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

8256

2015-2016 Regular Sessions

I N A S S E M B L Y

June 15, 2015

Introduced by M. of A. CUSICK -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to the conducting of the presidential primary, to provide for the election of delegates to a national party convention or a national party conference in 2016, and the "Spring" and "Fall" primary in such year; to amend the election law, in relation to electing delegates to a national party convention; and providing for the repeal of such provisions upon expiration thereof

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

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

(a) A primary election, to be known as the fall primary, shall be held on the first Tuesday after the second Monday in September before every general election unless otherwise changed by an act of the legislature. MEMBERS OF STATE AND COUNTY COMMITTEES AND ASSEMBLY DISTRICT LEADERS AND ASSOCIATE ASSEMBLY DISTRICT LEADERS AND ALL OTHER PARTY POSITIONS TO BE ELECTED SHALL BE ELECTED AT THE FALL PRIMARY AND ALL NOMINATIONS FOR STATE AND LOCAL PUBLIC OFFICE REQUIRED TO BE MADE AT A PRIMARY ELECTION IN SUCH YEAR SHALL BE MADE AT THE FALL PRIMARY, EXCEPT A VILLAGE PRIMARY PURSUANT TO EITHER ARTICLE FIFTEEN OR TITLE TWO OF ARTICLE SIX OF THIS CHAPTER. In [each] THE year TWO THOUSAND SIXTEEN in which electors of president and vice president of the United States are to be elected, an additional primary election, to be known as the spring primary, shall be held on [the first Tuesday in February] APRIL TWENTY-SIXTH, TWO THOUSAND SIXTEEN, unless otherwise changed by an act of the legislature, for the purpose of MAKING ALL PARTY NOMINATIONS FOR FEDERAL OFFICE REQUIRED TO BE MADE AT A PRIMARY ELECTION AND electing delegates AND ALTERNATE DELEGATES to the national convention[, members of state and county

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

LBD11690-01-5

committees and assembly district leaders and associate assembly district leaders].

S 2. Notwithstanding any inconsistent provisions of the election law, a rule or resolution of a state committee providing for the selection of delegates and alternate delegates to a national party convention or national party conference in the year 2016 shall select either section three or section four of this act in order to conform to the rules of a national committee. A certified copy of such rule or resolution shall be filed with the state board of elections no later than the first day of November, 2015.

S 3. The election law is amended by adding a new section 2-122-a to read as follows:

S 2-122-A. NATIONAL CONVENTION; NATIONAL PARTY CONFERENCE. 1. THE RULES OF THE STATE COMMITTEE OF A PARTY MAY PROVIDE THAT THE DELEGATES AND ALTERNATE DELEGATES TO A NATIONAL CONVENTION OR NATIONAL PARTY CONFERENCE BE ELECTED BY A COMBINATION OF ALL OF THE FOLLOWING METHODS:

A. BY VOTES CAST AT A PRIMARY ELECTION FOR CANDIDATES FOR THE OFFICE OF PRESIDENT OF THE UNITED STATES IN WHICH THE NAMES OF CANDIDATES FOR SUCH OFFICE APPEAR ON THE BALLOT;

B. BY VOTES CAST AT A PRIMARY ELECTION FOR CANDIDATES FOR THE POSITIONS OF DELEGATE AND ALTERNATE DELEGATE TO A NATIONAL CONVENTION IN DISTRICTS NO LARGER THAN CONGRESSIONAL DISTRICTS; AND

C. BY THE STATE COMMITTEE OR A COMMITTEE OF THE STATE COMMITTEE AT A MEETING OR CONVENTION CALLED FOR SUCH PURPOSE AS THE RULES OF THE PARTY MAY PROVIDE.

2. IF THE RULES OF A STATE COMMITTEE ADOPTED PURSUANT TO THE PROVISIONS OF THIS SECTION PROVIDE FOR A PRIMARY ELECTION IN WHICH THE OFFICE OF PRESIDENT OF THE UNITED STATES APPEARS ON THE BALLOT, DESIGNATION OF CANDIDATES FOR SUCH OFFICE SHALL BE MADE PURSUANT TO THE PROVISIONS OF SECTIONS 6-100, 6-118, 6-122 (EXCEPT THAT SUCH CANDIDATES NEED NOT BE CITIZENS OF NEW YORK BUT ONLY CITIZENS OF THE UNITED STATES), 6-130, 6-132 (EXCEPT THAT REFERENCES TO A COMMITTEE TO FILL VACANCIES SHALL BE DEEMED REFERENCES TO A COMMITTEE TO RECEIVE NOTICES), 6-134, 6-144, THE PROVISIONS WITH RESPECT TO DECLINATIONS IN SUBDIVISIONS ONE AND TWO OF SECTION 6-146 (EXCEPT THAT REFERENCES TO A COMMITTEE TO FILL VACANCIES SHALL BE DEEMED REFERENCES TO A COMMITTEE TO RECEIVE NOTICES), 6-154, AND SUBDIVISION ONE AND THE PROVISION WITH RESPECT TO DECLINATIONS IN SUBDIVISION TWO OF SECTION 6-158 (EXCEPT THAT SUCH CANDIDATES MAY DECLINE SUCH DESIGNATIONS NOT LATER THAN FEBRUARY SIXTEENTH, TWO THOUSAND SIXTEEN) OF THIS CHAPTER. THE STATE BOARD OF ELECTIONS SHALL FORTHWITH NOTIFY THE APPROPRIATE COUNTY BOARDS OF ELECTIONS OF ANY SUCH DECLINATION FILED.

3. DESIGNATING PETITIONS, WHERE REQUIRED FOR CANDIDATES FOR THE OFFICE OF PRESIDENT OF THE UNITED STATES TO BE VOTED ON BY VOTERS OF THE ENTIRE STATE IN A PRIMARY ELECTION, MUST BE SIGNED BY NOT LESS THAN FIVE THOUSAND OF THE THEN ENROLLED VOTERS OF THE PARTY IN THE STATE.

4. IF THE RULES OF A STATE COMMITTEE PROVIDE FOR A PRIMARY ELECTION IN WHICH THE OFFICE OF THE PRESIDENT OF THE UNITED STATES APPEARS ON THE BALLOT, IN ADDITION TO THE SPACES ON THE BALLOT WITH THE NAMES OF THE CANDIDATES DESIGNATED FOR SUCH OFFICE THERE MAY BE A SPACE WITH THE WORD "UNCOMMITTED". THE "UNCOMMITTED" SPACE SHALL BE LISTED ON THE BALLOT PROVIDED THAT A DESIGNATING PETITION FOR SUCH "UNCOMMITTED" SPACE WHICH MEETS THE SAME REQUIREMENTS AS A PETITION DESIGNATING A CANDIDATE FOR THE OFFICE OF PRESIDENT OF THE UNITED STATES IS FILED IN THE SAME MANNER AS IS REQUIRED FOR SUCH A PETITION.

