

6204

I N S E N A T E

(PREFILED)

January 8, 2014

Introduced by Sens. STEWART-COUSINS, TKACZYK -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

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  
15 OBJECTIONS TO SUCH CERTIFICATES AND PETITIONS REQUIRED TO BE FILED WITH  
16 THE STATE BOARD OF ELECTIONS OR A BOARD OF ELECTIONS OUTSIDE OF THE CITY  
17 OF NEW YORK SHALL BE DEEMED TIMELY FILED AND ACCEPTED FOR FILING IF SENT  
18 BY MAIL OR OVERNIGHT DELIVERY SERVICE AS DEFINED IN PARAGRAPH SIX OF  
19 SUBDIVISION (B) OF RULE TWENTY-ONE HUNDRED THREE OF THE CIVIL PRACTICE  
20 LAW AND RULES IN AN ENVELOPE POSTMARKED OR SHOWING RECEIPT BY THE OVER-  
21 NIGHT DELIVERY SERVICE PRIOR TO MIDNIGHT OF THE LAST DAY OF FILING, AND  
22 RECEIVED NO LATER THAN TWO BUSINESS DAYS AFTER THE LAST DAY TO FILE SUCH

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

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1 CERTIFICATES, PETITIONS, OBJECTIONS OR SPECIFICATIONS. FAILURE OF THE  
2 POST OFFICE OR ANY OTHER PERSON OR ENTITY TO DELIVER ANY SUCH PETITION,  
3 CERTIFICATE OR OBJECTION TO SUCH BOARD OF ELECTIONS OUTSIDE THE CITY OF  
4 NEW YORK NO LATER THAN TWO BUSINESS DAYS AFTER THE LAST DAY TO FILE SUCH  
5 CERTIFICATES, PETITIONS, OBJECTIONS OR SPECIFICATIONS SHALL BE A FATAL  
6 DEFECT. EXCEPTED FURTHER that all certificates and petitions of desig-  
7 nation or nomination, certificates of acceptance or declination of such  
8 designations and nominations, certificates of substitution for such  
9 designations or nominations and objections and specifications of  
10 objections to such certificates and petitions required to be filed with  
11 the board of elections of the city of New York must be actually received  
12 by such city board of elections on or before the last day to file any  
13 such petition, certificate or objection and such office shall be open  
14 for the receipt of such petitions, certificates and objections until  
15 midnight on the last day to file any such petition, certificate or  
16 objection. Failure of the post office or any other person or entity to  
17 deliver any such petition, certificate or objection to such city board  
18 of elections on or before such last day shall be a fatal defect.

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

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

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

53 1. The state board of elections shall, [at least eight months before  
54 each] BY FEBRUARY FIRST IN THE YEAR OF THE general election, make and  
55 transmit to the board of elections of each county, a certificate stating

1 each office, except county, city, village and town offices to be voted  
2 for at such election in such county.

3 2. Each county, city, village and town clerk, [at least eight months  
4 before each] BY FEBRUARY FIRST IN THE YEAR OF THE general election,  
5 shall make and transmit to the board of elections a certificate stating  
6 each county, city, village or town office, respectively to be voted for  
7 at each such election. Each village clerk, at least five months before  
8 each general village election conducted by the board of elections, shall  
9 make, and transmit to such board, a certificate stating each village  
10 office to be filled at such election.

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

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

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

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

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

40 1. The state board of elections, not later than [thirty-six]  
41 FIFTY-FOUR days before a general election, or fifty-three days before a  
42 special election, shall certify to each county board of elections the  
43 name and residence of each candidate nominated in any valid certificate  
44 filed with it or by the returns canvassed by it, the title of the office  
45 for which nominated; the name of the party or body specified of which he  
46 OR SHE is a candidate; the emblem chosen to distinguish the candidates  
47 of the party or body; and a notation as to whether or not any litigation  
48 is pending concerning the candidacy. Upon the completion of any such  
49 litigation, the state board of elections shall forthwith notify the  
50 appropriate county boards of elections of the results of such liti-  
51 gation.

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

54 S 4-114. Determination of candidates and questions; county board of  
55 elections. The county board of elections, not later than the [thirty-  
56 fifth] FIFTY-THIRD day before the day of a primary [or], general

1 [election, or the fifty-third day before a], special, OR PRESIDENTIAL  
2 PRIMARY election, shall determine the candidates duly nominated for  
3 public office and the questions that shall appear on the ballot within  
4 the jurisdiction of that board of elections. Provided, however, in any  
5 year in which there has been a run-off election in the city of New York,  
6 the board of elections of such city shall, not later than the twenty-  
7 eighth day before the general election in that year, determine the  
8 candidates duly nominated for public office and the questions that shall  
9 appear on the ballot within the jurisdiction of the board of elections  
10 of the city of New York.

