

5962

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 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 "Fall" primary in such year; to amend the election law, in relation to electing delegates to a national party convention; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Paragraph (a) of subdivision 1 of section 8-100 of the
2 election law, as amended by chapter 17 of the laws of 2007, is amended
3 to read as follows:
4 (a) A primary election, to be known as the fall primary, shall be held
5 on the first Tuesday after the second Monday in September before every
6 general election unless otherwise changed by an act of the legislature.
7 MEMBERS OF STATE AND COUNTY COMMITTEES AND ASSEMBLY DISTRICT LEADERS AND
8 ASSOCIATE ASSEMBLY DISTRICT LEADERS AND ALL OTHER PARTY POSITIONS TO BE
9 ELECTED SHALL BE ELECTED AT THE FALL PRIMARY AND ALL NOMINATIONS FOR
10 STATE AND LOCAL PUBLIC OFFICE REQUIRED TO BE MADE AT A PRIMARY ELECTION
11 IN SUCH YEAR SHALL BE MADE AT THE FALL PRIMARY. In [each] THE year TWO
12 THOUSAND SIXTEEN in which electors of president and vice president of
13 the United States are to be elected, an additional primary election, to
14 be known as the [spring] PRESIDENTIAL primary, shall be held on [the
15 first Tuesday in February] APRIL TWENTY-SIXTH, TWO THOUSAND SIXTEEN,
16 unless otherwise changed by an act of the legislature, for the purpose
17 of electing delegates AND ALTERNATE DELEGATES to the national conven-
18 tion[, members of state and county committees and assembly district
19 leaders and associate assembly district leaders].

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

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

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

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

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

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

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

24 2. IF THE RULES OF A STATE COMMITTEE ADOPTED PURSUANT TO THE
25 PROVISIONS OF THIS SECTION PROVIDE FOR A PRIMARY ELECTION IN WHICH THE
26 OFFICE OF PRESIDENT OF THE UNITED STATES APPEARS ON THE BALLOT, DESIG-
27 NATION OF CANDIDATES FOR SUCH OFFICE SHALL BE MADE PURSUANT TO THE
28 PROVISIONS OF SECTIONS 6-100, 6-118, 6-122 (EXCEPT THAT SUCH CANDIDATES
29 NEED NOT BE CITIZENS OF NEW YORK BUT ONLY CITIZENS OF THE UNITED
30 STATES), 6-130, 6-132 (EXCEPT THAT REFERENCES TO A COMMITTEE TO FILL
31 VACANCIES SHALL BE DEEMED REFERENCES TO A COMMITTEE TO RECEIVE NOTICES),
32 6-134, 6-144, THE PROVISIONS WITH RESPECT TO DECLINATIONS IN SUBDIVI-
33 SIONS ONE AND TWO OF SECTION 6-146 (EXCEPT THAT REFERENCES TO A COMMIT-
34 TEE TO FILL VACANCIES SHALL BE DEEMED REFERENCES TO A COMMITTEE TO
35 RECEIVE NOTICES), 6-154, AND SUBDIVISION ONE AND THE PROVISION WITH
36 RESPECT TO DECLINATIONS IN SUBDIVISION TWO OF SECTION 6-158 (EXCEPT THAT
37 SUCH CANDIDATES MAY DECLINE SUCH DESIGNATIONS NOT LATER THAN FEBRUARY
38 SIXTEENTH, TWO THOUSAND SIXTEEN) OF THIS CHAPTER. THE STATE BOARD OF
39 ELECTIONS SHALL FORTHWITH NOTIFY THE APPROPRIATE COUNTY BOARDS OF
40 ELECTIONS OF ANY SUCH DECLINATION FILED.

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

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

54 5. A. THE FORM OF A PETITION REQUESTING THAT AN "UNCOMMITTED" SPACE BE
55 LISTED ON THE BALLOT AT A PRIMARY ELECTION FOR THE OFFICE OF PRESIDENT

1 OF THE UNITED STATES HELD PURSUANT TO THE PROVISIONS OF THIS SECTION
2 SHALL BE SUBSTANTIALLY AS FOLLOWS:

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

10 B. THE APPOINTMENT OF A COMMITTEE TO RECEIVE NOTICES SHALL BE IN THE
11 FORM PRESCRIBED FOR A PETITION FOR AN OPPORTUNITY TO BALLOT. THE SIGNA-
12 TURES ON THE PETITION WITH ALL THE REQUIRED INFORMATION AND THE SIGNED
13 STATEMENT OF A WITNESS OR AUTHENTICATION BY A PERSON AUTHORIZED TO TAKE
14 OATHS SHALL BE IN THE FORM PRESCRIBED FOR A DESIGNATING PETITION FOR
15 SUCH OFFICE.