5. A. THE FORM OF A PETITION REQUESTING THAT AN "UNCOMMITTED" SPACE BE LISTED ON THE BALLOT AT A PRIMARY ELECTION FOR THE OFFICE OF PRESIDENT OF THE UNITED STATES HELD PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL BE SUBSTANTIALLY AS FOLLOWS:

I, THE UNDERSIGNED, DO HEREBY STATE THAT I AM A DULY ENROLLED VOTER OF THE ..... PARTY AND ENTITLED TO VOTE AT THE NEXT PRIMARY ELECTION OF SUCH PARTY TO BE HELD ON THE ..... DAY OF ..... 20..., THAT MY PLACE OF RESIDENCE IS TRULY STATED OPPOSITE MY SIGNATURE HERETO, AND I DO HEREBY REQUEST THAT AN "UNCOMMITTED" SPACE BE LISTED ON THE BALLOT AT THE PRIMARY ELECTION OF SUCH PARTY FOR THE OFFICE OF PRESIDENT OF THE UNITED STATES.

B. THE APPOINTMENT OF A COMMITTEE TO RECEIVE NOTICES SHALL BE IN THE FORM PRESCRIBED FOR A PETITION FOR AN OPPORTUNITY TO BALLOT. THE SIGNATURES ON THE PETITION WITH ALL THE REQUIRED INFORMATION AND THE SIGNED STATEMENT OF A WITNESS OR AUTHENTICATION BY A PERSON AUTHORIZED TO TAKE OATHS SHALL BE IN THE FORM PRESCRIBED FOR A DESIGNATING PETITION FOR SUCH OFFICE.

6. A. IF THE RULES OF A STATE COMMITTEE, ADOPTED PURSUANT TO THE PROVISIONS OF THIS SECTION, PROVIDE THAT THE POSITIONS OF DELEGATE AND ALTERNATE DELEGATE TO A NATIONAL CONVENTION APPEAR ON THE BALLOT, DESIGNATION OF CANDIDATES FOR SUCH POSITIONS SHALL BE MADE PURSUANT TO THE PROVISIONS OF SECTIONS 6-100, 6-118, 6-122, 6-130, 6-132 (EXCEPT THAT REFERENCES TO A COMMITTEE TO FILL VACANCIES SHALL BE DEEMED REFERENCES TO A COMMITTEE TO RECEIVE NOTICES), 6-134, 6-144, THE PROVISIONS WITH RESPECT TO DECLINATIONS IN SUBDIVISIONS ONE AND TWO OF SECTION 6-146 (EXCEPT THAT REFERENCES TO A COMMITTEE TO FILL VACANCIES SHALL BE DEEMED REFERENCES TO A COMMITTEE TO RECEIVE NOTICES), 6-147, 6-154, AND SUBDIVISION ONE AND THE PROVISION WITH RESPECT TO DECLINATIONS IN SUBDIVISION TWO AND SUBDIVISION THREE OF SECTION 6-158 OF THIS CHAPTER.

B. CANDIDATES FOR THE POSITIONS OF DISTRICT DELEGATE AND ALTERNATE DISTRICT DELEGATE TO A NATIONAL PARTY CONVENTION PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL BE ENROLLED MEMBERS OF SUCH PARTY AND RESIDENTS OF THE DISTRICT IN WHICH THEY ARE CANDIDATES. THE CONGRESSIONAL DISTRICTS USED FOR THE ELECTION OF SUCH DELEGATES AND ALTERNATE DELEGATES SHALL BE THOSE DISTRICTS IN EFFECT FOR THE TWO THOUSAND FOURTEEN CONGRESSIONAL ELECTIONS.

C. DESIGNATING PETITIONS FOR CANDIDATES FOR SUCH POSITIONS MUST BE SIGNED BY AT LEAST FIVE HUNDRED ENROLLED VOTERS OF THE PARTY RESIDING IN THE DISTRICT IN WHICH SUCH CANDIDATES ARE DESIGNATED, OR BY AT LEAST ONE-HALF OF ONE PERCENT (0.5%) OF THE THEN ENROLLED VOTERS OF SUCH PARTY IN SUCH DISTRICT, WHICHEVER IS LESS. SUCH PETITION SIGNATURE REQUIREMENT SHALL BE COMPUTED USING THE OFFICIAL APRIL FIRST, TWO THOUSAND FIFTEEN ENROLLMENTS PUBLISHED BY THE STATE BOARD OF ELECTIONS.

D. THE DESIGNATING PETITION FOR ANY SUCH CANDIDATE OR CANDIDATES SHALL HAVE PRINTED THEREON PRIOR TO THE AFFIXING OF ANY SIGNATURES THERETO, A LEGEND NAMING THE PRESIDENTIAL CANDIDATE WHOM SUCH CANDIDATES ARE PLEDGED TO SUPPORT, OR A LEGEND THAT SUCH CANDIDATES ARE UNCOMMITTED. SUCH LEGEND SHALL BE PART OF THE TITLE OF SUCH POSITION.

E. NO DESIGNATING PETITION CONTAINING THE NAMES OF MORE THAN ONE CANDIDATE FOR EITHER SUCH POSITION SHALL BE VALID UNDER THIS SECTION, FOR PURPOSES OF DELEGATES AND ALTERNATE DELEGATES, UNLESS ALL SUCH CANDIDATES FOR SUCH POSITIONS HAVE PRINTED ON SUCH PETITION THE LEGEND THAT THEY ARE PLEDGED TO THE SAME PRESIDENTIAL CANDIDATE OR UNLESS ALL SUCH CANDIDATES FOR SUCH POSITIONS HAVE PRINTED ON SUCH PETITION THE LEGEND THAT THEY ARE UNCOMMITTED.

F. NO DESIGNATING PETITION CONTAINING THE NAMES OF MORE THAN ONE CANDIDATE FOR EITHER SUCH POSITION SHALL BE PRESUMPTIVELY VALID UNLESS THE CANDIDATES FOR DELEGATE AS A GROUP AND THE CANDIDATES FOR ALTERNATE AS A GROUP ARE EQUALLY DIVIDED BETWEEN MALES AND FEMALES, WITH A VARIANCE NO GREATER THAN ONE.

G. IN THE EVENT THAT A DESIGNATING PETITION IS FILED FOR CANDIDATES FOR SUCH POSITIONS LISTED AS PLEDGED TO SUPPORT A PRESIDENTIAL CANDIDATE OR AS UNCOMMITTED, AND THE NAME OF SUCH PRESIDENTIAL CANDIDATE, OR THE WORD UNCOMMITTED, WILL NOT APPEAR ON THE BALLOT AT THE PRESIDENTIAL PRIMARY ELECTION IN TWO THOUSAND SIXTEEN, THEN THE PETITION DESIGNATING SUCH CANDIDATES FOR SUCH POSITIONS SHALL BE NULL AND VOID AND THE NAMES OF SUCH CANDIDATES FOR SUCH POSITIONS SHALL NOT APPEAR ON THE BALLOT.

