

6604

I N S E N A T E

January 29, 2016

Introduced by Sen. AKSHAR -- 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 and in relation to date of primary elections; and to amend the public officers law, in relation to filling vacancies in elective offices

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 OR NOMINATION, CERTIFICATES OF  
12 ACCEPTANCE OR DECLINATION OF SUCH DESIGNATIONS OR NOMINATIONS, CERTIF-  
13 ICATES OF AUTHORIZATION FOR SUCH DESIGNATIONS OR NOMINATIONS, CERTIF-  
14 ICATES OF DISQUALIFICATION, CERTIFICATES OF SUBSTITUTION FOR SUCH DESIG-  
15 NATIONS OR NOMINATIONS AND OBJECTIONS AND SPECIFICATIONS OF OBJECTIONS  
16 TO SUCH CERTIFICATES AND PETITIONS REQUIRED TO BE FILED WITH THE STATE  
17 BOARD OF ELECTIONS OR A BOARD OF ELECTIONS OUTSIDE OF THE CITY OF NEW  
18 YORK SHALL BE DEEMED TIMELY FILED AND ACCEPTED FOR FILING IF SENT BY  
19 MAIL OR DESIGNATED DELIVERY SERVICE PERMITTED BY SUBDIVISION THREE OF  
20 THIS SECTION, IN AN ENVELOPE POSTMARKED PRIOR TO MIDNIGHT OF THE LAST  
21 DAY OF FILING AND RECEIVED NO LATER THAN TWO BUSINESS DAYS AFTER THE  
22 LAST DAY TO FILE SUCH CERTIFICATES, PETITIONS, OBJECTIONS OR SPECIFICA-  
23 TIONS. FAILURE OF THE POST OFFICE OR ANY OTHER PERSON OR ENTITY TO  
24 DELIVER ANY SUCH PETITION, CERTIFICATE OR OBJECTION TO SUCH BOARD OF  
25 ELECTIONS OUTSIDE THE CITY OF NEW YORK NO LATER THAN TWO BUSINESS DAYS

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

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1 AFTER THE LAST DAY TO FILE SUCH CERTIFICATES, PETITIONS, OBJECTIONS OR  
2 SPECIFICATIONS SHALL BE A FATAL DEFECT. EXCEPTED FURTHER that all  
3 certificates and petitions of designation or nomination, certificates of  
4 acceptance or declination of such designations and nominations, certif-  
5 icates of substitution for such designations or nominations and  
6 objections and specifications of objections to such certificates and  
7 petitions required to be filed with the board of elections of the city  
8 of New York must be actually received by such city board of elections on  
9 or before the last day to file any such petition, certificate or  
10 objection and such office shall be open for the receipt of such  
11 petitions, certificates and objections until midnight on the last day to  
12 file any such petition, certificate or objection. Failure of the post  
13 office or any other person or entity to deliver any such petition,  
14 certificate or objection to such city board of elections on or before  
15 such last day shall be a fatal defect.

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

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

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

50 1. The state board of elections shall, [at least eight months before  
51 each] BY MARCH FIRST IN THE YEAR OF EACH general election, make and  
52 transmit to the board of elections of each county, a certificate stating  
53 each office, except county, city, village and town offices to be voted  
54 for at such election in such county.

55 2. Each county, city, village and town clerk, [at least eight months  
56 before each] BY MARCH FIRST IN THE YEAR OF EACH general election, shall

1 make and transmit to the board of elections a certificate stating each  
2 county, city, village or town office, respectively to be voted for at  
3 each such election. Each village clerk, at least five months before each  
4 general village election conducted by the board of elections, shall  
5 make, and transmit to such board, a certificate stating each village  
6 office to be filled at such election.

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

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

20 S 5. Section 4-110 of the election law, as amended by chapter 87 of  
21 the laws of 2015, is amended to read as follows:

22 S 4-110. Certification of primary election candidates; state board of  
23 elections. The state board of elections, not later than [thirty-six]  
24 FIFTY-FIVE days before a primary election or [fifty-four days before] a  
25 presidential primary election, shall certify to each county board of  
26 elections: The name and residence of each candidate to be voted for  
27 within the political subdivision of such board for whom a designation  
28 has been filed with the state board; the title of the office or position  
29 for which the candidate is designated; the name of the party upon whose  
30 primary ballot his OR HER name is to be placed; and the order in which  
31 the names of the candidates are to be printed as determined by the state  
32 board. Where an office or position is uncontested, such certification  
33 shall state such fact.