16 6. A. IF THE RULES OF A STATE COMMITTEE, ADOPTED PURSUANT TO THE
17 PROVISIONS OF THIS SECTION, PROVIDE THAT THE POSITIONS OF DELEGATE AND
18 ALTERNATE DELEGATE TO A NATIONAL CONVENTION APPEAR ON THE BALLOT, DESIG-
19 NATION OF CANDIDATES FOR SUCH POSITIONS SHALL BE MADE PURSUANT TO THE
20 PROVISIONS OF SECTIONS 6-100, 6-118, 6-122, 6-130, 6-132 (EXCEPT THAT
21 REFERENCES TO A COMMITTEE TO FILL VACANCIES SHALL BE DEEMED REFERENCES
22 TO A COMMITTEE TO RECEIVE NOTICES), 6-134, 6-144, THE PROVISIONS WITH
23 RESPECT TO DECLINATIONS IN SUBDIVISIONS ONE AND TWO OF SECTION 6-146
24 (EXCEPT THAT REFERENCES TO A COMMITTEE TO FILL VACANCIES SHALL BE
25 DEEMED REFERENCES TO A COMMITTEE TO RECEIVE NOTICES), 6-147, 6-154, AND
26 SUBDIVISION ONE AND THE PROVISION WITH RESPECT TO DECLINATIONS IN SUBDI-
27 VISION TWO AND SUBDIVISION THREE OF SECTION 6-158 OF THIS CHAPTER.

28 B. CANDIDATES FOR THE POSITIONS OF DISTRICT DELEGATE AND ALTERNATE
29 DISTRICT DELEGATE TO A NATIONAL PARTY CONVENTION PURSUANT TO THE
30 PROVISIONS OF THIS SECTION SHALL BE ENROLLED MEMBERS OF SUCH PARTY AND
31 RESIDENTS OF THE DISTRICT IN WHICH THEY ARE CANDIDATES. THE CONGRES-
32 SIONAL DISTRICTS USED FOR THE ELECTION OF SUCH DELEGATES AND ALTERNATE
33 DELEGATES SHALL BE THOSE DISTRICTS IN EFFECT FOR THE TWO THOUSAND FOUR-
34 TEEN CONGRESSIONAL ELECTIONS.

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

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

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

54 F. NO DESIGNATING PETITION CONTAINING THE NAMES OF MORE THAN ONE
55 CANDIDATE FOR EITHER SUCH POSITION SHALL BE PRESUMPTIVELY VALID UNLESS
56 THE CANDIDATES FOR DELEGATE AS A GROUP AND THE CANDIDATES FOR ALTERNATE

1 AS A GROUP ARE EQUALLY DIVIDED BETWEEN MALES AND FEMALES, WITH A VARI-
2 ANCE NO GREATER THAN ONE.

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

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

22 7. A. THE RULES OF A STATE COMMITTEE ADOPTED PURSUANT TO THE
23 PROVISIONS OF THIS SECTION MAY PROVIDE THAT NO CANDIDATE FOR THE POSI-
24 TIONS OF DELEGATE AND ALTERNATE DELEGATE MAY APPEAR ON THE BALLOT AS
25 PLEDGED TO SUPPORT A PARTICULAR PRESIDENTIAL CANDIDATE, OR AS UNCOMMIT-
26 TED, UNLESS THE NAME OF SUCH CANDIDATE FOR SUCH POSITION APPEARS ON A
27 CERTIFICATE LISTING THE NAMES OF THOSE CANDIDATES FOR SUCH POSITIONS WHO
28 HAVE FILED STATEMENTS OF CANDIDACY FOR SUCH POSITIONS WITH THE SECRETARY
29 OF THE STATE COMMITTEE WITHIN THE TIME PRESCRIBED BY SUCH RULES AND WHO,
30 IF THEIR STATEMENTS OF CANDIDACY CONTAINED A PLEDGE OF SUPPORT OF A
31 PRESIDENTIAL CANDIDATE, WERE NOT REJECTED BY SUCH PRESIDENTIAL CANDI-
32 DATE. SUCH CERTIFICATE SHALL ALSO LIST THE ADDRESS AND SEX OF EACH SUCH
33 CANDIDATE FOR DELEGATE AND ALTERNATE DELEGATE AND THE DISTRICT IN WHICH
34 SUCH CANDIDATE MAY APPEAR ON THE BALLOT.