H. EVERY BOARD OF ELECTIONS WITH WHICH DESIGNATING PETITIONS ARE FILED PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL, NOT LATER THAN FOUR DAYS AFTER THE LAST DAY TO FILE SUCH PETITIONS, FILE WITH THE STATE BOARD OF ELECTIONS BY EXPRESS MAIL OR BY ELECTRONIC TRANSMISSION, A COMPLETE LIST OF ALL CANDIDATES FOR DELEGATE AND ALTERNATE DELEGATE TOGETHER WITH THEIR RESIDENCE ADDRESSES, THE DISTRICTS IN WHICH THEY ARE CANDIDATES AND THE NAME OF THE PRESIDENTIAL CANDIDATE WHOM THEY ARE PLEDGED TO SUPPORT OR THAT THEY ARE UNCOMMITTED. SUCH BOARDS OF ELECTIONS SHALL, NOT LATER THAN THE DAY AFTER A CERTIFICATE OF DECLINATION OR SUBSTITUTION IS FILED WITH RESPECT TO ANY SUCH CANDIDATE, FILE SUCH INFORMATION WITH RESPECT TO SUCH CANDIDATE WITH THE STATE BOARD OF ELECTIONS BY ELECTRONIC TRANSMISSION.

7. A. THE RULES OF A STATE COMMITTEE ADOPTED PURSUANT TO THE PROVISIONS OF THIS SECTION MAY PROVIDE THAT NO CANDIDATE FOR THE POSITIONS OF DELEGATE AND ALTERNATE DELEGATE MAY APPEAR ON THE BALLOT AS PLEDGED TO SUPPORT A PARTICULAR PRESIDENTIAL CANDIDATE, OR AS UNCOMMITTED, UNLESS THE NAME OF SUCH CANDIDATE FOR SUCH POSITION APPEARS ON A CERTIFICATE LISTING THE NAMES OF THOSE CANDIDATES FOR SUCH POSITIONS WHO HAVE FILED STATEMENTS OF CANDIDACY FOR SUCH POSITIONS WITH THE SECRETARY OF THE STATE COMMITTEE WITHIN THE TIME PRESCRIBED BY SUCH RULES AND WHO, IF THEIR STATEMENTS OF CANDIDACY CONTAINED A PLEDGE OF SUPPORT OF A PRESIDENTIAL CANDIDATE, WERE NOT REJECTED BY SUCH PRESIDENTIAL CANDIDATE. SUCH CERTIFICATE SHALL ALSO LIST THE ADDRESS AND SEX OF EACH SUCH CANDIDATE FOR DELEGATE AND ALTERNATE DELEGATE AND THE DISTRICT IN WHICH SUCH CANDIDATE MAY APPEAR ON THE BALLOT.

B. SUCH CERTIFICATE SHALL BE FILED BY THE SECRETARY OF SUCH STATE COMMITTEE, WITH THE BOARD OF ELECTIONS WITH WHICH THE DESIGNATING PETITIONS FOR SUCH CANDIDATES FOR SUCH POSITIONS ARE REQUIRED TO BE FILED, NOT LATER THAN FEBRUARY TWENTY-THIRD, TWO THOUSAND SIXTEEN.

C. IN THE EVENT THAT A DESIGNATING PETITION FOR CANDIDATES FOR SUCH POSITIONS, LISTED AS PLEDGED TO SUPPORT A PRESIDENTIAL CANDIDATE, CONTAINS THE NAMES OF ONE OR MORE PERSONS WHO HAVE NOT BEEN PERMITTED BY SUCH PRESIDENTIAL CANDIDATE TO APPEAR ON THE BALLOT AS SO PLEDGED PURSUANT TO THE PROVISIONS OF THIS SECTION, THEN THE NAMES OF SUCH CANDIDATES SHALL NOT APPEAR ON THE BALLOT BUT THE NAMES OF OTHER CANDIDATES ON SUCH PETITION WHO HAVE BEEN PERMITTED BY THE PRESIDENTIAL CANDIDATE TO APPEAR ON THE BALLOT SHALL BE PLACED ON THE BALLOT PROVIDED THAT SUCH CANDIDATES ARE OTHERWISE ELIGIBLE AND THAT SUCH PETITION IS OTHERWISE VALID.

D. THE STATE BOARD OF ELECTIONS SHALL SEND A COPY OF THE CERTIFICATE REQUIRED BY SECTION 4-110 OF THIS CHAPTER TO THE SECRETARY OF THE STATE COMMITTEE OF EACH PARTY CONDUCTING A PRIMARY PURSUANT TO THE PROVISIONS OF THIS SECTION NOT LATER THAN MARCH THIRD, TWO THOUSAND SIXTEEN. EVERY OTHER BOARD OF ELECTIONS WITH WHICH DESIGNATING PETITIONS FOR DELEGATE AND ALTERNATE DELEGATE WERE FILED PURSUANT TO THE PROVISIONS OF THIS

SECTION SHALL, NOT LATER THAN MARCH FOURTH, TWO THOUSAND SIXTEEN, SEND A LIST OF THE NAMES AND ADDRESSES OF THOSE CANDIDATES WHO WILL APPEAR ON THE BALLOT TO THE SECRETARY OF EACH SUCH STATE COMMITTEE.

8. A. IF THE RULES OF A STATE COMMITTEE ADOPTED PURSUANT TO THE PROVISIONS OF THIS SECTION PROVIDE FOR AN ELECTION IN WHICH CANDIDATES FOR THE OFFICE OF PRESIDENT OF THE UNITED STATES AND THE WORD "UNCOMMITTED" AND CANDIDATES FOR THE POSITIONS OF DELEGATE AND ALTERNATE DELEGATE TO A NATIONAL CONVENTION APPEAR ON THE BALLOT, SUCH BALLOT SHALL BE ARRANGED IN THE MANNER PRESCRIBED BY THIS SECTION.

B. THE NAME OF EACH CANDIDATE FOR THE OFFICE OF PRESIDENT OF THE UNITED STATES WHO HAS QUALIFIED TO APPEAR ON THE BALLOT AND THE WORD "UNCOMMITTED," IF A VALID DESIGNATING PETITION TO PLACE SUCH WORD ON THE BALLOT WAS FILED WITH THE STATE BOARD OF ELECTIONS, SHALL APPEAR IN A SEPARATE ROW OR COLUMN. THE NAMES OF ALL THE CANDIDATES FOR DELEGATE TO A NATIONAL CONVENTION WHO FILED DESIGNATING PETITIONS CONTAINING A LEGEND NAMING THE PRESIDENTIAL CANDIDATE WHOM THEY ARE PLEDGED TO SUPPORT OR STATING THAT THEY ARE UNCOMMITTED SHALL BE LISTED IN SUCH ROW OR COLUMN IMMEDIATELY UNDER OR ADJACENT TO THE NAME OF SUCH PRESIDENTIAL CANDIDATE OR THE WORD "UNCOMMITTED," FOLLOWED BY THE NAMES OF ALL CANDIDATES FOR ALTERNATE DELEGATE TO SUCH CONVENTION WHO FILED SUCH PETITIONS. IF THE NUMBER OF CANDIDATES, OR GROUPS OF CANDIDATES FOR DELEGATE AND ALTERNATE DELEGATE WHO ARE PLEDGED TO SUPPORT A PARTICULAR PRESIDENTIAL CANDIDATE OR WHO ARE UNCOMMITTED IS GREATER THAN THE NUMBER WHO MAY BE LISTED IN ONE ROW OR COLUMN AND IF THERE ARE MORE ROWS OR COLUMNS AVAILABLE ON THE BALLOT THAN ARE REQUIRED FOR THE CANDIDATES FOR PRESIDENT WHO HAVE QUALIFIED TO APPEAR ON THE BALLOT, THEN THE BOARD OF ELECTIONS SHALL USE TWO ROWS OR COLUMNS ON SUCH BALLOT TO LIST THE NAMES OF SUCH CANDIDATES FOR DELEGATE AND ALTERNATE DELEGATE.

