

8363

2011-2012 Regular Sessions

I N   A S S E M B L Y

June 14, 2011

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Introduced by M. of A. SILVER, CUSICK -- (at request of the Governor) --  
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 2012, and the "Presidential" and "Fall" primary in such year; to amend the election law, in relation to electing delegates to a national party convention; and providing for the repeal of such 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 17 of the laws of 2007, is amended  
3 to read as follows:  
4     (a) A primary election, to be known as the fall primary, shall be held  
5 on the first Tuesday after the second Monday in September before every  
6 general election unless otherwise changed by an act of the legislature.  
7 MEMBERS OF STATE AND COUNTY COMMITTEES AND ASSEMBLY DISTRICT LEADERS AND  
8 ASSOCIATE ASSEMBLY DISTRICT LEADERS AND ALL OTHER PARTY POSITIONS TO BE  
9 ELECTED SHALL BE ELECTED AT THE FALL PRIMARY AND ALL NOMINATIONS FOR  
10 PUBLIC OFFICE REQUIRED TO BE MADE AT A PRIMARY ELECTION IN SUCH YEAR  
11 SHALL BE MADE AT THE FALL PRIMARY. In [each] THE year TWO THOUSAND  
12 TWELVE in which electors of president and vice president of the United  
13 States are to be elected, an additional primary election, to be known as  
14 the [spring] PRESIDENTIAL primary, shall be held on [the first Tuesday  
15 in February] APRIL TWENTY-FOURTH, TWO THOUSAND TWELVE, unless otherwise  
16 changed by an act of the legislature, for the purpose of electing deleg-  
17 ates to the national convention[, members of state and county committees  
18 and assembly district leaders and associate assembly district leaders].  
19     S 2. Notwithstanding any inconsistent provisions of the election law,  
20 a rule or resolution of a state committee providing for the selection of

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

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1 delegates and alternate delegates to a national party convention or  
2 national party conference in the year 2012 shall select either section  
3 three or section four of this act in order to conform to the rules of a  
4 national committee. A certified copy of such rule or resolution shall  
5 be filed with the state board of elections no later than the first day  
6 of November, 2011.

7 S 3. The election law is amended by adding a new section 2-122-a to  
8 read as follows:

9 S 2-122-A. NATIONAL CONVENTION; NATIONAL PARTY CONFERENCE. 1. THE  
10 RULES OF THE STATE COMMITTEE OF A PARTY MAY PROVIDE THAT THE DELEGATES  
11 AND ALTERNATE DELEGATES TO A NATIONAL CONVENTION OR NATIONAL PARTY  
12 CONFERENCE BE ELECTED BY A COMBINATION OF ALL OF THE FOLLOWING METHODS:

13 A. BY VOTES CAST AT A PRIMARY ELECTION FOR CANDIDATES FOR THE OFFICE  
14 OF PRESIDENT OF THE UNITED STATES IN WHICH THE NAMES OF CANDIDATES FOR  
15 SUCH OFFICE APPEAR ON THE BALLOT;

16 B. BY VOTES CAST AT A PRIMARY ELECTION FOR CANDIDATES FOR THE POSI-  
17 TIONS OF DELEGATE AND ALTERNATE DELEGATE TO A NATIONAL CONVENTION IN  
18 DISTRICTS NO LARGER THAN CONGRESSIONAL DISTRICTS; AND

19 C. BY THE STATE COMMITTEE OR A COMMITTEE OF THE STATE COMMITTEE AT A  
20 MEETING OR CONVENTION CALLED FOR SUCH PURPOSE AS THE RULES OF THE PARTY  
21 MAY PROVIDE.

22 2. IF THE RULES OF A STATE COMMITTEE ADOPTED PURSUANT TO THE  
23 PROVISIONS OF THIS SECTION PROVIDE FOR A PRIMARY ELECTION IN WHICH THE  
24 OFFICE OF PRESIDENT OF THE UNITED STATES APPEARS ON THE BALLOT, DESIG-  
25 NATION OF CANDIDATES FOR SUCH OFFICE SHALL BE MADE PURSUANT TO THE  
26 PROVISIONS OF SECTIONS 6-100, 6-118, 6-122 (EXCEPT THAT SUCH CANDIDATES  
27 NEED NOT BE CITIZENS OF NEW YORK BUT ONLY CITIZENS OF THE UNITED  
28 STATES), 6-130, 6-132 (EXCEPT THAT REFERENCES TO A COMMITTEE TO FILL  
29 VACANCIES SHALL BE DEEMED REFERENCES TO A COMMITTEE TO RECEIVE NOTICES),  
30 6-134, 6-144, THE PROVISIONS WITH RESPECT TO DECLINATIONS IN SUBDIVI-  
31 SIONS ONE AND TWO OF SECTION 6-146 (EXCEPT THAT REFERENCES TO A COMMIT-  
32 TEE TO FILL VACANCIES SHALL BE DEEMED REFERENCES TO A COMMITTEE TO  
33 RECEIVE NOTICES), 6-154, AND SUBDIVISION ONE AND THE PROVISION WITH  
34 RESPECT TO DECLINATIONS IN SUBDIVISION TWO OF SECTION 6-158 (EXCEPT THAT  
35 SUCH CANDIDATES MAY DECLINE SUCH DESIGNATIONS NOT LATER THAN FEBRUARY  
36 THIRTEENTH, TWO THOUSAND TWELVE) OF THIS CHAPTER. THE STATE BOARD OF  
37 ELECTIONS SHALL FORTHWITH NOTIFY THE APPROPRIATE COUNTY BOARDS OF  
38 ELECTIONS OF ANY SUCH DECLINATION FILED.

39 3. DESIGNATING PETITIONS, WHERE REQUIRED FOR CANDIDATES FOR THE OFFICE  
40 OF PRESIDENT OF THE UNITED STATES TO BE VOTED ON BY VOTERS OF THE ENTIRE  
41 STATE IN A PRIMARY ELECTION, MUST BE SIGNED BY NOT LESS THAN FIVE THOU-  
42 SAND OF THE THEN ENROLLED VOTERS OF THE PARTY IN THE STATE.

43 4. IF THE RULES OF A STATE COMMITTEE PROVIDE FOR A PRIMARY ELECTION IN  
44 WHICH THE OFFICE OF THE PRESIDENT OF THE UNITED STATES APPEARS ON THE  
45 BALLOT, IN ADDITION TO THE SPACES ON THE BALLOT WITH THE NAMES OF THE  
46 CANDIDATES DESIGNATED FOR SUCH OFFICE THERE MAY BE A SPACE WITH THE WORD  
47 "UNCOMMITTED." THE "UNCOMMITTED" SPACE SHALL BE LISTED ON THE BALLOT  
48 PROVIDED THAT A DESIGNATING PETITION FOR SUCH "UNCOMMITTED" SPACE WHICH  
49 MEETS THE SAME REQUIREMENTS AS A PETITION DESIGNATING A CANDIDATE FOR  
50 THE OFFICE OF PRESIDENT OF THE UNITED STATES IS FILED IN THE SAME MANNER  
51 AS IS REQUIRED FOR SUCH A PETITION.

