candidates for town offices shall be nominated at the primary election. If a rule adopted by the county committee of a political party or by the members of the county committee from a town, provides that party candidates for town offices, shall be nominated at a primary election, such rule shall

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

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not apply to nor affect a primary held less than four months after a certified copy of the rule shall have been filed with the board of elections. After the filing of such a rule, the rule shall continue in force until a certified copy of a rule revoking the same shall have been filed with such board at least four months before a subsequent primary. Such a caucus shall be held no earlier than the first day on which [designating petitions] NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION for the fall primary election may be [signed] FILED.

S 3. Section 6-116 of the election law, as amended by chapter 373 of the laws of 1978, is amended to read as follows:

S 6-116. Party nominations; election to fill a vacancy. A party nomination of a candidate for election to fill a vacancy in an elective office required to be filled at the next general election, occurring after seven days before the last day for [circulating designating petitions] FILING A NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION or after the holding of the meeting or convention to nominate or designate candidates for such, shall be made, after the day of the primary election, by a majority vote of a quorum of the state committee if the vacancy occurs in an office to be filled by all voters of the state, and otherwise by a majority vote of a quorum of the members of a county committee or committees last elected in the political subdivision in which such vacancy is to be filled, or by a majority of such other committee as the rules of the party may provide. A certificate of nomination shall be filed as provided for herein.

S 4. Section 6-118 of the election law, as amended by chapter 9 of the laws of 1978, is amended to read as follows:

S 6-118. Designation and nomination by petition. Except as otherwise provided by this article, the designation of a candidate for party nomination at a primary election and the nomination of a candidate for election to a party position to be elected at a primary election shall be by FILING A NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION AND PAYING A FEE OF FIVE HUNDRED DOLLARS TO THE BOARD OF ELECTIONS AND BY designating petition.

S 5. The election law is amended by adding a new section 6-117 to read as follows:

S 6-117. NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION. 1. A NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION, WITH ALL REQUIRED INFORMATION CONTAINED THEREIN, SHALL BE FILED IN THE SAME PLACES AND MANNER AS PROVIDED FOR DESIGNATING PETITIONS, AND SHALL BE FILED NO EARLIER THAN THIRTY DAYS BEFORE THE FIRST DAY TO SIGN DESIGNATING PETITIONS AND NO LATER THAN SEVEN DAYS BEFORE THE FIRST DAY TO SIGN DESIGNATING PETITIONS.

2. A FEE OF FIVE HUNDRED DOLLARS SHALL BE PAID TO THE BOARD OF ELECTIONS AT THE TIME OF FILING THE NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION WITH THE BOARD OF ELECTIONS.

3. IF ONLY ONE PERSON FROM A PARTY HAS FILED A NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION FOR A PARTICULAR POSITION AND PAID THE REQUISITE FEE TO THE BOARD OF ELECTIONS THEN THAT PERSON SHALL BE NAMED ON THE BALLOT WITHOUT HAVING TO CIRCULATE A DESIGNATING PETITION. FOR THE PURPOSES OF THIS TITLE, A PERSON WHO IS NAMED ON THE BALLOT WITHOUT HAVING TO CIRCULATE A DESIGNATING PETITION SHALL BE CONSIDERED AS BEING NOMINATED BY PETITION.

4. THE STATE BOARD OF ELECTIONS SHALL PREPARE A SAMPLE FORM OF A NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION WHICH MEETS THE REQUIREMENTS OF THIS SECTION AND SHALL DISTRIBUTE OR CAUSE SUCH FORMS TO BE DISTRIBUTED TO EACH BOARD OF ELECTIONS. SUCH FORMS SHALL BE MADE

AVAILABLE TO THE PUBLIC, UPON REQUEST, BY THE STATE BOARD OF ELECTIONS AND EACH SUCH BOARD. ANY NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION THAT IS A COPY OF SUCH A SAMPLE SHALL BE DEEMED TO MEET THE REQUIREMENTS OF FORM OF A NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION.