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

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

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

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

1 is pending concerning the candidacy. Upon the completion of any such  
2 litigation, the state board of elections shall forthwith notify the  
3 appropriate county boards of elections of the results of such liti-  
4 gation.

5 S 7. Section 4-114 of the election law, as amended by chapter 87 of  
6 the laws of 2015, 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] FIFTY-FOURTH day before the day of a primary or general election,  
10 or the fifty-third day before a special election or presidential primary  
11 election, shall determine the candidates duly nominated for public  
12 office and the questions that shall appear on the ballot within the  
13 jurisdiction of that board of elections.

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

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

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

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

1 poll clerk, interpreter or in other capacities, the phone number to call  
2 to obtain an application for registration by mail, and such other infor-  
3 mation concerning the elections or registration as the board may  
4 include. In lieu of sending such communication to every registered  
5 voter, the board of elections may send a single communication to a  
6 household containing more than one registered voter, provided that the  
7 names of all such voters appear as part of the address on such communi-  
8 cation.

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

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

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

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

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

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

40 1. In any town in a county having a population of over seven hundred  
41 fifty thousand inhabitants, as shown by the latest federal decennial or  
42 special population census, party nominations of candidates for town  
43 offices shall be made at the primary preceding the election. In any  
44 other town, nominations of candidates for town offices shall be made by  
45 caucus or primary election as the rules of the county committee shall  
46 provide, except that the members of the county committee from a town may  
47 adopt by a two-thirds vote, a rule providing that the party candidates  
48 for town offices shall be nominated at the primary election. If a rule  
49 adopted by the county committee of a political party or by the members  
50 of the county committee from a town, provides that party candidates for  
51 town offices, shall be nominated at a primary election, such rule shall  
52 not apply to nor affect a primary held less than four months after a  
53 certified copy of the rule shall have been filed with the board of  
54 elections. After the filing of such a rule, the rule shall continue in  
55 force until a certified copy of a rule revoking the same shall have been  
56 filed with such board at least four months before a subsequent primary.

1 Such a caucus shall be held no earlier than the first day on which  
2 designating petitions for the [fall] primary election may be signed.

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

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

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

24 S 13. Subdivisions 1, 4, 5, 6, 9, 11, 12 and 14 of section 6-158 of  
25 the election law, subdivisions 1, 4, 11 and 12 as amended by chapter 434  
26 of the laws of 1984, subdivision 6 as amended by chapter 87 of the laws  
27 of 2015, and subdivision 9 as amended by chapter 517 of the laws of  
28 1986, are amended to read as follows:

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

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

41 5. A judicial district convention shall be held not earlier than [the  
42 Tuesday following the third Monday in September preceding the general  
43 election and not later than the fourth Monday in September preceding  
44 such election] SEVEN DAYS AFTER THE PRIMARY AND NO LATER THAN THIRTEEN  
45 DAYS AFTER THE PRIMARY.

46 6. A certificate of a party nomination made other than at the primary  
47 election for an office to be filled at the time of a general election  
48 shall be filed not later than seven days after the [fall] primary  
49 election, except that a certificate of nomination for an office which  
50 becomes vacant after the seventh day preceding such primary election  
51 shall be filed not later than fourteen days after the creation of such  
52 vacancy and except, further, that a certificate of party nomination of  
53 candidates for elector of president and vice-president of the United  
54 States shall be filed not later than sixty days before the two thousand  
55 sixteen general election, and except still further that a certificate of  
56 party nomination made at a judicial district convention shall be filed

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

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

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

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

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

42 S 13-a. Subdivision 6 of section 6-158 of the election law, as amended  
43 by chapter 79 of the laws of 1992, is amended to read as follows:

44 6. A certificate of a party nomination made other than at the primary  
45 election for an office to be filled at the time of a general election  
46 shall be filed not later than seven days after the fall primary  
47 election, except that a certificate of nomination for an office which  
48 becomes vacant after the seventh day preceding such primary election  
49 shall be filed not later than fourteen days after the creation of such  
50 vacancy and except, further, that a certificate of party nomination of  
51 candidates for elector of president and vice-president of the United  
52 States shall be filed not later than fourteen days after the [fall]  
53 primary election, and except still further that a certificate of party  
54 nomination made at a judicial district convention shall be filed not  
55 later than the day after the last day to hold such convention and the  
56 minutes of such convention, duly certified by the chairman and secre-

