

6604

I N S E N A T E

January 29, 2016

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

AN ACT to amend the election law, in relation to primary elections and amending certain deadlines to facilitate the timely transmission of ballots to military voters stationed overseas and in relation to date of primary elections; and to amend the public officers law, in relation to filling vacancies in elective offices

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

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

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

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1 AFTER THE LAST DAY TO FILE SUCH CERTIFICATES, PETITIONS, OBJECTIONS OR
2 SPECIFICATIONS SHALL BE A FATAL DEFECT. EXCEPTED FURTHER that all
3 certificates and petitions of designation or nomination, certificates of
4 acceptance or declination of such designations and nominations, certif-
5 icates of substitution for such designations or nominations and
6 objections and specifications of objections to such certificates and
7 petitions required to be filed with the board of elections of the city
8 of New York must be actually received by such city board of elections on
9 or before the last day to file any such petition, certificate or
10 objection and such office shall be open for the receipt of such
11 petitions, certificates and objections until midnight on the last day to
12 file any such petition, certificate or objection. Failure of the post
13 office or any other person or entity to deliver any such petition,
14 certificate or objection to such city board of elections on or before
15 such last day shall be a fatal defect.

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

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

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

50 1. The state board of elections shall, [at least eight months before
51 each] BY MARCH FIRST IN THE YEAR OF EACH general election, make and
52 transmit to the board of elections of each county, a certificate stating
53 each office, except county, city, village and town offices to be voted
54 for at such election in such county.

55 2. Each county, city, village and town clerk, [at least eight months
56 before each] BY MARCH FIRST IN THE YEAR OF EACH general election, shall

1 make and transmit to the board of elections a certificate stating each
2 county, city, village or town office, respectively to be voted for at
3 each such election. Each village clerk, at least five months before each
4 general village election conducted by the board of elections, shall
5 make, and transmit to such board, a certificate stating each village
6 office to be filled at such election.

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

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

20 S 5. Section 4-110 of the election law, as amended by chapter 87 of
21 the laws of 2015, is amended to read as follows:

22 S 4-110. Certification of primary election candidates; state board of
23 elections. The state board of elections, not later than [thirty-six]
24 FIFTY-FIVE days before a primary election or [fifty-four days before] a
25 presidential primary election, shall certify to each county board of
26 elections: The name and residence of each candidate to be voted for
27 within the political subdivision of such board for whom a designation
28 has been filed with the state board; the title of the office or position
29 for which the candidate is designated; the name of the party upon whose
30 primary ballot his OR HER name is to be placed; and the order in which
31 the names of the candidates are to be printed as determined by the state
32 board. Where an office or position is uncontested, such certification
33 shall state such fact.

34 S 5-a. Section 4-110 of the election law, as amended by chapter 434 of
35 the laws of 1984, is amended to read as follows:

36 S 4-110. Certification of primary election candidates; state board of
37 elections. The state board of elections not later than [thirty-six]
38 FIFTY-FIVE days before a primary election, shall certify to each county
39 board of elections: The name and residence of each candidate to be voted
40 for within the political subdivision of such board for whom a desig-
41 nation has been filed with the state board; the title of the office or
42 position for which the candidate is designated; the name of the party
43 upon whose primary ballot his OR HER name is to be placed; and the order
44 in which the names of the candidates are to be printed as determined by
45 the state board. Where an office or position is uncontested, such
46 certification shall state such fact.

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

49 1. The state board of elections, not later than [thirty-six]
50 FIFTY-FIVE days before a general election, or fifty-three days before a
51 special election, shall certify to each county board of elections the
52 name and residence of each candidate nominated in any valid certificate
53 filed with it or by the returns canvassed by it, the title of the office
54 for which nominated; the name of the party or body specified of which he
55 OR SHE is a candidate; the emblem chosen to distinguish the candidates
56 of the party or body; and a notation as to whether or not any litigation

1 is pending concerning the candidacy. Upon the completion of any such
2 litigation, the state board of elections shall forthwith notify the
3 appropriate county boards of elections of the results of such liti-
4 gation.

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

7 S 4-114. Determination of candidates and questions; county board of
8 elections. The county board of elections, not later than the [thirty-
9 fifth] FIFTY-FOURTH day before the day of a primary or general election,
10 or the fifty-third day before a special election or presidential primary
11 election, shall determine the candidates duly nominated for public
12 office and the questions that shall appear on the ballot within the
13 jurisdiction of that board of elections.