5. A NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION MAY DESIGNATE CANDIDATES FOR NOMINATION FOR ONE OR MORE DIFFERENT PUBLIC OFFICES OR FOR NOMINATION FOR ELECTION TO ONE OR MORE PARTY POSITIONS OR BOTH, BUT DESIGNATIONS OR NOMINATIONS FOR WHICH THE NOTICES ARE REQUIRED TO BE FILED IN DIFFERENT OFFICES OR NOTICES FOR THE SAME PUBLIC OFFICE OR PARTY POSITION IN DIFFERENT POLITICAL SUBDIVISIONS MAY NOT BE COMBINED IN THE SAME NOTICE. IF TWO OR MORE OFFICES HAVING THE SAME TITLE ARE TO BE FILLED FOR DIFFERENT TERMS, THE TERMS OF OFFICE SHALL BE INCLUDED AS PART OF THE TITLE OF THE OFFICE.

6. NOTICES OF INTENT TO CIRCULATE A DESIGNATING PETITION SHALL BE DELIVERED TO THE BOARD OF ELECTIONS IN THE MANNER PRESCRIBED BY REGULATIONS THAT SHALL BE PROMULGATED BY THE STATE BOARD OF ELECTIONS. SUCH REGULATIONS SHALL BE NO MORE RESTRICTIVE THAN IS REASONABLY NECESSARY FOR THE PROCESSING OF SUCH NOTICES BY THE BOARD OF ELECTIONS. SUCH REGULATIONS SHALL BE BINDING ON THE BOARDS OF ELECTION IN EACH COUNTY AND IN THE CITY OF NEW YORK. WHEN A DETERMINATION IS MADE THAT A NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION DOES NOT COMPLY WITH SUCH REGULATIONS, THE CANDIDATE SHALL HAVE THREE BUSINESS DAYS FROM THE DATE OF SUCH DETERMINATION TO CURE THE VIOLATION.

S 6. Subdivision 3 of section 6-120 of the election law, as amended by chapter 226 of the laws of 1982, is amended to read as follows:

3. The members of the party committee representing the political subdivision of the office for which a designation or nomination is to be made, unless the rules of the party provide for another committee, in which case the members of such other committee, and except as hereinafter in this subdivision provided with respect to certain offices in the city of New York, may, by a majority vote of those present at such meeting provided a quorum is present, authorize the designation or nomination of a person as candidate for any office who is not enrolled as a member of such party as provided in this section. In the event that such designation or nomination is for an office to be filled by all the voters of the city of New York, such authorization must be by a majority vote of those present at a joint meeting of the executive committees of each of the county committees of the party within the city of New York, provided a quorum is present at such meeting. The certificate of authorization shall be filed not later than four days after the last day to file the NOTICE OF INTENT TO CIRCULATE A designating petition, certificate of nomination or certificate of substitution to which such authorization relates. The certificate of authorization shall be signed and acknowledged by the presiding officer and the secretary of the meeting at which such authorization was given.

S 7. Section 6-144 of the election law, as amended by chapter 635 of the laws of 1990, the opening paragraph as amended by chapter 150 of the laws of 1996, is amended to read as follows:

S 6-144. Nominating and designating petitions and certificates; place for filing. Petitions, NOTICES, FEES, certificates and minutes specified in this article shall be filed in the office of the [Board] BOARD of [Elections] ELECTIONS of the county, except as follows: for an office or position to be voted for wholly within the city of New York, in the office of the [Board] BOARD of [Elections] ELECTIONS of that city; for an office or position to be voted for in a district greater

than one county, or portions of two or more counties, in the office of the state board of elections; for a village office to be filled in a village election not conducted by the board of elections, in the office of the village clerk. All such petitions, NOTICES, FEES and certificates shall at the time of filing thereof be endorsed by such officer or board with the day, hour and minute of such filing. Such officer or board shall keep a book, which shall be open to public inspection in which shall be entered the times of filing all such petitions, NOTICES, FEES, and certificates; the names and residences of all candidates named therein; the names and residences of all candidates certified to such officer or board; the title of the office or party position; the name of the party or independent body to which the petition, NOTICE, AND FEE or certificate relates and a memorandum of any objections to such petition, NOTICE, or certificate. Forthwith upon the filing of a petition, NOTICE, AND FEE or certificate designating or nominating a person or persons for public office, such officer or board shall mail notice thereof to each such person. Such notice shall also state the last day to decline such designation or nomination, and include a statement that the candidate's name shall appear on the ballot as it appears in such notice.

