

5961

2015-2016 Regular Sessions

I N S E N A T E

June 14, 2015

Introduced by Sen. FUNKE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the election law, in relation to amending certain deadlines to facilitate the timely transmission of ballots to military voters stationed overseas; to amend the public officers law, in relation to filling vacancies in elective offices; 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 "Presidential" and local and federal 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:

1 Section 1. Paragraph b of subdivision 1 of section 4-108 of the
2 election law, as amended by chapter 117 of the laws of 1985, is amended
3 to read as follows:
4 b. Whenever any proposal, proposition or referendum as provided by law
5 is to be submitted to a vote of the people of a county, city, town,
6 village or special district, at an election conducted by the board of
7 elections, the clerk of such political subdivision, at least [thirty-six
8 days] *THREE MONTHS* prior to the election at which such proposal, propo-
9 sition or referendum is to be submitted, shall transmit to each board of
10 elections a certified copy of the text of such proposal, proposition or
11 referendum and a statement of the form in which it is to be submitted.
12 If a special election is to be held, such transmittal shall also give
13 the date of such election.
14 S 2. Section 4-110 of the election law, as amended by chapter 434 of
15 the laws of 1984, is amended to read as follows:

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

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

12 S 3. Subdivision 1 of section 4-112 of the election law, as amended by
13 chapter 4 of the laws of 2011, is amended to read as follows:

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

25 S 4. Section 4-114 of the election law, as amended by chapter 4 of the
26 laws of 2011, is amended to read as follows:

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

34 S 5. Subdivision 1 of section 4-117 of the election law, as amended by
35 chapter 288 of the laws of 2009, is amended to read as follows:

36 1. The board of elections, [between August first and August fifth of
37 each year] NOT LESS THAN FORTY DAYS NOR MORE THAN FORTY-FIVE DAYS BEFORE
38 THE PRIMARY ELECTION IN EACH YEAR, shall send by first class mail on
39 which is endorsed "ADDRESS CORRECTION REQUESTED" and which contains a
40 request that any such mail received for persons not residing at the
41 address be dropped back in the mail, a communication, in a form approved
42 by the state board of elections, to every registered voter who has been
43 registered without a change of address since the beginning of such year,
44 except that the board of elections shall not be required to send such
45 communications to voters in inactive status. The communication shall
46 notify the voter of the days and hours of the ensuing primary and gener-
47 al elections, the place where he OR SHE appears by his OR HER registra-
48 tion records to be entitled to vote, the fact that voters who have moved
49 or will have moved from the address where they were last registered must
50 re-register or, that if such move was to another address in the same
51 county or city, that such voter may either notify the board of elections
52 of his OR HER new address or vote by paper ballot at the polling place
53 for his OR HER new address even if such voter has not re-registered, or
54 otherwise notified the board of elections of the change of address. If
55 the location of the polling place for the voter's election district has
56 been moved, the communication shall contain the following legend in bold

1 type: "YOUR POLLING PLACE HAS BEEN CHANGED. YOU NOW VOTE AT.....".
2 The communication shall also indicate whether the polling place is
3 accessible to physically disabled voters, that a voter who will be out
4 of the city or county on the day of the primary or general election or a
5 voter who is ill or physically disabled may obtain an absentee ballot,
6 that a physically disabled voter whose polling place is not accessible
7 may request that his OR HER registration record be moved to an election
8 district which has a polling place which is accessible, the phone number
9 to call for applications to move a registration record or for absentee
10 ballot applications, the phone number to call for the location of regis-
11 tration and polling places, the phone number to call to indicate that
12 the voter is willing to serve on election day as an election inspector,
13 poll clerk, interpreter or in other capacities, the phone number to call
14 to obtain an application for registration by mail, and such other infor-
15 mation concerning the elections or registration as the board may
16 include. In lieu of sending such communication to every registered
17 voter, the board of elections may send a single communication to a
18 household containing more than one registered voter, provided that the
19 names of all such voters appear as part of the address on such communi-
20 cation.

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

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

43 S 7. Subdivisions 1 and 2 of section 6-147 of the election law, as
44 amended by chapter 434 of the laws of 1984, are amended to read as
45 follows:

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

55 2. A person designated as a candidate for the position of member of
56 the county committee in more than one election district shall be deemed

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

8 S 8. Subdivisions 1, 4, 5, 6, 9, 11, 12 and 14 of section 6-158 of the
9 election law, subdivisions 1, 4, 11 and 12 as amended by chapter 434 of
10 the laws of 1984, subdivision 6 as amended by chapter 79 of the laws of
11 1992, and subdivision 9 as amended by chapter 517 of the laws of 1986,
12 are amended to read as follows:

13 1. A designating petition shall be filed not earlier than the [tenth
14 Monday] THIRTEENTH FRIDAY before, and not later than the [ninth Thurs-
15 day] TWELFTH WEDNESDAY preceding the primary election.

16 4. A petition of enrolled members of a party requesting an opportunity
17 to write in the name of an undesignated candidate for a public office or
18 party position at a primary election shall be filed not later than the
19 [eighth Thursday] ELEVENTH WEDNESDAY preceding the primary election.
20 However, where a designating petition has been filed and the person
21 named therein has declined such designation and another person has been
22 designated to fill the vacancy, then in that event, a petition for an
23 opportunity to ballot in a primary election shall be filed not later
24 than the [seventh Thursday] TENTH WEDNESDAY preceding such primary
25 election.

26 5. A judicial district convention shall be held not earlier than the
27 [Tuesday following the third Monday] FOURTH TUESDAY in [September]
28 AUGUST preceding the general election and not later than the [fourth
29 Monday] FOURTH THURSDAY in [September] AUGUST preceding such election.

30 6. A certificate of a party nomination made other than at the primary
31 election for an office to be filled at the time of a general election
32 shall be filed not later than seven days after the [fall] LOCAL AND
33 FEDERAL primary election, except that a certificate of nomination for an
34 office which becomes vacant after the seventh day preceding such primary
35 election shall be filed not later than fourteen days after the creation
36 of such vacancy and except, further, that a certificate of party nomi-
37 nation of candidates for elector of president and vice-president of the
38 United States shall be filed not later than fourteen days after the
39 [fall] LOCAL AND FEDERAL primary election, and except still further that
40 a certificate of party nomination made at a judicial district convention
41 shall be filed not later than the day after the last day to hold such
42 convention and the minutes of such convention, duly certified by the
43 chairman and secretary, shall be filed within seventy-two hours after
44 adjournment of the convention. A certificate of party nomination for an
45 office to be filled at a special election shall be filed not later than
46 ten days following the issuance of a proclamation of such election.

