

STATE OF NEW YORK

10912

IN ASSEMBLY

May 29, 2018

Introduced by M. of A. MAGNARELLI -- read once and referred to the
Committee on Election Law

AN ACT to amend the election law, in relation to party nominations for candidates for county office; 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; to amend the election law, in relation to canvass and audit of returns; 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. The election law is amended by adding a new section 6-109
2 to read as follows:

3 § 6-109. Party nominations; counties. 1. Party designation of a candi-
4 date for nomination for any office to be filled by the voters of the
5 entire county shall be made by the county committee, if the party rules
6 of such county so provide.

7 2. The county committee shall make such designation by majority vote.
8 The person receiving the majority vote shall be the party's designated
9 candidate for nomination. Upon the vote for such designation, each
10 member of the county committee shall be entitled to cast a number of
11 votes which shall be in accordance with the ratio which the number of
12 votes for the party candidate for governor on the line or column of the
13 party at the last preceding general state election in the unit of repre-
14 sentation such member represents bears to the total vote cast on such
15 line or column at such election for such candidate for governor in the
16 entire county. The apportionment of such votes as so prescribed shall be
17 determined by the rules of the party.

18 3. Enrolled members of the party may make other designations by peti-
19 tion for a member of the same party.

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

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1 4. The meeting of the county committee for the purpose of designating
2 candidates shall be held not earlier than twenty-one days before the
3 first day to sign designating petitions and not later than the first day
4 to sign designating petitions for the primary election.

5 5. Within four days after such meeting, the county committee shall
6 file with the county board of elections:

7 (a) the names of the persons who have received the designation of the
8 county committee and the offices for which designated; and

9 (b) the names of the persons selected by the committee to fill vacan-
10 cies or a certified copy of the party rule empowering such committee to
11 fill vacancies.

12 6. No person may be designated by a county committee for more than one
13 office pursuant to the provisions of this section.

14 7. Party designation of a candidate for any office contained within a
15 county shall be designated by the county committee members representing
16 the political subdivision of such office, if the party rules of such
17 county so provide.

18 8. A candidate for office from a district which crosses county lines
19 shall be designated by the county committee members from such district
20 if the rules of the county committees of each such county shall all so
21 provide.

22 § 2. Subdivision 1 of section 1-106 of the election law, as amended by
23 chapter 700 of the laws of 1977, is amended to read as follows:

24 1. All papers required to be filed pursuant to the provisions of this
25 chapter shall, unless otherwise provided, be filed between the hours of
26 nine A.M. and five P.M. If the last day for filing shall fall on a
27 Saturday, Sunday or legal holiday, the next business day shall become
28 the last day for filing. All papers sent by mail in an envelope post-
29 marked prior to midnight of the last day of filing shall be deemed time-
30 ly filed and accepted for filing when received, except that all certif-
31 icates and petitions of designation or nomination, certificates of
32 acceptance or declination of such designations or nominations, certif-
33 icates of authorization for such designations or nominations, certif-
34 icates of disqualification, certificates of substitution for such desig-
35 nations or nominations and objections and specifications of objections
36 to such certificates and petitions required to be filed with the state
37 board of elections or a board of elections outside of the city of New
38 York shall be deemed timely filed and accepted for filing if sent by
39 mail or overnight delivery service pursuant to subdivision three of this
40 section, and received no later than two business days after the last day
41 to file such certificates, petitions, objections or specifications.
42 Failure of the post office or any other person or entity to deliver any
43 such petition, certificate or objection to such board of elections
44 outside the city of New York no later than two business days after the
45 last day to file such certificates, petitions, objections or specifica-
46 tions shall be a fatal defect. Excepted further that all certificates
47 and petitions of designation or nomination, certificates of acceptance
48 or declination of such designations and nominations, certificates of
49 substitution for such designations or nominations and objections and
50 specifications of objections to such certificates and petitions required
51 to be filed with the board of elections of the city of New York must be
52 actually received by such city board of elections on or before the last
53 day to file any such petition, certificate or objection and such office
54 shall be open for the receipt of such petitions, certificates and
55 objections until midnight on the last day to file any such petition,
56 certificate or objection. Failure of the post office or any other person

1 or entity to deliver any such petition, certificate or objection to such
2 city board of elections on or before such last day shall be a fatal
3 defect.

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

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

35 § 4. Subdivisions 1 and 2 of section 4-106 of the election law, subdi-
36 vision 2 as amended by chapter 635 of the laws of 1990, are amended to
37 read as follows:

38 1. The state board of elections shall, ~~at least eight months before~~
39 ~~each~~ by February first in the year of each general election, make and
40 transmit to the board of elections of each county, a certificate stating
41 each office, except county, city, village and town offices to be voted
42 for at such election in such county.