S 8. Section 6-154 of the election law, subdivision 2 as amended by chapter 248 of the laws of 1981, is amended to read as follows:

S 6-154. Nominations and designations; objections to. 1. Any petition OR NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION filed with the officer or board charged with the duty of receiving it shall be presumptively valid if it is in proper form and appears to bear the requisite number of signatures, authenticated in a manner prescribed by this chapter.

2. Written objections to any certificate of designation or nomination or to a nominating or designating petition, NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION or a petition for opportunity to ballot for public office or to a certificate of acceptance, a certificate of authorization, a certificate of declination or a certificate of substitution relating thereto may be filed by any voter registered to vote for such public office and to a designating petition OR NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION or a petition for opportunity to ballot for party position or a certificate of substitution, a certificate of acceptance or a certificate of declination relating thereto by any voter enrolled to vote for such party position. Such objections shall be filed with the officer or board with whom the original petition OR NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION or certificate is filed within three days after the filing of the petition OR NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION or certificate to which objection is made, or within three days after the last day to file such a certificate, if no such certificate is filed except that if any person nominated by an independent nominating petition, is nominated as a party candidate for the same office by a party certificate filed, or a party nomination made after the filing of such petition, the written objection to such petition may be filed within three days after the filing of such party certificate or the making of such party nomination. When such an objection is filed, specifications of the grounds of the objections shall be filed within six days thereafter with the same officer or board and if specifications are not timely filed, the objection shall be null and void. Each such officer or board is hereby empowered to make rules in reference to the filing and disposition of such petition, NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION, certificate, objections and specifications.

3. When a determination is made that a certificate or petition OR NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION is insufficient, such officer or board shall give notice of the determination forthwith by mail to each candidate named in the petition, NOTICE or certificate, and, if the determination is made upon specified objections, the objector shall be notified.

S 9. The section heading and subdivision 1 of section 6-158 of the election law, subdivision 1 as amended by chapter 434 of the laws of 1984, are amended to read as follows:

Nominating and designating petitions, NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION and certificates, conventions; times for filing and holding. 1. (A) A designating petition shall be filed not earlier than the tenth Monday before, and not later than the ninth Thursday preceding the primary election.

(B) A NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION SHALL BE FILED NOT EARLIER THAN THIRTY DAYS BEFORE, AND NOT LATER THAN SEVEN DAYS BEFORE, THE FIRST DAY TO SIGN A DESIGNATING PETITION.

S 10. Subdivision 3 of section 6-168 of the election law, as added by chapter 143 of the laws of 1979, is amended to read as follows:

3. If, at any primary election in which more than one nomination is to be made for the office of judge of the civil court of the city of New York in any borough of such city or in any civil court district within any such borough, only one candidate is designated for any such vacancy, such candidate shall be deemed nominated and his name shall not appear upon the primary ballot unless a NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION AND, IF REQUIRED, A petition for opportunity to ballot for such vacancy is filed pursuant to the provisions of this chapter.

S 11. Section 1-106 of the election law, subdivision 1 as amended by chapter 700 of the laws of 1977, is amended to read as follows:

S 1-106. Filing of papers; when received. 1. All papers required to be filed pursuant to the provisions of this chapter shall, unless otherwise provided, be filed between the hours of nine A.M. and five P.M. If the last day for filing shall fall on a Saturday, Sunday or legal holiday, the next business day shall become the last day for filing. All papers sent by mail in an envelope postmarked prior to midnight of the last day of filing shall be deemed timely filed and accepted for filing when received, except that all certificates and petitions of designation or nomination, NOTICES OF INTENT TO CIRCULATE A DESIGNATING PETITION, 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 NOTICE, petition, certificate or objection and such office shall be open for the receipt of such NOTICES, petitions, certificates and objections until midnight on the last day to file any such NOTICE, petition, certificate or objection. Failure of the post office or any other person or entity to deliver any such NOTICE, petition, certificate or objection to such city board of elections on or before such last day shall be a fatal defect.

