

8198

2013-2014 Regular Sessions

I N A S S E M B L Y

October 21, 2013

Introduced by M. of A. SILVER, CUSICK, FARRELL, MORELLE, WRIGHT, GOTTFRIED, GALEF, AUBRY, DINOWITZ, MILLMAN, CAHILL, MARKEY, PAULIN, O'DONNELL, HEVESI, JAFFEE, DenDEKKER, ABINANTI, BRONSON, SIMOTAS, BRINDISI, SIMANOWITZ, MOSLEY, SKOUFIS, MAYER, McDONALD, ROZIC, ROSA, STIRPE, FAHY, SEPULVEDA -- Multi-Sponsored by -- M. of A. BENEDETTO, BRAUNSTEIN, BUCHWALD, COOK, KAVANAGH, KELLNER, LAVINE, MAGNARELLI, MILLER, MOYA, NOLAN, OTIS, RODRIGUEZ, RYAN, SCHIMEL, SCHIMMINGER, SWEENEY, THIELE, WEINSTEIN, WEISENBERG, ZEBROWSKI -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to primary elections and amending certain deadlines to facilitate the timely transmission of ballots to military voters stationed overseas; to amend the public officers law, in relation to filling vacancies in elective offices; and to amend the election law, in relation to date of primary elections

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

1 Section 1. Subdivision 1 of section 1-106 of the election law, as
2 amended by chapter 700 of the laws of 1977, is amended to read as
3 follows:
4 1. All papers required to be filed pursuant to the provisions of this
5 chapter shall, unless otherwise provided, be filed between the hours of
6 nine A.M. and five P.M. If the last day for filing shall fall on a
7 Saturday, Sunday or legal holiday, the next business day shall become
8 the last day for filing. All papers sent by mail in an envelope post-
9 marked prior to midnight of the last day of filing shall be deemed time-
10 ly filed and accepted for filing when received, except THAT ALL CERTIF-
11 ICATES AND PETITIONS OF DESIGNATION, CERTIFICATES OF ACCEPTANCE OR
12 DECLINATION OF SUCH DESIGNATIONS, CERTIFICATES OF AUTHORIZATION FOR SUCH
13 DESIGNATIONS, CERTIFICATES OF DISQUALIFICATION, CERTIFICATES OF SUBSTI-
14 TUTION FOR SUCH DESIGNATIONS AND OBJECTIONS AND SPECIFICATIONS OF

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

LBD11845-07-3

1 OBJECTIONS TO SUCH CERTIFICATES AND PETITIONS REQUIRED TO BE FILED WITH
2 THE STATE BOARD OF ELECTIONS OR A BOARD OF ELECTIONS OUTSIDE OF THE CITY
3 OF NEW YORK SHALL BE DEEMED TIMELY FILED AND ACCEPTED FOR FILING IF SENT
4 BY MAIL OR OVERNIGHT DELIVERY SERVICE AS DEFINED IN PARAGRAPH SIX OF
5 SUBDIVISION (B) OF RULE TWENTY-ONE HUNDRED THREE OF THE CIVIL PRACTICE
6 LAW AND RULES IN AN ENVELOPE POSTMARKED OR SHOWING RECEIPT BY THE OVER-
7 NIGHT DELIVERY SERVICE PRIOR TO MIDNIGHT OF THE LAST DAY OF FILING, AND
8 RECEIVED NO LATER THAN TWO BUSINESS DAYS AFTER THE LAST DAY TO FILE SUCH
9 CERTIFICATES, PETITIONS, OBJECTIONS OR SPECIFICATIONS. FAILURE OF THE
10 POST OFFICE OR ANY OTHER PERSON OR ENTITY TO DELIVER ANY SUCH PETITION,
11 CERTIFICATE OR OBJECTION TO SUCH BOARD OF ELECTIONS OUTSIDE THE CITY OF
12 NEW YORK NO LATER THAN TWO BUSINESS DAYS AFTER THE LAST DAY TO FILE SUCH
13 CERTIFICATES, PETITIONS, OBJECTIONS OR SPECIFICATIONS SHALL BE A FATAL
14 DEFECT. EXCEPTED FURTHER that all certificates and petitions of desig-
15 nation or nomination, certificates of acceptance or declination of such
16 designations and nominations, certificates of substitution for such
17 designations or nominations and objections and specifications of
18 objections to such certificates and petitions required to be filed with
19 the board of elections of the city of New York must be actually received
20 by such city board of elections on or before the last day to file any
21 such petition, certificate or objection and such office shall be open
22 for the receipt of such petitions, certificates and objections until
23 midnight on the last day to file any such petition, certificate or
24 objection. Failure of the post office or any other person or entity to
25 deliver any such petition, certificate or objection to such city board
26 of elections on or before such last day shall be a fatal defect.