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

39 C. IN THE EVENT THAT A DESIGNATING PETITION FOR CANDIDATES FOR SUCH
40 POSITIONS, LISTED AS PLEDGED TO SUPPORT A PRESIDENTIAL CANDIDATE,
41 CONTAINS THE NAMES OF ONE OR MORE PERSONS WHO HAVE NOT BEEN PERMITTED BY
42 SUCH PRESIDENTIAL CANDIDATE TO APPEAR ON THE BALLOT AS SO PLEDGED PURSU-
43 ANT TO THE PROVISIONS OF THIS SECTION, THEN THE NAMES OF SUCH CANDIDATES
44 SHALL NOT APPEAR ON THE BALLOT BUT THE NAMES OF OTHER CANDIDATES ON SUCH
45 PETITION WHO HAVE BEEN PERMITTED BY THE PRESIDENTIAL CANDIDATE TO APPEAR
46 ON THE BALLOT SHALL BE PLACED ON THE BALLOT PROVIDED THAT SUCH CANDI-
47 DATES ARE OTHERWISE ELIGIBLE AND THAT SUCH PETITION IS OTHERWISE VALID.

48 D. THE STATE BOARD OF ELECTIONS SHALL SEND A COPY OF THE CERTIFICATE
49 REQUIRED BY SECTION 4-110 OF THIS CHAPTER TO THE SECRETARY OF THE STATE
50 COMMITTEE OF EACH PARTY CONDUCTING A PRIMARY PURSUANT TO THE PROVISIONS
51 OF THIS SECTION NOT LATER THAN MARCH THIRD, TWO THOUSAND SIXTEEN. EVERY
52 OTHER BOARD OF ELECTIONS WITH WHICH DESIGNATING PETITIONS FOR DELEGATE
53 AND ALTERNATE DELEGATE WERE FILED PURSUANT TO THE PROVISIONS OF THIS
54 SECTION SHALL, NOT LATER THAN MARCH FOURTH, TWO THOUSAND SIXTEEN, SEND A
55 LIST OF THE NAMES AND ADDRESSES OF THOSE CANDIDATES WHO WILL APPEAR ON
56 THE BALLOT TO THE SECRETARY OF EACH SUCH STATE COMMITTEE.

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

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

26 C. THE ORDER OF THE NAMES OF CANDIDATES FOR THE OFFICE OF PRESIDENT
27 AND THE WORD "UNCOMMITTED" ON THE BALLOT AND THE ORDER OF THE NAMES OF
28 CANDIDATES FOR THE POSITIONS OF DELEGATE OR ALTERNATE DELEGATE WITHIN A
29 PARTICULAR ROW OR COLUMN SHALL BE DETERMINED PURSUANT TO THE PROVISIONS
30 OF SUBDIVISION THREE OF SECTION 7-116 OF THIS CHAPTER EXCEPT THAT NAMES
31 OF CANDIDATES FOR SUCH POSITIONS WHO ARE DESIGNATED BY INDIVIDUAL
32 PETITIONS AND NOT IN A GROUP SHALL HAVE THEIR POSITIONS DETERMINED BY
33 LOT IN THE SAME DRAWING AS GROUPS AND EXCEPT FURTHER THAT CANDIDATES OR
34 GROUPS OF CANDIDATES FOR DELEGATES AND ALTERNATE DELEGATES DESIGNATED BY
35 THE SAME PETITION SHALL BE TREATED AS ONE GROUP FOR THE PURPOSES OF SUCH
36 DETERMINATION BY LOT. THE PROVISIONS OF SUBDIVISION SIX OF SUCH SECTION
37 7-116 OF THIS CHAPTER SHALL NOT APPLY TO ANY ELECTION CONDUCTED PURSUANT
38 TO THE PROVISIONS OF THIS SECTION.