47 9. A petition for an independent nomination for an office to be filled
48 at the time of a general election shall be filed not earlier than
49 [twelve] FOURTEEN weeks and not later than [eleven] THIRTEEN weeks
50 preceding such election. A petition for an independent nomination for an
51 office to be filled at a special election shall be filed not later than
52 twelve days following the issuance of a proclamation of such election. A
53 petition for trustee of the Long Island Power Authority shall be filed
54 not earlier than seven weeks and not later than six weeks preceding the
55 day of the election of such trustees.

1 11. A certificate of acceptance or declination of an independent nomi-
2 nation for an office to be filled at the time of a general election
3 shall be filed not later than the third day after the [eleventh] THIR-
4 TEENTH Tuesday preceding such election except that a candidate who files
5 such a certificate of acceptance for an office for which there have been
6 filed certificates or petitions designating more than one candidate for
7 the nomination of any party, may thereafter file a certificate of decli-
8 nation not later than the third day after the primary election. A
9 certificate of acceptance or declination of an independent nomination
10 for an office to be filled at a special election shall be filed not
11 later than fourteen days following the issuance of a proclamation of
12 such election.

13 12. A certificate to fill a vacancy caused by a declination of an
14 independent nomination for an office to be filled at the time of a
15 general election shall be filed not later than the sixth day after the
16 [eleventh] THIRTEENTH Tuesday preceding such election. A certificate to
17 fill a vacancy caused by a declination of an independent nomination for
18 an office to be filled at a special election shall be filed not later
19 than sixteen days following the issuance of a proclamation of such
20 election.

21 14. A vacancy occurring [before September twentieth of] NOT LESS THAN
22 THREE MONTHS BEFORE THE NEXT GENERAL ELECTION IN any year in any office
23 authorized to be filled at a general election, except in the offices of
24 governor, lieutenant-governor, or United States senator shall be filled
25 at the general election held next thereafter, unless otherwise provided
26 by the constitution, or unless previously filled at a special election.

27 S 9. Paragraph (a) of subdivision 1 of section 8-100 of the election
28 law, as amended by chapter 17 of the laws of 2007, is amended to read as
29 follows:

30 (a) A primary election[, to be known as the fall primary], TO BE KNOWN
31 AS THE LOCAL AND FEDERAL PRIMARY, shall be held on the [first Tuesday
32 after the second Monday] THIRD TUESDAY in [September] AUGUST before
33 every general election unless otherwise changed by an act of the legis-
34 lature. MEMBERS OF STATE AND COUNTY COMMITTEES AND ASSEMBLY DISTRICT
35 LEADERS AND ASSOCIATE ASSEMBLY DISTRICT LEADERS AND ALL OTHER PARTY
36 POSITIONS TO BE ELECTED SHALL BE ELECTED AT THE LOCAL AND FEDERAL PRIMA-
37 RY AND ALL NOMINATIONS FOR STATE AND LOCAL PUBLIC OFFICE REQUIRED TO BE
38 MADE AT A PRIMARY ELECTION IN SUCH YEAR SHALL BE MADE AT THE LOCAL AND
39 FEDERAL PRIMARY. In [each] THE year TWO THOUSAND SIXTEEN in which elec-
40 tors of president and vice president of the United States are to be
41 elected, an additional primary election, to be known as the [spring]
42 PRESIDENTIAL primary, shall be held on [the first Tuesday in February]
43 APRIL TWENTY-SIXTH, TWO THOUSAND SIXTEEN, unless otherwise changed by an
44 act of the legislature, for the purpose of electing delegates OR ALTER-
45 NATE DELEGATES to the national convention[, members of state and county
46 committees and assembly district leaders and associate assembly district
47 leaders].

48 S 10. Subdivision 1 of section 9-211 of the election law, as added by
49 chapter 181 of the laws of 2005, is amended to read as follows:

50 1. Within fifteen days after each general or special election, and
51 within [seven] FIFTEEN days after every primary or village election
52 conducted by the board of elections, the board of elections or a bipar-
53 tisan committee appointed by such board shall manually audit the voter
54 verifiable audit records from three percent of voting machines or
55 systems within the jurisdiction of such board. Voting machines or
56 systems shall be selected for audit through a random, manual process. At

1 least five days prior to the time fixed for such selection process, the
2 board of elections shall send notice by first class mail to each candi-
3 date, political party and independent body entitled to have had watchers
4 present at the polls in any election district in such board's jurisdic-
5 tion. Such notice shall state the time and place fixed for such random
6 selection process. The audit shall be conducted in the same manner, to
7 the extent applicable, as a canvass of paper ballots. Each candidate,
8 political party or independent body entitled to appoint watchers to
9 attend at a polling place shall be entitled to appoint such number of
10 watchers to observe the audit.

11 S 11. Paragraph (a) of subdivision 1 of section 10-108 of the election
12 law, as amended by chapter 4 of the laws of 2011, is amended to read as
13 follows:

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

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

46 4. If the board of elections shall determine that the applicant making
47 the application provided for in this section is qualified to receive and
48 vote a special federal ballot, it shall, as soon as practicable after it
49 shall have so determined, or not later than [thirty-two] FORTY-FIVE days
50 before each general or primary [election and forty-five days before
51 each] OR special election in which such applicant is qualified to vote,
52 or three days after receipt of such an application, whichever is later,
53 mail to him or her at the residence address outside the United States
54 shown in his or her application, a special federal ballot, an inner
55 affirmation envelope and an outer envelope, or otherwise distribute same
56 to the voter in accordance with the preferred method of transmission

1 designated by the voter pursuant to section 11-203 of this title. The
2 board of elections shall also mail, or otherwise distribute in accord-
3 ance with the preferred method of transmission designated by the voter
4 pursuant to section 11-203 of this title, a special federal ballot to
5 every qualified special federal voter who is already registered and who
6 requests such special federal ballot from such board of elections in a
7 letter, which is signed by the voter and received by the board of
8 elections not later than the seventh day before the election for which
9 the ballot is first requested and which states the address where the
10 voter is registered and the address to which the ballot is to be mailed.
11 The board of elections shall enclose with such ballot a form of applica-
12 tion for a special federal ballot.