27 S 2. Subdivision 1 of section 4-104 of the election law, as amended by
28 chapter 180 of the laws of 2005, is amended to read as follows:

29 1. Every board of elections shall, in consultation with each city,
30 town and village, designate the polling places in each election district
31 in which the meetings for the registration of voters, and for any
32 election may be held. The board of trustees of each village in which
33 general and special village elections conducted by the board of
34 elections are held at a time other than the time of a general election
35 shall submit such a list of polling places for such village elections to
36 the board of elections. A polling place may be located in a building
37 owned by a religious organization or used by it as a place of worship.
38 If such a building is designated as a polling place, it shall not be
39 required to be open for voter registration on any Saturday if this is
40 contrary to the religious beliefs of the religious organization. In such
41 a situation, the board of elections shall designate an alternate
42 location to be used for voter registration. Such polling places must be
43 designated by [May first] MARCH FIFTEENTH, of each year, and shall be
44 effective for one year thereafter. Such a list required to be submitted
45 by a village board of trustees must be submitted at least four months
46 before each general village election and shall be effective until four
47 months before the subsequent general village election. No place in which
48 a business licensed to sell alcoholic beverages for on premises consump-
49 tion is conducted on any day of local registration or of voting shall be
50 so designated. If, within the discretion of the board of elections a
51 particular polling place so designated is subsequently found to be
52 unsuitable or unsafe or should circumstances arise that make a desig-
53 nated polling place unsuitable or unsafe, then the board of elections is
54 empowered to select an alternative meeting place. In the city of New
55 York, the board of elections shall designate such polling places and

1 alternate registration places if the polling place cannot be used for
2 voter registration on Saturdays.

3 S 3. Subdivisions 1 and 2 of section 4-106 of the election law, subdi-
4 vision 2 as amended by chapter 635 of the laws of 1990, are amended to
5 read as follows:

6 1. The state board of elections shall, [at least eight months before
7 each] BY FEBRUARY FIRST IN THE YEAR OF THE general election, make and
8 transmit to the board of elections of each county, a certificate stating
9 each office, except county, city, village and town offices to be voted
10 for at such election in such county.

11 2. Each county, city, village and town clerk, [at least eight months
12 before each] BY FEBRUARY FIRST IN THE YEAR OF THE general election,
13 shall make and transmit to the board of elections a certificate stating
14 each county, city, village or town office, respectively to be voted for
15 at each such election. Each village clerk, at least five months before
16 each general village election conducted by the board of elections, shall
17 make, and transmit to such board, a certificate stating each village
18 office to be filled at such election.

19 S 4. Paragraph b of subdivision 1 of section 4-108 of the election
20 law, as amended by chapter 117 of the laws of 1985, is amended to read
21 as follows:

22 b. Whenever any proposal, proposition or referendum as provided by law
23 is to be submitted to a vote of the people of a county, city, town,
24 village or special district, at an election conducted by the board of
25 elections, the clerk of such political subdivision, at least [thirty-
26 six] SEVENTY days prior to the election at which such proposal, proposi-
27 tion or referendum is to be submitted, shall transmit to each board of
28 elections a certified copy of the text of such proposal, proposition or
29 referendum and a statement of the form in which it is to be submitted.
30 If a special election is to be held, such transmittal shall also give
31 the date of such election.