C. THE ORDER OF THE NAMES OF CANDIDATES FOR THE OFFICE OF PRESIDENT AND THE WORD "UNCOMMITTED" ON THE BALLOT AND THE ORDER OF THE NAMES OF CANDIDATES FOR THE POSITIONS OF DELEGATE OR ALTERNATE DELEGATE WITHIN A PARTICULAR ROW OR COLUMN SHALL BE DETERMINED PURSUANT TO THE PROVISIONS OF SUBDIVISION THREE OF SECTION 7-116 OF THIS CHAPTER EXCEPT THAT NAMES OF CANDIDATES FOR SUCH POSITIONS WHO ARE DESIGNATED BY INDIVIDUAL PETITIONS AND NOT IN A GROUP SHALL HAVE THEIR POSITIONS DETERMINED BY LOT IN THE SAME DRAWING AS GROUPS AND EXCEPT FURTHER THAT CANDIDATES OR GROUPS OF CANDIDATES FOR DELEGATES AND ALTERNATE DELEGATES DESIGNATED BY THE SAME PETITION SHALL BE TREATED AS ONE GROUP FOR THE PURPOSES OF SUCH DETERMINATION BY LOT. THE PROVISIONS OF SUBDIVISION SIX OF SUCH SECTION 7-116 OF THIS CHAPTER SHALL NOT APPLY TO ANY ELECTION CONDUCTED PURSUANT TO THE PROVISIONS OF THIS SECTION.

D. IMMEDIATELY FOLLOWING THE NAME OF EACH CANDIDATE FOR DELEGATE AND ALTERNATE DELEGATE ON THE BALLOT SHALL APPEAR, IN PARENTHESIS, THE LETTER (M) IF SUCH CANDIDATE IS MALE AND THE LETTER (F) IF SUCH CANDIDATE IS FEMALE.

9. ALL PRIMARY ELECTIONS CONDUCTED PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL USE ONLY VOTING SYSTEMS AUTHORIZED BY TITLE TWO OF ARTICLE SEVEN OF THIS CHAPTER.

10. PERSONS ENTITLED TO VOTE PURSUANT TO SECTION 11-200 OF THIS CHAPTER SHALL BE ENTITLED TO SIGN DESIGNATING PETITIONS FOR, AND VOTE IN, ANY ELECTION HELD PURSUANT TO THE PROVISIONS OF THIS SECTION.

11. IF THE RULES OF A STATE COMMITTEE PROVIDE FOR A PRIMARY ELECTION IN WHICH THE OFFICE OF PRESIDENT OF THE UNITED STATES AND THE POSITIONS OF DELEGATE AND ALTERNATE DELEGATE TO A NATIONAL CONVENTION APPEAR ON THE BALLOT PURSUANT TO THE PROVISIONS OF THIS SECTION, THE STATE BOARD OF ELECTIONS AND THE COUNTY BOARDS OF ELECTIONS AS THE CASE MAY BE SHALL

CANVASS THE RESULTS OF SUCH PRIMARY ELECTION FOR SUCH OFFICE AND POSITIONS PURSUANT TO THE PROVISIONS OF SECTIONS 9-200 AND 9-202 OF THIS CHAPTER, AND SHALL CERTIFY TO THE SECRETARY OF THE STATE COMMITTEE OF SUCH PARTY THE VOTES CAST FOR EACH CANDIDATE FOR SUCH OFFICE AND POSITIONS IN SUCH PRIMARY ELECTION AND THE VOTES CAST FOR THE "UNCOMMITTED" PREFERENCE, TALLIED SEPARATELY BY CONGRESSIONAL DISTRICTS, EXCEPT THAT NO CANDIDATE OR "UNCOMMITTED" PREFERENCE SHALL BE CERTIFIED AS NOMINATED OR ELECTED TO ANY SUCH OFFICE OR POSITION.

12. EXCEPT AS PROVIDED IN THIS SECTION AND PARTY RULES AND REGULATIONS, ALL PROVISIONS OF THE ELECTION LAW, EXCEPT ANY PROVISIONS OF SECTION 2-122 OF THIS ARTICLE WHICH ARE INCONSISTENT WITH THIS SECTION AND THOSE SECTIONS AND SUBDIVISIONS OF ARTICLE SIX OF THIS CHAPTER NOT SPECIFIED IN THIS SECTION, SHALL APPLY TO ELECTIONS CONDUCTED PURSUANT TO THIS SECTION.

S 4. The election law is amended by adding a new section 2-122-b to read as follows:

S 2-122-B. PRESIDENTIAL PRIMARY. 1. APPLICABILITY. THE SELECTION OF DELEGATES AND ALTERNATE DELEGATES FROM NEW YORK STATE TO THE NATIONAL CONVENTION OF THE REPUBLICAN PARTY IN EACH YEAR IN WHICH ELECTORS OF PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES ARE TO BE ELECTED SHALL BE CONDUCTED PURSUANT TO THE PROVISIONS OF THIS SECTION. THE STATE COMMITTEE OF ANY OTHER POLITICAL PARTY MAY, BY RULE OR RESOLUTION, OPT TO CONDUCT THE SELECTION OF DELEGATES AND ALTERNATE DELEGATES IN ANY SUCH YEAR IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. A CERTIFIED COPY OF SUCH RULE OR RESOLUTION SHALL BE FILED WITH THE STATE BOARD OF ELECTIONS NO LATER THAN TWENTY WEEKS PRIOR TO THE DATE OF SUCH ELECTION.

2. GENERAL PROVISIONS. THE AWARDING OF DELEGATES AND ALTERNATE DELEGATES TO A NATIONAL CONVENTION OR CONFERENCE OF A POLITICAL PARTY PURSUANT TO THIS SECTION SHALL BE DETERMINED BY THE VOTES CAST AT A STATEWIDE PRIMARY ELECTION FOR CANDIDATES FOR THE OFFICE OF PRESIDENT OF THE UNITED STATES IN WHICH THE NAMES OF CANDIDATES FOR SUCH OFFICE APPEAR ON THE BALLOT AND THE NAMES OF DELEGATES AND ALTERNATE DELEGATES DO NOT APPEAR ON SUCH BALLOT. THE TOTAL NUMBER OF DELEGATES AND ALTERNATE DELEGATES SHALL BE DETERMINED BY THE CALL FOR THE NATIONAL CONVENTION. THREE DELEGATES AND THREE ALTERNATE DELEGATES SHALL BE AWARDED FROM EVERY CONGRESSIONAL DISTRICT IN THE STATE, UNLESS THE RULES OF THE NATIONAL REPUBLICAN PARTY AND/OR THE CALL FOR THE NATIONAL CONVENTION PROVIDE DIFFERENTLY. THE TOTAL NUMBER OF DELEGATES AND ALTERNATE DELEGATES AS ESTABLISHED BY THE CALL FOR THE NATIONAL CONVENTION MINUS THE NUMBER OF DELEGATES AND ALTERNATE DELEGATES TO BE AWARDED FROM THE CONGRESSIONAL DISTRICTS SHALL BE DESIGNATED AT-LARGE DELEGATES AND AT-LARGE ALTERNATE DELEGATES.