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

13 S 4-114. Determination of candidates and questions; county board of  
14 elections. The county board of elections, not later than the [thirty-  
15 fifth] FIFTY-THIRD day before the day of a primary [or], general  
16 [election, or the fifty-third day before a], OR special election, shall  
17 determine the candidates duly nominated for public office and the ques-  
18 tions that shall appear on the ballot within the jurisdiction of that  
19 board of elections.

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

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

1 mation concerning the elections or registration as the board may  
2 include. In lieu of sending such communication to every registered  
3 voter, the board of elections may send a single communication to a  
4 household containing more than one registered voter, provided that the  
5 names of all such voters appear as part of the address on such communi-  
6 cation.

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

9 1. The board of elections shall also cause to be published for each  
10 election district a complete list of the registered voters of each  
11 election district. Such list shall, in addition to the information  
12 required for registration lists, include the party enrollment of each  
13 voter. At least as many copies of such list shall be prepared as the  
14 required minimum number of registration lists.

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

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

29 a. At least once each year during the month of [May] FEBRUARY, each  
30 board of elections shall obtain through the National Change of Address  
31 System, the forwarding address for every voter registered with such  
32 board of elections for whom the United States Postal Service has such a  
33 forwarding address together with the name of each such voter whom the  
34 Postal Service records indicate has moved from the address at which he  
35 is registered without leaving a forwarding address.

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

38 1. In any town in a county having a population of over seven hundred  
39 fifty thousand inhabitants, as shown by the latest federal decennial or  
40 special population census, party nominations of candidates for town  
41 offices shall be made at the primary preceding the election. In any  
42 other town, nominations of candidates for town offices shall be made by  
43 caucus or primary election as the rules of the county committee shall  
44 provide, except that the members of the county committee from a town may  
45 adopt by a two-thirds vote, a rule providing that the party candidates  
46 for town offices shall be nominated at the primary election. If a rule  
47 adopted by the county committee of a political party or by the members  
48 of the county committee from a town, provides that party candidates for  
49 town offices, shall be nominated at a primary election, such rule shall  
50 not apply to nor affect a primary held less than four months after a  
51 certified copy of the rule shall have been filed with the board of  
52 elections. After the filing of such a rule, the rule shall continue in  
53 force until a certified copy of a rule revoking the same shall have been  
54 filed with such board at least four months before a subsequent primary.  
55 Such a caucus shall be held no earlier than the first day on which  
56 designating petitions for the [fall] primary election may be signed.

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

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

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

22 S 13. Subdivisions 1, 4, 5, 6, 9, 11, 12 and 14 of section 6-158 of  
23 the election law, subdivisions 1, 4, 11 and 12 as amended by chapter 434  
24 of the laws of 1984, subdivision 6 as amended by chapter 79 of the laws  
25 of 1992, and subdivision 9 as amended by chapter 517 of the laws of  
26 1986, are amended to read as follows:

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

30 4. A petition of enrolled members of a party requesting an opportunity  
31 to write in the name of an undesignated candidate for a public office or  
32 party position at a primary election shall be filed not later than the  
33 [eighth] ELEVENTH Thursday preceding the primary election. However,  
34 where a designating petition has been filed and the person named therein  
35 has declined such designation and another person has been designated to  
36 fill the vacancy, then in that event, a petition for an opportunity to  
37 ballot in a primary election shall be filed not later than the [seventh]  
38 TENTH Thursday preceding such primary election.

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

43 6. (A) A certificate of a party nomination made other than at the  
44 primary election for an office to be filled at the time of a general  
45 election shall be filed not later than [seven] THIRTY days after the  
46 [fall] primary election, (B) except that a certificate of nomination for  
47 an office which becomes vacant after the seventh day preceding such  
48 primary election shall be filed not later than [fourteen] THIRTY DAYS  
49 AFTER THE PRIMARY ELECTION OR TEN days after the creation of such vacan-  
50 cy, WHICHEVER IS LATER, and (C) except, further, that a certificate of  
51 party nomination of candidates for elector of president and vice-presi-  
52 dent of the United States shall be filed not later than [fourteen]  
53 SEVENTY-SIX days after the [fall] primary election, and except still  
54 further that a certificate of party nomination made at a judicial  
55 district convention shall be filed not later than the day after the last  
56 day to hold such convention and the minutes of such convention, duly

1 certified by the chairman and secretary, shall be filed within seventy-  
2 two hours after adjournment of the convention. A certificate of party  
3 nomination for an office to be filled at a special election shall be  
4 filed not later than ten days following the issuance of a proclamation  
5 of such election.