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

5 S 14. Paragraph (a) of subdivision 1 of section 8-100 of the election  
6 law, as amended by chapter 87 of the laws of 2015, is amended to read as  
7 follows:

8 (a) A primary election[, to be known as the fall primary,] shall be  
9 held on the [first] THIRD Tuesday [after the second Monday] in [Septem-  
10 ber] AUGUST before every general election unless otherwise changed by an  
11 act of the legislature. MEMBERS OF THE STATE AND COUNTY COMMITTEES AND  
12 ASSEMBLY DISTRICT LEADERS AND ASSOCIATE DISTRICT LEADERS AND ALL OTHER  
13 PARTY POSITIONS TO BE ELECTED SHALL BE ELECTED AT SUCH PRIMARY AND ALL  
14 NOMINATIONS FOR PUBLIC OFFICE REQUIRED TO BE MADE AT A PRIMARY ELECTION  
15 IN SUCH YEAR SHALL BE MADE AT SUCH PRIMARY. In each year in which elec-  
16 tors of president and vice president of the United States are to be  
17 elected an additional primary election, to be known as the spring prima-  
18 ry, shall be held on the first Tuesday in February unless otherwise  
19 changed by an act of the legislature, for the purpose of electing deleg-  
20 ates to the national convention[, members of state and county committees  
21 and assembly district leaders and associate assembly district leaders].

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

25 (a) A primary election[, to be known as the fall primary,] shall be  
26 held on the [first] THIRD Tuesday [after the second Monday] in [Septem-  
27 ber] AUGUST before every general election unless otherwise changed by an  
28 act of the legislature. MEMBERS OF THE STATE AND COUNTY COMMITTEES AND  
29 ASSEMBLY DISTRICT LEADERS AND ASSOCIATE DISTRICT LEADERS AND ALL OTHER  
30 PARTY POSITIONS TO BE ELECTED SHALL BE ELECTED AT SUCH PRIMARY AND ALL  
31 NOMINATIONS FOR PUBLIC OFFICE REQUIRED TO BE MADE AT A PRIMARY ELECTION  
32 IN SUCH YEAR SHALL BE MADE AT SUCH PRIMARY. In each year in which elec-  
33 tors of president and vice president of the United States are to be  
34 elected an additional primary election, to be known as the spring prima-  
35 ry, shall be held on the first Tuesday in February unless otherwise  
36 changed by an act of the legislature, for the purpose of electing deleg-  
37 ates to the national convention[, members of state and county committees  
38 and assembly district leaders and associate assembly district leaders].

39 S 15. Paragraph (a) of subdivision 1 of section 10-108 of the election  
40 law, as amended by chapter 87 of the laws of 2015, is amended to read as  
41 follows:

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



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

16 S 15-a. Paragraph (a) of subdivision 1 of section 10-108 of the  
17 election law, as amended by chapter 4 of the laws of 2011, is amended to  
18 read as follows:

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

49 S 16. Subdivision 4 of section 11-204 of the election law, as amended  
50 by chapter 87 of the laws of 2015, is amended to read as follows:

51 4. If the board of elections shall determine that the applicant making  
52 the application provided for in this section is qualified to receive and  
53 vote a special federal ballot, it shall, as soon as practicable after it  
54 shall have so determined, or not later than [thirty-two] FORTY-SIX days  
55 before each general or primary election [and forty-five days before  
56 each] OR special election or presidential primary election in which such

1 applicant is qualified to vote, or three days after receipt of such an  
2 application, whichever is later, mail to him or her at the residence  
3 address outside the United States shown in his or her application, a  
4 special federal ballot, an inner affirmation envelope and an outer  
5 envelope, or otherwise distribute same to the voter in accordance with  
6 the preferred method of transmission designated by the voter pursuant to  
7 section 11-203 of this title. The board of elections shall also mail, or  
8 otherwise distribute in accordance with the preferred method of trans-  
9 mission designated by the voter pursuant to section 11-203 of this  
10 title, a special federal ballot to every qualified special federal voter  
11 who is already registered and who requests such special federal ballot  
12 from such board of elections in a letter, which is signed by the voter  
13 and received by the board of elections not later than the seventh day  
14 before the election for which the ballot is first requested and which  
15 states the address where the voter is registered and the address to  
16 which the ballot is to be mailed. The board of elections shall enclose  
17 with such ballot a form of application for a special federal ballot.