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

17 1. A vacancy occurring [before September twentieth of] NOT LESS THAN
18 THREE MONTHS BEFORE THE NEXT GENERAL ELECTION IN any year in any office
19 authorized to be filled at a general election, except in the offices of
20 governor or lieutenant-governor, shall be filled at the general election
21 held next thereafter, unless otherwise provided by the constitution, or
22 unless previously filled at a special election.

23 4. A special election shall not be held to fill a vacancy in the
24 office of a representative in congress unless such vacancy occurs on or
25 before the first day of July of the last year of the term of office, or
26 unless it occurs thereafter and a special session of congress is called
27 to meet before the next general election, or be called after [September]
28 AUGUST nineteenth of such year; nor to fill a vacancy in the office of
29 state senator or in the office of member of assembly, unless the vacancy
30 occurs before the first day of April of the last year of the term of
31 office, or unless the vacancy occurs in either such office of senator or
32 member of assembly after such first day of April and a special session
33 of the legislature be called to meet between such first day of April and
34 the next general election or be called after [September] AUGUST nine-
35 teenth in such year. If a special election to fill an office shall not
36 be held as required by law, the office shall be filled at the next
37 general election.

38 S 14. Notwithstanding any inconsistent provisions of the election law,
39 a rule or resolution of a state committee providing for the selection of
40 delegates and alternate delegates to a national party convention or
41 national party conference in the year 2016 shall select either section
42 fifteen or section sixteen of this act in order to conform to the rules
43 of a national committee. A certified copy of such rule or resolution
44 shall be filed with the state board of elections no later than the first
45 day of November, 2015.

46 S 15. The election law is amended by adding a new section 2-122-a to
47 read as follows:

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

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

1 B. BY VOTES CAST AT A PRIMARY ELECTION FOR CANDIDATES FOR THE POSI-
2 TIONS OF DELEGATE AND ALTERNATE DELEGATE TO A NATIONAL CONVENTION IN
3 DISTRICTS NO LARGER THAN CONGRESSIONAL DISTRICTS; AND

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

7 2. IF THE RULES OF A STATE COMMITTEE ADOPTED PURSUANT TO THE
8 PROVISIONS OF THIS SECTION PROVIDE FOR A PRIMARY ELECTION IN WHICH THE
9 OFFICE OF PRESIDENT OF THE UNITED STATES APPEARS ON THE BALLOT, DESIG-
10 NATION OF CANDIDATES FOR SUCH OFFICE SHALL BE MADE PURSUANT TO THE
11 PROVISIONS OF SECTIONS 6-100, 6-118, 6-122 (EXCEPT THAT SUCH CANDIDATES
12 NEED NOT BE CITIZENS OF NEW YORK BUT ONLY CITIZENS OF THE UNITED
13 STATES), 6-130, 6-132 (EXCEPT THAT REFERENCES TO A COMMITTEE TO FILL
14 VACANCIES SHALL BE DEEMED REFERENCES TO A COMMITTEE TO RECEIVE NOTICES),
15 6-134, 6-144, THE PROVISIONS WITH RESPECT TO DECLINATIONS IN SUBDIVI-
16 SIONS ONE AND TWO OF SECTION 6-146 (EXCEPT THAT REFERENCES TO A COMMIT-
17 TEE TO FILL VACANCIES SHALL BE DEEMED REFERENCES TO A COMMITTEE TO
18 RECEIVE NOTICES), 6-154, AND SUBDIVISION ONE AND THE PROVISION WITH
19 RESPECT TO DECLINATIONS IN SUBDIVISION TWO OF SECTION 6-158 (EXCEPT THAT
20 SUCH CANDIDATES MAY DECLINE SUCH DESIGNATIONS NOT LATER THAN FEBRUARY
21 SIXTEENTH, TWO THOUSAND SIXTEEN) OF THIS CHAPTER. THE STATE BOARD OF
22 ELECTIONS SHALL FORTHWITH NOTIFY THE APPROPRIATE COUNTY BOARDS OF
23 ELECTIONS OF ANY SUCH DECLINATION FILED.

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

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

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

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

48 B. THE APPOINTMENT OF A COMMITTEE TO RECEIVE NOTICES SHALL BE IN THE
49 FORM PRESCRIBED FOR A PETITION FOR AN OPPORTUNITY TO BALLOT. THE SIGNA-
50 TURES ON THE PETITION WITH ALL THE REQUIRED INFORMATION AND THE SIGNED
51 STATEMENT OF A WITNESS OR AUTHENTICATION BY A PERSON AUTHORIZED TO TAKE
52 OATHS SHALL BE IN THE FORM PRESCRIBED FOR A DESIGNATING PETITION FOR
53 SUCH OFFICE.

54 6. A. IF THE RULES OF A STATE COMMITTEE, ADOPTED PURSUANT TO THE
55 PROVISIONS OF THIS SECTION, PROVIDE THAT THE POSITIONS OF DELEGATE AND
56 ALTERNATE DELEGATE TO A NATIONAL CONVENTION APPEAR ON THE BALLOT, DESIG-

1 NATION OF CANDIDATES FOR SUCH POSITIONS SHALL BE MADE PURSUANT TO THE
2 PROVISIONS OF SECTIONS 6-100, 6-118, 6-122, 6-130, 6-132 (EXCEPT THAT
3 REFERENCES TO A COMMITTEE TO FILL VACANCIES SHALL BE DEEMED REFERENCES
4 TO A COMMITTEE TO RECEIVE NOTICES), 6-134, 6-144, THE PROVISIONS WITH
5 RESPECT TO DECLINATIONS IN SUBDIVISIONS ONE AND TWO OF SECTION 6-146
6 (EXCEPT THAT REFERENCES TO A COMMITTEE TO FILL VACANCIES SHALL BE
7 DEEMED REFERENCES TO A COMMITTEE TO RECEIVE NOTICES), 6-147, 6-154, AND
8 SUBDIVISION ONE AND THE PROVISION WITH RESPECT TO DECLINATIONS IN SUBDI-
9 VISION TWO AND SUBDIVISION THREE OF SECTION 6-158 OF THIS CHAPTER.