43 2. Each county, city, village and town clerk, ~~at least eight months~~
44 ~~before each~~ by February first in the year of each general election,
45 shall make and transmit to the board of elections a certificate stating
46 each county, city, village or town office, respectively to be voted for
47 at each such election. Each village clerk, at least five months before
48 each general village election conducted by the board of elections, shall
49 make, and transmit to such board, a certificate stating each village
50 office to be filled at such election.

51 § 5. Paragraph b of subdivision 1 of section 4-108 of the election
52 law, as amended by chapter 117 of the laws of 1985, is amended to read
53 as follows:

54 b. Whenever any proposal, proposition or referendum as provided by law
55 is to be submitted to a vote of the people of a county, city, town,
56 village or special district, at an election conducted by the board of

1 elections, the clerk of such political subdivision, at least [~~thirty-six~~
2 ~~days~~] three months prior to the general election at which such proposal,
3 proposition or referendum is to be submitted, shall transmit to each
4 board of elections a certified copy of the text of such proposal, propo-
5 sition or referendum and a statement of the form in which it is to be
6 submitted. If a special election is to be held, such transmittal shall
7 also give the date of such election.

8 § 6. Section 4-110 of the election law, as amended by chapter 434 of
9 the laws of 1984, is amended to read as follows:

10 § 4-110. Certification of primary election candidates; state board of
11 elections. The state board of elections, not later than [~~thirty-six~~]
12 fifty-five days before a primary election, shall certify to each county
13 board of elections: The name and residence of each candidate to be voted
14 for within the political subdivision of such board for whom a desig-
15 nation has been filed with the state board; the title of the office or
16 position for which the candidate is designated; the name of the party
17 upon whose primary ballot his or her name is to be placed; and the order
18 in which the names of the candidates are to be printed as determined by
19 the state board. Where an office or position is uncontested, such
20 certification shall state such fact.

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

23 1. The state board of elections, not later than [~~thirty-six~~] fifty-
24 five days before a general election, or fifty-three days before a
25 special election, shall certify to each county board of elections the
26 name and residence of each candidate nominated in any valid certificate
27 filed with it or by the returns canvassed by it, the title of the office
28 for which nominated; the name of the party or body specified of which he
29 or she is a candidate; the emblem chosen to distinguish the candidates
30 of the party or body; and a notation as to whether or not any litigation
31 is pending concerning the candidacy. Upon the completion of any such
32 litigation, the state board of elections shall forthwith notify the
33 appropriate county boards of elections of the results of such liti-
34 gation.

35 § 8. Section 4-114 of the election law, as amended by chapter 4 of the
36 laws of 2011, is amended to read as follows:

37 § 4-114. Determination of candidates and questions; county board of
38 elections. The county board of elections, not later than the [~~thirty-~~
39 ~~fifth~~] fifty-fourth day before the day of a primary or general election,
40 or the fifty-third day before a special election, shall determine the
41 candidates duly nominated for public office and the questions that shall
42 appear on the ballot within the jurisdiction of that board of elections.

43 § 9. Subdivision 1 of section 4-117 of the election law, as amended by
44 chapter 3 of the laws of 2018, is amended to read as follows:

45 1. The board of elections, [~~between August first and August fifth of~~
46 ~~each year~~] not less than sixty-five days nor more than seventy days
47 before the primary election in each year, shall send by mail on which is
48 endorsed such language designated by the state board of elections to
49 ensure postal authorities do not forward such mail but return it to the
50 board of elections with forwarding information, when it cannot be deliv-
51 ered as addressed and which contains a request that any such mail
52 received for persons not residing at the address be dropped back in the
53 mail, a communication, in a form approved by the state board of
54 elections, to every registered voter who has been registered without a
55 change of address since the beginning of such year, except that the
56 board of elections shall not be required to send such communications to

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

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

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

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

1 § 11. Paragraph a of subdivision 5 of section 5-708 of the election
2 law, as added by chapter 659 of the laws of 1994, is amended to read as
3 follows:

4 a. At least once each year during the month of [~~May~~] February, each
5 board of elections shall obtain through the National Change of Address
6 System, the forwarding address for every voter registered with such
7 board of elections for whom the United States Postal Service has such a
8 forwarding address together with the name of each such voter whom the
9 Postal Service records indicate has moved from the address at which he
10 is registered without leaving a forwarding address.