32 S 5. Section 4-110 of the election law, as amended by chapter 434 of
33 the laws of 1984, is amended to read as follows:

34 S 4-110. Certification of primary election candidates; state board of
35 elections. The state board of elections not later than [thirty-six]
36 FIFTY-FOUR days before a primary election OR A PRESIDENTIAL PRIMARY
37 ELECTION, shall certify to each county board of elections: The name and
38 residence of each candidate to be voted for within the political subdi-
39 vision of such board for whom a designation has been filed with the
40 state board; the title of the office or position for which the candidate
41 is designated; the name of the party upon whose primary ballot his OR
42 HER name is to be placed; and the order in which the names of the candi-
43 dates are to be printed as determined by the state board. Where an
44 office or position is uncontested, such certification shall state such
45 fact.

46 S 6. Subdivision 1 of section 4-112 of the election law, as amended by
47 chapter 4 of the laws of 2011, is amended to read as follows:

48 1. The state board of elections, not later than [thirty-six]
49 FIFTY-FOUR days before a general election, or fifty-three days before a
50 special election, shall certify to each county board of elections the
51 name and residence of each candidate nominated in any valid certificate
52 filed with it or by the returns canvassed by it, the title of the office
53 for which nominated; the name of the party or body specified of which he
54 OR SHE is a candidate; the emblem chosen to distinguish the candidates
55 of the party or body; and a notation as to whether or not any litigation
56 is pending concerning the candidacy. Upon the completion of any such

1 litigation, the state board of elections shall forthwith notify the
2 appropriate county boards of elections of the results of such liti-
3 gation.

4 S 7. Section 4-114 of the election law, as amended by chapter 99 of
5 the laws of 2013, is amended to read as follows:

6 S 4-114. Determination of candidates and questions; county board of
7 elections. The county board of elections, not later than the [thirty-
8 fifth] FIFTY-THIRD day before the day of a primary [or], general
9 [election, or the fifty-third day before a], special, OR PRESIDENTIAL
10 PRIMARY election, shall determine the candidates duly nominated for
11 public office and the questions that shall appear on the ballot within
12 the jurisdiction of that board of elections. Provided, however, in any
13 year in which there has been a run-off election in the city of New York,
14 the board of elections of such city shall, not later than the twenty-
15 eighth day before the general election in that year, determine the
16 candidates duly nominated for public office and the questions that shall
17 appear on the ballot within the jurisdiction of the board of elections
18 of the city of New York.

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

21 S 4-114. Determination of candidates and questions; county board of
22 elections. The county board of elections, not later than the [thirty-
23 fifth] FIFTY-THIRD day before the day of a primary [or], general
24 [election, or the fifty-third day before a], OR special election, shall
25 determine the candidates duly nominated for public office and the ques-
26 tions that shall appear on the ballot within the jurisdiction of that
27 board of elections.

28 S 8. Subdivision 1 of section 4-117 of the election law, as amended by
29 chapter 288 of the laws of 2009, is amended to read as follows:

30 1. The board of elections, [between August first and August fifth of
31 each year] NOT LESS THAN SIXTY-FIVE DAYS NOR MORE THAN SEVENTY DAYS
32 BEFORE THE PRIMARY ELECTION IN EACH YEAR, shall send by first class mail
33 on which is endorsed "ADDRESS CORRECTION REQUESTED" and which contains a
34 request that any such mail received for persons not residing at the
35 address be dropped back in the mail, a communication, in a form approved
36 by the state board of elections, to every registered voter who has been
37 registered without a change of address since the beginning of such year,
38 except that the board of elections shall not be required to send such
39 communications to voters in inactive status. The communication shall
40 notify the voter of the days and hours of the ensuing primary and gener-
41 al elections, the place where he OR SHE appears by his OR HER registra-
42 tion records to be entitled to vote, the fact that voters who have moved
43 or will have moved from the address where they were last registered must
44 re-register or, that if such move was to another address in the same
45 county or city, that such voter may either notify the board of elections
46 of his OR HER new address or vote by paper ballot at the polling place
47 for his OR HER new address even if such voter has not re-registered, or
48 otherwise notified the board of elections of the change of address. If
49 the location of the polling place for the voter's election district has
50 been moved, the communication shall contain the following legend in bold
51 type: "YOUR POLLING PLACE HAS BEEN CHANGED. YOU NOW VOTE AT.....".
52 The communication shall also indicate whether the polling place is
53 accessible to physically disabled voters, that a voter who will be out
54 of the city or county on the day of the primary or general election or a
55 voter who is ill or physically disabled may obtain an absentee ballot,
56 that a physically disabled voter whose polling place is not accessible