14 S 7-a. Section 4-114 of the election law, as amended by chapter 4 of
15 the laws of 2011, is amended to read as follows:

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

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

24 1. The board of elections, [between August first and August fifth of
25 each year] NOT LESS THAN SIXTY-FIVE DAYS NOR MORE THAN SEVENTY DAYS
26 BEFORE THE PRIMARY ELECTION IN EACH YEAR, shall send by first class mail
27 on which is endorsed "ADDRESS CORRECTION REQUESTED" and which contains a
28 request that any such mail received for persons not residing at the
29 address be dropped back in the mail, a communication, in a form approved
30 by the state board of elections, to every registered voter who has been
31 registered without a change of address since the beginning of such year,
32 except that the board of elections shall not be required to send such
33 communications to voters in inactive status. The communication shall
34 notify the voter of the days and hours of the ensuing primary and gener-
35 al elections, the place where he OR SHE appears by his OR HER registra-
36 tion records to be entitled to vote, the fact that voters who have moved
37 or will have moved from the address where they were last registered must
38 re-register or, that if such move was to another address in the same
39 county or city, that such voter may either notify the board of elections
40 of his OR HER new address or vote by paper ballot at the polling place
41 for his OR HER new address even if such voter has not re-registered, or
42 otherwise notified the board of elections of the change of address. If
43 the location of the polling place for the voter's election district has
44 been moved, the communication shall contain the following legend in bold
45 type: "YOUR POLLING PLACE HAS BEEN CHANGED. YOU NOW VOTE AT.....".
46 The communication shall also indicate whether the polling place is
47 accessible to physically disabled voters, that a voter who will be out
48 of the city or county on the day of the primary or general election or a
49 voter who is ill or physically disabled may obtain an absentee ballot,
50 that a physically disabled voter whose polling place is not accessible
51 may request that his OR HER registration record be moved to an election
52 district which has a polling place which is accessible, the phone number
53 to call for applications to move a registration record or for absentee
54 ballot applications, the phone number to call for the location of regis-
55 tration and polling places, the phone number to call to indicate that
56 the voter is willing to serve on election day as an election inspector,

1 poll clerk, interpreter or in other capacities, the phone number to call
2 to obtain an application for registration by mail, and such other infor-
3 mation concerning the elections or registration as the board may
4 include. In lieu of sending such communication to every registered
5 voter, the board of elections may send a single communication to a
6 household containing more than one registered voter, provided that the
7 names of all such voters appear as part of the address on such communi-
8 cation.

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

11 1. The board of elections shall also cause to be published for each
12 election district a complete list of the registered voters of each
13 election district. Such list shall, in addition to the information
14 required for registration lists, include the party enrollment of each
15 voter. At least as many copies of such list shall be prepared as the
16 required minimum number of registration lists.

17 Lists for all the election districts in a ward or assembly district
18 may be bound together in one volume. The board of elections shall also
19 cause to be published a complete list of names and residence addresses
20 of the registered voters, including the party enrollment of each voter,
21 for each town and city over which the board has jurisdiction. The names
22 for each town and city may be arranged according to street and number or
23 alphabetically. Such lists shall be published before the first day of
24 [April] MARCH. The board shall keep at least five copies for public
25 inspection at each main office or branch office of the board. Surplus
26 copies of the lists shall be sold at a charge not exceeding the cost of
27 publication.

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

31 a. At least once each year during the month of [May] MARCH, each board
32 of elections shall obtain through the National Change of Address System,
33 the forwarding address for every voter registered with such board of
34 elections for whom the United States Postal Service has such a forward-
35 ing address together with the name of each such voter whom the Postal
36 Service records indicate has moved from the address at which he is
37 registered without leaving a forwarding address.

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

40 1. In any town in a county having a population of over seven hundred
41 fifty thousand inhabitants, as shown by the latest federal decennial or
42 special population census, party nominations of candidates for town
43 offices shall be made at the primary preceding the election. In any
44 other town, nominations of candidates for town offices shall be made by
45 caucus or primary election as the rules of the county committee shall
46 provide, except that the members of the county committee from a town may
47 adopt by a two-thirds vote, a rule providing that the party candidates
48 for town offices shall be nominated at the primary election. If a rule
49 adopted by the county committee of a political party or by the members
50 of the county committee from a town, provides that party candidates for
51 town offices, shall be nominated at a primary election, such rule shall
52 not apply to nor affect a primary held less than four months after a
53 certified copy of the rule shall have been filed with the board of
54 elections. After the filing of such a rule, the rule shall continue in
55 force until a certified copy of a rule revoking the same shall have been
56 filed with such board at least four months before a subsequent primary.

1 Such a caucus shall be held no earlier than the first day on which
2 designating petitions for the [fall] primary election may be signed.