52 5. A. THE FORM OF A PETITION REQUESTING THAT AN "UNCOMMITTED" SPACE BE  
53 LISTED ON THE BALLOT AT A PRIMARY ELECTION FOR THE OFFICE OF PRESIDENT  
54 OF THE UNITED STATES HELD PURSUANT TO THE PROVISIONS OF THIS SECTION  
55 SHALL BE SUBSTANTIALLY AS FOLLOWS:

1 I, THE UNDERSIGNED, DO HEREBY STATE THAT I AM A DULY ENROLLED VOTER OF  
2 THE ..... PARTY AND ENTITLED TO VOTE AT THE NEXT PRIMARY  
3 ELECTION OF SUCH PARTY TO BE HELD ON THE ..... DAY OF  
4 ..... 20..., THAT MY PLACE OF RESIDENCE IS TRULY STATED OPPO-  
5 SITE MY SIGNATURE HERETO, AND I DO HEREBY REQUEST THAT AN "UNCOMMITTED"  
6 SPACE BE LISTED ON THE BALLOT AT THE PRIMARY ELECTION OF SUCH PARTY FOR  
7 THE OFFICE OF PRESIDENT OF THE UNITED STATES.

8 B. THE APPOINTMENT OF A COMMITTEE TO RECEIVE NOTICES SHALL BE IN THE  
9 FORM PRESCRIBED FOR A PETITION FOR A OPPORTUNITY TO BALLOT. THE SIGNA-  
10 TURES ON THE PETITION WITH ALL THE REQUIRED INFORMATION AND THE SIGNED  
11 STATEMENT OF A WITNESS OR AUTHENTICATION BY A PERSON AUTHORIZED TO TAKE  
12 OATHS SHALL BE IN THE FORM PRESCRIBED FOR A DESIGNATING PETITION FOR  
13 SUCH OFFICE.

14 6. A. IF THE RULES OF A STATE COMMITTEE, ADOPTED PURSUANT TO THE  
15 PROVISIONS OF THIS SECTION, PROVIDE THAT THE POSITIONS OF DELEGATE AND  
16 ALTERNATE DELEGATE TO A NATIONAL CONVENTION APPEAR ON THE BALLOT, DESIG-  
17 NATION OF CANDIDATES FOR SUCH POSITIONS SHALL BE MADE PURSUANT TO THE  
18 PROVISIONS OF SECTIONS 6-100, 6-118, 6-122, 6-130, 6-132 (EXCEPT THAT  
19 REFERENCES TO A COMMITTEE TO FILL VACANCIES SHALL BE DEEMED REFERENCES  
20 TO A COMMITTEE TO RECEIVE NOTICES), 6-134, 6-144, THE PROVISIONS WITH  
21 RESPECT TO DECLINATIONS IN SUBDIVISIONS ONE AND TWO OF SECTION 6-146  
22 (EXCEPT THAT REFERENCES TO A COMMITTEE TO FILL VACANCIES SHALL BE  
23 DEEMED REFERENCES TO A COMMITTEE TO RECEIVE NOTICES), 6-147, 6-154, AND  
24 SUBDIVISION ONE AND THE PROVISION WITH RESPECT TO DECLINATIONS IN SUBDI-  
25 VISION TWO AND SUBDIVISION THREE OF SECTION 6-158 OF THIS CHAPTER.

26 B. CANDIDATES FOR THE POSITIONS OF DISTRICT DELEGATE AND ALTERNATE  
27 DISTRICT DELEGATE TO A NATIONAL PARTY CONVENTION PURSUANT TO THE  
28 PROVISIONS OF THIS SECTION SHALL BE ENROLLED MEMBERS OF SUCH PARTY AND  
29 RESIDENTS OF THE DISTRICT IN WHICH THEY ARE CANDIDATES. THE CONGRES-  
30 SIONAL DISTRICTS USED FOR THE ELECTION OF SUCH DELEGATES AND ALTERNATE  
31 DELEGATES SHALL BE THOSE DISTRICTS IN EFFECT FOR THE TWO THOUSAND TEN  
32 CONGRESSIONAL ELECTIONS UNLESS NEW DISTRICT LINES DEVELOPED PURSUANT TO  
33 THE STATE'S CONGRESSIONAL REDISTRICTING BASED UPON THE TWO THOUSAND TEN  
34 FEDERAL CENSUS HAVE BEEN ENACTED INTO LAW AT LEAST NINETEEN WEEKS BEFORE  
35 THE DATE OF THE PRESIDENTIAL PRIMARY.

36 C. DESIGNATING PETITIONS FOR CANDIDATES FOR SUCH POSITIONS MUST BE  
37 SIGNED BY AT LEAST FIVE HUNDRED ENROLLED VOTERS OF THE PARTY RESIDING IN  
38 THE DISTRICT IN WHICH SUCH CANDIDATES ARE DESIGNATED, OR BY AT LEAST  
39 ONE-HALF OF ONE PERCENT (0.5%) OF THE THEN ENROLLED VOTERS OF SUCH PARTY  
40 IN SUCH DISTRICT, WHICHEVER IS LESS.

41 D. THE DESIGNATING PETITION FOR ANY SUCH CANDIDATE OR CANDIDATES SHALL  
42 HAVE PRINTED THEREON PRIOR TO THE AFFIXING OF ANY SIGNATURES THERETO, A  
43 LEGEND NAMING THE PRESIDENTIAL CANDIDATE WHOM SUCH CANDIDATES ARE  
44 PLEDGED TO SUPPORT, OR A LEGEND THAT SUCH CANDIDATES ARE UNCOMMITTED.  
45 SUCH LEGEND SHALL BE PART OF THE TITLE OF SUCH POSITION.

46 E. NO DESIGNATING PETITION CONTAINING THE NAMES OF MORE THAN ONE  
47 CANDIDATE FOR EITHER SUCH POSITION SHALL BE VALID UNLESS ALL SUCH CANDI-  
48 DATES FOR SUCH POSITIONS HAVE PRINTED ON SUCH PETITION THE LEGEND THAT  
49 THEY ARE PLEDGED TO THE SAME PRESIDENTIAL CANDIDATE OR UNLESS ALL SUCH  
50 CANDIDATES FOR SUCH POSITIONS HAVE PRINTED ON SUCH PETITION THE LEGEND  
51 THAT THEY ARE UNCOMMITTED.

52 F. NO DESIGNATING PETITION CONTAINING THE NAMES OF MORE THAN ONE  
53 CANDIDATE FOR EITHER SUCH POSITION SHALL BE PRESUMPTIVELY VALID UNLESS  
54 THE CANDIDATES FOR DELEGATE AS A GROUP AND THE CANDIDATES FOR ALTERNATE  
55 AS A GROUP ARE EQUALLY DIVIDED BETWEEN MALES AND FEMALES, WITH A VARI-  
56 ANCE NO GREATER THAN ONE.