A POLITICAL PARTY SHALL CERTIFY TO THE STATE BOARD OF ELECTIONS, AT LEAST TWELVE WEEKS PRIOR TO THE DATE OF THE PRESIDENTIAL PRIMARY, THE NUMBER OF DELEGATES TO WHICH SUCH PARTY IS ENTITLED PURSUANT TO ITS RULES.

CONGRESSIONAL DISTRICT DELEGATES AND ALTERNATE DELEGATES SHALL BE AWARDED BASED UPON THE RESULTS OF SEPARATE AND DISTINCT PRIMARY ELECTIONS HELD WITHIN EACH CONGRESSIONAL DISTRICT OF THE STATE. CONGRESSIONAL DISTRICT DELEGATES AND ALTERNATE DELEGATES SHALL BE AWARDED TO PRESIDENTIAL CANDIDATES PURSUANT TO PARAGRAPH B OF SUBDIVISION FOUR OF THIS SECTION AND ELECTED PURSUANT TO PARAGRAPH C OF SUBDIVISION FOUR OF THIS SECTION. AT-LARGE DELEGATES AND ALTERNATE DELEGATES SHALL BE ELECTED BY THE STATE COMMITTEE AND ALLOCATED TO PRESIDENTIAL CANDIDATES PURSUANT TO SUBDIVISION FIVE OF THIS SECTION.

3. BALLOT ACCESS METHODS. CANDIDATES SHALL BE ELIGIBLE TO APPEAR ON THE BALLOT IN A PRIMARY ELECTION OF A POLITICAL PARTY FOR THE OFFICE OF PRESIDENT OF THE UNITED STATES PURSUANT TO ANY OF THE FOLLOWING PROVISIONS:

A. ANY CANDIDATE WHO HAS BEEN CERTIFIED AS ELIGIBLE TO RECEIVE PRESIDENTIAL PRIMARY MATCHING FUND PAYMENTS PURSUANT TO THE PROVISIONS OF 11 CODE OF FEDERAL REGULATIONS PART 9033, OR ANY CANDIDATE WHO MEETS THE ELIGIBILITY CRITERIA REGARDING MATCHABLE CONTRIBUTIONS ESTABLISHED IN 11 CODE OF FEDERAL REGULATIONS PART 9033.2(B)(3) REGARDLESS OF WHETHER SUCH CANDIDATE ACTUALLY APPLIED FOR SUCH MATCHING FUND PAYMENTS, MAY REQUEST, BY CERTIFICATE FILED AND RECEIVED BY THE STATE BOARD OF ELECTIONS NO SOONER THAN TWELVE WEEKS AND NOT LATER THAN NINE WEEKS PRIOR TO THE DATE OF THE PRESIDENTIAL PRIMARY, THAT THE NAME OF SUCH CANDIDATE APPEAR ON THE BALLOT AT THE PRIMARY OF SUCH PARTY IN THE STATE OF NEW YORK FOR THAT YEAR.

B. ANY CANDIDATE MAY REQUEST, BY CERTIFICATE FILED AND RECEIVED BY THE STATE BOARD OF ELECTIONS NO SOONER THAN TWELVE WEEKS AND NOT LATER THAN NINE WEEKS PRIOR TO THE DATE OF THE PRESIDENTIAL PRIMARY, THAT THE NAME OF SUCH CANDIDATE APPEAR ON THE BALLOT AT THE PRIMARY OF SUCH PARTY IN THE STATE OF NEW YORK FOR THE OFFICE OF PRESIDENT OF THE UNITED STATES. SUCH CANDIDATE SHALL BE ELIGIBLE TO APPEAR ON THE BALLOT OF SUCH PARTY IN THE STATE OF NEW YORK AT THE PRIMARY ELECTION FOR THAT YEAR IF THE STATE BOARD OF ELECTIONS DETERMINES THAT THE PERSON IS A NATIONALLY KNOWN AND RECOGNIZED CANDIDATE AND THE CANDIDACY OF SUCH PERSON FOR THE PARTY NOMINATION FOR PRESIDENT IS GENERALLY AND SERIOUSLY ADVOCATED OR RECOGNIZED ACCORDING TO REPORTS IN THE NATIONAL OR STATE NEWS MEDIA. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW TO THE CONTRARY, A REQUEST BY A CANDIDATE TO APPEAR ON THE PRESIDENTIAL PRIMARY BALLOT OF A MAJOR POLITICAL PARTY SHALL BE DETERMINED SOLELY UPON A JOINT RECOMMENDATION BY THE COMMISSIONERS OF THE STATE BOARD OF ELECTIONS WHO HAVE BEEN APPOINTED ON THE RECOMMENDATION OF SUCH POLITICAL PARTY OR THE LEGISLATIVE LEADERS OF SUCH POLITICAL PARTY, AND NO OTHER COMMISSIONER OF THE STATE BOARD OF ELECTIONS SHALL PARTICIPATE IN SUCH DETERMINATION. THE STATE BOARD OF ELECTIONS SHALL ACT UPON ANY SUCH REQUEST NO LATER THAN FIFTY-FIVE DAYS BEFORE THE PRESIDENTIAL PRIMARY.

C. ANY CANDIDATE SHALL BE ELIGIBLE TO APPEAR ON THE BALLOT PURSUANT TO THE PROVISIONS OF ARTICLE SIX OF THIS CHAPTER. DESIGNATING PETITIONS SHALL BE SIGNED BY NOT LESS THAN FIVE THOUSAND OR FIVE PERCENT, WHICHEVER IS LESS, OF THE THEN ENROLLED VOTERS OF THE PARTY IN THE STATE.

D. PRESIDENTIAL CANDIDATES DETERMINED ELIGIBLE TO APPEAR ON THE PRIMARY BALLOT MAY HAVE THEIR NAME REMOVED FROM SUCH PRIMARY BALLOT BY FILING A CERTIFICATE WITH THE STATE BOARD OF ELECTIONS AND RECEIVED NO LATER THAN TWENTY-EIGHT DAYS BEFORE SUCH PRIMARY ELECTION. AFTER SUCH DATE BUT BEFORE THE DATE OF THE PRIMARY, PRESIDENTIAL CANDIDATES MAY FILE A CERTIFICATE WITH THE STATE BOARD OF ELECTIONS DEEMING ANY VOTE FOR SUCH PRESIDENTIAL CANDIDATE TO BE A VOID VOTE.