10 B. CANDIDATES FOR THE POSITIONS OF DISTRICT DELEGATE AND ALTERNATE
11 DISTRICT DELEGATE TO A NATIONAL PARTY CONVENTION PURSUANT TO THE
12 PROVISIONS OF THIS SECTION SHALL BE ENROLLED MEMBERS OF SUCH PARTY AND
13 RESIDENTS OF THE DISTRICT IN WHICH THEY ARE CANDIDATES. THE CONGRES-
14 SIONAL DISTRICTS USED FOR THE ELECTION OF SUCH DELEGATES AND ALTERNATE
15 DELEGATES SHALL BE THOSE DISTRICTS IN EFFECT FOR THE TWO THOUSAND FOUR-
16 TEEN CONGRESSIONAL ELECTIONS.

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

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

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

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

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

48 H. EVERY BOARD OF ELECTIONS WITH WHICH DESIGNATING PETITIONS ARE FILED
49 PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL, NOT LATER THAN FOUR
50 DAYS AFTER THE LAST DAY TO FILE SUCH PETITIONS, FILE WITH THE STATE
51 BOARD OF ELECTIONS BY EXPRESS MAIL OR BY ELECTRONIC TRANSMISSION, A
52 COMPLETE LIST OF ALL CANDIDATES FOR DELEGATE AND ALTERNATE DELEGATE
53 TOGETHER WITH THEIR RESIDENCE ADDRESSES, THE DISTRICTS IN WHICH THEY ARE
54 CANDIDATES AND THE NAME OF THE PRESIDENTIAL CANDIDATE WHOM THEY ARE
55 PLEDGED TO SUPPORT OR THAT THEY ARE UNCOMMITTED. SUCH BOARDS OF
56 ELECTIONS SHALL, NOT LATER THAN THE DAY AFTER A CERTIFICATE OF DECLINA-

1 TION OR SUBSTITUTION IS FILED WITH RESPECT TO ANY SUCH CANDIDATE, FILE
2 SUCH INFORMATION WITH RESPECT TO SUCH CANDIDATE WITH THE STATE BOARD OF
3 ELECTIONS BY ELECTRONIC TRANSMISSION.

4 7. A. THE RULES OF A STATE COMMITTEE ADOPTED PURSUANT TO THE
5 PROVISIONS OF THIS SECTION MAY PROVIDE THAT NO CANDIDATE FOR THE POSI-
6 TIONS OF DELEGATE AND ALTERNATE DELEGATE MAY APPEAR ON THE BALLOT AS
7 PLEDGED TO SUPPORT A PARTICULAR PRESIDENTIAL CANDIDATE, OR AS UNCOMMIT-
8 TED, UNLESS THE NAME OF SUCH CANDIDATE FOR SUCH POSITION APPEARS ON A
9 CERTIFICATE LISTING THE NAMES OF THOSE CANDIDATES FOR SUCH POSITIONS WHO
10 HAVE FILED STATEMENTS OF CANDIDACY FOR SUCH POSITIONS WITH THE SECRETARY
11 OF THE STATE COMMITTEE WITHIN THE TIME PRESCRIBED BY SUCH RULES AND WHO,
12 IF THEIR STATEMENTS OF CANDIDACY CONTAINED A PLEDGE OF SUPPORT OF A
13 PRESIDENTIAL CANDIDATE, WERE NOT REJECTED BY SUCH PRESIDENTIAL CANDI-
14 DATE. SUCH CERTIFICATE SHALL ALSO LIST THE ADDRESS AND SEX OF EACH SUCH
15 CANDIDATE FOR DELEGATE AND ALTERNATE DELEGATE AND THE DISTRICT IN WHICH
16 SUCH CANDIDATE MAY APPEAR ON THE BALLOT.

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

21 C. IN THE EVENT THAT A DESIGNATING PETITION FOR CANDIDATES FOR SUCH
22 POSITIONS, LISTED AS PLEDGED TO SUPPORT A PRESIDENTIAL CANDIDATE,
23 CONTAINS THE NAMES OF ONE OR MORE PERSONS WHO HAVE NOT BEEN PERMITTED BY
24 SUCH PRESIDENTIAL CANDIDATE TO APPEAR ON THE BALLOT AS SO PLEDGED PURSU-
25 ANT TO THE PROVISIONS OF THIS SECTION, THEN THE NAMES OF SUCH CANDIDATES
26 SHALL NOT APPEAR ON THE BALLOT BUT THE NAMES OF OTHER CANDIDATES ON SUCH
27 PETITION WHO HAVE BEEN PERMITTED BY THE PRESIDENTIAL CANDIDATE TO APPEAR
28 ON THE BALLOT SHALL BE PLACED ON THE BALLOT PROVIDED THAT SUCH CANDI-
29 DATES ARE OTHERWISE ELIGIBLE AND THAT SUCH PETITION IS OTHERWISE VALID.

30 D. THE STATE BOARD OF ELECTIONS SHALL SEND A COPY OF THE CERTIFICATE
31 REQUIRED BY SECTION 4-110 OF THIS CHAPTER TO THE SECRETARY OF THE STATE
32 COMMITTEE OF EACH PARTY CONDUCTING A PRIMARY PURSUANT TO THE PROVISIONS
33 OF THIS SECTION NOT LATER THAN MARCH THIRD, TWO THOUSAND SIXTEEN. EVERY
34 OTHER BOARD OF ELECTIONS WITH WHICH DESIGNATING PETITIONS FOR DELEGATE
35 AND ALTERNATE DELEGATE WERE FILED PURSUANT TO THE PROVISIONS OF THIS
36 SECTION SHALL, NOT LATER THAN MARCH FOURTH, TWO THOUSAND SIXTEEN, SEND A
37 LIST OF THE NAMES AND ADDRESSES OF THOSE CANDIDATES WHO WILL APPEAR ON
38 THE BALLOT TO THE SECRETARY OF EACH SUCH STATE COMMITTEE.

