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I N S E N A T E

January 13, 2016

Introduced by Sens. STEWART-COUSINS, LATIMER, ADDABBO, COMRIE, DILAN, GIANARIS, HOYLMAN, KRUEGER, PERSAUD, SQUADRON, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the election law, in relation to primary elections and amending certain deadlines to facilitate the timely transmission of ballots to military voters stationed overseas; to amend the public officers law, in relation to filling vacancies in elective offices; to amend the election law, in relation to date of primary elections; and to amend chapter 87 of the laws of 2015 relating to the conducting of the presidential primary, in relation to making certain provisions permanent

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

1 Section 1. Subdivision 1 of section 1-106 of the election law, as
2 amended by chapter 700 of the laws of 1977, is amended to read as
3 follows:
4 1. All papers required to be filed pursuant to the provisions of this
5 chapter shall, unless otherwise provided, be filed between the hours of
6 nine A.M. and five P.M. If the last day for filing shall fall on a
7 Saturday, Sunday or legal holiday, the next business day shall become
8 the last day for filing. All papers sent by mail in an envelope post-
9 marked prior to midnight of the last day of filing shall be deemed time-
10 ly filed and accepted for filing when received, except THAT ALL CERTIF-
11 ICATES AND PETITIONS OF DESIGNATION OR NOMINATION, CERTIFICATES OF
12 ACCEPTANCE OR DECLINATION OF SUCH DESIGNATIONS OR NOMINATIONS, CERTIF-
13 ICATES OF AUTHORIZATION FOR SUCH DESIGNATIONS OR NOMINATIONS, CERTIF-
14 ICATES OF DISQUALIFICATION, CERTIFICATES OF SUBSTITUTION FOR SUCH DESIG-
15 NATIONS OR NOMINATIONS AND OBJECTIONS AND SPECIFICATIONS OF OBJECTIONS
16 TO SUCH CERTIFICATES AND PETITIONS REQUIRED TO BE FILED WITH THE STATE
17 BOARD OF ELECTIONS OR A BOARD OF ELECTIONS OUTSIDE OF THE CITY OF NEW
18 YORK SHALL BE DEEMED TIMELY FILED AND ACCEPTED FOR FILING IF SENT BY
19 MAIL OR OVERNIGHT DELIVERY SERVICE PURSUANT TO SUBDIVISION THREE OF THIS
20 SECTION, AND RECEIVED NO LATER THAN TWO BUSINESS DAYS AFTER THE LAST DAY

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

LBD02859-03-5

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

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

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

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

54 1. The state board of elections shall, [at least eight months before
55 each] BY FEBRUARY FIRST IN THE YEAR OF EACH general election, make and
56 transmit to the board of elections of each county, a certificate stating

1 each office, except county, city, village and town offices to be voted
2 for at such election in such county.

3 2. Each county, city, village and town clerk, [at least eight months
4 before each] BY FEBRUARY FIRST IN THE YEAR OF EACH general election,
5 shall make and transmit to the board of elections a certificate stating
6 each county, city, village or town office, respectively to be voted for
7 at each such election. Each village clerk, at least five months before
8 each general village election conducted by the board of elections, shall
9 make, and transmit to such board, a certificate stating each village
10 office to be filled at such election.

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

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

24 S 5. Section 4-110 of the election law, as amended by chapter 87 of
25 the laws of 2015, 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]
28 FIFTY-FIVE days before a primary election or [fifty-four days before] a
29 presidential primary election, shall certify to each county board of
30 elections: The name and residence of each candidate to be voted for
31 within the political subdivision of such board for whom a designation
32 has been filed with the state board; the title of the office or position
33 for which the candidate is designated; the name of the party upon whose
34 primary ballot his OR HER name is to be placed; and the order in which
35 the names of the candidates are to be printed as determined by the state
36 board. Where an office or position is uncontested, such certification
37 shall state such fact.

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

40 1. The state board of elections, not later than [thirty-six]
41 FIFTY-FIVE days before a general election, or fifty-three days before a
42 special election, shall certify to each county board of elections the
43 name and residence of each candidate nominated in any valid certificate
44 filed with it or by the returns canvassed by it, the title of the office
45 for which nominated; the name of the party or body specified of which he
46 OR SHE is a candidate; the emblem chosen to distinguish the candidates
47 of the party or body; and a notation as to whether or not any litigation
48 is pending concerning the candidacy. Upon the completion of any such
49 litigation, the state board of elections shall forthwith notify the
50 appropriate county boards of elections of the results of such liti-
51 gation.

52 S 7. Section 4-114 of the election law, as amended by chapter 87 of
53 the laws of 2015, is amended to read as follows:

54 S 4-114. Determination of candidates and questions; county board of
55 elections. The county board of elections, not later than the [thirty-
56 fifth] FIFTY-FOURTH day before the day of a primary or general election,

1 or the fifty-third day before a special election or presidential primary
2 election, shall determine the candidates duly nominated for public
3 office and the questions that shall appear on the ballot within the
4 jurisdiction of that board of elections.