1 G. IN THE EVENT THAT A DESIGNATING PETITION IS FILED FOR CANDIDATES  
2 FOR SUCH POSITIONS LISTED AS PLEDGED TO SUPPORT A PRESIDENTIAL CANDIDATE  
3 OR AS UNCOMMITTED, AND THE NAME OF SUCH PRESIDENTIAL CANDIDATE, OR THE  
4 WORD UNCOMMITTED, WILL NOT APPEAR ON THE BALLOT AT THE PRESIDENTIAL  
5 PRIMARY ELECTION IN TWO THOUSAND TWELVE, THEN THE PETITION DESIGNATING  
6 SUCH CANDIDATES FOR SUCH POSITIONS SHALL BE NULL AND VOID AND THE NAMES  
7 OF SUCH CANDIDATES FOR SUCH POSITIONS SHALL NOT APPEAR ON THE BALLOT.

8 H. EVERY BOARD OF ELECTIONS WITH WHICH DESIGNATING PETITIONS ARE FILED  
9 PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL, NOT LATER THAN FOUR  
10 DAYS AFTER THE LAST DAY TO FILE SUCH PETITIONS, FILE WITH THE STATE  
11 BOARD OF ELECTIONS BY EXPRESS MAIL OR BY ELECTRONIC TRANSMISSION, A  
12 COMPLETE LIST OF ALL CANDIDATES FOR DELEGATE AND ALTERNATE DELEGATE  
13 TOGETHER WITH THEIR RESIDENCE ADDRESSES, THE DISTRICTS IN WHICH THEY ARE  
14 CANDIDATES AND THE NAME OF THE PRESIDENTIAL CANDIDATE WHOM THEY ARE  
15 PLEDGED TO SUPPORT OR THAT THEY ARE UNCOMMITTED. SUCH BOARDS OF  
16 ELECTIONS SHALL, NOT LATER THAN THE DAY AFTER A CERTIFICATE OF DECLINA-  
17 TION OR SUBSTITUTION IS FILED WITH RESPECT TO ANY SUCH CANDIDATE, FILE  
18 SUCH INFORMATION WITH RESPECT TO SUCH CANDIDATE WITH THE STATE BOARD OF  
19 ELECTIONS BY ELECTRONIC TRANSMISSION.

20 7. A. THE RULES OF A STATE COMMITTEE ADOPTED PURSUANT TO THE  
21 PROVISIONS OF THIS SECTION MAY PROVIDE THAT NO CANDIDATE FOR THE POSI-  
22 TIONS OF DELEGATE AND ALTERNATE DELEGATE MAY APPEAR ON THE BALLOT AS  
23 PLEDGED TO SUPPORT A PARTICULAR PRESIDENTIAL CANDIDATE, OR AS UNCOMMIT-  
24 TED, UNLESS THE NAME OF SUCH CANDIDATE FOR SUCH POSITION APPEARS ON A  
25 CERTIFICATE LISTING THE NAMES OF THOSE CANDIDATES FOR SUCH POSITIONS WHO  
26 HAVE FILED STATEMENTS OF CANDIDACY FOR SUCH POSITIONS WITH THE SECRETARY  
27 OF THE STATE COMMITTEE WITHIN THE TIME PRESCRIBED BY SUCH RULES AND WHO,  
28 IF THEIR STATEMENTS OF CANDIDACY CONTAINED A PLEDGE OF SUPPORT OF A  
29 PRESIDENTIAL CANDIDATE, WERE NOT REJECTED BY SUCH PRESIDENTIAL CANDI-  
30 DATE. SUCH CERTIFICATE SHALL ALSO LIST THE ADDRESS AND SEX OF EACH SUCH  
31 CANDIDATE FOR DELEGATE AND ALTERNATE DELEGATE AND THE DISTRICT IN WHICH  
32 SUCH CANDIDATE MAY APPEAR ON THE BALLOT.

33 B. SUCH CERTIFICATE SHALL BE FILED BY THE SECRETARY OF SUCH STATE  
34 COMMITTEE, WITH THE BOARD OF ELECTIONS WITH WHICH THE DESIGNATING  
35 PETITIONS FOR SUCH CANDIDATES FOR SUCH POSITIONS ARE REQUIRED TO BE  
36 FILED, NOT LATER THAN FEBRUARY TWENTY-FIRST, TWO THOUSAND TWELVE.

37 C. IN THE EVENT THAT A DESIGNATING PETITION FOR CANDIDATES FOR SUCH  
38 POSITIONS, LISTED AS PLEDGED TO SUPPORT A PRESIDENTIAL CANDIDATE,  
39 CONTAINS THE NAMES OF ONE OR MORE PERSONS WHO HAVE NOT BEEN PERMITTED BY  
40 SUCH PRESIDENTIAL CANDIDATE TO APPEAR ON THE BALLOT AS SO PLEDGED PURSU-  
41 ANT TO THE PROVISIONS OF THIS SECTION, THEN THE NAMES OF SUCH CANDIDATES  
42 SHALL NOT APPEAR ON THE BALLOT BUT THE NAMES OF OTHER CANDIDATES ON SUCH  
43 PETITION WHO HAVE BEEN PERMITTED BY THE PRESIDENTIAL CANDIDATE TO APPEAR  
44 ON THE BALLOT SHALL BE PLACED ON THE BALLOT PROVIDED THAT SUCH CANDI-  
45 DATES ARE OTHERWISE ELIGIBLE AND THAT SUCH PETITION IS OTHERWISE VALID.

46 D. THE STATE BOARD OF ELECTIONS SHALL SEND A COPY OF THE CERTIFICATE  
47 REQUIRED BY SECTION 4-110 OF THIS CHAPTER TO THE SECRETARY OF THE STATE  
48 COMMITTEE OF EACH PARTY CONDUCTING A PRIMARY PURSUANT TO THE PROVISIONS  
49 OF THIS SECTION. EVERY OTHER BOARD OF ELECTIONS WITH WHICH DESIGNATING  
50 PETITIONS FOR DELEGATE AND ALTERNATE DELEGATE WERE FILED PURSUANT TO THE  
51 PROVISIONS OF THIS SECTION SHALL, NOT LATER THAN MARCH SECOND, TWO THOU-  
52 SAND TWELVE, SEND A LIST OF THE NAMES AND ADDRESSES OF THOSE CANDIDATES  
53 WHO WILL APPEAR ON THE BALLOT TO THE SECRETARY OF EACH SUCH STATE  
54 COMMITTEE.