6 9. A petition for an independent nomination for an office to be filled  
7 at the time of a general election shall be filed not earlier than  
8 [twelve] TWENTY-FOUR weeks and not later than [eleven] TWENTY-THREE  
9 weeks preceding such election. A petition for an independent nomination  
10 for an office to be filled at a special election shall be filed not  
11 later than twelve days following the issuance of a proclamation of such  
12 election. A petition for trustee of the Long Island Power Authority  
13 shall be filed not earlier than seven weeks and not later than six weeks  
14 preceding the day of the election of such trustees.

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

27 12. A certificate to fill a vacancy caused by a declination of an  
28 independent nomination for an office to be filled at the time of a  
29 general election shall be filed not later than the sixth day after the  
30 [eleventh] TWENTY-THIRD Tuesday preceding such election. A certificate  
31 to fill a vacancy caused by a declination of an independent nomination  
32 for an office to be filled at a special election shall be filed not  
33 later than sixteen days following the issuance of a proclamation of such  
34 election.

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

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

44 (a) A primary election[, to be known as the fall primary,] shall be  
45 held on the [first] FOURTH Tuesday [after the second Monday] in [Septem-  
46 ber] JUNE before every general election unless otherwise changed by an  
47 act of the legislature. MEMBERS OF THE STATE AND COUNTY COMMITTEES AND  
48 ASSEMBLY DISTRICT LEADERS AND ASSOCIATE DISTRICT LEADERS AND ALL OTHER  
49 PARTY POSITIONS TO BE ELECTED SHALL BE ELECTED AT SUCH PRIMARY AND ALL  
50 NOMINATIONS FOR PUBLIC OFFICE REQUIRED TO BE MADE AT A PRIMARY ELECTION  
51 IN SUCH YEAR SHALL BE MADE AT SUCH PRIMARY. In each year in which elec-  
52 tors of president and vice president of the United States are to be  
53 elected an additional primary election, to be known as the spring prima-  
54 ry, shall be held on the first Tuesday in February unless otherwise  
55 changed by an act of the legislature, for the purpose of electing deleg-

1 ates to the national convention[, members of state and county committees  
2 and assembly district leaders and associate assembly district leaders].

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

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

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

39 1. Within [fifteen] TWENTY-ONE days after each general or special  
40 election, and within [seven] TWENTY-ONE days after every primary or  
41 village election conducted by the board of elections, the board of  
42 elections or a bipartisan committee appointed by such board shall manu-  
43 ally audit the voter verifiable audit records from three percent of  
44 voting machines or systems within the jurisdiction of such board. Voting  
45 machines or systems shall be selected for audit through a random, manual  
46 process. At least five days prior to the time fixed for such selection  
47 process, the board of elections shall send notice by first class mail to  
48 each candidate, political party and independent body entitled to have  
49 had watchers present at the polls in any election district in such  
50 board's jurisdiction. Such notice shall state the time and place fixed  
51 for such random selection process. The audit shall be conducted in the  
52 same manner, to the extent applicable, as a canvass of paper ballots.  
53 Each candidate, political party or independent body entitled to appoint  
54 watchers to attend at a polling place shall be entitled to appoint such  
55 number of watchers to observe the audit.



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

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

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

44 (a) Ballots for military voters shall be mailed or otherwise distrib-  
45 uted by the board of elections, in accordance with the preferred method  
46 of transmission designated by the voter pursuant to section 10-107 of  
47 this article, as soon as practicable but in any event not later than  
48 [thirty-two] FORTY-FIVE days before a primary or general election[;  
49 twenty-five days before], a New York city community school board  
50 district or city of Buffalo school district election; fourteen days  
51 before a village election conducted by the board of elections; and  
52 forty-five days before a special election. A voter who submits a mili-  
53 tary ballot application shall be entitled to a military ballot thereaft-  
54 er for each subsequent election through and including the next two regu-  
55 larly scheduled general elections held in even numbered years, including  
56 any run-offs which may occur; provided, however, such application shall

1 not be valid for any election held within seven days after its receipt.  
2 Ballots shall also be mailed to any qualified military voter who is  
3 already registered and who requests such military ballot from such board  
4 of elections in a letter, which is signed by the voter and received by  
5 the board of elections not later than the seventh day before the  
6 election for which the ballot is requested and which states the address  
7 where the voter is registered and the address to which the ballot is to  
8 be mailed. The board of elections shall enclose with such ballot a form  
9 of application for military ballot. In the case of a primary election,  
10 the board shall deliver only the ballot of the party with which the  
11 military voter is enrolled according to the military voter's registra-  
12 tion records. In the event a primary election is uncontested in the  
13 military voter's election district for all offices or positions except  
14 the party position of member of the ward, town, city or county commit-  
15 tee, no ballot shall be delivered to such military voter for such  
16 election; and the military voter shall be advised of the reason why he  
17 or she will not receive a ballot.

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

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

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

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

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

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

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

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

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

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

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