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

45 B. THE NAME OF EACH CANDIDATE FOR THE OFFICE OF PRESIDENT OF THE
46 UNITED STATES WHO HAS QUALIFIED TO APPEAR ON THE BALLOT AND THE WORD
47 "UNCOMMITTED," IF A VALID DESIGNATING PETITION TO PLACE SUCH WORD ON THE
48 BALLOT WAS FILED WITH THE STATE BOARD OF ELECTIONS, SHALL APPEAR IN A
49 SEPARATE ROW OR COLUMN. THE NAMES OF ALL THE CANDIDATES FOR DELEGATE TO
50 A NATIONAL CONVENTION WHO FILED DESIGNATING PETITIONS CONTAINING A
51 LEGEND NAMING THE PRESIDENTIAL CANDIDATE WHOM THEY ARE PLEDGED TO
52 SUPPORT OR STATING THAT THEY ARE UNCOMMITTED SHALL BE LISTED IN SUCH ROW
53 OR COLUMN IMMEDIATELY UNDER OR ADJACENT TO THE NAME OF SUCH PRESIDENTIAL
54 CANDIDATE OR THE WORD "UNCOMMITTED," FOLLOWED BY THE NAMES OF ALL CANDI-
55 DATES FOR ALTERNATE DELEGATE TO SUCH CONVENTION WHO FILED SUCH
56 PETITIONS. IF THE NUMBER OF CANDIDATES, OR GROUPS OF CANDIDATES FOR

1 DELEGATE AND ALTERNATE DELEGATE WHO ARE PLEDGED TO SUPPORT A PARTICULAR
2 PRESIDENTIAL CANDIDATE OR WHO ARE UNCOMMITTED IS GREATER THAN THE NUMBER
3 WHO MAY BE LISTED IN ONE ROW OR COLUMN AND IF THERE ARE MORE ROWS OR
4 COLUMNS AVAILABLE ON THE BALLOT THAN ARE REQUIRED FOR THE CANDIDATES FOR
5 PRESIDENT WHO HAVE QUALIFIED TO APPEAR ON THE BALLOT, THEN THE BOARD OF
6 ELECTIONS SHALL USE TWO ROWS OR COLUMNS ON SUCH BALLOT TO LIST THE NAMES
7 OF SUCH CANDIDATES FOR DELEGATE AND ALTERNATE DELEGATE.

8 C. THE ORDER OF THE NAMES OF CANDIDATES FOR THE OFFICE OF PRESIDENT
9 AND THE WORD "UNCOMMITTED" ON THE BALLOT AND THE ORDER OF THE NAMES OF
10 CANDIDATES FOR THE POSITIONS OF DELEGATE OR ALTERNATE DELEGATE WITHIN A
11 PARTICULAR ROW OR COLUMN SHALL BE DETERMINED PURSUANT TO THE PROVISIONS
12 OF SUBDIVISION THREE OF SECTION 7-116 OF THIS CHAPTER EXCEPT THAT NAMES
13 OF CANDIDATES FOR SUCH POSITIONS WHO ARE DESIGNATED BY INDIVIDUAL
14 PETITIONS AND NOT IN A GROUP SHALL HAVE THEIR POSITIONS DETERMINED BY
15 LOT IN THE SAME DRAWING AS GROUPS AND EXCEPT FURTHER THAT CANDIDATES OR
16 GROUPS OF CANDIDATES FOR DELEGATES AND ALTERNATE DELEGATES DESIGNATED BY
17 THE SAME PETITION SHALL BE TREATED AS ONE GROUP FOR THE PURPOSES OF SUCH
18 DETERMINATION BY LOT. THE PROVISIONS OF SUBDIVISION SIX OF SUCH SECTION
19 7-116 OF THIS CHAPTER SHALL NOT APPLY TO ANY ELECTION CONDUCTED PURSUANT
20 TO THE PROVISIONS OF THIS SECTION.

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

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

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

31 11. IF THE RULES OF A STATE COMMITTEE PROVIDE FOR A PRIMARY ELECTION
32 IN WHICH THE OFFICE OF PRESIDENT OF THE UNITED STATES AND THE POSITIONS
33 OF DELEGATE AND ALTERNATE DELEGATE TO A NATIONAL CONVENTION APPEAR ON
34 THE BALLOT PURSUANT TO THE PROVISIONS OF THIS SECTION, THE STATE BOARD
35 OF ELECTIONS AND THE COUNTY BOARDS OF ELECTIONS AS THE CASE MAY BE SHALL
36 CANVASS THE RESULTS OF SUCH PRIMARY ELECTION FOR SUCH OFFICE AND POSI-
37 TIONS PURSUANT TO THE PROVISIONS OF SECTIONS 9-200 AND 9-202 OF THIS
38 CHAPTER, AND SHALL CERTIFY TO THE SECRETARY OF THE STATE COMMITTEE OF
39 SUCH PARTY THE VOTES CAST FOR EACH CANDIDATE FOR SUCH OFFICE AND POSI-
40 TIONS IN SUCH PRIMARY ELECTION AND THE VOTES CAST FOR THE "UNCOMMITTED"
41 PREFERENCE, TALLIED SEPARATELY BY CONGRESSIONAL DISTRICTS, EXCEPT THAT
42 NO CANDIDATE OR "UNCOMMITTED" PREFERENCE SHALL BE CERTIFIED AS NOMINATED
43 OR ELECTED TO ANY SUCH OFFICE OR POSITION.

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

50 S 16. The election law is amended by adding a new section 2-122-b to
51 read as follows:

52 S 2-122-B. PRESIDENTIAL PRIMARY. 1. APPLICABILITY. THE SELECTION OF
53 DELEGATES AND ALTERNATE DELEGATES FROM NEW YORK STATE TO THE NATIONAL
54 CONVENTION OF THE REPUBLICAN PARTY IN EACH YEAR IN WHICH ELECTORS OF
55 PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES ARE TO BE ELECTED
56 SHALL BE CONDUCTED PURSUANT TO THE PROVISIONS OF THIS SECTION. THE STATE

1 COMMITTEE OF ANY OTHER POLITICAL PARTY MAY, BY RULE OR RESOLUTION, OPT
2 TO CONDUCT THE SELECTION OF DELEGATES AND ALTERNATE DELEGATES IN ANY
3 SUCH YEAR IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. A CERTIFIED
4 COPY OF SUCH RULE OR RESOLUTION SHALL BE FILED WITH THE STATE BOARD OF
5 ELECTIONS NO LATER THAN TWENTY WEEKS PRIOR TO THE DATE OF SUCH ELECTION.