55 8. A. IF THE RULES OF A STATE COMMITTEE ADOPTED PURSUANT TO THE  
56 PROVISIONS OF THIS SECTION PROVIDE FOR AN ELECTION IN WHICH CANDIDATES

1 FOR THE OFFICE OF PRESIDENT OF THE UNITED STATES AND THE WORD "UNCOMMIT-  
2 TED" AND CANDIDATES FOR THE POSITIONS OF DELEGATE AND ALTERNATE DELEGATE  
3 TO A NATIONAL CONVENTION APPEAR ON THE BALLOT, SUCH BALLOT SHALL BE  
4 ARRANGED IN THE MANNER PRESCRIBED BY THIS SECTION.

5 B. THE NAME OF EACH CANDIDATE FOR THE OFFICE OF PRESIDENT OF THE  
6 UNITED STATES WHO HAS QUALIFIED TO APPEAR ON THE BALLOT AND THE WORD  
7 "UNCOMMITTED," IF A VALID DESIGNATING PETITION TO PLACE SUCH WORD ON THE  
8 BALLOT WAS FILED WITH THE STATE BOARD OF ELECTIONS, SHALL APPEAR IN A  
9 SEPARATE ROW OR COLUMN. THE NAMES OF ALL THE CANDIDATES FOR DELEGATE TO  
10 A NATIONAL CONVENTION WHO FILED DESIGNATING PETITIONS CONTAINING A  
11 LEGEND NAMING THE PRESIDENTIAL CANDIDATE WHOM THEY ARE PLEDGED TO  
12 SUPPORT OR STATING THAT THEY ARE UNCOMMITTED SHALL BE LISTED IN SUCH ROW  
13 OR COLUMN IMMEDIATELY UNDER OR ADJACENT TO THE NAME OF SUCH PRESIDENTIAL  
14 CANDIDATE OR THE WORD "UNCOMMITTED," FOLLOWED BY THE NAMES OF ALL CANDI-  
15 DATES FOR ALTERNATE DELEGATE TO SUCH CONVENTION WHO FILED SUCH  
16 PETITIONS. IF THE NUMBER OF CANDIDATES, OR GROUPS OF CANDIDATES FOR  
17 DELEGATE AND ALTERNATE DELEGATE WHO ARE PLEDGED TO SUPPORT A PARTICULAR  
18 PRESIDENTIAL CANDIDATE OR WHO ARE UNCOMMITTED IS GREATER THAN THE NUMBER  
19 WHO MAY BE LISTED IN ONE ROW OR COLUMN AND IF THERE ARE MORE ROWS OR  
20 COLUMNS AVAILABLE ON THE BALLOT THAN ARE REQUIRED FOR THE CANDIDATES FOR  
21 PRESIDENT WHO HAVE QUALIFIED TO APPEAR ON THE BALLOT, THEN THE BOARD OF  
22 ELECTIONS SHALL USE TWO ROWS OR COLUMNS ON SUCH BALLOT TO LIST THE NAMES  
23 OF SUCH CANDIDATES FOR DELEGATE AND ALTERNATE DELEGATE.

24 C. THE ORDER OF THE NAMES OF CANDIDATES FOR THE OFFICE OF PRESIDENT  
25 AND THE WORD "UNCOMMITTED" ON THE BALLOT AND THE ORDER OF THE NAMES OF  
26 CANDIDATES FOR THE POSITIONS OF DELEGATE OR ALTERNATE DELEGATE WITHIN A  
27 PARTICULAR ROW OR COLUMN SHALL BE DETERMINED PURSUANT TO THE PROVISIONS  
28 OF SUBDIVISION THREE OF SECTION 7-116 OF THIS CHAPTER EXCEPT THAT NAMES  
29 OF CANDIDATES FOR SUCH POSITIONS WHO ARE DESIGNATED BY INDIVIDUAL  
30 PETITIONS AND NOT IN A GROUP SHALL HAVE THEIR POSITIONS DETERMINED BY  
31 LOT IN THE SAME DRAWING AS GROUPS AND EXCEPT FURTHER THAT CANDIDATES OR  
32 GROUPS OF CANDIDATES FOR DELEGATES AND ALTERNATE DELEGATES DESIGNATED BY  
33 THE SAME PETITION SHALL BE TREATED AS ONE GROUP FOR THE PURPOSES OF SUCH  
34 DETERMINATION BY LOT. THE PROVISIONS OF SUBDIVISION SIX OF SUCH SECTION  
35 7-116 OF THIS CHAPTER SHALL NOT APPLY TO ANY ELECTION CONDUCTED PURSUANT  
36 TO THE PROVISIONS OF THIS SECTION.

37 D. IMMEDIATELY FOLLOWING THE NAME OF EACH CANDIDATE FOR DELEGATE AND  
38 ALTERNATE DELEGATE ON THE BALLOT SHALL APPEAR, IN PARENTHESIS, THE  
39 LETTER (M) IF SUCH CANDIDATE IS MALE AND THE LETTER (F) IF SUCH CANDI-  
40 DATE IS FEMALE.

41 9. ALL PRIMARY ELECTIONS CONDUCTED PURSUANT TO THE PROVISIONS OF THIS  
42 SECTION SHALL BE ON VOTING MACHINES.

43 10. PERSONS ENTITLED TO VOTE PURSUANT TO SECTION 11-200 OF THIS CHAP-  
44 TER SHALL BE ENTITLED TO SIGN DESIGNATING PETITIONS FOR, AND VOTE IN,  
45 ANY ELECTION HELD PURSUANT TO THE PROVISIONS OF THIS SECTION.

46 11. IF THE RULES OF A STATE COMMITTEE PROVIDE FOR A PRIMARY ELECTION  
47 IN WHICH THE OFFICE OF PRESIDENT OF THE UNITED STATES AND THE POSITIONS  
48 OF DELEGATE AND ALTERNATE DELEGATE TO A NATIONAL CONVENTION APPEAR ON  
49 THE BALLOT PURSUANT TO THE PROVISIONS OF THIS SECTION, THE STATE BOARD  
50 OF ELECTIONS AND THE COUNTY BOARDS OF ELECTIONS AS THE CASE MAY BE SHALL  
51 CANVASS THE RESULTS OF SUCH PRIMARY ELECTION FOR SUCH OFFICE AND POSI-  
52 TIONS PURSUANT TO THE PROVISIONS OF SECTIONS 9-200 AND 9-202 OF THIS  
53 CHAPTER, AND SHALL CERTIFY TO THE SECRETARY OF THE STATE COMMITTEE OF  
54 SUCH PARTY THE VOTE CAST FOR EACH CANDIDATE FOR SUCH OFFICE AND POSI-  
55 TIONS IN SUCH PRIMARY ELECTION AND THE VOTE CAST FOR THE "UNCOMMITTED"  
56 PREFERENCE, TALLIED SEPARATELY BY CONGRESSIONAL DISTRICTS, EXCEPT THAT

1 NO CANDIDATE OR "UNCOMMITTED" PREFERENCE SHALL BE CERTIFIED AS NOMINATED  
2 OR ELECTED TO ANY SUCH OFFICE OR POSITION.