4. ELECTION OF DELEGATES AND ALTERNATE DELEGATES FROM CONGRESSIONAL DISTRICTS. A. EACH CONGRESSIONAL DISTRICT SHALL CONDUCT A SEPARATE AND DISTINCT PRIMARY ELECTION. ENROLLED REPUBLICAN VOTERS FROM A CONGRESSIONAL DISTRICT SHALL VOTE FOR A PRESIDENTIAL CANDIDATE WHO HAS QUALIFIED FOR THE PRIMARY BALLOT PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

B. ALL THREE DELEGATES AND ALL THREE ALTERNATE DELEGATES FROM A CONGRESSIONAL DISTRICT SHALL BE AWARDED TO A PRESIDENTIAL CANDIDATE WHO RECEIVES A MAJORITY OF THE TOTAL VOTES CAST FOR PRESIDENTIAL CANDIDATES IN SUCH CONGRESSIONAL DISTRICT. IF NO PRESIDENTIAL CANDIDATE RECEIVES A

MAJORITY OF THE VOTES IN A CONGRESSIONAL DISTRICT, THE PRESIDENTIAL CANDIDATE RECEIVING THE MOST VOTES IN THE CONGRESSIONAL DISTRICT SHALL BE AWARDED TWO DELEGATES AND TWO ALTERNATE DELEGATES AND THE PRESIDENTIAL CANDIDATE WHO RECEIVES THE SECOND MOST VOTES IN THE CONGRESSIONAL DISTRICT SHALL BE AWARDED ONE DELEGATE AND ONE ALTERNATE DELEGATE, PROVIDED HOWEVER, THAT A PRESIDENTIAL CANDIDATE MUST RECEIVE AT LEAST TWENTY PERCENT OF THE TOTAL VOTES CAST FOR PRESIDENTIAL CANDIDATES IN THE CONGRESSIONAL DISTRICT IN ORDER TO BE AWARDED ANY DELEGATES AND ALTERNATE DELEGATES FROM THAT CONGRESSIONAL DISTRICT. IF ONLY ONE PRESIDENTIAL CANDIDATE RECEIVES TWENTY PERCENT OR MORE OF THE TOTAL VOTES CAST FOR PRESIDENTIAL CANDIDATES IN A CONGRESSIONAL DISTRICT, SUCH PRESIDENTIAL CANDIDATE SHALL BE AWARDED ALL THREE DELEGATES AND ALL THREE ALTERNATE DELEGATES. IF NO PRESIDENTIAL CANDIDATE RECEIVES TWENTY PERCENT OR MORE OF THE TOTAL VOTES CAST FOR PRESIDENTIAL CANDIDATES IN A CONGRESSIONAL DISTRICT, THE THREE DELEGATE AND THREE ALTERNATE DELEGATE POSITIONS FROM SUCH DISTRICT SHALL BE DEEMED VACANT AND FILLED PURSUANT TO THE RULES OF THE NATIONAL REPUBLICAN PARTY.

C. ALL CONGRESSIONAL DISTRICT DELEGATES AND ALTERNATE DELEGATES SHALL BE ELECTED BY THE MEMBERS OF THE NEW YORK REPUBLICAN STATE COMMITTEE REPRESENTING EACH SUCH CONGRESSIONAL DISTRICT AND AWARDED TO PRESIDENTIAL CANDIDATES PURSUANT TO PARAGRAPH B OF THIS SUBDIVISION. THE CONGRESSIONAL DISTRICT DELEGATES AND ALTERNATE DELEGATES SHALL BE ELECTED BY THE MEMBERS OF THE NEW YORK REPUBLICAN STATE COMMITTEE REPRESENTING EACH SUCH CONGRESSIONAL DISTRICT AT MEETINGS CALLED BY THE STATE CHAIRMAN AND SCHEDULED IN COMPLIANCE WITH RULE 20 OF THE RULES OF THE REPUBLICAN PARTY (NATIONAL) BUT, IF PRACTICABLE, FOLLOWING THE CERTIFICATION OF THE RESULTS OF THE PRESIDENTIAL PRIMARY BY THE NEW YORK STATE BOARD OF ELECTIONS. THE NOTICES OF CALL ISSUED BY THE STATE CHAIRMAN SHALL DESIGNATE NEW YORK REPUBLICAN STATE COMMITTEE MEMBERS TO SERVE AS CHAIRS AND SECRETARIES OF THE CONGRESSIONAL DISTRICT MEETINGS. AT THESE CONGRESSIONAL DISTRICT MEETINGS, THE MEMBERS OF THE NEW YORK REPUBLICAN STATE COMMITTEE SHALL EACH CAST VOTES EQUAL TO THE REPUBLICAN ENROLLMENT FOR THEIR UNIT OF REPRESENTATION THAT IS WITHIN THE CONGRESSIONAL DISTRICT. VOTING BY PROXY AT THE CONGRESSIONAL DISTRICT MEETING SHALL BE VALID. THE CHAIR AND SECRETARY OF EACH CONGRESSIONAL DISTRICT MEETING SHALL FILE A CERTIFICATE WITH THE NEW YORK STATE BOARD OF ELECTIONS STATING THE NAMES AND ADDRESSES OF THE INDIVIDUALS ELECTED AS CONGRESSIONAL DISTRICT DELEGATES AND ALTERNATE DELEGATES WITHIN FIVE DAYS OF THE MEETING.

5. ELECTION OF AT LARGE DELEGATES AND AT LARGE ALTERNATE DELEGATES. AT-LARGE DELEGATES AND AT-LARGE ALTERNATE DELEGATES SHALL BE ELECTED BY THE NEW YORK REPUBLICAN STATE COMMITTEE AND AWARDED TO PRESIDENTIAL CANDIDATES BASED UPON THE STATEWIDE VOTE RESULTS OF THE PRESIDENTIAL PRIMARY ELECTION. ALL AT-LARGE DELEGATES AND AT-LARGE ALTERNATE DELEGATES SHALL BE AWARDED TO A PRESIDENTIAL CANDIDATE WHO RECEIVES A MAJORITY OF THE STATEWIDE TOTAL VOTES CAST FOR PRESIDENTIAL CANDIDATES. IF NO PRESIDENTIAL CANDIDATE RECEIVES A MAJORITY OF THE STATEWIDE TOTAL VOTES CAST FOR PRESIDENTIAL CANDIDATES, AT-LARGE DELEGATES AND AT-LARGE ALTERNATE DELEGATES SHALL BE ALLOCATED AND AWARDED AS FOLLOWS: BASED ON THE RATIO OF THE TOTAL STATEWIDE VOTE RECEIVED BY EACH PRESIDENTIAL CANDIDATE IN RELATION TO THE TOTAL STATEWIDE VOTE FOR ALL PRESIDENTIAL CANDIDATES RECEIVING AT LEAST TWENTY PERCENT OF THE STATEWIDE VOTE IN THE PRESIDENTIAL PRIMARY ELECTION, THE NEW YORK REPUBLICAN STATE COMMITTEE SHALL APPORTION PRO-RATA THE NUMBER OF AT-LARGE DELEGATES AND AT-LARGE ALTERNATE DELEGATES THAT EACH PRESIDENTIAL CANDIDATE IS ENTITLED TO RECEIVE ROUNDED TO THE NEAREST WHOLE NUMBER: PROVIDED HOWEVER, THAT A