3 S 12. Subdivisions 1 and 2 of section 6-147 of the election law, as
4 amended by chapter 434 of the laws of 1984, are amended to read as
5 follows:

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

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

24 S 13. Subdivisions 1, 4, 5, 6, 9, 11, 12 and 14 of section 6-158 of
25 the election law, subdivisions 1, 4, 11 and 12 as amended by chapter 434
26 of the laws of 1984, subdivision 6 as amended by chapter 87 of the laws
27 of 2015, and subdivision 9 as amended by chapter 517 of the laws of
28 1986, are amended to read as follows:

29 1. A designating petition shall be filed not earlier than the [tenth]
30 THIRTEENTH Monday before, and not later than the [ninth] TWELFTH Thurs-
31 day preceding the primary election.

32 4. A petition of enrolled members of a party requesting an opportunity
33 to write in the name of an undesignated candidate for a public office or
34 party position at a primary election shall be filed not later than the
35 [eighth] ELEVENTH Thursday preceding the primary election. However,
36 where a designating petition has been filed and the person named therein
37 has declined such designation and another person has been designated to
38 fill the vacancy, then in that event, a petition for an opportunity to
39 ballot in a primary election shall be filed not later than the [seventh]
40 TENTH Thursday preceding such primary election.

41 5. A judicial district convention shall be held not earlier than [the
42 Tuesday following the third Monday in September preceding the general
43 election and not later than the fourth Monday in September preceding
44 such election] SEVEN DAYS AFTER THE PRIMARY AND NO LATER THAN THIRTEEN
45 DAYS AFTER THE PRIMARY.

46 6. A certificate of a party nomination made other than at the primary
47 election for an office to be filled at the time of a general election
48 shall be filed not later than seven days after the [fall] primary
49 election, except that a certificate of nomination for an office which
50 becomes vacant after the seventh day preceding such primary election
51 shall be filed not later than fourteen days after the creation of such
52 vacancy and except, further, that a certificate of party nomination of
53 candidates for elector of president and vice-president of the United
54 States shall be filed not later than sixty days before the two thousand
55 sixteen general election, and except still further that a certificate of
56 party nomination made at a judicial district convention shall be filed

1 not later than the day after the last day to hold such convention and
2 the minutes of such convention, duly certified by the chairman and
3 secretary, shall be filed within seventy-two hours after adjournment of
4 the convention. A certificate of party nomination for an office to be
5 filled at a special election shall be filed not later than ten days
6 following the issuance of a proclamation of such election.

7 9. A petition for an independent nomination for an office to be filled
8 at the time of a general election shall be filed not earlier than
9 [twelve] SIXTEEN weeks and not later than [eleven] FIFTEEN weeks preced-
10 ing such election. A petition for an independent nomination for an
11 office to be filled at a special election shall be filed not later than
12 twelve days following the issuance of a proclamation of such election.
13 [A petition for trustee of the Long Island Power Authority shall be
14 filed not earlier than seven weeks and not later than six weeks preced-
15 ing the day of the election of such trustees.]

16 11. A certificate of acceptance or declination of an independent nomi-
17 nation for an office to be filled at the time of a general election
18 shall be filed not later than the third day after the [eleventh]
19 FIFTEENTH Tuesday preceding such election except that a candidate who
20 files such a certificate of acceptance for an office for which there
21 have been filed certificates or petitions designating more than one
22 candidate for the nomination of any party, may thereafter file a certif-
23 icate of declination not later than the third day after the primary
24 election. A certificate of acceptance or declination of an independent
25 nomination for an office to be filled at a special election shall be
26 filed not later than fourteen days following the issuance of a proclama-
27 tion of such election.

28 12. A certificate to fill a vacancy caused by a declination of an
29 independent nomination for an office to be filled at the time of a
30 general election shall be filed not later than the sixth day after the
31 [eleventh] FIFTEENTH Tuesday preceding such election. A certificate to
32 fill a vacancy caused by a declination of an independent nomination for
33 an office to be filled at a special election shall be filed not later
34 than sixteen days following the issuance of a proclamation of such
35 election.

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

42 S 13-a. Subdivision 6 of section 6-158 of the election law, as amended
43 by chapter 79 of the laws of 1992, is amended to read as follows:

44 6. A certificate of a party nomination made other than at the primary
45 election for an office to be filled at the time of a general election
46 shall be filed not later than seven days after the fall primary
47 election, except that a certificate of nomination for an office which
48 becomes vacant after the seventh day preceding such primary election
49 shall be filed not later than fourteen days after the creation of such
50 vacancy and except, further, that a certificate of party nomination of
51 candidates for elector of president and vice-president of the United
52 States shall be filed not later than fourteen days after the [fall]
53 primary election, and except still further that a certificate of party
54 nomination made at a judicial district convention shall be filed not
55 later than the day after the last day to hold such convention and the
56 minutes of such convention, duly certified by the chairman and secre-