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

7 1. The board of elections, [between August first and August fifth of
8 each year] NOT LESS THAN SIXTY-FIVE DAYS NOR MORE THAN SEVENTY DAYS
9 BEFORE THE PRIMARY ELECTION IN EACH YEAR, shall send by first class mail
10 on which is endorsed "ADDRESS CORRECTION REQUESTED" and which contains a
11 request that any such mail received for persons not residing at the
12 address be dropped back in the mail, a communication, in a form approved
13 by the state board of elections, to every registered voter who has been
14 registered without a change of address since the beginning of such year,
15 except that the board of elections shall not be required to send such
16 communications to voters in inactive status. The communication shall
17 notify the voter of the days and hours of the ensuing primary and gener-
18 al elections, the place where he OR SHE appears by his OR HER registra-
19 tion records to be entitled to vote, the fact that voters who have moved
20 or will have moved from the address where they were last registered must
21 re-register or, that if such move was to another address in the same
22 county or city, that such voter may either notify the board of elections
23 of his OR HER new address or vote by paper ballot at the polling place
24 for his OR HER new address even if such voter has not re-registered, or
25 otherwise notified the board of elections of the change of address. If
26 the location of the polling place for the voter's election district has
27 been moved, the communication shall contain the following legend in bold
28 type: "YOUR POLLING PLACE HAS BEEN CHANGED. YOU NOW VOTE AT.....".
29 The communication shall also indicate whether the polling place is
30 accessible to physically disabled voters, that a voter who will be out
31 of the city or county on the day of the primary or general election or a
32 voter who is ill or physically disabled may obtain an absentee ballot,
33 that a physically disabled voter whose polling place is not accessible
34 may request that his OR HER registration record be moved to an election
35 district which has a polling place which is accessible, the phone number
36 to call for applications to move a registration record or for absentee
37 ballot applications, the phone number to call for the location of regis-
38 tration and polling places, the phone number to call to indicate that
39 the voter is willing to serve on election day as an election inspector,
40 poll clerk, interpreter or in other capacities, the phone number to call
41 to obtain an application for registration by mail, and such other infor-
42 mation concerning the elections or registration as the board may
43 include. In lieu of sending such communication to every registered
44 voter, the board of elections may send a single communication to a
45 household containing more than one registered voter, provided that the
46 names of all such voters appear as part of the address on such communi-
47 cation.

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

50 1. The board of elections shall also cause to be published for each
51 election district a complete list of the registered voters of each
52 election district. Such list shall, in addition to the information
53 required for registration lists, include the party enrollment of each
54 voter. At least as many copies of such list shall be prepared as the
55 required minimum number of registration lists.

1 Lists for all the election districts in a ward or assembly district
2 may be bound together in one volume. The board of elections shall also
3 cause to be published a complete list of names and residence addresses
4 of the registered voters, including the party enrollment of each voter,
5 for each town and city over which the board has jurisdiction. The names
6 for each town and city may be arranged according to street and number or
7 alphabetically. Such lists shall be published before the first day of
8 [April] FEBRUARY. The board shall keep at least five copies for public
9 inspection at each main office or branch office of the board. Surplus
10 copies of the lists shall be sold at a charge not exceeding the cost of
11 publication.

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

15 a. At least once each year during the month of [May] FEBRUARY, each
16 board of elections shall obtain through the National Change of Address
17 System, the forwarding address for every voter registered with such
18 board of elections for whom the United States Postal Service has such a
19 forwarding address together with the name of each such voter whom the
20 Postal Service records indicate has moved from the address at which he
21 is registered without leaving a forwarding address.

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

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

43 S 12. 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 OR HER
53 designation in more than one group, whichever is later, specifies anothe-
54 er group in 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 13. Subdivisions 1, 4, 5, 6, 9, 11, 12 and 14 of section 6-158 of
9 the election law, subdivisions 1, 4, 11 and 12 as amended by chapter 434
10 of the laws of 1984, subdivision 6 as amended by chapter 87 of the laws
11 of 2015, and subdivision 9 as amended by chapter 517 of the laws of
12 1986, are amended to read as follows:

13 1. A designating petition shall be filed not earlier than the [tenth]
14 THIRTEENTH Monday before, and not later than the [ninth] TWELFTH Thurs-
15 day 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] ELEVENTH Thursday preceding the primary election. However,
20 where a designating petition has been filed and the person named therein
21 has declined such designation and another person has been designated to
22 fill the vacancy, then in that event, a petition for an opportunity to
23 ballot in a primary election shall be filed not later than the [seventh]
24 TENTH Thursday preceding such primary election.

25 5. A judicial district convention shall be held not earlier than the
26 [Tuesday] THURSDAY following the [third Monday in September] FIRST
27 MONDAY IN AUGUST preceding the general election and not later than [the
28 fourth Monday in September preceding such election] SIX DAYS THEREAFTER.