1 may request that his OR HER registration record be moved to an election
2 district which has a polling place which is accessible, the phone number
3 to call for applications to move a registration record or for absentee
4 ballot applications, the phone number to call for the location of regis-
5 tration and polling places, the phone number to call to indicate that
6 the voter is willing to serve on election day as an election inspector,
7 poll clerk, interpreter or in other capacities, the phone number to call
8 to obtain an application for registration by mail, and such other infor-
9 mation concerning the elections or registration as the board may
10 include. In lieu of sending such communication to every registered
11 voter, the board of elections may send a single communication to a
12 household containing more than one registered voter, provided that the
13 names of all such voters appear as part of the address on such communi-
14 cation.

15 S 9. Subdivision 1 of section 5-604 of the election law, as amended by
16 chapter 28 of the laws of 2010, is amended to read as follows:

17 1. The board of elections shall also cause to be published for each
18 election district a complete list of the registered voters of each
19 election district. Such list shall, in addition to the information
20 required for registration lists, include the party enrollment of each
21 voter. At least as many copies of such list shall be prepared as the
22 required minimum number of registration lists.

23 Lists for all the election districts in a ward or assembly district
24 may be bound together in one volume. The board of elections shall also
25 cause to be published a complete list of names and residence addresses
26 of the registered voters, including the party enrollment of each voter,
27 for each town and city over which the board has jurisdiction. The names
28 for each town and city may be arranged according to street and number or
29 alphabetically. Such lists shall be published before the first day of
30 [April] FEBRUARY. The board shall keep at least five copies for public
31 inspection at each main office or branch office of the board. Surplus
32 copies of the lists shall be sold at a charge not exceeding the cost of
33 publication.

34 S 10. Paragraph a of subdivision 5 of section 5-708 of the election
35 law, as added by chapter 659 of the laws of 1994, is amended to read as
36 follows:

37 a. At least once each year during the month of [May] FEBRUARY, each
38 board of elections shall obtain through the National Change of Address
39 System, the forwarding address for every voter registered with such
40 board of elections for whom the United States Postal Service has such a
41 forwarding address together with the name of each such voter whom the
42 Postal Service records indicate has moved from the address at which he
43 is registered without leaving a forwarding address.

44 S 11. Subdivision 1 of section 6-108 of the election law, as amended
45 by chapter 160 of the laws of 1996, is amended to read as follows:

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

1 town offices, shall be nominated at a primary election, such rule shall
2 not apply to nor affect a primary held less than four months after a
3 certified copy of the rule shall have been filed with the board of
4 elections. After the filing of such a rule, the rule shall continue in
5 force until a certified copy of a rule revoking the same shall have been
6 filed with such board at least four months before a subsequent primary.
7 Such a caucus shall be held no earlier than the first day on which
8 designating petitions for the [fall] primary election may be signed.

9 S 12. Subdivisions 1 and 2 of section 6-147 of the election law, as
10 amended by chapter 434 of the laws of 1984, are amended to read as
11 follows:

12 1. The name of a person designated on more than one petition as a
13 candidate for a party position to be filled by two or more persons shall
14 be printed on the ballot with the group of candidates designated by the
15 petition first filed unless such person, in a certificate duly acknowl-
16 edged by him OR HER and filed with the board of elections not later than
17 the [eighth] TENTH Tuesday preceding the primary election or five days
18 after the board of elections mails such person notice of his OR HER
19 designation in more than one group, whichever is later, specifies anothe-
20 er group in which his OR HER name shall be printed.