PRESIDENTIAL CANDIDATE MUST RECEIVE AT LEAST TWENTY PERCENT OF THE TOTAL STATEWIDE VOTE OF THE PRESIDENTIAL PRIMARY ELECTION IN ORDER TO BE AWARDED ANY AT-LARGE DELEGATES BY THE NEW YORK REPUBLICAN STATE COMMITTEE. IN THE EVENT THE PRO-RATA APPORTIONMENT OF DELEGATES LEAVES ONE OR MORE DELEGATES UNAWARDED BY PROCESS OF MATHEMATICAL DISTRIBUTION, THEN ANY SUCH DELEGATE OR DELEGATES, SHALL BE AWARDED TO THE PRESIDENTIAL CANDIDATE WITH THE MOST STATEWIDE VOTES FOR ALL PRESIDENTIAL CANDIDATES. IN THE EVENT PRO-RATA APPORTIONMENT ENTITLES PRESIDENTIAL CANDIDATES BY PROCESS OF MATHEMATICAL DISTRIBUTION TO MORE DELEGATES THAN ARE AUTHORIZED PURSUANT TO THE RULES OF THE NATIONAL REPUBLICAN PARTY AND THE CALL FOR THE NATIONAL CONVENTION, THEN THE NUMBER OF DELEGATES AWARDED FOR THE CANDIDATE RECEIVING THE LEAST STATEWIDE VOTES AMONG THOSE PRESIDENTIAL CANDIDATES OTHERWISE ENTITLED TO BE AWARDED DELEGATES, SHALL BE DECREASED TO THE EXTENT NECESSARY TO CONFORM TO THE NUMBER OF AUTHORIZED DELEGATE POSITIONS.

6. ALL PROVISIONS OF THIS CHAPTER WHICH ARE NOT INCONSISTENT WITH THIS SECTION SHALL BE APPLICABLE TO A PRIMARY ELECTION CONDUCTED PURSUANT TO THIS SECTION.

S 5. Subdivision 4 of section 6-158 of the election law, as amended by chapter 434 of the laws of 1984, is amended and a new subdivision 1-a is added to read as follows:

1-A. A DESIGNATING PETITION FOR A SPRING PRIMARY ELECTION SHALL BE FILED NOT EARLIER THAN THE TWELFTH MONDAY BEFORE, AND NOT LATER THAN THE ELEVENTH THURSDAY PRECEDING THE SPRING PRIMARY ELECTION.

4. A petition of enrolled members of a party requesting an opportunity to write in the name of an undesignated candidate for a public office or party position at a primary election shall be filed not later than the eighth Thursday preceding the primary election, EXCEPT THAT SUCH A PETITION FILED FOR THE TWO THOUSAND SIXTEEN SPRING PRIMARY SHALL BE FILED NOT LATER THAN THE TENTH THURSDAY PRECEDING THE SPRING PRIMARY. However, where a designating petition has been filed and the person named therein has declined such designation and another person has been designated to fill the vacancy, then in that event, a petition for an opportunity to ballot in a primary election shall be filed not later than the seventh Thursday preceding such primary election, EXCEPT THAT SUCH A PETITION FILED FOR THE TWO THOUSAND SIXTEEN SPRING PRIMARY SHALL BE FILED NOT LATER THAN THE NINTH THURSDAY PRECEDING THE SPRING PRIMARY.

S 6. Subdivisions 6, 9, 11, and 12 of section 6-158 of the election law, subdivision 6 as amended by chapter 79 of the laws of 1992, subdivision 9 as amended by chapter 517 of the laws of 1986, and subdivisions 11 and 12 as amended by chapter 434 of the laws of 1984, are amended to read as follows:

6. A certificate of a party nomination made other than at the primary election for an office to be filled at the time of a general election shall be filed not later than seven days after the fall primary election, except that a certificate of nomination for an office which becomes vacant after the seventh day preceding such primary election shall be filed not later than fourteen days after the creation of such vacancy and except, further, that a certificate of party nomination of candidates for elector of president and vice-president of the United States shall be filed not later than [fourteen days after the fall primary election] SIXTY DAYS BEFORE THE TWO THOUSAND SIXTEEN GENERAL ELECTION, and except still further that a certificate of party nomination made at a judicial district convention shall be filed not later than the day after the last day to hold such convention and the minutes of such convention, duly certified by the chairman and secretary, shall

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

9. A petition for an independent nomination for an office to be filled at the time of a general election shall be filed not earlier than twelve weeks and not later than eleven weeks preceding such election, EXCEPT THAT AN INDEPENDENT NOMINATION FOR A FEDERAL OFFICE TO BE FILLED AT THE TIME OF THE TWO THOUSAND SIXTEEN GENERAL ELECTION SHALL BE FILED NOT EARLIER THAN THE FIFTEENTH AND NOT LATER THAN THE FOURTEENTH WEEKS PRECEDING SUCH ELECTION. A petition for an independent nomination for an office to be filled at a special election shall be filed not later than twelve days following the issuance of a proclamation of such election. A petition for trustee of the Long Island Power Authority shall be filed not earlier than seven weeks and not later than six weeks preceding the day of the election of such trustees.

11. A certificate of acceptance or declination of an independent nomination for [an] A STATE OR LOCAL office to be filled at the time of a general election shall be filed not later than the third day after the eleventh Tuesday preceding such election, AND A CERTIFICATE OF ACCEPTANCE OR DECLINATION OF AN INDEPENDENT NOMINATION FOR A FEDERAL OFFICE TO BE FILLED AT THE TIME OF THE TWO THOUSAND SIXTEEN GENERAL ELECTION SHALL BE FILED NOT LATER THAN THE THIRD DAY AFTER THE FOURTEENTH TUESDAY PRECEDING SUCH ELECTION, except that a candidate who files such a certificate of acceptance for [an] A STATE OR LOCAL office for which there have been filed certificates or petitions designating more than one candidate for the nomination of any party, may thereafter file a certificate of declination FOR SUCH STATE OR LOCAL OFFICE not later than the third day after the primary election. A certificate of acceptance or declination of an independent nomination for an office to be filled at a special election shall be filed not later than fourteen days following the issuance of a proclamation of such election.

12. A certificate to fill a vacancy caused by a declination of an independent nomination for an office to be filled at the time of a general election shall be filed not later than the sixth day after the eleventh Tuesday preceding such election, EXCEPT THAT A CERTIFICATE TO FILL A VACANCY CAUSED BY A DECLINATION OF AN INDEPENDENT NOMINATION FOR A FEDERAL OFFICE TO BE FILLED AT THE TIME OF A GENERAL ELECTION SHALL BE FILED NOT LATER THAN THE SIXTH DAY AFTER THE FOURTEENTH TUESDAY PRECEDING SUCH ELECTION. A certificate to fill a vacancy caused by a declination of an independent nomination for an office to be filled at a special election shall be filed not later than sixteen days following the issuance of a proclamation of such election.