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

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

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

49 11. IF THE RULES OF A STATE COMMITTEE PROVIDE FOR A PRIMARY ELECTION
50 IN WHICH THE OFFICE OF PRESIDENT OF THE UNITED STATES AND THE POSITIONS
51 OF DELEGATE AND ALTERNATE DELEGATE TO A NATIONAL CONVENTION APPEAR ON
52 THE BALLOT PURSUANT TO THE PROVISIONS OF THIS SECTION, THE STATE BOARD
53 OF ELECTIONS AND THE COUNTY BOARDS OF ELECTIONS AS THE CASE MAY BE SHALL
54 CANVASS THE RESULTS OF SUCH PRIMARY ELECTION FOR SUCH OFFICE AND POSI-
55 TIONS PURSUANT TO THE PROVISIONS OF SECTIONS 9-200 AND 9-202 OF THIS
56 CHAPTER, AND SHALL CERTIFY TO THE SECRETARY OF THE STATE COMMITTEE OF

1 SUCH PARTY THE VOTES CAST FOR EACH CANDIDATE FOR SUCH OFFICE AND POSI-
2 TIONS IN SUCH PRIMARY ELECTION AND THE VOTES CAST FOR THE "UNCOMMITTED"
3 PREFERENCE, TALLIED SEPARATELY BY CONGRESSIONAL DISTRICTS, EXCEPT THAT
4 NO CANDIDATE OR "UNCOMMITTED" PREFERENCE SHALL BE CERTIFIED AS NOMINATED
5 OR ELECTED TO ANY SUCH OFFICE OR POSITION.

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

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

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

24 2. GENERAL PROVISIONS. THE AWARDED OF DELEGATES AND ALTERNATE DELEG-
25 ATES TO A NATIONAL CONVENTION OR CONFERENCE OF A POLITICAL PARTY PURSU-
26 ANT TO THIS SECTION SHALL BE DETERMINED BY THE VOTES CAST AT A STATEWIDE
27 PRIMARY ELECTION FOR CANDIDATES FOR THE OFFICE OF PRESIDENT OF THE
28 UNITED STATES IN WHICH THE NAMES OF CANDIDATES FOR SUCH OFFICE APPEAR ON
29 THE BALLOT AND THE NAMES OF DELEGATES AND ALTERNATE DELEGATES DO NOT
30 APPEAR ON SUCH BALLOT. THE TOTAL NUMBER OF DELEGATES AND ALTERNATE
31 DELEGATES SHALL BE DETERMINED BY THE CALL FOR THE NATIONAL CONVENTION.
32 THREE DELEGATES AND THREE ALTERNATE DELEGATES SHALL BE AWARDED FROM
33 EVERY CONGRESSIONAL DISTRICT IN THE STATE, UNLESS THE RULES OF THE
34 NATIONAL REPUBLICAN PARTY AND/OR THE CALL FOR THE NATIONAL CONVENTION
35 PROVIDE DIFFERENTLY. THE TOTAL NUMBER OF DELEGATES AND ALTERNATE DELEG-
36 ATES AS ESTABLISHED BY THE CALL FOR THE NATIONAL CONVENTION MINUS THE
37 NUMBER OF DELEGATES AND ALTERNATE DELEGATES TO BE AWARDED FROM THE
38 CONGRESSIONAL DISTRICTS SHALL BE DESIGNATED AT-LARGE DELEGATES AND
39 AT-LARGE ALTERNATE DELEGATES.

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

44 CONGRESSIONAL DISTRICT DELEGATES AND ALTERNATE DELEGATES SHALL BE
45 AWARDED BASED UPON THE RESULTS OF SEPARATE AND DISTINCT PRIMARY
46 ELECTIONS HELD WITHIN EACH CONGRESSIONAL DISTRICT OF THE STATE. CONGRES-
47 SIONAL DISTRICT DELEGATES AND ALTERNATE DELEGATES SHALL BE AWARDED TO
48 PRESIDENTIAL CANDIDATES PURSUANT TO PARAGRAPH B OF SUBDIVISION FOUR OF
49 THIS SECTION AND ELECTED PURSUANT TO PARAGRAPH C OF SUBDIVISION FOUR OF
50 THIS SECTION. AT-LARGE DELEGATES AND ALTERNATE DELEGATES SHALL BE
51 ELECTED BY THE STATE COMMITTEE AND ALLOCATED TO PRESIDENTIAL CANDIDATES
52 PURSUANT TO SUBDIVISION FIVE OF THIS SECTION.