18 S 16-a. Subdivision 4 of section 11-204 of the election law, as  
19 amended 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-SIX days  
24 before each general or primary election [and forty-five days before  
25 each] OR special election in which such applicant is qualified to vote,  
26 or three days after receipt of such an application, whichever is later,  
27 mail to him or her at the residence address outside the United States  
28 shown in his or her application, a special federal ballot, an inner  
29 affirmation envelope and an outer envelope, or otherwise distribute same  
30 to the voter in accordance with the preferred method of transmission  
31 designated by the voter pursuant to section 11-203 of this title. The  
32 board of elections shall also mail, or otherwise distribute in accord-  
33 ance with the preferred method of transmission designated by the voter  
34 pursuant to section 11-203 of this title, a special federal ballot to  
35 every qualified special federal voter who is already registered and who  
36 requests such special federal ballot from such board of elections in a  
37 letter, which is signed by the voter and received by the board of  
38 elections not later than the seventh day before the election for which  
39 the ballot is first requested and which states the address where the  
40 voter is registered and the address to which the ballot is to be mailed.  
41 The board of elections shall enclose with such ballot a form of applica-  
42 tion for a special federal ballot.

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

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

53 4. A special election shall not be held to fill a vacancy in the  
54 office of a representative in congress unless such vacancy occurs on or  
55 before the first day of July of the last year of the term of office, or  
56 unless it occurs thereafter and a special session of congress is called

1 to meet before the next general election, or be called after [September  
2 nineteenth of] THREE MONTHS BEFORE THE GENERAL ELECTION IN such year;  
3 nor to fill a vacancy in the office of state senator or in the office of  
4 member of assembly, unless the vacancy occurs before the first day of  
5 April of the last year of the term of office, or unless the vacancy  
6 occurs in either such office of senator or member of assembly after such  
7 first day of April and a special session of the legislature be called to  
8 meet between such first day of April and THE NEXT GENERAL ELECTION OR BE  
9 CALLED AFTER THREE MONTHS BEFORE the next general election [or be called  
10 after September nineteenth] in such year. If a special election to fill  
11 an office shall not be held as required by law, the office shall be  
12 filled at the next general election.

13 S 18. This act shall take effect immediately; provided, however, that:

14 (a) the amendments to section 4-110 of the election law made by  
15 section five of this act shall be subject to the expiration and rever-  
16 sion of such section pursuant to section 13 of chapter 87 of the laws of  
17 2015, as amended, when upon such date the provisions of section five-a  
18 of this act shall take effect;

19 (b) the amendments to section 4-114 of the election law made by  
20 section seven of this act shall be subject to the expiration and rever-  
21 sion of such section pursuant to section 13 of chapter 87 of the laws of  
22 2015, as amended, when upon such date the provisions of section seven-a  
23 of this act shall take effect;

24 (c) the amendments to subdivision 6 of section 6-158 of the election  
25 law made by section thirteen of this act shall be subject to the expira-  
26 tion and reversion of such subdivision pursuant to section 13 of chapter  
27 87 of the laws of 2015, as amended, when upon such date the provisions  
28 of section thirteen-a of this act shall take effect;

29 (d) the amendments to paragraph (a) of subdivision 1 of section 8-100  
30 of the election law made by section fourteen of this act shall be  
31 subject to the expiration and reversion of such paragraph pursuant to  
32 section 13 of chapter 87 of the laws of 2015, as amended, when upon such  
33 date the provisions of section fourteen-a of this act shall take effect;

34 (e) the amendments to paragraph (a) of subdivision 1 of section 10-108  
35 of the election law made by section fifteen of this act shall be subject  
36 to the expiration and reversion of such paragraph pursuant to section 13  
37 of chapter 87 of the laws of 2015, as amended, when upon such date the  
38 provisions of section fifteen-a of this act shall take effect; and

39 (f) the amendments to subdivision 4 of section 11-204 of the election  
40 law made by section sixteen of this act shall be subject to the expira-  
41 tion and reversion of such subdivision pursuant to section 13 of chapter  
42 87 of the laws of 2015, as amended, when upon such date the provisions  
43 of section sixteen-a of this act shall take effect.