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

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

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

35 1. The name of a person designated on more than one petition as a
36 candidate for a party position to be filled by two or more persons shall
37 be printed on the ballot with the group of candidates designated by the
38 petition first filed unless such person, in a certificate duly acknowl-
39 edged by him or her and filed with the board of elections not later than
40 the [~~eighth~~] tenth Tuesday preceding the primary election or five days
41 after the board of elections mails such person notice of his or her
42 designation in more than one group, whichever is later, specifies another
43 group in which his or her name shall be printed.

44 2. A person designated as a candidate for the position of member of
45 the county committee in more than one election district shall be deemed
46 to have been designated in the lowest numbered election district unless
47 such person, in a certificate duly acknowledged by him or her, and filed
48 with the board of elections not later than the [~~eighth~~] tenth Tuesday
49 preceding the primary election or five days after the board of elections
50 mails such person notice of his or her designation in more than one
51 election district whichever is later, specifies that he or she wishes to
52 be deemed designated in a different election district.

53 § 14. Subdivisions 1, 4, 5, 6, 9, 11, 12 and 14 of section 6-158 of
54 the election law, subdivisions 1, 4, 11 and 12 as amended by chapter 434
55 of the laws of 1984, subdivision 6 as amended by chapter 79 of the laws

1 of 1992, and subdivision 9 as amended by chapter 517 of the laws of
2 1986, are amended to read as follows:

3 1. A designating petition shall be filed not earlier than the [~~tenth~~]
4 thirteenth Monday before, and not later than the [~~ninth~~] twelfth Thurs-
5 day preceding the primary election.

6 4. A petition of enrolled members of a party requesting an opportunity
7 to write in the name of an undesignated candidate for a public office or
8 party position at a primary election shall be filed not later than the
9 [~~eighth~~] eleventh Thursday preceding the primary election. However,
10 where a designating petition has been filed and the person named therein
11 has declined such designation and another person has been designated to
12 fill the vacancy, then in that event, a petition for an opportunity to
13 ballot in a primary election shall be filed not later than the [~~seventh~~]
14 tenth Thursday preceding such primary election.

15 5. A judicial district convention shall be held not earlier than the
16 [~~Tuesday~~] Thursday following the [~~third Monday in September~~] first
17 Monday in August preceding the general election and not later than [~~the~~]
18 [~~fourth Monday in September preceding such election~~] six days thereafter.

19 6. (a) A certificate of a party nomination made other than at the
20 primary election for an office to be filled at the time of a general
21 election shall be filed not later than [~~seven~~] thirty days after the
22 [~~fall~~] primary election, (b) except that a certificate of nomination
23 for an office which becomes vacant after the seventh day preceding such
24 primary election shall be filed not later than [~~fourteen~~] thirty days
25 after the primary election or ten days after the creation of such vacan-
26 cy, whichever is later, and (c) except, further, that a certificate of
27 party nomination of candidates for elector of president and vice-presi-
28 dent of the United States shall be filed not later than [~~fourteen~~]
29 seventy-six days after the [~~fall~~] primary election, and (d) except still
30 further that a certificate of party nomination made at a judicial
31 district convention shall be filed not later than the day after the last
32 day to hold such convention and the minutes of such convention, duly
33 certified by the chairman and secretary, shall be filed within seventy-
34 two hours after adjournment of the convention. A certificate of party
35 nomination for an office to be filled at a special election shall be
36 filed not later than ten days following the issuance of a proclamation
37 of such election.

38 9. A petition for an independent nomination for an office to be filled
39 at the time of a general election shall be filed not earlier than
40 [~~twelve~~] twenty-four weeks and not later than [~~eleven~~] twenty-three
41 weeks preceding such election. A petition for an independent nomination
42 for an office to be filled at a special election shall be filed not
43 later than twelve days following the issuance of a proclamation of such
44 election. [~~A petition for trustee of the Long Island Power Authority~~
45 ~~shall be filed not earlier than seven weeks and not later than six weeks~~
46 ~~preceding the day of the election of such trustees.~~]

47 11. A certificate of acceptance or declination of an independent nomi-
48 nation for an office to be filled at the time of a general election
49 shall be filed not later than the third day after the [~~eleventh~~] twen-
50 ty-third Tuesday preceding such election except that a candidate who
51 files such a certificate of acceptance for an office for which there
52 have been filed certificates or petitions designating more than one
53 candidate for the nomination of any party, may thereafter file a certif-
54 icate of declination not later than the third day after the primary
55 election. A certificate of acceptance or declination of an independent
56 nomination for an office to be filled at a special election shall be

1 filed not later than fourteen days following the issuance of a proclama-
2 tion of such election.