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

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

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

22 S 14-a. Paragraph (a) of subdivision 1 of section 8-100 of the
23 election law, as amended by chapter 17 of the laws of 2007, is amended
24 to read as follows:

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

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

42 (a) Ballots for military voters shall be mailed or otherwise distrib-
43 uted by the board of elections, in accordance with the preferred method
44 of transmission designated by the voter pursuant to section 10-107 of
45 this article, as soon as practicable but in any event not later than
46 [thirty-two] FORTY-SIX days before a primary or general election[; twen-
47 ty-five days before], a New York city community school board district or
48 city of Buffalo school district election; fourteen days before a village
49 election conducted by the board of elections; and forty-five days before
50 a special election or presidential primary election. A voter who submits
51 a military ballot application shall be entitled to a military ballot
52 thereafter for each subsequent election through and including the next
53 two regularly scheduled general elections held in even numbered years,
54 including any run-offs which may occur; provided, however, such applica-
55 tion shall not be valid for any election held within seven days after
56 its receipt. Ballots shall also be mailed to any qualified military

1 voter who is already registered and who requests such military ballot
2 from such board of elections in a letter, which is signed by the voter
3 and received by the board of elections not later than the seventh day
4 before the election for which the ballot is requested and which states
5 the address where the voter is registered and the address to which the
6 ballot is to be mailed. The board of elections shall enclose with such
7 ballot a form of application for military ballot. In the case of a
8 primary election, the board shall deliver only the ballot of the party
9 with which the military voter is enrolled according to the military
10 voter's registration records. In the event a primary election is uncon-
11 tested in the military voter's election district for all offices or
12 positions except the party position of member of the ward, town, city or
13 county committee, no ballot shall be delivered to such military voter
14 for such election; and the military voter shall be advised of the reason
15 why he or she will not receive a ballot.

16 S 15-a. Paragraph (a) of subdivision 1 of section 10-108 of the
17 election law, as amended by chapter 4 of the laws of 2011, is amended to
18 read as follows:

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

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

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

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

18 S 16-a. Subdivision 4 of section 11-204 of the election law, as
19 amended by chapter 4 of the laws of 2011, is amended to read as follows:

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

43 S 17. Subdivisions 1 and 4 of section 42 of the public officers law,
44 subdivision 1 as amended by chapter 878 of the laws of 1946 and subdivi-
45 sion 4 as amended by chapter 317 of the laws of 1954, are amended to
46 read as follows:

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

53 4. A special election shall not be held to fill a vacancy in the
54 office of a representative in congress unless such vacancy occurs on or
55 before the first day of July of the last year of the term of office, or
56 unless it occurs thereafter and a special session of congress is called

1 to meet before the next general election, or be called after [September
2 nineteenth of] THREE MONTHS BEFORE THE GENERAL ELECTION IN such year;
3 nor to fill a vacancy in the office of state senator or in the office of
4 member of assembly, unless the vacancy occurs before the first day of
5 April of the last year of the term of office, or unless the vacancy
6 occurs in either such office of senator or member of assembly after such
7 first day of April and a special session of the legislature be called to
8 meet between such first day of April and THE NEXT GENERAL ELECTION OR BE
9 CALLED AFTER THREE MONTHS BEFORE the next general election [or be called
10 after September nineteenth] in such year. If a special election to fill
11 an office shall not be held as required by law, the office shall be
12 filled at the next general election.

13 S 18. This act shall take effect immediately; provided, however, that:

14 (a) the amendments to section 4-110 of the election law made by
15 section five of this act shall be subject to the expiration and rever-
16 sion of such section pursuant to section 13 of chapter 87 of the laws of
17 2015, as amended, when upon such date the provisions of section five-a
18 of this act shall take effect;

19 (b) the amendments to section 4-114 of the election law made by
20 section seven of this act shall be subject to the expiration and rever-
21 sion of such section pursuant to section 13 of chapter 87 of the laws of
22 2015, as amended, when upon such date the provisions of section seven-a
23 of this act shall take effect;

24 (c) the amendments to subdivision 6 of section 6-158 of the election
25 law made by section thirteen of this act shall be subject to the expira-
26 tion and reversion of such subdivision pursuant to section 13 of chapter
27 87 of the laws of 2015, as amended, when upon such date the provisions
28 of section thirteen-a of this act shall take effect;

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

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

39 (f) the amendments to subdivision 4 of section 11-204 of the election
40 law made by section sixteen of this act shall be subject to the expira-
41 tion and reversion of such subdivision pursuant to section 13 of chapter
42 87 of the laws of 2015, as amended, when upon such date the provisions
43 of section sixteen-a of this act shall take effect.