2. The failure to file any NOTICE, petition or certificate relating to the designation or nomination of a candidate for party position or public office or to the acceptance or declination of such designation or nomination within the time prescribed by the provisions of this chapter shall be a fatal defect.

S 12. Subdivisions 6 and 6-a of section 3-220 of the election law, subdivision 6 as amended by chapter 163 of the laws of 1994, and subdivision 6-a as added by chapter 324 of the laws of 1977, are amended to read as follows:

6. All petitions, NOTICES, certificates, objections or papers filed or deposited with a board or officer before an election or primary and relating to designations or nominations, and all registers, books, statements, returns or papers so filed or deposited after registration, enrollment, election or primary at which they were used or to which they relate, not including, however, the voted, unused, protested, void or wholly blank ballots, shall be preserved by such board or officer for at least two years after the receipt thereof and until the determination of any action or proceeding touching the same or in which they are ordered to be preserved pending the action or proceeding and at the expiration of such time they may be either destroyed or sold. Lists of registered voters with computer generated facsimile signatures used in lieu of registration poll records at any election shall be preserved until the end of the fourth calendar year after the year of such election. In all jurisdictions, the original statements of results made by the state board of canvassers or a county or city board of canvassers and any original record specifying the name of a person declared to have been elected to a public office shall not be destroyed or sold but shall be preserved, as part of the records of such board or officer, until otherwise provided by law.

6-a. During the period prescribed by subdivision six of this section, no petition OR NOTICE shall be removed from the office of the board of elections for copying or any other purpose except while in the custody, or under the supervision of a member or employee of such board or pursuant to court order.

S 13. Subdivision 3 of section 3-502 of the election law, as renumbered by chapter 180 of the laws of 2005, is amended to read as follows:

3. All petitions, NOTICES and certificates of nomination or designation, or of declination thereof, for an election to which this section applies, and all statements of receipts and expenditures relating to such an election, required to be filed with any officer of Nassau county, or political subdivision therein shall be filed with the board of elections.

S 14. Subdivision 3 of section 3-504 of the election law, as renumbered by chapter 180 of the laws of 2005, is amended to read as follows:

3. All petitions, NOTICES and certificates of nomination or designation, or of declination thereof, for an election to which this section applies, and all statements of receipts and expenditures required to be filed with any officer of Suffolk county, or political subdivision therein shall be filed with the board of elections.

S 15. The section heading and subdivisions 1 and 2 of section 6-210 of the election law, as added by chapter 359 of the laws of 1989, are amended to read as follows:

Petitions, NOTICES and certificates; place and times for filing. 1. Petitions, NOTICES and certificates specified in this title shall be filed with the county board of elections.

2. a. A certificate of party nomination for an office to be filled at the time of a general or special village election for offices shall be filed not earlier than fifty-four days nor later than forty-seven days preceding the election.

b. A certificate of acceptance or declination of a party nomination for an office to be filled at the time of a general or special village

election shall be filed not later than forty-four days prior to such election.

c. A certificate to fill a vacancy caused by declination of a party nomination for an office to be filled at the time of a general or special village election shall be filed not later than forty-one days prior to such election.

d. A NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION SHALL BE FILED NOT EARLIER THAN THIRTY DAYS NOR LATER THAN SEVEN DAYS PRIOR TO THE START OF PETITIONING.

E. Party designating petitions for a village primary election shall be filed not earlier than twenty-two days nor later than fifteen days prior to the primary election. Upon such a filing, the board of elections shall immediately notify the village election chairman of such party and the person or persons designated in such petition of the fact of such filing and that such petition may be inspected in its office.