S 7. Section 4-110 of the election law, as amended by chapter 434 of the laws of 1984, is amended to read as follows:

S 4-110. Certification of primary election candidates; state board of elections. The state board of elections not later than thirty-six days before a primary election OR FIFTY-FOUR DAYS BEFORE A SPRING PRIMARY ELECTION, shall certify to each county board of elections: The name and residence of each candidate to be voted for within the political subdivision of such board for whom a designation has been filed with the state board; the title of the office or position for which the candidate is designated; the name of the party upon whose primary ballot his name is to be placed; and the order in which the names of the candidates are to be printed as determined by the state board. Where an office or position is uncontested, such certification shall state such fact.

S 8. Subdivision 1 of section 4-112 of the election law, as amended by chapter 4 of the laws of 2011, is amended to read as follows:

1. The state board of elections not later than thirty-six days before a general election, or fifty-three days before a special election, OR FIFTY-FOUR DAYS BEFORE THE GENERAL ELECTION WITH RESPECT ONLY TO FEDERAL CANDIDATES, shall certify to each county board of elections the name and residence of each candidate nominated in any valid certificate filed with it or by the returns canvassed by it, the title of the office for which nominated; the name of the party or body specified of which he is a candidate; the emblem chosen to distinguish the candidates of the party or body; and a notation as to whether or not any litigation is pending concerning the candidacy. Upon the completion of any such litigation, the state board of elections shall forthwith notify the appropriate county boards of elections of the results of such litigation.

S 9. 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, SPRING PRIMARY ELECTION, OR THE GENERAL ELECTION WITH RESPECT ONLY TO FEDERAL CANDIDATES, 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.

S 10. 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, SPRING PRIMARY ELECTION OR THE GENERAL ELECTION WITH RESPECT ONLY TO THE BALLOT FOR FEDERAL CANDIDATES. 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 11. Section 6-116 of the election law, as amended by chapter 373 of the laws of 1978, is amended to read as follows:

S 6-116. Party nominations; election to fill a vacancy. A party nomination of a candidate for election to fill a vacancy in an elective office required to be filled at the next general election, occurring after seven days before the last day for circulating designating petitions or after the holding of the meeting or convention to nominate or designate candidates for such, shall be made, after the day of the primary election, by a majority vote of a quorum of the state committee if the vacancy occurs in an office to be filled by all voters of the state, and otherwise by a majority vote of a quorum of the members of a county committee or committees last elected in the political subdivision in which such vacancy is to be filled, or by a majority of such other committee as the rules of the party may provide. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, UPON A VACANCY IN A FEDERAL ELECTIVE OFFICE FOR WHICH A WRIT OF ELECTION IS ISSUED FOR THE GENERAL ELECTION TO BE HELD IN TWO THOUSAND SIXTEEN, A CERTIFICATE OF NOMINATION FOR SUCH OFFICE SHALL BE FILED NO LATER THAN NINETY DAYS AFTER THE SPRING PRIMARY ELECTION. A certificate of nomination shall be filed as provided for herein.

S 12. Subdivision 4 of section 11-204 of the election law, as amended by chapter 4 of the laws of 2011, is amended to read as follows:

4. If the board of elections shall determine that the applicant making the application provided for in this section is qualified to receive and vote a special federal ballot, it shall, as soon as practicable after it shall have so determined, or not later than [thirty-two] FORTY-FIVE days before each general or SPRING primary [election and forty-five days before each], OR special election in which such applicant is qualified to vote, or three days after receipt of such an application, whichever is later, mail to him or her at the residence address outside the United States shown in his or her application, a special federal ballot, an inner affirmation envelope and an outer envelope, or otherwise distribute same to the voter in accordance with the preferred method of transmission designated by the voter pursuant to section 11-203 of this title. The board of elections shall also mail, or otherwise distribute in accordance with the preferred method of transmission designated by the voter pursuant to section 11-203 of this title, a special federal ballot to every qualified special federal voter who is already registered and who requests such special federal 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 first 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 a special federal ballot.

S 13. Section 1-106 of the election law is amended by adding a new subdivision 1-a to read as follows:

1-A. THE FILING BY MAIL PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL NOT APPLY TO THE SPRING PRIMARY OR FEDERAL OFFICES ON THE GENERAL ELECTION BALLOT. FOR SUCH PRIMARY AND THE GENERAL ELECTION WITH RESPECT TO FEDERAL OFFICES, FILINGS OF CERTIFICATES AND PETITIONS OF DESIGNATION OR NOMINATION, CERTIFICATES OF ACCEPTANCE OR DECLINATION OF SUCH DESIGNATIONS AND NOMINATIONS, CERTIFICATES OF AUTHORIZATION FOR SUCH DESIGNATIONS, CERTIFICATES OF DISQUALIFICATION, CERTIFICATES OF SUBSTITUTION

FOR SUCH DESIGNATIONS OR NOMINATIONS, AND OBJECTIONS AND SPECIFICATIONS OF OBJECTIONS TO CERTIFICATES AND PETITIONS REQUIRED TO BE FILED WITH THE STATE BOARD OF ELECTIONS OR A BOARD OF ELECTIONS OUTSIDE OF THE CITY OF NEW YORK SHALL BE DEEMED TIMELY FILED BY MAIL AND ACCEPTED FOR FILING IF (I) SENT BY MAIL, OR OVERNIGHT DELIVERY SERVICE AS DEFINED BY PARAGRAPH SIX OF SUBDIVISION (B) OF RULE TWENTY-ONE HUNDRED THREE OF THE CIVIL PRACTICE LAW AND RULES, IN AN ENVELOPE POSTMARKED OR SHOWING RECEIPT BY THE OVERNIGHT DELIVERY SERVICE, PRIOR TO MIDNIGHT OF THE LAST DAY OF FILING, AND (II) IF RECEIVED NO LATER THAN ONE BUSINESS DAY AFTER THE LAST DAY TO FILE SUCH CERTIFICATES, PETITIONS, OBJECTIONS OR SPECIFICATIONS.

S 14. Separability. If any sentence, clause, subparagraph, paragraph, subdivision, section or other part of this act, or the application thereof to any party, person or circumstances shall be held or adjudged by any court of competent jurisdiction to be invalid, such holding or judgment shall not affect, impair or invalidate the remainder or any portion of the remainder of this act, or the application of such section or part of a section held or adjudged to be invalid, to any other person or circumstances, but shall be confined in its operation to the sentence, clause, subparagraph, paragraph, subdivision, section or other part of this act directly involved in the controversy in which such holding or judgment shall have been rendered, or to the party, person and circumstances therein involved.

S 15. This act shall take effect immediately; provided, however, if this act shall become law after July 1, 2015, it shall take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 2015; provided further that sections six, seven, eight, nine, ten, eleven, twelve and thirteen of this act shall take effect December 15, 2015; and provided further, this act shall expire December 31, 2016 when upon such date the provisions of this act shall be deemed repealed.