

9108

I N A S S E M B L Y

January 27, 2016

Introduced by M. of A. CUSICK, HEASTIE, FARRELL, GOTTFRIED, GALEF, DINOWITZ, CAHILL, PAULIN, O'DONNELL, HEVESI, DenDEKKER, ABINANTI, BRONSON, SIMOTAS, BRINDISI, SIMANOWITZ, SKOUFIS, MAYER, ROZIC, STIRPE, FAHY, SEPULVEDA, SCHIMEL, ROSENTHAL, WEPRIN, ORTIZ -- Multi-Sponsored by -- M. of A. BENEDETTO, BLAKE, BRAUNSTEIN, BUCHWALD, KAMINSKY, KAVANAGH, LENTOL, LIFTON, LUPARDO, MAGNARELLI, MILLER, MOSLEY, RODRIGUEZ, SANTABARBARA, SCHIMMINGER, SIMON, STECK, THIELE, WEINSTEIN, ZEBROWSKI -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to primary elections and amending certain deadlines to facilitate the timely transmission of ballots to military voters stationed overseas 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

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

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

22 S 2. Subdivision 1 of section 3-420 of the election law, as amended by
23 chapter 180 of the laws of 2005, is amended to read as follows:

24 1. Election inspectors, poll clerks, election coordinators and quali-
25 fied voters appointed to act in place of an absent inspector, clerk or
26 coordinator shall be paid for their services on the days of registration
27 and election, by the county containing the election district in which
28 they serve, in an amount fixed by the county legislative body, subject
29 to such limitations as shall be prescribed or authorized by statute,
30 except that in the city of New York the amount of such compensation
31 shall be payable by such city and shall be fixed by the mayor at a daily
32 rate which, in the case of election inspectors shall not be less than
33 [one hundred thirty] TWO HUNDRED FIFTY dollars and in the case of
34 election coordinators not less than [two hundred] THREE HUNDRED FIFTY
35 dollars. Such inspectors, poll clerks, election coordinators and quali-
36 fied voters at a general or special village election conducted by the
37 board of elections shall be paid by such village in an amount fixed by
38 the village board of trustees subject to any such limitations.

39 S 3. Subdivision 1 of section 4-104 of the election law, as amended by
40 chapter 180 of the laws of 2005, is amended to read as follows:

41 1. Every board of elections shall, in consultation with each city,
42 town and village, designate the polling places in each election district
43 in which the meetings for the registration of voters, and for any
44 election may be held. The board of trustees of each village in which
45 general and special village elections conducted by the board of
46 elections are held at a time other than the time of a general election
47 shall submit such a list of polling places for such village elections to
48 the board of elections. A polling place may be located in a building
49 owned by a religious organization or used by it as a place of worship.
50 If such a building is designated as a polling place, it shall not be
51 required to be open for voter registration on any Saturday if this is
52 contrary to the religious beliefs of the religious organization. In such
53 a situation, the board of elections shall designate an alternate
54 location to be used for voter registration. Such polling places must be
55 designated by [May first] MARCH FIFTEENTH, of each year, and shall be
56 effective for one year thereafter. Such a list required to be submitted

1 by a village board of trustees must be submitted at least four months
2 before each general village election and shall be effective until four
3 months before the subsequent general village election. No place in which
4 a business licensed to sell alcoholic beverages for on premises consump-
5 tion is conducted on any day of local registration or of voting shall be
6 so designated. If, within the discretion of the board of elections a
7 particular polling place so designated is subsequently found to be
8 unsuitable or unsafe or should circumstances arise that make a desig-
9 nated polling place unsuitable or unsafe, then the board of elections is
10 empowered to select an alternative meeting place. In the city of New
11 York, the board of elections shall designate such polling places and
12 alternate registration places if the polling place cannot be used for
13 voter registration on Saturdays.

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

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

22 2. Each county, city, village and town clerk, [at least eight months
23 before each] BY FEBRUARY FIRST IN THE YEAR OF EACH general election,
24 shall make and transmit to the board of elections a certificate stating
25 each county, city, village or town office, respectively to be voted for
26 at each such election. Each village clerk, at least five months before
27 each general village election conducted by the board of elections, shall
28 make, and transmit to such board, a certificate stating each village
29 office to be filled at such election.