6 2. GENERAL PROVISIONS. THE AWARDED OF DELEGATES AND ALTERNATE DELEG-
7 ATES TO A NATIONAL CONVENTION OR CONFERENCE OF A POLITICAL PARTY PURSU-
8 ANT TO THIS SECTION SHALL BE DETERMINED BY THE VOTES CAST AT A STATEWIDE
9 PRIMARY ELECTION FOR CANDIDATES FOR THE OFFICE OF PRESIDENT OF THE
10 UNITED STATES IN WHICH THE NAMES OF CANDIDATES FOR SUCH OFFICE APPEAR ON
11 THE BALLOT AND THE NAMES OF DELEGATES AND ALTERNATE DELEGATES DO NOT
12 APPEAR ON SUCH BALLOT. THE TOTAL NUMBER OF DELEGATES AND ALTERNATE
13 DELEGATES SHALL BE DETERMINED BY THE CALL FOR THE NATIONAL CONVENTION.
14 THREE DELEGATES AND THREE ALTERNATE DELEGATES SHALL BE AWARDED FROM
15 EVERY CONGRESSIONAL DISTRICT IN THE STATE, UNLESS THE RULES OF THE
16 NATIONAL REPUBLICAN PARTY AND/OR THE CALL FOR THE NATIONAL CONVENTION
17 PROVIDE DIFFERENTLY. THE TOTAL NUMBER OF DELEGATES AND ALTERNATE DELEG-
18 ATES AS ESTABLISHED BY THE CALL FOR THE NATIONAL CONVENTION MINUS THE
19 NUMBER OF DELEGATES AND ALTERNATE DELEGATES TO BE AWARDED FROM THE
20 CONGRESSIONAL DISTRICTS SHALL BE DESIGNATED AT-LARGE DELEGATES AND
21 AT-LARGE ALTERNATE DELEGATES.

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

26 CONGRESSIONAL DISTRICT DELEGATES AND ALTERNATE DELEGATES SHALL BE
27 AWARDED BASED UPON THE RESULTS OF SEPARATE AND DISTINCT PRIMARY
28 ELECTIONS HELD WITHIN EACH CONGRESSIONAL DISTRICT OF THE STATE. CONGRES-
29 SIONAL DISTRICT DELEGATES AND ALTERNATE DELEGATES SHALL BE AWARDED TO
30 PRESIDENTIAL CANDIDATES PURSUANT TO PARAGRAPH B OF SUBDIVISION FOUR OF
31 THIS SECTION AND ELECTED PURSUANT TO PARAGRAPH C OF SUBDIVISION FOUR OF
32 THIS SECTION. AT-LARGE DELEGATES AND ALTERNATE DELEGATES SHALL BE
33 ELECTED BY THE STATE COMMITTEE AND ALLOCATED TO PRESIDENTIAL CANDIDATES
34 PURSUANT TO SUBDIVISION FIVE OF THIS SECTION.

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

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

50 B. ANY CANDIDATE MAY REQUEST, BY CERTIFICATE FILED AND RECEIVED BY THE
51 STATE BOARD OF ELECTIONS NO SOONER THAN TWELVE WEEKS AND NOT LATER THAN
52 NINE WEEKS PRIOR TO THE DATE OF THE PRESIDENTIAL PRIMARY, THAT THE NAME
53 OF SUCH CANDIDATE APPEAR ON THE BALLOT AT THE PRIMARY OF SUCH PARTY IN
54 THE STATE OF NEW YORK FOR THE OFFICE OF PRESIDENT OF THE UNITED STATES.
55 SUCH CANDIDATE SHALL BE ELIGIBLE TO APPEAR ON THE BALLOT OF SUCH PARTY
56 IN THE STATE OF NEW YORK AT THE PRIMARY ELECTION FOR THAT YEAR IF THE

1 STATE BOARD OF ELECTIONS DETERMINES THAT THE PERSON IS A NATIONALLY
2 KNOWN AND RECOGNIZED CANDIDATE AND THE CANDIDACY OF SUCH PERSON FOR THE
3 PARTY NOMINATION FOR PRESIDENT IS GENERALLY AND SERIOUSLY ADVOCATED OR
4 RECOGNIZED ACCORDING TO REPORTS IN THE NATIONAL OR STATE NEWS MEDIA.
5 NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW TO THE CONTRARY, A
6 REQUEST BY A CANDIDATE TO APPEAR ON THE PRESIDENTIAL PRIMARY BALLOT OF A
7 MAJOR POLITICAL PARTY SHALL BE DETERMINED SOLELY UPON A JOINT RECOMMEN-
8 DATION BY THE COMMISSIONERS OF THE STATE BOARD OF ELECTIONS WHO HAVE
9 BEEN APPOINTED ON THE RECOMMENDATION OF SUCH POLITICAL PARTY OR THE
10 LEGISLATIVE LEADERS OF SUCH POLITICAL PARTY, AND NO OTHER COMMISSIONER
11 OF THE STATE BOARD OF ELECTIONS SHALL PARTICIPATE IN SUCH DETERMINATION.
12 THE STATE BOARD OF ELECTIONS SHALL ACT UPON ANY SUCH REQUEST NO LATER
13 THAN FIFTY-FIVE DAYS BEFORE THE PRESIDENTIAL PRIMARY.

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

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

25 4. ELECTION OF DELEGATES AND ALTERNATE DELEGATES FROM CONGRESSIONAL
26 DISTRICTS. A. EACH CONGRESSIONAL DISTRICT SHALL CONDUCT A SEPARATE AND
27 DISTINCT PRIMARY ELECTION. ENROLLED REPUBLICAN VOTERS FROM A CONGRES-
28 SIONAL DISTRICT SHALL VOTE FOR A PRESIDENTIAL CANDIDATE WHO HAS QUALI-
29 FIED FOR THE PRIMARY BALLOT PURSUANT TO SUBDIVISION THREE OF THIS
30 SECTION.