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

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

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

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

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

43 4. ELECTION OF DELEGATES AND ALTERNATE DELEGATES FROM CONGRESSIONAL
44 DISTRICTS. A. EACH CONGRESSIONAL DISTRICT SHALL CONDUCT A SEPARATE AND
45 DISTINCT PRIMARY ELECTION. ENROLLED REPUBLICAN VOTERS FROM A CONGRES-
46 SIONAL DISTRICT SHALL VOTE FOR A PRESIDENTIAL CANDIDATE WHO HAS QUALI-
47 FIED FOR THE PRIMARY BALLOT PURSUANT TO SUBDIVISION THREE OF THIS
48 SECTION.

49 B. ALL THREE DELEGATES AND ALL THREE ALTERNATE DELEGATES FROM A
50 CONGRESSIONAL DISTRICT SHALL BE AWARDED TO A PRESIDENTIAL CANDIDATE WHO
51 RECEIVES A MAJORITY OF THE TOTAL VOTES CAST FOR PRESIDENTIAL CANDIDATES
52 IN SUCH CONGRESSIONAL DISTRICT. IF NO PRESIDENTIAL CANDIDATE RECEIVES A
53 MAJORITY OF THE VOTES IN A CONGRESSIONAL DISTRICT, THE PRESIDENTIAL
54 CANDIDATE RECEIVING THE MOST VOTES IN THE CONGRESSIONAL DISTRICT SHALL
55 BE AWARDED TWO DELEGATES AND TWO ALTERNATE DELEGATES AND THE PRESIDEN-
56 TIAL CANDIDATE WHO RECEIVES THE SECOND MOST VOTES IN THE CONGRESSIONAL

1 DISTRICT SHALL BE AWARDED ONE DELEGATE AND ONE ALTERNATE DELEGATE,
2 PROVIDED HOWEVER, THAT A PRESIDENTIAL CANDIDATE MUST RECEIVE AT LEAST
3 TWENTY PERCENT OF THE TOTAL VOTES CAST FOR PRESIDENTIAL CANDIDATES IN
4 THE CONGRESSIONAL DISTRICT IN ORDER TO BE AWARDED ANY DELEGATES AND
5 ALTERNATE DELEGATES FROM THAT CONGRESSIONAL DISTRICT. IF ONLY ONE PRESI-
6 DENTIAL CANDIDATE RECEIVES TWENTY PERCENT OR MORE OF THE TOTAL VOTES
7 CAST FOR PRESIDENTIAL CANDIDATES IN A CONGRESSIONAL DISTRICT, SUCH PRES-
8 IDENTIAL CANDIDATE SHALL BE AWARDED ALL THREE DELEGATES AND ALL THREE
9 ALTERNATE DELEGATES. IF NO PRESIDENTIAL CANDIDATE RECEIVES TWENTY
10 PERCENT OR MORE OF THE TOTAL VOTES CAST FOR PRESIDENTIAL CANDIDATES IN A
11 CONGRESSIONAL DISTRICT, THE THREE DELEGATE AND THREE ALTERNATE DELEGATE
12 POSITIONS FROM SUCH DISTRICT SHALL BE DEEMED VACANT AND FILLED PURSUANT
13 TO THE RULES OF THE NATIONAL REPUBLICAN PARTY.

14 C. ALL CONGRESSIONAL DISTRICT DELEGATES AND ALTERNATE DELEGATES SHALL
15 BE ELECTED BY THE MEMBERS OF THE NEW YORK REPUBLICAN STATE COMMITTEE
16 REPRESENTING EACH SUCH CONGRESSIONAL DISTRICT AND AWARDED TO PRESIDEN-
17 TIAL CANDIDATES PURSUANT TO PARAGRAPH B OF THIS SUBDIVISION. THE
18 CONGRESSIONAL DISTRICT DELEGATES AND ALTERNATE DELEGATES SHALL BE
19 ELECTED BY THE MEMBERS OF THE NEW YORK REPUBLICAN STATE COMMITTEE
20 REPRESENTING EACH SUCH CONGRESSIONAL DISTRICT AT MEETINGS CALLED BY THE
21 STATE CHAIRMAN AND SCHEDULED IN COMPLIANCE WITH RULE 20 OF THE RULES OF
22 THE REPUBLICAN PARTY (NATIONAL) BUT, IF PRACTICABLE, FOLLOWING THE
23 CERTIFICATION OF THE RESULTS OF THE PRESIDENTIAL PRIMARY BY THE NEW YORK
24 STATE BOARD OF ELECTIONS. THE NOTICES OF CALL ISSUED BY THE STATE CHAIR-
25 MAN SHALL DESIGNATE NEW YORK REPUBLICAN STATE COMMITTEE MEMBERS TO SERVE
26 AS CHAIRS AND SECRETARIES OF THE CONGRESSIONAL DISTRICT MEETINGS. AT
27 THESE CONGRESSIONAL DISTRICT MEETINGS, THE MEMBERS OF THE NEW YORK
28 REPUBLICAN STATE COMMITTEE SHALL EACH CAST VOTES EQUAL TO THE REPUBLICAN
29 ENROLLMENT FOR THEIR UNIT OF REPRESENTATION THAT IS WITHIN THE CONGRES-
30 SIONAL DISTRICT. VOTING BY PROXY AT THE CONGRESSIONAL DISTRICT MEETING
31 SHALL BE VALID. THE CHAIR AND SECRETARY OF EACH CONGRESSIONAL DISTRICT
32 MEETING SHALL FILE A CERTIFICATE WITH THE NEW YORK STATE BOARD OF
33 ELECTIONS STATING THE NAMES AND ADDRESSES OF THE INDIVIDUALS ELECTED AS
34 CONGRESSIONAL DISTRICT DELEGATES AND ALTERNATE DELEGATES WITHIN FIVE
35 DAYS OF THE MEETING.