30 S 5. Paragraph b of subdivision 1 of section 4-108 of the election
31 law, as amended by chapter 117 of the laws of 1985, is amended to read
32 as follows:

33 b. Whenever any proposal, proposition or referendum as provided by law
34 is to be submitted to a vote of the people of a county, city, town,
35 village or special district, at an election conducted by the board of
36 elections, the clerk of such political subdivision, at least [thirty-six
37 days] THREE MONTHS prior to the GENERAL election at which such proposal,
38 proposition or referendum is to be submitted, shall transmit to each
39 board of elections a certified copy of the text of such proposal, propo-
40 sition or referendum and a statement of the form in which it is to be
41 submitted. If a special election is to be held, such transmittal shall
42 also give the date of such election.

43 S 6. Section 4-110 of the election law, as amended by chapter 87 of
44 the laws of 2015, is amended to read as follows:

45 S 4-110. Certification of primary election candidates; state board of
46 elections. The state board of elections, not later than [thirty-six]
47 FIFTY-FIVE days before a primary election or [fifty-four days before] a
48 presidential primary election, shall certify to each county board of
49 elections: The name and residence of each candidate to be voted for
50 within the political subdivision of such board for whom a designation
51 has been filed with the state board; the title of the office or position
52 for which the candidate is designated; the name of the party upon whose
53 primary ballot his OR HER name is to be placed; and the order in which
54 the names of the candidates are to be printed as determined by the state
55 board. Where an office or position is uncontested, such certification
56 shall state such fact.

1 S 6-a. Section 4-110 of the election law, as amended by chapter 434 of
2 the laws of 1984, is amended to read as follows:

3 S 4-110. Certification of primary election candidates; state board of
4 elections. The state board of elections not later than [thirty-six]
5 FIFTY-FIVE days before a primary election, shall certify to each county
6 board of elections: The name and residence of each candidate to be voted
7 for within the political subdivision of such board for whom a desig-
8 nation has been filed with the state board; the title of the office or
9 position for which the candidate is designated; the name of the party
10 upon whose primary ballot his OR HER name is to be placed; and the order
11 in which the names of the candidates are to be printed as determined by
12 the state board. Where an office or position is uncontested, such
13 certification shall state such fact.

14 S 7. Subdivision 1 of section 4-112 of the election law, as amended by
15 chapter 4 of the laws of 2011, is amended to read as follows:

16 1. The state board of elections, not later than [thirty-six]
17 FIFTY-FIVE days before a general election, or fifty-three days before a
18 special election, shall certify to each county board of elections the
19 name and residence of each candidate nominated in any valid certificate
20 filed with it or by the returns canvassed by it, the title of the office
21 for which nominated; the name of the party or body specified of which he
22 OR SHE is a candidate; the emblem chosen to distinguish the candidates
23 of the party or body; and a notation as to whether or not any litigation
24 is pending concerning the candidacy. Upon the completion of any such
25 litigation, the state board of elections shall forthwith notify the
26 appropriate county boards of elections of the results of such liti-
27 gation.

28 S 8. Section 4-114 of the election law, as amended by chapter 87 of
29 the laws of 2015, is amended to read as follows:

30 S 4-114. Determination of candidates and questions; county board of
31 elections. The county board of elections, not later than the [thirty-
32 fifth] FIFTY-FOURTH day before the day of a primary or general election,
33 or the fifty-third day before a special election or presidential primary
34 election, shall determine the candidates duly nominated for public
35 office and the questions that shall appear on the ballot within the
36 jurisdiction of that board of elections.

37 S 8-a. Section 4-114 of the election law, as amended by chapter 4 of
38 the laws of 2011, is amended to read as follows:

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

45 S 9. Subdivision 1 of section 4-117 of the election law, as amended by
46 chapter 288 of the laws of 2009, is amended to read as follows:

47 1. The board of elections, [between August first and August fifth of
48 each year] NOT LESS THAN SIXTY-FIVE DAYS NOR MORE THAN SEVENTY DAYS
49 BEFORE THE PRIMARY ELECTION IN EACH YEAR, shall send by first class mail
50 on which is endorsed "ADDRESS CORRECTION REQUESTED" and which contains a
51 request that any such mail received for persons not residing at the
52 address be dropped back in the mail, a communication, in a form approved
53 by the state board of elections, to every registered voter who has been
54 registered without a change of address since the beginning of such year,
55 except that the board of elections shall not be required to send such
56 communications to voters in inactive status. The communication shall