3 12. A certificate to fill a vacancy caused by a declination of an
4 independent nomination for an office to be filled at the time of a
5 general election shall be filed not later than the sixth day after the
6 [~~eleventh~~] twenty-third Tuesday preceding such election. A certificate
7 to fill a vacancy caused by a declination of an independent nomination
8 for an office to be filled at a special election shall be filed not
9 later than sixteen days following the issuance of a proclamation of such
10 election.

11 14. A vacancy occurring three months before [~~September twentieth of~~]
12 the general election in any year in any office authorized to be filled
13 at a general election, except in the offices of governor, lieutenant-
14 governor, or United States senator shall be filled at the general
15 election held next thereafter, unless otherwise provided by the consti-
16 tution, or unless previously filled at a special election.

17 § 15. Paragraph (a) of subdivision 1 of section 8-100 of the election
18 law, as amended by chapter 17 of the laws of 2007, is amended to read as
19 follows:

20 (a) A primary election[~~, to be known as the fall primary,~~] shall be
21 held on the [~~first~~] fourth Tuesday [~~after the second Monday~~] in [~~Septem-~~
22 ~~ber~~] June before every general election unless otherwise changed by an
23 act of the legislature. Members of the state and county committees and
24 assembly district leaders and associate district leaders and all other
25 party positions to be elected shall be elected at such primary and all
26 nominations for public office required to be made at a primary election
27 in such year shall be made at such primary. In each year in which elec-
28 tors of president and vice president of the United States are to be
29 elected an additional primary election, to be known as the spring prima-
30 ry, shall be held on the first Tuesday in February unless otherwise
31 changed by an act of the legislature, for the purpose of electing deleg-
32 ates to the national convention[~~, members of state and county committees~~
33 ~~and assembly district leaders and associate assembly district leaders~~].

34 § 16. Subdivision 1 of section 9-200 of the election law, as amended
35 by chapter 250 of the laws of 1984, is amended to read as follows:

36 1. The board of elections shall canvass the returns of primary
37 elections filed with it. It shall canvass first the votes of the deleg-
38 ates and alternates to judicial district conventions and complete such
39 canvass at the earliest time possible. It shall complete the canvass
40 otherwise within [~~nine~~] thirteen days from the day upon which the prima-
41 ry election is held. Upon the completion of the canvass the board shall
42 make and file in its office tabulated statements, signed by the members
43 of such board or a majority thereof, of the number of votes cast for all
44 the candidates for nomination to each public office or for election to
45 each party position, and the number of votes cast for each such candi-
46 date. The candidate receiving the highest number of votes for nomination
47 for a public office or for election to a party position voted for wholly
48 within the political unit for which such board is acting, shall be the
49 nominee of his or her party for such office or elected to such party
50 position and the board, if requested by a candidate elected to a party
51 position, shall furnish to him or her a certificate of election.

52 § 17. Subdivision 1 of section 9-208 of the election law, as amended
53 by chapter 163 of the laws of 2010, is amended to read as follows:

54 1. Within fifteen days after each general[~~,~~] or special [~~ex~~] election,
55 and within twenty days after a primary election, and within seven days
56 after every village election conducted by the board of elections at

1 which ballot scanners are used, the board of elections, or a bipartisan
2 committee of or appointed by said board shall, in each county using
3 ballot scanners, make a record of the serial number of each ballot scan-
4 ner used in each election district in such general, special or primary
5 election. No person who was a candidate at such election shall be
6 appointed to membership on the committee. Such board of elections or
7 bipartisan committee shall recanvass the tabulated result tape from each
8 ballot scanner used in each election district by comparing such tape
9 with the numbers as recorded on the return of canvass. The said board or
10 committee shall also make a recanvass of any election day paper ballots
11 that have not been scanned and were hand counted pursuant to subdivision
12 two of section 9-110 of this article and compare the results with the
13 number as recorded on the return of canvass. The board or committee
14 shall then recanvass write-in votes, if any, on ballots which were
15 otherwise scanned and canvassed at polling places on election night. The
16 board or committee shall validate and prove such sums. Before making
17 such canvass the board of elections, with respect to each election
18 district to be recanvassed, shall give notice in writing to the voting
19 machine custodian thereof, to the state and county chair of each party
20 or independent body which shall have nominated candidates for the said
21 general or special election or nominated or elected candidates at the
22 said primary election and to each individual candidate whose name
23 appears on the office ballot, of the time and place where such canvass
24 is to be made; and the state and county chair of each such party or
25 independent body and each such individual candidate may send a represen-
26 tative to be present at such recanvass. Each candidate whose name
27 appears on the official ballot, or his or her representative, shall have
28 the right personally to examine and make a record of the vote recorded
29 on the tabulated result tape and any ballots which were hand counted.

