

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:

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

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

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

18 1. The state board of elections not later than thirty-six days before
19 a general election, or [thirteen] FIFTY-THREE days before a special
20 election, shall certify to each county board of elections the name and
21 residence of each candidate nominated in any valid certificate filed
22 with it or by the returns canvassed by it, the title of the office for
23 which nominated; the name of the party or body specified of which he is
24 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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1 party or body; and a notation as to whether or not any litigation is
2 pending concerning the candidacy. Upon the completion of any such liti-
3 gation, the state board of elections shall forthwith notify the appro-
4 priate county boards of elections of the results of such litigation.

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

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

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

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

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

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

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

1 4. If the board of elections shall determine that the applicant making
2 the application provided for in this section is qualified to receive and
3 vote a special federal ballot, it shall, as soon as practicable after it
4 shall have so determined, or not later than thirty-two days before each
5 general or primary election and [twelve] FORTY-FIVE days before each
6 special election in which such applicant is qualified to vote, or three
7 days after receipt of such an application, whichever is later, mail to
8 him or her at the residence address outside the United States shown in
9 his or her application, a special federal ballot, an inner affirmation
10 envelope and an outer envelope, or otherwise distribute same to the
11 voter in accordance with the preferred method of transmission designated
12 by the voter pursuant to section 11-203 of this title. The board of
13 elections shall also mail, or otherwise distribute in accordance with
14 the preferred method of transmission designated by the voter pursuant to
15 section 11-203 of this title, a special federal ballot to every quali-
16 fied special federal voter who is already registered and who requests
17 such special federal ballot from such board of elections in a letter,
18 which is signed by the voter and received by the board of elections not
19 later than the seventh day before the election for which the ballot is
20 first requested and which states the address where the voter is regis-
21 tered and the address to which the ballot is to be mailed. The board of
22 elections shall enclose with such ballot a form of application for a
23 special federal ballot.
24 S 7. This act shall take effect immediately.