29 6. (A) A certificate of a party nomination made other than at the
30 primary election for an office to be filled at the time of a general
31 election shall be filed not later than [seven] THIRTY days after the
32 [fall] primary election, (B) except that a certificate of nomination for
33 an office which becomes vacant after the seventh day preceding such
34 primary election shall be filed not later than [fourteen] THIRTY DAYS
35 AFTER THE PRIMARY ELECTION OR TEN days after the creation of such vacan-
36 cy, WHICHEVER IS LATER, and (C) except, further, that a certificate of
37 party nomination of candidates for elector of president and vice-presi-
38 dent of the United States shall be filed not later than [sixty] SEVEN-
39 TY-SIX days [before the two thousand sixteen general] AFTER THE FALL
40 PRIMARY election, and (D) except still further that a certificate of
41 party nomination made at a judicial district convention shall be filed
42 not later than the day after the last day to hold such convention and
43 the minutes of such convention, duly certified by the chairman and
44 secretary, shall be filed within seventy-two hours after adjournment of
45 the convention. A certificate of party nomination for an office to be
46 filled at a special election shall be filed not later than ten days
47 following the issuance of a proclamation of such election.

48 9. A petition for an independent nomination for an office to be filled
49 at the time of a general election shall be filed not earlier than
50 [twelve] TWENTY-FOUR weeks and not later than [eleven] TWENTY-THREE
51 weeks preceding such election. A petition for an independent nomination
52 for an office to be filled at a special election shall be filed not
53 later than twelve days following the issuance of a proclamation of such
54 election. [A petition for trustee of the Long Island Power Authority
55 shall be filed not earlier than seven weeks and not later than six weeks
56 preceding the 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] TWEN-
4 TY-THIRD Tuesday preceding such election except that a candidate who
5 files such a certificate of acceptance for an office for which there
6 have been filed certificates or petitions designating more than one
7 candidate for the nomination of any party, may thereafter file a certif-
8 icate of declination not later than the third day after the primary
9 election. A certificate of acceptance or declination of an independent
10 nomination for an office to be filled at a special election shall be
11 filed not later than fourteen days following the issuance of a proclama-
12 tion of 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] TWENTY-THIRD Tuesday preceding such election. A certificate
17 to fill a vacancy caused by a declination of an independent nomination
18 for an office to be filled at a special election shall be filed not
19 later than sixteen days following the issuance of a proclamation of such
20 election.

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

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

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

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

47 (a) Ballots for military voters shall be mailed or otherwise distrib-
48 uted by the board of elections, in accordance with the preferred method
49 of transmission designated by the voter pursuant to section 10-107 of
50 this article, as soon as practicable but in any event not later than
51 [thirty-two] FORTY-SIX days before a primary or general election[; twen-
52 ty-five days before], a New York city community school board district or
53 city of Buffalo school district election; fourteen days before a village
54 election conducted by the board of elections; and forty-five days before
55 a special election or presidential primary election. A voter who submits
56 a military ballot application shall be entitled to a military ballot

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

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

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

46 S 17. Subdivision 4 of section 16-102 of the election law, as added by
47 chapter 135 of the laws of 1986, is amended to read as follows:

48 4. A final order INCLUDING THE RESOLUTION OF ANY APPEALS in any
49 proceeding involving the names of candidates on ballots or voting
50 machines shall be made, if possible, at least five weeks before the day
51 of the election at which such ballots or voting machines are to be used,
52 or if such proceeding is commenced within five weeks of such election,
53 no later than the day following the day on which the case is heard.

54 S 18. Subdivisions 3 and 4 of section 16-104 of the election law,
55 subdivision 3 as added by chapter 136 of the laws of 1978 and subdivi-

1 sion 4 as amended by chapter 117 of the laws of 1985, are amended to
2 read as follows:

3 3. A proceeding pursuant to subdivision two of this section must be
4 instituted within [fourteen] SEVEN days after the last day to certify
5 the wording of any such abstract or form of submission.

6 4. A final order INCLUDING THE RESOLUTION OF ANY APPEALS in any
7 proceeding involving the contents of official ballots on voting machines
8 shall be made, if possible, at least five weeks before the day of the
9 election at which such voting machines are to be used, or if such
10 proceeding is commenced within five weeks of an election, no later than
11 the day following the day on which the case is heard.

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

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

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

38 S 20. Section 13 of chapter 87 of the laws of 2015, relating to the
39 conducting of the presidential primary, is amended to read as follows:

40 S 13. This act shall take effect immediately; provided, however, if
41 this act shall become law after July 1, 2015, it shall take effect imme-
42 diately and shall be deemed to have been in full force and effect on and
43 after July 1, 2015; provided further that sections six, seven, eight,
44 nine, ten and eleven of this act shall take effect December 15, 2015;
45 and provided further, THAT SECTIONS TWO, THREE, FOUR AND ELEVEN OF this
46 act shall expire December 31, 2016 when upon such date the provisions of
47 [this act] SUCH SECTIONS shall be deemed repealed.

48 S 21. This act shall take effect immediately.