[e.] F. A written declination of a party designation must be filed within three days of the date of the filing of the designating petition. Upon the filing of such declination, the board of elections shall, within one day notify the committee to fill vacancies named in the petition. A certificate to fill the vacancy caused by a declination or any other reason must be filed within three days after the date of the notice to the committee to fill vacancies and shall have appended thereto the written consent of the person or persons designated.

S 16. Section 6-212 of the election law, as added by chapter 359 of the laws of 1989, is amended to read as follows:

S 6-212. Designations and nominations, objections. Written objections to a nominating or designating petition, NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION, or to a certificate of nomination, certificate of acceptance, certificate of authorization, certificate of declination or certificate of substitution with respect to an office to be filled at a general or special village election may be filed not later than the day after the last day to file such petition, NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION, or certificate, or the day after such petition, NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION, or certificate is received by the board of elections if such petition, NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION, or certificate is mailed within the time permitted by law, whichever is later. Written specifications of the grounds for such objections shall be so filed within two days thereafter. A failure to file such written specifications shall render the original objection null and void. Upon receipt of written specifications, the county board of elections shall immediately notify each candidate named in such petition, NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION, or certificate and take all steps necessary and consistent with this chapter to render a determination on the questions raised in such objections and specifications. When a determination has been made by the county board of elections that the petition, NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION, is sufficient or insufficient, it shall immediately notify each candidate named in the petition, NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION, or certificate, and, if such determination was made on objection, the objector.

S 17. Paragraphs (c) and (d) of subdivision 1 and paragraph (e) of subdivision 2 of section 7-114 of the election law, paragraph (c) of subdivision 1 as amended by chapter 433 of the laws of 1984 and paragraph (d) of subdivision 1 as amended and paragraph (e) of subdivision 2 as added by chapter 234 of the laws of 1976, are amended to read as follows:

(c) Where a candidate for nomination for the same public office or for election to the same party position is designated by two or more petitions OR NOTICES, his name shall be placed upon the ballot for the primary election but once as such a candidate.

(d) The ballot shall not contain a space for voting for candidates for uncontested offices and positions, and no ballot shall be printed for a party whose primary is uncontested unless a [petition for opportunity to ballot] NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION has been filed.

(e) The names of candidates on paper ballots shall be numbered with arabic numerals printed in heavy faced type beginning with "one" for the first candidate named in the first part and continuing in numerical order to and including the last candidate named in the last part, except that where two or more candidates are to be elected to a party position, the names of candidates designated by each petition OR NOTICE shall be grouped, and each group shall have but one number, which shall be printed opposite the approximate center of the group.

S 18. Paragraph a of subdivision 3 and subdivision 7 of section 15-108 of the election law, paragraph a of subdivision 3 as amended by chapter 447 of the laws of 2006, subdivision 7 as amended by chapter 462 of the laws of 1977 and paragraph (e) of subdivision 7 as amended by chapter 9 of the laws of 1978, are amended to read as follows:

a. Party designations for elective village offices shall be made [on] BY FILING A NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION AND PAYING A FEE OF FIVE HUNDRED DOLLARS. IF MORE THAN ONE PERSON FROM A PARTICULAR PARTY FILES A NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION FOR A PARTICULAR POSITION THEN a designating petition containing the signatures in ink of residents of the village who are registered to vote with the appropriate county board of elections at the time of signing and who are enrolled in such political party SHALL BE FILED. The sheets of such a petition shall be numbered. Such petition must set forth in each instance the correct date of signing, the name of the signer, and his or her present address, and may set forth a committee to fill vacancies consisting of at least three qualified voters of the village enrolled in such party and their residence within the village. A signer need not himself or herself fill in the date or residence. Each sheet of such petition must be in substantially the following form and shall contain all the information required therein:

PARTY DESIGNATING PETITION

I, the undersigned do hereby state that I am a registered voter of the Village of ..... and a duly enrolled voter of the ..... party and entitled to vote at the next primary election of such party, that my place of residence is truly stated opposite my signature hereto, and I hereby designate the following named person (or persons) as a candidate (or candidates) for nomination of such party for the public office (or public offices) to be voted for at the primary election to be held on the ..... day of ..... 20.... as hereinafter specified.