3 12. EXCEPT AS PROVIDED IN THIS SECTION AND PARTY RULES AND REGU-  
4 LATIONS, ALL PROVISIONS OF THE ELECTION LAW, EXCEPT ANY PROVISIONS OF  
5 SECTION 2-122 OF THIS ARTICLE WHICH ARE INCONSISTENT WITH THIS SECTION  
6 AND THOSE SECTIONS AND SUBDIVISIONS OF ARTICLE SIX OF THIS CHAPTER NOT  
7 SPECIFIED IN THIS SECTION, SHALL APPLY TO ELECTIONS CONDUCTED PURSUANT  
8 TO THIS SECTION.

9 S 4. The election law is amended by adding a new section 2-122-b to  
10 read as follows:

11 S 2-122-B. PRESIDENTIAL PRIMARY. 1. APPLICABILITY. THE SELECTION OF  
12 DELEGATES AND ALTERNATE DELEGATES FROM NEW YORK STATE TO THE NATIONAL  
13 CONVENTION OF THE REPUBLICAN PARTY IN EACH YEAR IN WHICH ELECTORS OF  
14 PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES ARE TO BE ELECTED  
15 SHALL BE CONDUCTED PURSUANT TO THE PROVISIONS OF THIS SECTION. THE STATE  
16 COMMITTEE OF ANY OTHER POLITICAL PARTY MAY, BY RULE OR RESOLUTION, OPT  
17 TO CONDUCT THE SELECTION OF DELEGATES AND ALTERNATE DELEGATES IN ANY  
18 SUCH YEAR IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. A CERTIFIED  
19 COPY OF SUCH RULE OR RESOLUTION SHALL BE FILED WITH THE STATE BOARD OF  
20 ELECTIONS NO LATER THAN TWENTY WEEKS PRIOR TO THE DATE OF SUCH ELECTION.

21 2. GENERAL PROVISIONS. THE SELECTION OF DELEGATES AND ALTERNATE DELEG-  
22 ATES TO A NATIONAL CONVENTION OR CONFERENCE OF A POLITICAL PARTY PURSU-  
23 ANT TO THIS SECTION SHALL BE DETERMINED BY THE VOTES CAST AT A STATEWIDE  
24 PRIMARY ELECTION FOR CANDIDATES FOR THE OFFICE OF PRESIDENT OF THE  
25 UNITED STATES IN WHICH THE NAMES OF CANDIDATES FOR SUCH OFFICE APPEAR ON  
26 THE BALLOT AND THE NAMES OF DELEGATES AND ALTERNATE DELEGATES DO NOT  
27 APPEAR ON SUCH BALLOT. THE TOTAL NUMBER OF DELEGATES AND ALTERNATE  
28 DELEGATES SHALL BE DETERMINED BY THE CALL FOR THE NATIONAL CONVENTION.  
29 THREE DELEGATES AND THREE ALTERNATE DELEGATES SHALL BE ELECTED FROM  
30 EVERY CONGRESSIONAL DISTRICT IN THE STATE, UNLESS THE RULES OF THE  
31 NATIONAL REPUBLICAN PARTY AND/OR THE CALL FOR THE NATIONAL CONVENTION  
32 PROVIDE DIFFERENTLY. THE TOTAL NUMBER OF DELEGATES AND ALTERNATE DELEG-  
33 ATES AS ESTABLISHED BY THE CALL FOR THE NATIONAL CONVENTION MINUS THE  
34 NUMBER OF DELEGATES AND ALTERNATE DELEGATES TO BE ELECTED FROM THE  
35 CONGRESSIONAL DISTRICTS SHALL BE DESIGNATED AT-LARGE DELEGATES AND  
36 AT-LARGE ALTERNATE DELEGATES.

37 A POLITICAL PARTY SHALL CERTIFY TO THE STATE BOARD OF ELECTIONS, AT  
38 LEAST TWELVE WEEKS PRIOR TO THE DATE OF THE PRESIDENTIAL PRIMARY, THE  
39 NUMBER OF DELEGATES TO WHICH SUCH PARTY IS ENTITLED PURSUANT TO ITS  
40 RULES.

41 CONGRESSIONAL DISTRICT DELEGATES AND ALTERNATE DELEGATES SHALL BE  
42 ELECTED AT SEPARATE AND DISTINCT PRIMARY ELECTIONS HELD WITHIN EACH  
43 CONGRESSIONAL DISTRICT OF THE STATE. CONGRESSIONAL DISTRICT DELEGATES  
44 SHALL BE ALLOCATED TO PRESIDENTIAL CANDIDATES PURSUANT TO SUBDIVISION  
45 FOUR OF THIS SECTION. AT-LARGE DELEGATES AND ALTERNATE DELEGATES SHALL  
46 BE ELECTED BY THE STATE COMMITTEE AND ALLOCATED TO PRESIDENTIAL CANDI-  
47 DATES PURSUANT TO SUBDIVISION FIVE OF THIS SECTION.

48 3. BALLOT ACCESS METHODS. CANDIDATES SHALL BE ELIGIBLE TO APPEAR ON  
49 THE BALLOT IN A PRIMARY ELECTION OF A POLITICAL PARTY FOR THE OFFICE OF  
50 PRESIDENT OF THE UNITED STATES PURSUANT TO ANY OF THE FOLLOWING  
51 PROVISIONS:

52 A. ANY CANDIDATE WHO HAS BEEN CERTIFIED AS ELIGIBLE TO RECEIVE PRESI-  
53 DENTIAL PRIMARY MATCHING FUND PAYMENTS PURSUANT TO THE PROVISIONS OF 11  
54 CODE OF FEDERAL REGULATIONS PART 9033, OR ANY CANDIDATE WHO MEETS THE  
55 ELIGIBILITY CRITERIA REGARDING MATCHABLE CONTRIBUTIONS ESTABLISHED IN 11  
56 CODE OF FEDERAL REGULATIONS PART 9033.2(B)(3) REGARDLESS OF WHETHER SUCH

1 CANDIDATE ACTUALLY APPLIED FOR SUCH MATCHING FUND PAYMENTS, MAY REQUEST,  
2 BY CERTIFICATE FILED AND RECEIVED BY THE STATE BOARD OF ELECTIONS NO  
3 SOONER THAN TWELVE WEEKS AND NOT LATER THAN NINE WEEKS PRIOR TO THE DATE  
4 OF THE PRESIDENTIAL PRIMARY, THAT THE NAME OF SUCH CANDIDATE APPEAR ON  
5 THE BALLOT AT THE PRIMARY OF SUCH PARTY IN THE STATE OF NEW YORK FOR  
6 THAT YEAR.

