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

3500

2011-2012 Regular Sessions

I N S E N A T E

February 23, 2011

Introduced by Sens. O'MARA, BALL -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the public officers law and the election law, in relation to time frames within certain actions must be taken

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

Section 1. Subdivision 3 of section 42 of the public officers law, as amended by chapter 105 of the laws of 1943, is amended to read as follows:

3. Upon the failure to elect to any office, except that of governor or lieutenant-governor, at a general or special election, at which such office is authorized to be filled, or upon the death or disqualification of a person elected to office before the commencement of his OR HER official term, or upon the occurrence of a vacancy in any elective office which cannot be filled by appointment for a period extending to or beyond the next general election at which a person may be elected thereto, the governor may in his OR HER discretion make proclamation of a special election to fill such office, specifying the district or county in which the election is to be held, and the day thereof, which shall be not less than [thirty] SEVENTY nor more than [forty] EIGHTY days from the date of the proclamation.

S 2. Subdivision 1 of section 4-112 of the election law, as amended by chapter 434 of the laws of 1984, is amended to read as follows:

1. The state board of elections not later than thirty-six days before a general election, or [thirteen] FIFTY-THREE days before a special election, shall certify to each county board of elections the name and residence of each candidate nominated in any valid certificate filed with it or by the returns canvassed by it, the title of the office for which nominated; the name of the party or body specified of which he is a candidate; the emblem chosen to distinguish the candidates of the

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

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party or body; and a notation as to whether or not any litigation is pending concerning the candidacy. Upon the completion of any such litigation, the state board of elections shall forthwith notify the appropriate county boards of elections of the results of such litigation.

S 3. Section 4-114 of the election law, as amended by chapter 434 of the laws of 1984, is amended to read as follows:

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

S 4. The second undesignated paragraph of section 9-214 of the election law, as amended by chapter 234 of the laws of 1976, is amended to read as follows:

The board of elections shall transmit to the secretary of state within twenty-five days after a general election, and within [ten] TWENTY days after a special election, a list of the names and residences of all persons determined by the canvassing board to be elected to any county office.

S 5. Paragraph (a) of subdivision 1 of section 10-108 of the election law, as amended by chapter 104 of the laws of 2010, is amended to read as follows:

(a) Ballots for military voters shall be mailed or otherwise distributed by the board of elections, in accordance with the preferred method of transmission designated by the voter pursuant to section 10-107 of this article, AS SOON AS PRACTICABLE BUT IN ANY EVENT not later than thirty-two days before a primary or general election; twenty-five days before a New York city community school board district or city of Buffalo school district election; fourteen days before a village election conducted by the board of elections; and [twelve] FORTY-FIVE days before a special election. A voter who submits a military ballot application shall be entitled to a military ballot thereafter for each subsequent election through and including the next two regularly scheduled general elections held in even numbered years, including any run-offs which may occur; provided, however, such application shall not be valid for any election held within seven days after its receipt. Ballots shall also be mailed to any qualified military voter who is already registered and who requests such military ballot from such board of elections in a letter, which is signed by the voter and received by the board of elections not later than the seventh day before the election for which the ballot is requested and which states the address where the voter is registered and the address to which the ballot is to be mailed. The board of elections shall enclose with such ballot a form of application for military ballot. In the case of a primary election, the board shall deliver only the ballot of the party with which the military voter is enrolled according to the military voter's registration records. In the event a primary election is uncontested in the military voter's election district for all offices or positions except the party position of member of the ward, town, city or county committee, no ballot shall be delivered to such military voter for such election; and the military voter shall be advised of the reason why he or she will not receive a ballot.

S 6. Subdivision 4 of section 11-204 of the election law, as amended by chapter 104 of the laws of 2010, is amended to read as follows:

4. If the board of elections shall determine that the applicant making the application provided for in this section is qualified to receive and vote a special federal ballot, it shall, as soon as practicable after it shall have so determined, or not later than thirty-two days before each general or primary election and [twelve] FORTY-FIVE days before each special election in which such applicant is qualified to vote, or three days after receipt of such an application, whichever is later, mail to him or her at the residence address outside the United States shown in his or her application, a special federal ballot, an inner affirmation envelope and an outer envelope, or otherwise distribute same to the voter in accordance with the preferred method of transmission designated by the voter pursuant to section 11-203 of this title. The board of elections shall also mail, or otherwise distribute in accordance with the preferred method of transmission designated by the voter pursuant to section 11-203 of this title, a special federal ballot to every qualified special federal voter who is already registered and who requests such special federal ballot from such board of elections in a letter, which is signed by the voter and received by the board of elections not later than the seventh day before the election for which the ballot is first requested and which states the address where the voter is registered and the address to which the ballot is to be mailed. The board of elections shall enclose with such ballot a form of application for a special federal ballot.

S 7. This act shall take effect immediately.