30 § 18. Subdivision 1 of section 9-211 of the election law, as amended
31 by chapter 515 of the laws of 2015, is amended to read as follows:

32 1. Within fifteen days after each general or special election, [~~and~~]
33 within [~~seven~~] thirteen days after every primary [~~or~~] election, and
34 within seven days after every village election conducted by the board of
35 elections, the board of elections or a bipartisan committee appointed by
36 such board shall audit the voter verifiable audit records from three
37 percent of voting machines or systems within the jurisdiction of such
38 board. Such audits may be performed manually or via the use of any auto-
39 mated tool authorized for such use by the state board of elections which
40 is independent from the voting system it is being used to audit. Voting
41 machines or systems shall be selected for audit through a random, manual
42 process. At least five days prior to the time fixed for such selection
43 process, the board of elections shall send notice by first class mail to
44 each candidate, political party and independent body entitled to have
45 had watchers present at the polls in any election district in such
46 board's jurisdiction. Such notice shall state the time and place fixed
47 for such random selection process. The audit shall be conducted in the
48 same manner, to the extent applicable, as a canvass of paper ballots.
49 Each candidate, political party or independent body entitled to appoint
50 watchers to attend at a polling place shall be entitled to appoint such
51 number of watchers to observe the audit.

52 § 19. Paragraph (a) of subdivision 1 of section 10-108 of the election
53 law, as amended by chapter 4 of the laws of 2011, is amended to read as
54 follows:

55 (a) Ballots for military voters shall be mailed or otherwise distrib-
56 uted by the board of elections, in accordance with the preferred method

1 of transmission designated by the voter pursuant to section 10-107 of
2 this article, as soon as practicable but in any event not later than
3 [~~thirty-two~~ **forty-six** days before a primary or general election[~~, twenty-~~
4 ~~ty-five days before~~], a New York city community school board district or
5 city of Buffalo school district election; fourteen days before a village
6 election conducted by the board of elections; and forty-five days before
7 a special election. A voter who submits a military ballot application
8 shall be entitled to a military ballot thereafter for each subsequent
9 election through and including the next two regularly scheduled general
10 elections held in even numbered years, including any run-offs which may
11 occur; provided, however, such application shall not be valid for any
12 election held within seven days after its receipt. Ballots shall also
13 be mailed to any qualified military voter who is already registered and
14 who requests such military ballot from such board of elections in a
15 letter, which is signed by the voter and received by the board of
16 elections not later than the seventh day before the election for which
17 the ballot is requested and which states the address where the voter is
18 registered and the address to which the ballot is to be mailed. The
19 board of elections shall enclose with such ballot a form of application
20 for military ballot. In the case of a primary election, the board shall
21 deliver only the ballot of the party with which the military voter is
22 enrolled according to the military voter's registration records. In the
23 event a primary election is uncontested in the military voter's election
24 district for all offices or positions except the party position of
25 member of the ward, town, city or county committee, no ballot shall be
26 delivered to such military voter for such election; and the military
27 voter shall be advised of the reason why he or she will not receive a
28 ballot.

29 § 20. Subdivision 4 of section 11-204 of the election law, as amended
30 by chapter 4 of the laws of 2011, is amended to read as follows:

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

54 § 21. Subdivision 4 of section 16-102 of the election law, as added by
55 chapter 135 of the laws of 1986, is amended to read as follows:

1 4. A final order including the resolution of any appeals in any
2 proceeding involving the names of candidates on ballots or voting
3 machines shall be made, if possible, at least five weeks before the day
4 of the election at which such ballots or voting machines are to be used,
5 or if such proceeding is commenced within five weeks of such election,
6 no later than the day following the day on which the case is heard.

7 § 22. Subdivisions 3 and 4 of section 16-104 of the election law,
8 subdivision 3 as added by chapter 136 of the laws of 1978 and subdivi-
9 sion 4 as amended by chapter 117 of the laws of 1985, are amended to
10 read as follows:

11 3. A proceeding pursuant to subdivision two of this section must be
12 instituted within [~~fourteen~~ seven] days after the last day to certify
13 the wording of any such abstract or form of submission.

14 4. A final order including the resolution of any appeals in any
15 proceeding involving the contents of official ballots on voting machines
16 shall be made, if possible, at least five weeks before the day of the
17 election at which such voting machines are to be used, or if such
18 proceeding is commenced within five weeks of an election, no later than
19 the day following the day on which the case is heard.

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

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

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

46 § 24. This act shall take effect immediately and shall apply to all
47 applicable elections held on or after such date, provided that sections
48 two through twenty-three of this act shall take effect January 1, 2019.