7 B. ANY CANDIDATE MAY REQUEST, BY CERTIFICATE FILED AND RECEIVED BY THE  
8 STATE BOARD OF ELECTIONS NO SOONER THAN TWELVE WEEKS AND NOT LATER THAN  
9 NINE WEEKS PRIOR TO THE DATE OF THE PRESIDENTIAL PRIMARY, THAT THE NAME  
10 OF SUCH CANDIDATE APPEAR ON THE BALLOT AT THE PRIMARY OF SUCH PARTY IN  
11 THE STATE OF NEW YORK FOR THE OFFICE OF PRESIDENT OF THE UNITED STATES.  
12 SUCH CANDIDATE SHALL BE ELIGIBLE TO APPEAR ON THE BALLOT OF SUCH PARTY  
13 IN THE STATE OF NEW YORK AT THE PRIMARY ELECTION FOR THAT YEAR IF THE  
14 STATE BOARD OF ELECTIONS DETERMINES THAT THE PERSON IS A NATIONALLY  
15 KNOWN AND RECOGNIZED CANDIDATE AND THE CANDIDACY OF SUCH PERSON FOR THE  
16 PARTY NOMINATION FOR PRESIDENT IS GENERALLY AND SERIOUSLY ADVOCATED OR  
17 RECOGNIZED ACCORDING TO REPORTS IN THE NATIONAL OR STATE NEWS MEDIA.  
18 NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW TO THE CONTRARY, A  
19 REQUEST BY A CANDIDATE TO APPEAR ON THE PRESIDENTIAL PRIMARY BALLOT OF A  
20 MAJOR POLITICAL PARTY SHALL BE DETERMINED SOLELY UPON A JOINT RECOMMEN-  
21 DATION BY THE COMMISSIONERS OF THE STATE BOARD OF ELECTIONS WHO HAVE  
22 BEEN APPOINTED ON THE RECOMMENDATION OF SUCH POLITICAL PARTY OR THE  
23 LEGISLATIVE LEADERS OF SUCH POLITICAL PARTY, AND NO OTHER COMMISSIONER  
24 OF THE STATE BOARD OF ELECTIONS SHALL PARTICIPATE IN SUCH DETERMINATION.  
25 THE STATE BOARD OF ELECTIONS SHALL ACT UPON ANY SUCH REQUEST WITHIN TWO  
26 WEEKS OF ITS RECEIPT BY THE STATE BOARD.

27 C. ANY CANDIDATE SHALL BE ELIGIBLE TO APPEAR ON THE BALLOT PURSUANT TO  
28 THE PROVISIONS OF ARTICLE SIX OF THIS CHAPTER. DESIGNATING PETITIONS  
29 SHALL BE SIGNED BY NOT LESS THAN FIVE THOUSAND OR FIVE PERCENT, WHICHEV-  
30 ER IS LESS, OF THE THEN ENROLLED VOTERS OF THE PARTY IN THE STATE.

31 D. ANY CANDIDATE MEETING THE REQUIREMENTS OF PARAGRAPH A, B OR C OF  
32 THIS SUBDIVISION, SHALL FILE A CERTIFICATE WITH AND HAVE SUCH CERTIF-  
33 ICATE RECEIVED BY THE STATE BOARD OF ELECTIONS NO SOONER THAN TWELVE  
34 WEEKS AND NO LATER THAN NINE WEEKS PRIOR TO THE DATE OF THE PRIMARY  
35 ELECTION ON WHICH THEIR NAME WILL APPEAR, PROVIDING A COMPLETE ELECTION  
36 PRIORITIZED LIST OF PROPOSED CONGRESSIONAL DISTRICT DELEGATES AND  
37 CONGRESSIONAL DISTRICT ALTERNATE DELEGATES SUPPORTING AND COMMITTED TO  
38 THEIR PRESIDENTIAL CANDIDACY FOR EACH SUCH POSITION FROM THE CONGRES-  
39 SIONAL DISTRICTS TO BE ELECTED AT THE PRIMARY ELECTION. EACH SUCH  
40 PROPOSED CONGRESSIONAL DISTRICT DELEGATE AND CONGRESSIONAL DISTRICT  
41 ALTERNATE DELEGATE MUST BE AN ENROLLED MEMBER OF THE REPUBLICAN PARTY  
42 AND RESIDE IN THE CONGRESSIONAL DISTRICT WHICH THEY SEEK TO REPRESENT.  
43 THE STATE BOARD OF ELECTIONS SHALL REVIEW EACH SUCH SLATE AND IF IT  
44 DETERMINES THAT SUCH SLATE IS NOT COMPLETE OR IS NOT OTHERWISE IN  
45 COMPLIANCE WITH THE PROVISIONS OF THIS PARAGRAPH, IT SHALL NOTIFY THE  
46 PRESIDENTIAL CANDIDATE OF ANY DEFECTS FORTHWITH AND PROVIDE SUCH PRESI-  
47 DENTIAL CANDIDATE WITH FIVE BUSINESS DAYS TO CURE ANY DEFECTS. A PRESI-  
48 DENTIAL CANDIDATE ELIGIBLE TO APPEAR ON THE PRIMARY BALLOT PURSUANT TO  
49 THE PROVISIONS OF PARAGRAPH A, B OR C OF THIS SUBDIVISION SHALL APPEAR  
50 ON SUCH PRIMARY BALLOT ONLY UPON THE FILING OF A CERTIFICATE IN COMPLI-  
51 ANCE WITH THE PROVISIONS OF THIS PARAGRAPH.

52 E. PRESIDENTIAL CANDIDATES DETERMINED ELIGIBLE TO APPEAR ON THE PRIMA-  
53 RY BALLOT MAY, BY FILING A CERTIFICATE WITH THE STATE BOARD OF ELECTIONS  
54 RECEIVED NO LATER THAN SEVEN DAYS BEFORE SUCH PRIMARY ELECTION, INVALIDI-  
55 DATE THEIR CANDIDACY THEREBY RENDERING ANY VOTES CAST FOR SUCH CANDI-  
56 DATES NULL AND VOID AND SUCH VOTES SHALL NOT BE COUNTED TOWARD STATEWIDE

1 OR CONGRESSIONAL DISTRICT VOTE TOTALS FOR PURPOSES OF ALLOCATING DELEG-  
2 ATES AND ALTERNATE DELEGATES PURSUANT TO SUBDIVISIONS FOUR AND FIVE OF  
3 THIS SECTION.

4 4. ELECTION OF DELEGATES AND ALTERNATE DELEGATES FROM CONGRESSIONAL  
5 DISTRICTS. A. EACH CONGRESSIONAL DISTRICT SHALL CONDUCT A SEPARATE AND  
6 DISTINCT PRIMARY ELECTION. ENROLLED REPUBLICAN VOTERS FROM A CONGRES-  
7 SIONAL DISTRICT SHALL VOTE FOR A PRESIDENTIAL CANDIDATE WHO HAS QUALI-  
8 FIED FOR THE PRIMARY BALLOT PURSUANT TO SUBDIVISION THREE OF THIS  
9 SECTION.