1 notify the voter of the days and hours of the ensuing primary and gener-
2 al elections, the place where he OR SHE appears by his OR HER registra-
3 tion records to be entitled to vote, the fact that voters who have moved
4 or will have moved from the address where they were last registered must
5 re-register or, that if such move was to another address in the same
6 county or city, that such voter may either notify the board of elections
7 of his OR HER new address or vote by paper ballot at the polling place
8 for his OR HER new address even if such voter has not re-registered, or
9 otherwise notified the board of elections of the change of address. If
10 the location of the polling place for the voter's election district has
11 been moved, the communication shall contain the following legend in bold
12 type: "YOUR POLLING PLACE HAS BEEN CHANGED. YOU NOW VOTE AT.....".
13 The communication shall also indicate whether the polling place is
14 accessible to physically disabled voters, that a voter who will be out
15 of the city or county on the day of the primary or general election or a
16 voter who is ill or physically disabled may obtain an absentee ballot,
17 that a physically disabled voter whose polling place is not accessible
18 may request that his OR HER registration record be moved to an election
19 district which has a polling place which is accessible, the phone number
20 to call for applications to move a registration record or for absentee
21 ballot applications, the phone number to call for the location of regis-
22 tration and polling places, the phone number to call to indicate that
23 the voter is willing to serve on election day as an election inspector,
24 poll clerk, interpreter or in other capacities, the phone number to call
25 to obtain an application for registration by mail, and such other infor-
26 mation concerning the elections or registration as the board may
27 include. In lieu of sending such communication to every registered
28 voter, the board of elections may send a single communication to a
29 household containing more than one registered voter, provided that the
30 names of all such voters appear as part of the address on such communi-
31 cation.

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

34 1. The board of elections shall also cause to be published for each
35 election district a complete list of the registered voters of each
36 election district. Such list shall, in addition to the information
37 required for registration lists, include the party enrollment of each
38 voter. At least as many copies of such list shall be prepared as the
39 required minimum number of registration lists.

40 Lists for all the election districts in a ward or assembly district
41 may be bound together in one volume. The board of elections shall also
42 cause to be published a complete list of names and residence addresses
43 of the registered voters, including the party enrollment of each voter,
44 for each town and city over which the board has jurisdiction. The names
45 for each town and city may be arranged according to street and number or
46 alphabetically. Such lists shall be published before the first day of
47 [April] FEBRUARY. The board shall keep at least five copies for public
48 inspection at each main office or branch office of the board. Surplus
49 copies of the lists shall be sold at a charge not exceeding the cost of
50 publication.

51 S 11. Paragraph a of subdivision 5 of section 5-708 of the election
52 law, as added by chapter 659 of the laws of 1994, is amended to read as
53 follows:

54 a. At least once each year during the month of [May] FEBRUARY, each
55 board of elections shall obtain through the National Change of Address
56 System, the forwarding address for every voter registered with such

board of elections for whom the United States Postal Service has such a forwarding address together with the name of each such voter whom the Postal Service records indicate has moved from the address at which he is registered without leaving a forwarding address.

S 12. Subdivision 1 of section 6-108 of the election law, as amended by chapter 160 of the laws of 1996, is amended to read as follows:

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

S 13. Subdivisions 1 and 2 of section 6-147 of the election law, as amended by chapter 434 of the laws of 1984, are amended to read as follows:

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

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

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

1. A designating petition shall be filed not earlier than the [tenth] THIRTEENTH Monday before, and not later than the [ninth] TWELFTH Thursday preceding the 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] ELEVENTH Thursday preceding the primary election. 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] TENTH Thursday preceding such primary election.

5. A judicial district convention shall be held not earlier than [the Tuesday following the third Monday in September preceding the general election and not later than the fourth Monday in September preceding such election] TEN DAYS FOLLOWING THE DEADLINE PURSUANT TO SECTION TWENTY-ONE OF ARTICLE VI OF THE STATE CONSTITUTION FOR THE VACANCY IN THE OFFICE OF THE SUPREME COURT TO OCCUR AND STILL BE FILLED AT THE NEXT GENERAL ELECTION AND NOT LATER THAN SIX DAYS AFTER SUCH EARLIEST DATE TO HOLD SUCH CONVENTION.