21 2. A person designated as a candidate for the position of member of
22 the county committee in more than one election district shall be deemed
23 to have been designated in the lowest numbered election district unless
24 such person, in a certificate duly acknowledged by him OR HER, and filed
25 with the board of elections not later than the [eighth] TENTH Tuesday
26 preceding the primary election or five days after the board of elections
27 mails such person notice of his OR HER designation in more than one
28 election district whichever is later, specifies that he OR SHE wishes to
29 be deemed designated in a different election district.

30 S 13. Subdivisions 1, 4, 5, 6, 9, 11, 12 and 14 of section 6-158 of
31 the election law, subdivisions 1, 4, 11 and 12 as amended by chapter 434
32 of the laws of 1984, subdivision 6 as amended by chapter 79 of the laws
33 of 1992, and subdivision 9 as amended by chapter 517 of the laws of
34 1986, are amended to read as follows:

35 1. A designating petition shall be filed not earlier than the [tenth]
36 THIRTEENTH Monday before, and not later than the [ninth] TWELFTH Thurs-
37 day preceding the primary election.

38 4. A petition of enrolled members of a party requesting an opportunity
39 to write in the name of an undesignated candidate for a public office or
40 party position at a primary election shall be filed not later than the
41 [eighth] ELEVENTH Thursday preceding the primary election. However,
42 where a designating petition has been filed and the person named therein
43 has declined such designation and another person has been designated to
44 fill the vacancy, then in that event, a petition for an opportunity to
45 ballot in a primary election shall be filed not later than the [seventh]
46 TENTH Thursday preceding such primary election.

47 5. A judicial district convention shall be held not earlier than the
48 [Tuesday] THURSDAY following the [third Monday in September] FIRST
49 MONDAY IN AUGUST preceding the general election and not later than [the
50 fourth Monday in September preceding such election] SIX DAYS THEREAFTER.

51 6. (A) A certificate of a party nomination made other than at the
52 primary election for an office to be filled at the time of a general
53 election shall be filed not later than [seven] THIRTY days after the
54 [fall] primary election, (B) except that a certificate of nomination for
55 an office which becomes vacant after the seventh day preceding such
56 primary election shall be filed not later than [fourteen] THIRTY DAYS

1 AFTER THE PRIMARY ELECTION OR TEN days after the creation of such vacan-
2 cy, WHICHEVER IS LATER, and (C) except, further, that a certificate of
3 party nomination of candidates for elector of president and vice-presi-
4 dent of the United States shall be filed not later than [fourteen]
5 SEVENTY-SIX days after the [fall] primary election, and except still
6 further that a certificate of party nomination made at a judicial
7 district convention shall be filed not later than the day after the last
8 day to hold such convention and the minutes of such convention, duly
9 certified by the chairman and secretary, shall be filed within seventy-
10 two hours after adjournment of the convention. A certificate of party
11 nomination for an office to be filled at a special election shall be
12 filed not later than ten days following the issuance of a proclamation
13 of such election.

14 9. A petition for an independent nomination for an office to be filled
15 at the time of a general election shall be filed not earlier than
16 [twelve] TWENTY-FOUR weeks and not later than [eleven] TWENTY-THREE
17 weeks preceding such election. A petition for an independent nomination
18 for an office to be filled at a special election shall be filed not
19 later than twelve days following the issuance of a proclamation of such
20 election. A petition for trustee of the Long Island Power Authority
21 shall be filed not earlier than seven weeks and not later than six weeks
22 preceding the day of the election of such trustees.

23 11. A certificate of acceptance or declination of an independent nomi-
24 nation for an office to be filled at the time of a general election
25 shall be filed not later than the third day after the [eleventh] TWEN-
26 TY-THIRD Tuesday preceding such election except that a candidate who
27 files such a certificate of acceptance for an office for which there
28 have been filed certificates or petitions designating more than one
29 candidate for the nomination of any party, may thereafter file a certif-
30 icate of declination not later than the third day after the primary
31 election. A certificate of acceptance or declination of an independent
32 nomination for an office to be filled at a special election shall be
33 filed not later than fourteen days following the issuance of a proclama-
34 tion of such election.