10 B. ALL THREE DELEGATES AND ALL THREE ALTERNATE DELEGATES FROM A  
11 CONGRESSIONAL DISTRICT SHALL BE AWARDED TO A PRESIDENTIAL CANDIDATE WHO  
12 RECEIVES A MAJORITY OF THE TOTAL VOTES CAST FOR PRESIDENTIAL CANDIDATES  
13 IN SUCH CONGRESSIONAL DISTRICT. IF NO PRESIDENTIAL CANDIDATE RECEIVES A  
14 MAJORITY OF THE VOTES IN A CONGRESSIONAL DISTRICT, THE PRESIDENTIAL  
15 CANDIDATE RECEIVING THE MOST VOTES IN THE CONGRESSIONAL DISTRICT SHALL  
16 BE AWARDED TWO DELEGATES AND TWO ALTERNATE DELEGATES AND THE PRESIDEN-  
17 TIAL CANDIDATE WHO RECEIVES THE SECOND MOST VOTES IN THE CONGRESSIONAL  
18 DISTRICT SHALL BE AWARDED ONE DELEGATE AND ONE ALTERNATE DELEGATE,  
19 PROVIDED HOWEVER, THAT A PRESIDENTIAL CANDIDATE MUST RECEIVE AT LEAST  
20 TWENTY PERCENT OF THE TOTAL VOTES CAST FOR PRESIDENTIAL CANDIDATES IN  
21 THE CONGRESSIONAL DISTRICT IN ORDER TO BE AWARDED ANY DELEGATES AND  
22 ALTERNATE DELEGATES FROM THAT CONGRESSIONAL DISTRICT. IF ONLY ONE PRESI-  
23 DENTIAL CANDIDATE RECEIVES TWENTY PERCENT OR MORE OF THE TOTAL VOTES  
24 CAST FOR PRESIDENTIAL CANDIDATES IN A CONGRESSIONAL DISTRICT, SUCH PRES-  
25 IDENTIAL CANDIDATE SHALL BE AWARDED ALL THREE DELEGATES AND ALL THREE  
26 ALTERNATE DELEGATES. IF NO PRESIDENTIAL CANDIDATE RECEIVES TWENTY  
27 PERCENT OR MORE OF THE TOTAL VOTES CAST FOR PRESIDENTIAL CANDIDATES IN A  
28 CONGRESSIONAL DISTRICT, THE THREE DELEGATE AND THREE ALTERNATE DELEGATE  
29 POSITIONS FROM SUCH DISTRICT SHALL BE DEEMED VACANT AND FILLED PURSUANT  
30 TO THE RULES OF THE NATIONAL REPUBLICAN PARTY.

31 C. (I) IF THE RULES OF THE NATIONAL REPUBLICAN PARTY OR THE CALL FOR  
32 THE NATIONAL CONVENTION PERMIT AND IF STATE CONGRESSIONAL REDISTRICTING  
33 IS NOT ENACTED PRIOR TO TWELVE WEEKS BEFORE THE DATE OF THE PRESIDENTIAL  
34 PRIMARY AND THE STATE HAS A NET LOSS OF CONGRESSIONAL DISTRICTS FOLLOW-  
35 ING REAPPORTIONMENT, TWO DELEGATES AND TWO ALTERNATE DELEGATES SHALL BE  
36 ELECTED FROM EACH OF THE PRE-APPORTIONMENT CONGRESSIONAL DISTRICTS. THE  
37 TWO DELEGATES AND THE TWO ALTERNATE DELEGATES FROM A CONGRESSIONAL  
38 DISTRICT SHALL BE AWARDED TO THE PRESIDENTIAL CANDIDATE RECEIVING THE  
39 MOST VOTES IN THE CONGRESSIONAL DISTRICT PROVIDED, HOWEVER, THAT A PRES-  
40 IDENTIAL CANDIDATE MUST RECEIVE AT LEAST TWENTY PERCENT OF THE TOTAL  
41 VOTES CAST FOR PRESIDENTIAL CANDIDATES IN THE CONGRESSIONAL DISTRICT IN  
42 ORDER TO BE AWARDED ANY DELEGATES AND ALTERNATE DELEGATES FROM THAT  
43 CONGRESSIONAL DISTRICT. IF NO PRESIDENTIAL CANDIDATE RECEIVES TWENTY  
44 PERCENT OR MORE OF THE TOTAL VOTES CAST FOR PRESIDENTIAL CANDIDATES IN A  
45 CONGRESSIONAL DISTRICT, THE TWO DELEGATE AND TWO ALTERNATE DELEGATE  
46 POSITIONS FROM SUCH DISTRICT SHALL BE DEEMED VACANT AND FILLED PURSUANT  
47 TO THE RULES OF THE NATIONAL REPUBLICAN PARTY.

48 (II) IF THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH ARE NOT  
49 PERMITTED BY THE RULES OF THE NATIONAL REPUBLICAN PARTY OR THE CALL FOR  
50 THE NATIONAL CONVENTION, THE NEW YORK REPUBLICAN STATE COMMITTEE MAY  
51 ADOPT A PARTY RULE REGARDING THE ELECTION OF CONGRESSIONAL DISTRICT  
52 DELEGATES AND CONGRESSIONAL DISTRICT ALTERNATE DELEGATES TO TAKE EFFECT  
53 IN THE EVENT THAT STATE CONGRESSIONAL REDISTRICTING BASED UPON THE TWO  
54 THOUSAND TEN CONGRESSIONAL REAPPORTIONMENT IS NOT ENACTED PRIOR TO  
55 TWELVE WEEKS BEFORE THE DATE OF THE TWO THOUSAND TWELVE PRESIDENTIAL  
56 PRIMARY.