6. (A) 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] THIRTY days after the [fall] primary election, (B) 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] THIRTY DAYS AFTER THE PRIMARY ELECTION OR TEN days after the creation of such vacancy, WHICHEVER IS LATER, and (C) 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 sixty days before the two thousand sixteen general election, and (D) 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] TWENTY-THREE weeks and not later than [eleven] TWENTY-TWO 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 office to be filled at the time of a general election shall be filed not later than the third day after the [eleventh] TWENTY-SECOND Tuesday preceding such election except that a candidate who files such a certificate of acceptance for an 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 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] TWENTY-SECOND 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.

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

S 14-a. Subdivision 6 of section 6-158 of the election law, as amended by chapter 79 of the laws of 1992, is amended to read as follows:

6. (A) 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] THIRTY days after the fall primary election, (B) 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] THIRTY DAYS AFTER THE PRIMARY ELECTION OR TEN days after the creation of such vacancy, WHICHEVER IS LATER, and (C) 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] SIXTY days [after the fall primary] BEFORE THE GENERAL election, and (D) 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.

S 15. Paragraph (a) of subdivision 1 of section 8-100 of the election law, as amended by chapter 87 of the laws of 2015, is amended to read as follows:

(a) A primary election[, to be known as the fall primary,] shall be held on the [first] FOURTH Tuesday [after the second Monday] in [September] JUNE before every general election unless otherwise changed by an act of the legislature. MEMBERS OF THE STATE AND COUNTY COMMITTEES AND ASSEMBLY DISTRICT LEADERS AND ASSOCIATE DISTRICT LEADERS AND ALL OTHER PARTY POSITIONS TO BE ELECTED SHALL BE ELECTED AT SUCH PRIMARY AND ALL NOMINATIONS FOR PUBLIC OFFICE REQUIRED TO BE MADE AT A PRIMARY ELECTION IN SUCH YEAR SHALL BE MADE AT SUCH PRIMARY. In each year 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 unless otherwise changed by an act of the legislature, for the purpose of electing delegates to the national convention[, members of state and county committees and assembly district leaders and associate assembly district leaders].

S 15-a. 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:

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

15 S 16. Paragraph (a) of subdivision 1 of section 10-108 of the election
16 law, as amended by chapter 87 of the laws of 2015, is amended to read as
17 follows:

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

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

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

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

25 S 17. Subdivision 4 of section 11-204 of the election law, as amended
26 by chapter 87 of the laws of 2015, is amended to read as follows:

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

50 S 17-a. Subdivision 4 of section 11-204 of the election law, as
51 amended by chapter 4 of the laws of 2011, is amended to read as follows:

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

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

19 S 18. Subdivisions 1 and 4 of section 42 of the public officers law,
20 subdivision 1 as amended by chapter 878 of the laws of 1946 and subdivi-
21 sion 4 as amended by chapter 317 of the laws of 1954, are amended to
22 read as follows:

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

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

45 S 19. This act shall take effect immediately; provided, however, that:

46 (a) the amendments to section 4-110 of the election law made by
47 section six of this act shall be subject to the expiration and reversion
48 of such section pursuant to section 13 of chapter 87 of the laws of
49 2015, as amended, when upon such date the provisions of section six-a of
50 this act shall take effect;

51 (b) the amendments to section 4-114 of the election law made by
52 section eight of this act shall be subject to the expiration and rever-
53 sion of such section pursuant to section 13 of chapter 87 of the laws of
54 2015, as amended, when upon such date the provisions of section eight-a
55 of this act shall take effect;

1 (c) the amendments to subdivision 6 of section 6-158 of the election
2 law made by section fourteen of this act shall be subject to the expira-
3 tion and reversion of such subdivision pursuant to section 13 of chapter
4 87 of the laws of 2015, as amended, when upon such date the provisions
5 of section fourteen-a of this act shall take effect;

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

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

16 (f) the amendments to subdivision 4 of section 11-204 of the election
17 law made by section seventeen of this act shall be subject to the expi-
18 ration and reversion of such subdivision pursuant to section 13 of chap-
19 ter 87 of the laws of 2015, as amended, when upon such date the
20 provisions of section seventeen-a of this act shall take effect.