35 12. A certificate to fill a vacancy caused by a declination of an
36 independent nomination for an office to be filled at the time of a
37 general election shall be filed not later than the sixth day after the
38 [eleventh] TWENTY-THIRD Tuesday preceding such election. A certificate
39 to fill a vacancy caused by a declination of an independent nomination
40 for an office to be filled at a special election shall be filed not
41 later than sixteen days following the issuance of a proclamation of such
42 election.

43 14. A vacancy occurring THREE MONTHS before [September twentieth of]
44 THE GENERAL ELECTION IN any year in any office authorized to be filled
45 at a general election, except in the offices of governor, lieutenant-
46 governor, or United States senator shall be filled at the general
47 election held next thereafter, unless otherwise provided by the consti-
48 tution, or unless previously filled at a special election.

49 S 14. Paragraph (a) of subdivision 1 of section 8-100 of the election
50 law, as amended by chapter 17 of the laws of 2007, is amended to read as
51 follows:

52 (a) A primary election[, to be known as the fall primary,] shall be
53 held on the [first] FOURTH Tuesday [after the second Monday] in [Septem-
54 ber] JUNE before every general election unless otherwise changed by an
55 act of the legislature. MEMBERS OF THE STATE AND COUNTY COMMITTEES AND
56 ASSEMBLY DISTRICT LEADERS AND ASSOCIATE DISTRICT LEADERS AND ALL OTHER

1 PARTY POSITIONS TO BE ELECTED SHALL BE ELECTED AT SUCH PRIMARY AND ALL
2 NOMINATIONS FOR PUBLIC OFFICE REQUIRED TO BE MADE AT A PRIMARY ELECTION
3 IN SUCH YEAR SHALL BE MADE AT SUCH PRIMARY. In each year in which elec-
4 tors of president and vice president of the United States are to be
5 elected an additional primary election, to be known as the spring prima-
6 ry, shall be held on the first Tuesday in February unless otherwise
7 changed by an act of the legislature, for the purpose of electing deleg-
8 ates to the national convention[, members of state and county committees
9 and assembly district leaders and associate assembly district leaders].

10 S 15. Subdivision 1 of section 9-208 of the election law, as amended
11 by chapter 163 of the laws of 2010, is amended to read as follows:

12 1. Within [fifteen] TWENTY-ONE days after each general, special or
13 primary election, and within seven days after every village election
14 conducted by the board of elections at which ballot scanners are used,
15 the board of elections, or a bipartisan committee of or appointed by
16 said board shall, in each county using ballot scanners, make a record of
17 the serial number of each ballot scanner used in each election district
18 in such general, special or primary election. No person who was a candi-
19 date at such election shall be appointed to membership on the committee.
20 Such board of elections or bipartisan committee shall recanvass the
21 tabulated result tape from each ballot scanner used in each election
22 district by comparing such tape with the numbers as recorded on the
23 return of canvass. The said board or committee shall also make a recan-
24 vass of any election day paper ballots that have not been scanned and
25 were hand counted pursuant to subdivision two of section 9-110 of this
26 article and compare the results with the number as recorded on the
27 return of canvass. The board or committee shall then recanvass write-in
28 votes, if any, on ballots which were otherwise scanned and canvassed at
29 polling places on election night. The board or committee shall validate
30 and prove such sums. Before making such canvass the board of elections,
31 with respect to each election district to be recanvassed, shall give
32 notice in writing to the voting machine custodian thereof, to the state
33 and county chair of each party or independent body which shall have
34 nominated candidates for the said general or special election or nomi-
35 nated or elected candidates at the said primary election and to each
36 individual candidate whose name appears on the office ballot, of the
37 time and place where such canvass is to be made; and the state and coun-
38 ty chair of each such party or independent body and each such individual
39 candidate may send a representative to be present at such recanvass.
40 Each candidate whose name appears on the official ballot, or his or her
41 representative, shall have the right personally to examine and make a
42 record of the vote recorded on the tabulated result tape and any ballots
43 which were hand counted.