31 B. ALL THREE DELEGATES AND ALL THREE ALTERNATE DELEGATES FROM A
32 CONGRESSIONAL DISTRICT SHALL BE AWARDED TO A PRESIDENTIAL CANDIDATE WHO
33 RECEIVES A MAJORITY OF THE TOTAL VOTES CAST FOR PRESIDENTIAL CANDIDATES
34 IN SUCH CONGRESSIONAL DISTRICT. IF NO PRESIDENTIAL CANDIDATE RECEIVES A
35 MAJORITY OF THE VOTES IN A CONGRESSIONAL DISTRICT, THE PRESIDENTIAL
36 CANDIDATE RECEIVING THE MOST VOTES IN THE CONGRESSIONAL DISTRICT SHALL
37 BE AWARDED TWO DELEGATES AND TWO ALTERNATE DELEGATES AND THE PRESIDEN-
38 TIAL CANDIDATE WHO RECEIVES THE SECOND MOST VOTES IN THE CONGRESSIONAL
39 DISTRICT SHALL BE AWARDED ONE DELEGATE AND ONE ALTERNATE DELEGATE,
40 PROVIDED HOWEVER, THAT A PRESIDENTIAL CANDIDATE MUST RECEIVE AT LEAST
41 TWENTY PERCENT OF THE TOTAL VOTES CAST FOR PRESIDENTIAL CANDIDATES IN
42 THE CONGRESSIONAL DISTRICT IN ORDER TO BE AWARDED ANY DELEGATES AND
43 ALTERNATE DELEGATES FROM THAT CONGRESSIONAL DISTRICT. IF ONLY ONE PRESI-
44 DENTIAL CANDIDATE RECEIVES TWENTY PERCENT OR MORE OF THE TOTAL VOTES
45 CAST FOR PRESIDENTIAL CANDIDATES IN A CONGRESSIONAL DISTRICT, SUCH PRES-
46 IDENTIAL CANDIDATE SHALL BE AWARDED ALL THREE DELEGATES AND ALL THREE
47 ALTERNATE DELEGATES. IF NO PRESIDENTIAL CANDIDATE RECEIVES TWENTY
48 PERCENT OR MORE OF THE TOTAL VOTES CAST FOR PRESIDENTIAL CANDIDATES IN A
49 CONGRESSIONAL DISTRICT, THE THREE DELEGATE AND THREE ALTERNATE DELEGATE
50 POSITIONS FROM SUCH DISTRICT SHALL BE DEEMED VACANT AND FILLED PURSUANT
51 TO THE RULES OF THE NATIONAL REPUBLICAN PARTY.

52 C. ALL CONGRESSIONAL DISTRICT DELEGATES AND ALTERNATE DELEGATES SHALL
53 BE ELECTED BY THE MEMBERS OF THE NEW YORK REPUBLICAN STATE COMMITTEE
54 REPRESENTING EACH SUCH CONGRESSIONAL DISTRICT AND AWARDED TO PRESIDEN-
55 TIAL CANDIDATES PURSUANT TO PARAGRAPH B OF THIS SUBDIVISION. THE
56 CONGRESSIONAL DISTRICT DELEGATES AND ALTERNATE DELEGATES SHALL BE

1 ELECTED BY THE MEMBERS OF THE NEW YORK REPUBLICAN STATE COMMITTEE
2 REPRESENTING EACH SUCH CONGRESSIONAL DISTRICT AT MEETINGS CALLED BY THE
3 STATE CHAIRMAN AND SCHEDULED IN COMPLIANCE WITH RULE 20 OF THE RULES OF
4 THE REPUBLICAN PARTY (NATIONAL) BUT, IF PRACTICABLE, FOLLOWING THE
5 CERTIFICATION OF THE RESULTS OF THE PRESIDENTIAL PRIMARY BY THE NEW YORK
6 STATE BOARD OF ELECTIONS. THE NOTICES OF CALL ISSUED BY THE STATE CHAIR-
7 MAN SHALL DESIGNATE NEW YORK REPUBLICAN STATE COMMITTEE MEMBERS TO SERVE
8 AS CHAIRS AND SECRETARIES OF THE CONGRESSIONAL DISTRICT MEETINGS. AT
9 THESE CONGRESSIONAL DISTRICT MEETINGS, THE MEMBERS OF THE NEW YORK
10 REPUBLICAN STATE COMMITTEE SHALL EACH CAST VOTES EQUAL TO THE REPUBLICAN
11 ENROLLMENT FOR THEIR UNIT OF REPRESENTATION THAT IS WITHIN THE CONGRES-
12 SIONAL DISTRICT. VOTING BY PROXY AT THE CONGRESSIONAL DISTRICT MEETING
13 SHALL BE VALID. THE CHAIR AND SECRETARY OF EACH CONGRESSIONAL DISTRICT
14 MEETING SHALL FILE A CERTIFICATE WITH THE NEW YORK STATE BOARD OF
15 ELECTIONS STATING THE NAMES AND ADDRESSES OF THE INDIVIDUALS ELECTED AS
16 CONGRESSIONAL DISTRICT DELEGATES AND ALTERNATE DELEGATES WITHIN FIVE
17 DAYS OF THE MEETING.