36 5. ELECTION OF AT LARGE DELEGATES AND AT LARGE ALTERNATE DELEGATES.
37 AT-LARGE DELEGATES AND AT-LARGE ALTERNATE DELEGATES SHALL BE ELECTED BY
38 THE NEW YORK REPUBLICAN STATE COMMITTEE AND AWARDED TO PRESIDENTIAL
39 CANDIDATES BASED UPON THE STATEWIDE VOTE RESULTS OF THE PRESIDENTIAL
40 PRIMARY ELECTION. ALL AT-LARGE DELEGATES AND AT-LARGE ALTERNATE DELEG-
41 ATES SHALL BE AWARDED TO A PRESIDENTIAL CANDIDATE WHO RECEIVES A MAJORI-
42 TY OF THE STATEWIDE TOTAL VOTES CAST FOR PRESIDENTIAL CANDIDATES. IF NO
43 PRESIDENTIAL CANDIDATE RECEIVES A MAJORITY OF THE STATEWIDE TOTAL VOTES
44 CAST FOR PRESIDENTIAL CANDIDATES, AT-LARGE DELEGATES AND AT-LARGE ALTER-
45 NATE DELEGATES SHALL BE ALLOCATED AND AWARDED AS FOLLOWS: BASED ON THE
46 RATIO OF THE TOTAL STATEWIDE VOTE RECEIVED BY EACH PRESIDENTIAL CANDI-
47 DATE IN RELATION TO THE TOTAL STATEWIDE VOTE FOR ALL PRESIDENTIAL CANDI-
48 DATES RECEIVING AT LEAST TWENTY PERCENT OF THE STATEWIDE VOTE IN THE
49 PRESIDENTIAL PRIMARY ELECTION, THE NEW YORK REPUBLICAN STATE COMMITTEE
50 SHALL APPORTION PRO-RATA THE NUMBER OF AT-LARGE DELEGATES AND AT-LARGE
51 ALTERNATE DELEGATES THAT EACH PRESIDENTIAL CANDIDATE IS ENTITLED TO
52 RECEIVE ROUNDED TO THE NEAREST WHOLE NUMBER: PROVIDED HOWEVER, THAT A
53 PRESIDENTIAL CANDIDATE MUST RECEIVE AT LEAST TWENTY PERCENT OF THE TOTAL
54 STATEWIDE VOTE OF THE PRESIDENTIAL PRIMARY ELECTION IN ORDER TO BE
55 AWARDED ANY AT-LARGE DELEGATES BY THE NEW YORK REPUBLICAN STATE COMMIT-
56 TEE. IN THE EVENT THE PRO-RATA APPORTIONMENT OF DELEGATES LEAVES ONE OR