44 S 16. Subdivision 1 of section 9-211 of the election law, as added by
45 chapter 181 of the laws of 2005, is amended to read as follows:

46 1. Within [fifteen] TWENTY-ONE days after each general or special
47 election, and within [seven] TWENTY-ONE days after every primary or
48 village election conducted by the board of elections, the board of
49 elections or a bipartisan committee appointed by such board shall manu-
50 ally audit the voter verifiable audit records from three percent of
51 voting machines or systems within the jurisdiction of such board. Voting
52 machines or systems shall be selected for audit through a random, manual
53 process. At least five days prior to the time fixed for such selection
54 process, the board of elections shall send notice by first class mail to
55 each candidate, political party and independent body entitled to have
56 had watchers present at the polls in any election district in such

1 board's jurisdiction. Such notice shall state the time and place fixed
2 for such random selection process. The audit shall be conducted in the
3 same manner, to the extent applicable, as a canvass of paper ballots.
4 Each candidate, political party or independent body entitled to appoint
5 watchers to attend at a polling place shall be entitled to appoint such
6 number of watchers to observe the audit.

7 S 17. Paragraph (a) of subdivision 1 of section 10-108 of the election
8 law, as amended by chapter 99 of the laws of 2013, is amended to read as
9 follows:

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

47 S 17-a. Paragraph (a) of subdivision 1 of section 10-108 of the
48 election law, as amended by chapter 4 of the laws of 2011, is amended to
49 read as follows:

50 (a) Ballots for military voters shall be mailed or otherwise distrib-
51 uted by the board of elections, in accordance with the preferred method
52 of transmission designated by the voter pursuant to section 10-107 of
53 this article, as soon as practicable but in any event not later than
54 [thirty-two] FORTY-FIVE days before a primary or general election[;
55 twenty-five days before], a New York city community school board
56 district or city of Buffalo school district election; fourteen days

1 before a village election conducted by the board of elections; and
2 forty-five days before a special election. A voter who submits a mili-
3 tary ballot application shall be entitled to a military ballot thereaft-
4 er for each subsequent election through and including the next two regu-
5 larly scheduled general elections held in even numbered years, including
6 any run-offs which may occur; provided, however, such application shall
7 not be valid for any election held within seven days after its receipt.
8 Ballots shall also be mailed to any qualified military voter who is
9 already registered and who requests such military ballot from such board
10 of elections in a letter, which is signed by the voter and received by
11 the board of elections not later than the seventh day before the
12 election for which the ballot is requested and which states the address
13 where the voter is registered and the address to which the ballot is to
14 be mailed. The board of elections shall enclose with such ballot a form
15 of application for military ballot. In the case of a primary election,
16 the board shall deliver only the ballot of the party with which the
17 military voter is enrolled according to the military voter's registra-
18 tion records. In the event a primary election is uncontested in the
19 military voter's election district for all offices or positions except
20 the party position of member of the ward, town, city or county commit-
21 tee, no ballot shall be delivered to such military voter for such
22 election; and the military voter shall be advised of the reason why he
23 or she will not receive a ballot.

24 S 18. Subdivision 4 of section 11-204 of the election law, as amended
25 by chapter 4 of the laws of 2011, is amended to read as follows:

