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

5581--A

2013-2014 Regular Sessions

I N A S S E M B L Y

March 1, 2013

Introduced by M. of A. CUSICK, CLARK, DINOWITZ, GOTTFRIED, HEASTIE, LENTOL, KAVANAGH, ROSENTHAL, MILLMAN, WEPRIN, WRIGHT -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to run-off elections in the city of New York

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

Section 1. Section 4-114 of the election law, as amended by chapter 4 of the laws of 2011, 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 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. PROVIDED, HOWEVER, IN ANY YEAR IN WHICH THERE HAS BEEN A RUN-OFF ELECTION IN THE CITY OF NEW YORK, THE BOARD OF ELECTIONS OF SUCH CITY SHALL, NOT LATER THAN THE TWENTY-EIGHTH DAY BEFORE THE GENERAL ELECTION IN THAT YEAR, DETERMINE THE CANDIDATES DULY NOMINATED FOR PUBLIC OFFICE AND THE QUESTIONS THAT SHALL APPEAR ON THE BALLOT WITHIN THE JURISDICTION OF THE BOARD OF ELECTIONS OF THE CITY OF NEW YORK.

S 2. Paragraph (b) of subdivision 1 of section 8-100 of the election law, as added by chapter 373 of the laws of 1978, is amended to read as follows:

(b) In the event a run-off primary election is required in the city of New York, it shall be held on the [second] THIRD Tuesday next succeeding the date on which the initial primary election was held.

S 3. Subdivision 1 of section 8-412 of the election law, as amended by chapter 155 of the laws of 1994, is amended to read as follows:

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

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1. The board of elections shall cause all absentee ballots received by it before the close of the polls on election day and all ballots contained in envelopes showing a cancellation mark of the United States postal service or a foreign country's postal service, or showing a dated endorsement of receipt by another agency of the United States government, with a date which is ascertained to be not later than the day before election and received by such board of elections not later than seven days following the day of election, OR FOURTEEN DAYS FOLLOWING THE DAY OF THE GENERAL ELECTION IN THE CITY OF NEW YORK IN ANY YEAR IN WHICH THERE HAS BEEN A RUN-OFF ELECTION, to be cast and counted except that the absentee ballot of a voter who requested such ballot by letter, rather than application, shall not be counted unless a valid application form, signed by such voter, is received by the board of elections with such ballot.

S 4. Section 9-214 of the election law, the section heading and first undesignated paragraph as amended by chapter 286 of the laws of 1983, and the second undesignated paragraph as amended by chapter 4 of the laws of 2011, is amended to read as follows:

S 9-214. Transmission of statements of canvassing boards to state board of elections and secretary of state. The board of elections shall transmit by mail or cause to be delivered personally to the state board of elections, a certified copy of the statement of the canvassing board relating to the offices of electors of president and vice-president of the United States, United States senator, representatives in congress and state offices, including members of the state senate and assembly, and to the votes cast on any ballot proposal submitted to all the voters of the state, within twenty-five days after the election. If any certified copy shall not be received by the state board on or before the twenty-fifth day following a general election, or a special election, it shall dispatch a special messenger to obtain such certified copy, and the board of elections, immediately upon demand of such messenger at its office, shall make and deliver a certified copy to such messenger who shall deliver it forthwith to the state board.

The board of elections shall transmit to the secretary of state within twenty-five days after a general election, and within 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. NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SECTION, IN ANY YEAR IN WHICH THERE HAS BEEN A RUN-OFF ELECTION IN THE CITY OF NEW YORK, THE BOARD OF ELECTIONS OF THE CITY OF NEW YORK SHALL TRANSMIT TO THE SECRETARY OF STATE NOT LATER THAN THIRTY DAYS AFTER THE GENERAL ELECTION IN THAT YEAR A LIST OF THE NAMES AND RESIDENCES OF ALL PERSONS DETERMINED BY THE CANVASSING BOARD TO BE ELECTED TO ANY COUNTY OFFICE.

The board of elections shall transmit to the state board, on or before the tenth day of December following an election for governor, a certified tabulated statement, by election districts, of the official canvass of the votes cast for candidates for governor, to include, in the case of a candidate who was nominated by two or more parties or independent bodies, a separate statement of the number of votes cast for him as the candidate of each party or independent body by which he was nominated and if the county contains more than one assembly district or parts of more than one assembly district, a statement of the number of votes cast for governor by assembly district.

S 5. Paragraph (a) of subdivision 1 of section 10-108 of the election law, as amended by chapter 4 of the laws of 2011, 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 forty-five days before a special election. NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SECTION, IN ANY YEAR IN WHICH THERE HAS BEEN A RUN-OFF ELECTION IN THE CITY OF NEW YORK, BALLOTS FOR MILITARY VOTERS SHALL BE MAILED OR OTHERWISE DISTRIBUTED BY THE BOARD OF ELECTIONS OF SUCH CITY 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 TWENTY-FIVE DAYS BEFORE A GENERAL ELECTION IN THAT YEAR. 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 1 of section 10-114 of the election law, as amended by chapter 165 of the laws of 2009, is amended to read as follows:

1. The board of elections shall cause all military ballots received by it before the close of the polls on election day and all ballots contained in envelopes showing a cancellation mark of the United States postal service or a foreign country's postal service, or showing a dated endorsement of receipt by another agency of the United States government or are signed and dated by the voter and one witness thereto, with a date which is ascertained to be not later than the day before election and received by such board of elections not later than seven days following the day of a primary election and not later than thirteen days following the day of a general or special election to be cast and counted. NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SECTION, IN ANY YEAR IN WHICH THERE HAS BEEN A RUN-OFF ELECTION IN THE CITY OF NEW YORK, THE BOARD OF ELECTIONS OF SUCH CITY SHALL CAUSE ALL MILITARY BALLOTS RECEIVED BY IT BEFORE THE CLOSE OF THE POLLS ON ELECTION DAY AND ALL BALLOTS CONTAINED IN ENVELOPES SHOWING A CANCELLATION MARK OF THE UNITED STATES POSTAL SERVICE OR A FOREIGN COUNTRY'S POSTAL SERVICE, OR SHOWING A DATED ENDORSEMENT OF RECEIPT BY ANOTHER AGENCY OF THE UNITED STATES

GOVERNMENT OR ARE SIGNED AND DATED BY THE VOTER AND ONE WITNESS THERETO, WITH A DATE WHICH IS ASCERTAINED TO BE NOT LATER THAN THE DAY BEFORE ELECTION AND RECEIVED BY SUCH BOARD OF ELECTIONS NOT LATER THAN TWENTY DAYS FOLLOWING THE DAY OF A GENERAL ELECTION IN THAT YEAR TO BE CAST AND COUNTED.

S 7. This act shall take effect immediately.