1 MORE DELEGATES UNAWARDED BY PROCESS OF MATHEMATICAL DISTRIBUTION, THEN
2 ANY SUCH DELEGATE OR DELEGATES, SHALL BE AWARDED TO THE PRESIDENTIAL
3 CANDIDATE WITH THE MOST STATEWIDE VOTES FOR ALL PRESIDENTIAL CANDIDATES.
4 IN THE EVENT PRO-RATA APPORTIONMENT ENTITLES PRESIDENTIAL CANDIDATES BY
5 PROCESS OF MATHEMATICAL DISTRIBUTION TO MORE DELEGATES THAN ARE AUTHOR-
6 IZED PURSUANT TO THE RULES OF THE NATIONAL REPUBLICAN PARTY AND THE CALL
7 FOR THE NATIONAL CONVENTION, THEN THE NUMBER OF DELEGATES AWARDED FOR
8 THE CANDIDATE RECEIVING THE LEAST STATEWIDE VOTES AMONG THOSE PRESIDEN-
9 TIAL CANDIDATES OTHERWISE ENTITLED TO BE AWARDED DELEGATES, SHALL BE
10 DECREASED TO THE EXTENT NECESSARY TO CONFORM TO THE NUMBER OF AUTHORIZED
11 DELEGATE POSITIONS.

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

15 S 5. Section 6-158 of the election law is amended by adding a new
16 subdivision 1-a to read as follows:

17 1-A. A DESIGNATING PETITION FOR A PRESIDENTIAL PRIMARY ELECTION SHALL
18 BE FILED NOT EARLIER THAN THE TWELFTH MONDAY BEFORE, AND NOT LATER THAN
19 THE ELEVENTH THURSDAY PRECEDING THE PRESIDENTIAL PRIMARY ELECTION.

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

22 6. A certificate of a party nomination made other than at the primary
23 election for an office to be filled at the time of a general election
24 shall be filed not later than seven days after the fall primary
25 election, except that a certificate of nomination for an office which
26 becomes vacant after the seventh day preceding such primary election
27 shall be filed not later than fourteen days after the creation of such
28 vacancy and except, further, that a certificate of party nomination of
29 candidates for elector of president and vice-president of the United
30 States shall be filed not later than [fourteen days after the fall
31 primary election] SIXTY DAYS BEFORE THE TWO THOUSAND SIXTEEN GENERAL
32 ELECTION, and except still further that a certificate of party nomi-
33 nation made at a judicial district convention shall be filed not later
34 than the day after the last day to hold such convention and the minutes
35 of such convention, duly certified by the chairman and secretary, shall
36 be filed within seventy-two hours after adjournment of the convention. A
37 certificate of party nomination for an office to be filled at a special
38 election shall be filed not later than ten days following the issuance
39 of a proclamation of such election.

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

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

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

1 S 4-114. Determination of candidates and questions; county board of
2 elections. The county board of elections, not later than the thirty-
3 fifth day before the day of a primary or general election, or the
4 fifty-third day before a special election OR PRESIDENTIAL PRIMARY
5 ELECTION, shall determine the candidates duly nominated for public
6 office and the questions that shall appear on the ballot within the
7 jurisdiction of that board of elections.

8 S 9. Paragraph (a) of subdivision 1 of section 10-108 of the election
9 law, as amended by chapter 4 of the laws of 2011, is amended to read as
10 follows:

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

41 S 10. Subdivision 4 of section 11-204 of the election law, as amended
42 by chapter 4 of the laws of 2011, is amended to read as follows:

43 4. If the board of elections shall determine that the applicant making
44 the application provided for in this section is qualified to receive and
45 vote a special federal ballot, it shall, as soon as practicable after it
46 shall have so determined, or not later than thirty-two days before each
47 general or primary election and forty-five days before each special
48 election OR PRESIDENTIAL PRIMARY ELECTION in which such applicant is
49 qualified to vote, or three days after receipt of such an application,
50 whichever is later, mail to him or her at the residence address outside
51 the United States shown in his or her application, a special federal
52 ballot, an inner affirmation envelope and an outer envelope, or other-
53 wise distribute same to the voter in accordance with the preferred meth-
54 od of transmission designated by the voter pursuant to section 11-203 of
55 this title. The board of elections shall also mail, or otherwise
56 distribute in accordance with the preferred method of transmission