26 4. If the board of elections shall determine that the applicant making
27 the application provided for in this section is qualified to receive and
28 vote a special federal ballot, it shall, as soon as practicable after it
29 shall have so determined, or not later than [thirty-two] FORTY-FIVE days
30 before each general or primary [election and forty-five days before
31 each] OR special election OR PRESIDENTIAL PRIMARY ELECTION in which such
32 applicant is qualified to vote, or three days after receipt of such an
33 application, whichever is later, mail to him or her at the residence
34 address outside the United States shown in his or her application, a
35 special federal ballot, an inner affirmation envelope and an outer
36 envelope, or otherwise distribute same to the voter in accordance with
37 the preferred method of transmission designated by the voter pursuant to
38 section 11-203 of this title. The board of elections shall also mail, or
39 otherwise distribute in accordance with the preferred method of trans-
40 mission designated by the voter pursuant to section 11-203 of this
41 title, a special federal ballot to every qualified special federal voter
42 who is already registered and who requests such special federal ballot
43 from such board of elections in a letter, which is signed by the voter
44 and received by the board of elections not later than the seventh day
45 before the election for which the ballot is first requested and which
46 states the address where the voter is registered and the address to
47 which the ballot is to be mailed. The board of elections shall enclose
48 with such ballot a form of application for a special federal ballot.

49 S 19. Subdivision 4 of section 16-102 of the election law, as added by
50 chapter 135 of the laws of 1986, is amended to read as follows:

51 4. A final order INCLUDING THE RESOLUTION OF ANY APPEALS in any
52 proceeding involving the names of candidates on ballots or voting
53 machines shall be made, if possible, at least five weeks before the day
54 of the election at which such ballots or voting machines are to be used,
55 or if such proceeding is commenced within five weeks of such election,
56 no later than the day following the day on which the case is heard.

1 S 20. Subdivisions 3 and 4 of section 16-104 of the election law,
2 subdivision 3 as added by chapter 136 of the laws of 1978 and subdivi-
3 sion 4 as amended by chapter 117 of the laws of 1985, are amended to
4 read as follows:

5 3. A proceeding pursuant to subdivision two of this section must be
6 instituted within [fourteen] SEVEN days after the last day to certify
7 the wording of any such abstract or form of submission.

8 4. A final order INCLUDING THE RESOLUTION OF ANY APPEALS in any
9 proceeding involving the contents of official ballots on voting machines
10 shall be made, if possible, at least five weeks before the day of the
11 election at which such voting machines are to be used, or if such
12 proceeding is commenced within five weeks of an election, no later than
13 the day following the day on which the case is heard.

14 S 21. Subdivisions 1 and 4 of section 42 of the public officers law,
15 subdivision 1 as amended by chapter 878 of the laws of 1946 and subdivi-
16 sion 4 as amended by chapter 317 of the laws of 1954, are amended to
17 read as follows:

18 1. A vacancy occurring THREE MONTHS before [September twentieth of]
19 THE GENERAL ELECTION IN any year in any office authorized to be filled
20 at a general election, except in the offices of governor or lieutenant-
21 governor, shall be filled at the general election held next thereafter,
22 unless otherwise provided by the constitution, or unless previously
23 filled at a special election.

24 4. A special election shall not be held to fill a vacancy in the
25 office of a representative in congress unless such vacancy occurs on or
26 before the first day of July of the last year of the term of office, or
27 unless it occurs thereafter and a special session of congress is called
28 to meet before the next general election, or be called after [September
29 nineteenth of] THREE MONTHS BEFORE THE GENERAL ELECTION IN such year;
30 nor to fill a vacancy in the office of state senator or in the office of
31 member of assembly, unless the vacancy occurs before the first day of
32 April of the last year of the term of office, or unless the vacancy
33 occurs in either such office of senator or member of assembly after such
34 first day of April and a special session of the legislature be called to
35 meet between such first day of April and THE NEXT GENERAL ELECTION OR BE
36 CALLED AFTER THREE MONTHS BEFORE the next general election [or be called
37 after September nineteenth] in such year. If a special election to fill
38 an office shall not be held as required by law, the office shall be
39 filled at the next general election.

40 S 22. This act shall take effect immediately; provided, however, that
41 the amendments to section 4-114 of the election law made by section
42 seven of this act and the amendments to paragraph (a) of subdivision 1
43 of section 10-108 of the election law made by section seventeen of this
44 act shall be subject to the expiration and reversion of such section and
45 paragraph, respectively, pursuant to chapter 99 of the laws of 2013, as
46 amended, when upon such date the provisions of sections seven-a and
47 seventeen-a of this act shall take effect.