18 5. ELECTION OF AT LARGE DELEGATES AND AT LARGE ALTERNATE DELEGATES.
19 AT-LARGE DELEGATES AND AT-LARGE ALTERNATE DELEGATES SHALL BE ELECTED BY
20 THE NEW YORK REPUBLICAN STATE COMMITTEE AND AWARDED TO PRESIDENTIAL
21 CANDIDATES BASED UPON THE STATEWIDE VOTE RESULTS OF THE PRESIDENTIAL
22 PRIMARY ELECTION. ALL AT-LARGE DELEGATES AND AT-LARGE ALTERNATE DELEG-
23 ATES SHALL BE AWARDED TO A PRESIDENTIAL CANDIDATE WHO RECEIVES A MAJORI-
24 TY OF THE STATEWIDE TOTAL VOTES CAST FOR PRESIDENTIAL CANDIDATES. IF NO
25 PRESIDENTIAL CANDIDATE RECEIVES A MAJORITY OF THE STATEWIDE TOTAL VOTES
26 CAST FOR PRESIDENTIAL CANDIDATES, AT-LARGE DELEGATES AND AT-LARGE ALTER-
27 NATE DELEGATES SHALL BE ALLOCATED AND AWARDED AS FOLLOWS: BASED ON THE
28 RATIO OF THE TOTAL STATEWIDE VOTE RECEIVED BY EACH PRESIDENTIAL CANDI-
29 DATE IN RELATION TO THE TOTAL STATEWIDE VOTE FOR ALL PRESIDENTIAL CANDI-
30 DATES RECEIVING AT LEAST TWENTY PERCENT OF THE STATEWIDE VOTE IN THE
31 PRESIDENTIAL PRIMARY ELECTION, THE NEW YORK REPUBLICAN STATE COMMITTEE
32 SHALL APPORTION PRO-RATA THE NUMBER OF AT-LARGE DELEGATES AND AT-LARGE
33 ALTERNATE DELEGATES THAT EACH PRESIDENTIAL CANDIDATE IS ENTITLED TO
34 RECEIVE ROUNDED TO THE NEAREST WHOLE NUMBER: PROVIDED HOWEVER, THAT A
35 PRESIDENTIAL CANDIDATE MUST RECEIVE AT LEAST TWENTY PERCENT OF THE TOTAL
36 STATEWIDE VOTE OF THE PRESIDENTIAL PRIMARY ELECTION IN ORDER TO BE
37 AWARDED ANY AT-LARGE DELEGATES BY THE NEW YORK REPUBLICAN STATE COMMIT-
38 TEE. IN THE EVENT THE PRO-RATA APPORTIONMENT OF DELEGATES LEAVES ONE OR
39 MORE DELEGATES UNAwarDED BY PROCESS OF MATHEMATICAL DISTRIBUTION, THEN
40 ANY SUCH DELEGATE OR DELEGATES, SHALL BE AWARDED TO THE PRESIDENTIAL
41 CANDIDATE WITH THE MOST STATEWIDE VOTES FOR ALL PRESIDENTIAL CANDIDATES.
42 IN THE EVENT PRO-RATA APPORTIONMENT ENTITLES PRESIDENTIAL CANDIDATES BY
43 PROCESS OF MATHEMATICAL DISTRIBUTION TO MORE DELEGATES THAN ARE AUTHOR-
44 IZED PURSUANT TO THE RULES OF THE NATIONAL REPUBLICAN PARTY AND THE CALL
45 FOR THE NATIONAL CONVENTION, THEN THE NUMBER OF DELEGATES AWARDED FOR
46 THE CANDIDATE RECEIVING THE LEAST STATEWIDE VOTES AMONG THOSE PRESIDEN-
47 TIAL CANDIDATES OTHERWISE ENTITLED TO BE AWARDED DELEGATES, SHALL BE
48 DECREASED TO THE EXTENT NECESSARY TO CONFORM TO THE NUMBER OF AUTHORIZED
49 DELEGATE POSITIONS.

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

53 S 17. Section 6-158 of the election law is amended by adding a new
54 subdivision 1-a to read as follows:

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

4 S 18. Subdivision 6 of section 6-158 of the election law, as amended
5 by chapter 79 of the laws of 1992, is amended to read as follows:

6 6. A certificate of a party nomination made other than at the primary
7 election for an office to be filled at the time of a general election
8 shall be filed not later than seven days after the [fall] LOCAL AND
9 FEDERAL primary election, except that a certificate of nomination for an
10 office which becomes vacant after the seventh day preceding such primary
11 election shall be filed not later than fourteen days after the creation
12 of such vacancy and except, further, that a certificate of party nomi-
13 nation of candidates for elector of president and vice-president of the
14 United States shall be filed not later than [fourteen days after the
15 fall primary election] SIXTY DAYS BEFORE THE TWO THOUSAND SIXTEEN GENER-
16 AL ELECTION, and except still further that a certificate of party nomi-
17 nation made at a judicial district convention shall be filed not later
18 than the day after the last day to hold such convention and the minutes
19 of such convention, duly certified by the chairman and secretary, shall
20 be filed within seventy-two hours after adjournment of the convention. A
21 certificate of party nomination for an office to be filled at a special
22 election shall be filed not later than ten days following the issuance
23 of a proclamation of such election.

24 S 19. Section 4-110 of the election law, as amended by chapter 434 of
25 the laws of 1984, is amended to read as follows:

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

38 S 20. Section 4-114 of the election law, as amended by chapter 4 of
39 the laws of 2011, is amended to read as follows:

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

47 S 21. Paragraph (a) of subdivision 1 of section 10-108 of the election
48 law, as amended by chapter 4 of the laws of 2011, is amended to read as
49 follows:

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

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

24 S 22. Subdivision 4 of section 11-204 of the election law, as amended
25 by chapter 4 of the laws of 2011, is amended to read as follows:

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

49 S 23. Section 1-106 of the election law is amended by adding a new
50 subdivision 1-a to read as follows:

51 1-A. THE FILING BY MAIL PROVISIONS OF SUBDIVISION ONE OF THIS SECTION
52 SHALL NOT APPLY TO THE PRESIDENTIAL PRIMARY. FOR SUCH PRIMARY FILINGS OF
53 CERTIFICATES AND PETITIONS OF DESIGNATION OR NOMINATION, CERTIFICATES OF
54 ACCEPTANCE OR DECLINATION OF SUCH DESIGNATIONS AND NOMINATIONS, CERTIF-
55 ICATES OF AUTHORIZATION FOR SUCH DESIGNATIONS, CERTIFICATES OF DISQUALI-
56 FICATION, CERTIFICATES OF SUBSTITUTION FOR SUCH DESIGNATIONS OR NOMI-

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

11 S 24. Separability. If any sentence, clause, subparagraph, paragraph,
12 subdivision, section or other part of this act, or the application ther-
13 eof to any party, person or circumstances shall be held or adjudged by
14 any court of competent jurisdiction to be invalid, such holding or judg-
15 ment shall not affect, impair or invalidate the remainder or any portion
16 of the remainder of this act, or the application of such section or part
17 of a section held or adjudged to be invalid, to any other person or
18 circumstances, but shall be confined in its operation to the sentence,
19 clause, subparagraph, paragraph, subdivision, section or other part of
20 this act directly involved in the controversy in which such holding or
21 judgment shall have been rendered, or to the party, person and circum-
22 stances therein involved.

23 S 25. This act shall take effect immediately; provided, however, if
24 this act shall become law after July 1, 2015, it shall take effect imme-
25 diately and shall be deemed to have been in full force and effect on and
26 after July 1, 2015; provided further that sections eighteen, nineteen,
27 twenty, twenty-one, twenty-two and twenty-three of this act shall take
28 effect December 15, 2015; and provided further, this act shall expire
29 December 31, 2016 when upon such date the provisions of this act shall
30 be deemed repealed.