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

10 S 11. Section 1-106 of the election law is amended by adding a new
11 subdivision 1-a to read as follows:

12 1-A. THE FILING BY MAIL PROVISIONS OF SUBDIVISION ONE OF THIS SECTION
13 SHALL NOT APPLY TO THE PRESIDENTIAL PRIMARY. FOR SUCH PRIMARY FILINGS OF
14 CERTIFICATES AND PETITIONS OF DESIGNATION OR NOMINATION, CERTIFICATES OF
15 ACCEPTANCE OR DECLINATION OF SUCH DESIGNATIONS AND NOMINATIONS, CERTIFI-
16 CATES OF AUTHORIZATION FOR SUCH DESIGNATIONS, CERTIFICATES OF DISQUALI-
17 FICATION, CERTIFICATES OF SUBSTITUTION FOR SUCH DESIGNATIONS OR NOMI-
18 NATIONS, AND OBJECTIONS AND SPECIFICATIONS OF OBJECTIONS TO CERTIFICATES
19 AND PETITIONS REQUIRED TO BE FILED WITH THE STATE BOARD OF ELECTIONS OR
20 A BOARD OF ELECTIONS OUTSIDE OF THE CITY OF NEW YORK SHALL BE DEEMED
21 TIMELY FILED BY MAIL AND ACCEPTED FOR FILING IF (I) SENT BY MAIL, OR
22 OVERNIGHT DELIVERY SERVICE AS DEFINED BY PARAGRAPH SIX OF SUBDIVISION
23 (B) OF RULE TWENTY-ONE HUNDRED THREE OF THE CIVIL PRACTICE LAW AND
24 RULES, IN AN ENVELOPE POSTMARKED OR SHOWING RECEIPT BY THE OVERNIGHT
25 DELIVERY SERVICE, PRIOR TO MIDNIGHT OF THE LAST DAY OF FILING, AND (II)
26 IF RECEIVED NO LATER THAN ONE BUSINESS DAY AFTER THE LAST DAY TO FILE
27 SUCH CERTIFICATES, PETITIONS, OBJECTIONS OR SPECIFICATIONS.

28 S 12. Subdivision 22 of section 1-104 of the election law is amended
29 to read as follows:

30 22. The term "residence" shall be deemed to mean that place where a
31 person IS DOMICILED UNDER THE TERMS OF THE NEW YORK STATE TAX LAW, AND
32 WHERE HE OR SHE maintains a fixed, permanent and principal home [and] to
33 which he OR SHE, wherever temporarily located, always intends to return.

34 S 13. Subdivision 6 of section 16-108 of the election law is amended
35 and a new subdivision 3-a is added to read as follows:

36 3-A. SUCH COURT IN A PROCEEDING BY ANY VOTER CHALLENGING A VOTER'S
37 REGISTRATION, OR BY A CANDIDATE CHALLENGING A VOTER'S REGISTRATION IN
38 THE COURSE OF A PROCEEDING PURSUANT TO THE TERMS OF THIS CHAPTER REVIEW-
39 ING THE CANVASS OR RECANVASS OF VOTES IN ANY ELECTION, SHALL DETERMINE
40 THE VALIDITY OF THE RESIDENCE CLAIMED BY ANY SUCH CHALLENGED VOTER WHO
41 HAS REGISTERED WITH A LOCAL BOARD OF ELECTIONS.

42 6. For each primary, special and general election, the presiding
43 justice of the appellate division of the first [and], second [judicial
44 department shall, and the presiding justice of the appellate division of
45 the] third, and fourth judicial departments [may] SHALL assign one or
46 more justices of the supreme court to sit at such offices of the board
47 of elections and such other locations as may be designated to hear and
48 determine all cases arising under this chapter relating to eligibility
49 for voting of such election.

50 S 14. Separability. If any sentence, clause, subparagraph, paragraph,
51 subdivision, section or other part of this act, or the application ther-
52 eof to any party, person or circumstances shall be held or adjudged by
53 any court of competent jurisdiction to be invalid, such holding or judg-
54 ment shall not affect, impair or invalidate the remainder or any portion
55 of the remainder of this act, or the application of such section or part
56 of a section held or adjudged to be invalid, to any other person or

1 circumstances, but shall be confined in its operation to the sentence,
2 clause, subparagraph, paragraph, subdivision, section or other part of
3 this act directly involved in the controversy in which such holding or
4 judgment shall have been rendered, or to the party, person and circum-
5 stances therein involved.
6 S 15. This act shall take effect immediately; provided, however, if
7 this act shall become law after July 1, 2015, it shall take effect imme-
8 diately and shall be deemed to have been in full force and effect on and
9 after July 1, 2015; provided further that sections six, seven, eight,
10 nine, ten and eleven of this act shall take effect December 15, 2015;
11 and provided further, this act shall expire December 31, 2016 when upon
12 such date the provisions of this act shall be deemed repealed.