Name of Candidate	Public Office	Term	Residence
.....	.....	.....	.....
.....	.....	.....	.....

I do hereby appoint (insert names and addresses of at least three persons, all of whom shall be enrolled voters of said party) as a committee to fill vacancies in accordance with the provisions of the election law.

IN WITNESS WHEREOF, I have hereunto set my hand, the day and year placed opposite my signature.

Date	Name	Residence
.....	.....	.....
.....	.....	.....

STATEMENT OF WITNESS

I ..... (name of witness) state: I am a duly qualified voter of the State of New York; and an enrolled voter of the ..... party and now reside in the Village of ..... County of ..... State of New York at ..... (residence address) therein. Each of the persons whose names are subscribed to this petition sheet containing ..... signatures, subscribed his or her name in my presence.

I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

....
Date Signature of Witness

page no. .....

7. a. A certificate of party nomination for an office to be filled at the time of a general or special village election for offices shall be filed not earlier than fifty-four days nor later than forty-seven days preceding the election.

b. A certificate of acceptance or declination of a party nomination for an office to be filled at the time of a general or special village election shall be filed not later than forty-four days prior to such election.

c. A certificate to fill a vacancy caused by declination of a party nomination for an office to be filled at the time of a general or special village election shall be filed not later than forty-one days prior to such election.

d. A NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION SHALL BE FILED AND A FEE OF FIVE HUNDRED DOLLARS SHALL BE PAID IN THE OFFICE OF THE VILLAGE CLERK NOT EARLIER THAN THIRTY DAYS NOR LATER THAN SEVEN DAYS PRIOR TO THE FIRST DAY TO SIGN DESIGNATING PETITIONS.

E. Party designating petitions for a village primary election shall be filed in the office of the village clerk not earlier than twenty-two days nor later than fifteen days prior to the primary election. Upon such a filing, the village clerk shall immediately notify the village election chairman of such party and the person or persons designated in such petition of the fact of such filing and that such petition may be inspected in his office.

[(e)] F. A written declination of a party designation must be filed in the office of the village clerk within three days of the date of the filing of the designating petition. Upon the filing of such declination, the village clerk shall, within one day notify the committee to

fill vacancies named in the petition. A certificate to fill the vacancy caused by a declination or any other reason must be filed with the village clerk within three days after the date of the notice to the committee to fill vacancies and shall have appended thereto the written consent of the person or persons designated.

S 19. Subdivisions 1 and 2 of section 16-102 of the election law, subdivision 1 as amended by chapter 373 of the laws of 1978 and subdivision 2 as amended by chapter 79 of the laws of 1992, are amended to read as follows:

1. The nomination or designation of any candidate for any public office or party position or any independent nomination, or the holding of an uncontested primary election, by reason of a petition for an opportunity to ballot OR NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION having been filed, or the election of any person to any party position may be contested in a proceeding instituted in the supreme court by any aggrieved candidate, or by the chairman of any party committee or by a person who shall have filed objections, as provided in this chapter, except that the chairman of a party committee may not bring a proceeding with respect to a designation or the holding of an otherwise uncontested primary.

2. A proceeding with respect to a petition OR NOTICE shall be instituted within fourteen days after the last day to file the petition OR NOTICE, or within three business days after the officer or board with whom or which such petition OR NOTICE was filed, makes a determination of invalidity with respect to such petition OR NOTICE, whichever is later; except that a proceeding with respect to a petition OR NOTICE for a village election or an independent nomination for a special election shall be instituted within seven days after the last day to file the petition OR NOTICE for such village election or independent nomination or within three business days after the officer or board with whom or which such petition OR NOTICE was filed, makes a determination of invalidity with respect to such petition OR NOTICE, whichever is later. A proceeding with respect to a primary, convention, meeting of a party committee, or caucus shall be instituted within ten days after the holding of such primary or convention or the filing of the certificate of nominations made at such caucus or meeting of a party committee.

S 20. This act shall take effect immediately.