1 5. ELECTION OF AT LARGE DELEGATES AND AT LARGE ALTERNATE DELEGATES.  
2 AT-LARGE DELEGATES AND AT-LARGE ALTERNATE DELEGATES SHALL BE ELECTED BY  
3 THE NEW YORK REPUBLICAN STATE COMMITTEE AND AWARDED TO PRESIDENTIAL  
4 CANDIDATES BASED UPON THE STATEWIDE VOTE RESULTS OF THE PRESIDENTIAL  
5 PRIMARY ELECTION. ALL AT-LARGE DELEGATES AND AT-LARGE ALTERNATE DELEG-  
6 ATES SHALL BE AWARDED TO A PRESIDENTIAL CANDIDATE WHO RECEIVES A MAJORI-  
7 TY OF THE STATEWIDE TOTAL VOTES CAST FOR PRESIDENTIAL CANDIDATES. IF NO  
8 PRESIDENTIAL CANDIDATE RECEIVES A MAJORITY OF THE STATEWIDE TOTAL VOTES  
9 CAST FOR PRESIDENTIAL CANDIDATES, AT-LARGE DELEGATES AND AT-LARGE ALTER-  
10 NATE DELEGATES SHALL BE ALLOCATED AND AWARDED AS FOLLOWS: BASED ON THE  
11 RATIO OF THE TOTAL STATEWIDE VOTE RECEIVED BY EACH PRESIDENTIAL CANDI-  
12 DATE IN RELATION TO THE TOTAL STATEWIDE VOTE FOR ALL PRESIDENTIAL CANDI-  
13 DATES RECEIVING AT LEAST TWENTY PERCENT OF THE STATEWIDE VOTE IN THE  
14 PRESIDENTIAL PRIMARY ELECTION, THE NEW YORK REPUBLICAN STATE COMMITTEE  
15 SHALL APPORTION PRO-RATA THE NUMBER OF AT-LARGE DELEGATES AND AT-LARGE  
16 ALTERNATE DELEGATES THAT EACH PRESIDENTIAL CANDIDATE IS ENTITLED TO  
17 RECEIVE ROUNDED TO THE NEAREST WHOLE NUMBER: PROVIDED HOWEVER, THAT A  
18 PRESIDENTIAL CANDIDATE MUST RECEIVE AT LEAST TWENTY PERCENT OF THE TOTAL  
19 STATEWIDE VOTE OF THE PRESIDENTIAL PRIMARY ELECTION IN ORDER TO BE  
20 AWARDED ANY AT-LARGE DELEGATES BY THE NEW YORK REPUBLICAN STATE COMMIT-  
21 TEE. IN THE EVENT THE PRO-RATA APPORTIONMENT OF DELEGATES LEAVES ONE OR  
22 MORE DELEGATES UNAWARDED BY PROCESS OF MATHEMATICAL DISTRIBUTION, THEN  
23 ANY SUCH DELEGATE OR DELEGATES, SHALL BE AWARDED TO THE PRESIDENTIAL  
24 CANDIDATE WITH THE MOST STATEWIDE VOTES FOR ALL PRESIDENTIAL CANDIDATES.  
25 IN THE EVENT PRO-RATA APPORTIONMENT ENTITLES PRESIDENTIAL CANDIDATES BY  
26 PROCESS OF MATHEMATICAL DISTRIBUTION TO MORE DELEGATES THAN ARE AUTHOR-  
27 IZED PURSUANT TO THE RULES OF THE NATIONAL REPUBLICAN PARTY AND THE CALL  
28 FOR THE NATIONAL CONVENTION, THEN THE NUMBER OF DELEGATES AWARDED FOR  
29 THE CANDIDATE RECEIVING THE LEAST STATEWIDE VOTES AMONG THOSE PRESIDEN-  
30 TIAL CANDIDATES OTHERWISE ENTITLED TO BE AWARDED DELEGATES, SHALL BE  
31 DECREASED TO THE EXTENT NECESSARY TO CONFORM TO THE NUMBER OF AUTHORIZED  
32 DELEGATE POSITIONS.

33 6. ALL PROVISIONS OF THIS CHAPTER WHICH ARE NOT INCONSISTENT WITH THIS  
34 SECTION SHALL BE APPLICABLE TO A PRIMARY ELECTION CONDUCTED PURSUANT TO  
35 THIS SECTION.

36 S 5. Section 6-158 of the election law is amended by adding a new  
37 subdivision 1-a to read as follows:

38 1-A. A DESIGNATING PETITION FILED FOR A PRESIDENTIAL PRIMARY ELECTION  
39 SHALL BE FILED NOT EARLIER THAN THE TWELFTH MONDAY BEFORE, AND NOT LATER  
40 THAN THE ELEVENTH THURSDAY PRECEDING THE PRESIDENTIAL PRIMARY ELECTION.

41 S 6. Section 4-110 of the election law, as amended by chapter 434 of  
42 the laws of 1984, is amended to read as follows:

43 S 4-110. Certification of primary election candidates; state board of  
44 elections. The state board of elections not later than thirty-six days  
45 before a primary election OR FIFTY-FOUR DAYS BEFORE A PRESIDENTIAL  
46 PRIMARY ELECTION, shall certify to each county board of elections: The  
47 name and residence of each candidate to be voted for within the poli-  
48 tical subdivision of such board for whom a designation has been filed  
49 with the state board; the title of the office or position for which the  
50 candidate is designated; the name of the party upon whose primary ballot  
51 his name is to be placed; and the order in which the names of the candi-  
52 dates are to be printed as determined by the state board. Where an  
53 office or position is uncontested, such certification shall state such  
54 fact.

55 S 7. Section 4-114 of the election law, as amended by chapter 4 of the  
56 laws of 2011, is amended to read as follows:

1 S 4-114. Determination of candidates and questions; county board of  
2 elections. The county board of elections, not later than the thirty-  
3 fifth day before the day of a primary or general election, or the  
4 fifty-third day before a special election OR PRESIDENTIAL PRIMARY  
5 ELECTION, shall determine the candidates duly nominated for public  
6 office and the questions that shall appear on the ballot within the  
7 jurisdiction of that board of elections.

8 S 8. Paragraph (a) of subdivision 1 of section 10-108 of the election  
9 law, as amended by chapter 4 of the laws of 2011, is amended to read as  
10 follows:

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

41 S 9. Subdivision 4 of section 11-204 of the election law, as amended  
42 by chapter 4 of the laws of 2011, is amended to read as follows:

43 4. If the board of elections shall determine that the applicant making  
44 the application provided for in this section is qualified to receive and  
45 vote a special federal ballot, it shall, as soon as practicable after it  
46 shall have so determined, or not later than thirty-two days before each  
47 general or primary election and forty-five days before each special  
48 election OR PRESIDENTIAL PRIMARY ELECTION in which such applicant is  
49 qualified to vote, or three days after receipt of such an application,  
50 whichever is later, mail to him or her at the residence address outside  
51 the United States shown in his or her application, a special federal  
52 ballot, an inner affirmation envelope and an outer envelope, or other-  
53 wise distribute same to the voter in accordance with the preferred meth-  
54 od of transmission designated by the voter pursuant to section 11-203 of  
55 this title. The board of elections shall also mail, or otherwise  
56 distribute in accordance with the preferred method of transmission

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

10 S 10. Separability. If any sentence, clause, subparagraph, paragraph,  
11 subdivision, section or other part of this act, or the application ther-  
12 eof to any party, person or circumstances shall be held or adjudged by  
13 any court of competent jurisdiction to be invalid, such holding or judg-  
14 ment shall not affect, impair or invalidate the remainder or any portion  
15 of the remainder of this act, or the application of such section or part  
16 of a section held or adjudged to be invalid, to any other person or  
17 circumstances, but shall be confined in its operation to the sentence,  
18 clause, subparagraph, paragraph, subdivision, section or other part of  
19 this act directly involved in the controversy in which such holding or  
20 judgment shall have been rendered, or to the party, person and circum-  
21 stances therein involved.

22 S 11. This act shall take effect immediately; except that if this act  
23 shall become a law after July 1, 2011, it shall take effect immediately  
24 and shall be deemed to have been in full force and effect on and after  
25 July 1, 2011; and shall expire December 31, 2012 when upon such date the  
26 provisions of this act shall be deemed repealed.