

STATE OF NEW YORK

9925

IN ASSEMBLY

February 23, 2018

Introduced by M. of A. LAVINE, BRONSON, PAULIN, DenDEKKER, GOTTFRIED, ORTIZ, MAYER, HEVESI, DINOWITZ, McDONALD, SIMOTAS, L. ROSENTHAL, STIRPE, BRINDISI, ABINANTI, SEPULVEDA, BARRETT, SKOUFIS, FAHY, BRABENEK, GALEF, WEPRIN, ROZIC -- Multi-Sponsored by -- M. of A. BENEDETTO, BLAKE, BRAUNSTEIN, BUCHWALD, LENTOL, LIFTON, LUPARDO, MAGNARELLI, B. MILLER, RODRIGUEZ, SANTABARBARA, SIMON, THIELE, ZEBROWSKI -- read once and referred to the Committee on Election Law

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 the election law, in relation to canvass and audit of returns

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 certifi-
11 icates and petitions of designation or nomination, certificates of
12 acceptance or declination of such designations or nominations, certifi-
13 icates of authorization for such designations or nominations, certifi-
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

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

LBD14858-01-8

1 section, and received no later than two business days after the last day
2 to file such certificates, petitions, objections or specifications.
3 Failure of the post office or any other person or entity to deliver any
4 such petition, certificate or objection to such board of elections
5 outside the city of New York no later than two business days after the
6 last day to file such certificates, petitions, objections or specifica-
7 tions shall be a fatal defect. Excepted further

8 and petitions of designation or nomination, certificates of acceptance
9 or declination of such designations and nominations, certificates of
10 substitution for such designations or nominations and objections and
11 specifications of objections to such certificates and petitions required
12 to be filed with the board of elections of the city of New York must be
13 actually received by such city board of elections on or before the last
14 day to file any such petition, certificate or objection and such office
15 shall be open for the receipt of such petitions, certificates and
16 objections until midnight on the last day to file any such petition,
17 certificate or objection. Failure of the post office or any other person
18 or entity to deliver any such petition, certificate or objection to such
19 city board of elections on or before such last day shall be a fatal
20 defect.

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

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

52 § 3. Subdivisions 1 and 2 of section 4-106 of the election law, subdivi-
53 sion 2 as amended by chapter 635 of the laws of 1990, are amended to
54 read as follows:

55 1. The state board of elections shall, [~~at least eight months before~~
56 ~~each~~] by February first in the year of each general election, make and

1 transmit to the board of elections of each county, a certificate stating
2 each office, except county, city, village and town offices to be voted
3 for at such election in such county.

4 2. Each county, city, village and town clerk, [~~at least eight months~~
5 ~~before each~~] by February first in the year of each general election,
6 shall make and transmit to the board of elections a certificate stating
7 each county, city, village or town office, respectively to be voted for
8 at each such election. Each village clerk, at least five months before
9 each general village election conducted by the board of elections, shall
10 make, and transmit to such board, a certificate stating each village
11 office to be filled at such election.

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

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

25 § 5. Section 4-110 of the election law, as amended by chapter 434 of
26 the laws of 1984, is amended to read as follows:

27 § 4-110. Certification of primary election candidates; state board of
28 elections. The state board of elections, not later than [~~thirty-six~~
29 fifty-five] days before a primary election, shall certify to each county
30 board of elections: The name and residence of each candidate to be voted
31 for within the political subdivision of such board for whom a design-
32 nation has been filed with the state board; the title of the office or
33 position for which the candidate is designated; the name of the party
34 upon whose primary ballot his or her name is to be placed; and the order
35 in which the names of the candidates are to be printed as determined by
36 the state board. Where an office or position is uncontested, such
37 certification shall state such fact.

38 § 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~~] fifty-
41 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 § 7. Section 4-114 of the election law, as amended by chapter 4 of the
53 laws of 2011, is amended to read as follows:

54 § 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, shall determine the
2 candidates duly nominated for public office and the questions that shall
3 appear on the ballot within the jurisdiction of that board of elections.

4 § 8. Subdivision 1 of section 4-117 of the election law, as amended by
5 chapter 44 of the laws of 2016, is amended to read as follows:

6 1. The board of elections, [~~between August first and August fifth of~~
7 ~~each year~~] not less than sixty-five days nor more than seventy days
8 before the primary election in each year, shall send by mail on which is
9 endorsed such language designated by the state board of elections to
10 ensure postal authorities do not forward such mail but return it to the
11 board of elections with forwarding information, when it cannot be deliv-
12 ered as addressed and which contains a request that any such mail
13 received for persons not residing at the address be dropped back in the
14 mail, a communication, in a form approved by the state board of
15 elections, to every registered voter who has been registered without a
16 change of address since the beginning of such year, except that the
17 board of elections shall not be required to send such communications to
18 voters in inactive status. The communication shall notify the voter of
19 the days and hours of the ensuing primary and general elections, the
20 place where he or she appears by his or her registration records to be
21 entitled to vote, the fact that voters who have moved or will have moved
22 from the address where they were last registered must re-register or,
23 that if such move was to another address in the same county or city,
24 that such voter may either notify the board of elections of his or her
25 new address or vote by paper ballot at the polling place for his or her
26 new address even if such voter has not re-registered, or otherwise noti-
27 fied the board of elections of the change of address. If the location of
28 the polling place for the voter's election district has been moved, the
29 communication shall contain the following legend in bold type: "YOUR
30 POLLING PLACE HAS BEEN CHANGED. YOU NOW VOTE AT.....". The commu-
31 nication shall also indicate whether the polling place is accessible to
32 physically disabled voters, that a voter who will be out of the city or
33 county on the day of the primary or general election or a voter who is
34 ill or physically disabled may obtain an absentee ballot, that a phys-
35 ically disabled voter whose polling place is not accessible may request
36 that his or her registration record be moved to an election district
37 which has a polling place which is accessible, the phone number to call
38 for applications to move a registration record or for absentee ballot
39 applications, the phone number to call for the location of registration
40 and polling places, the phone number to call to indicate that the voter
41 is willing to serve on election day as an election inspector, poll
42 clerk, interpreter or in other capacities, the phone number to call to
43 obtain an application for registration by mail, and such other informa-
44 tion concerning the elections or registration as the board may include.
45 In lieu of sending such communication to every registered voter, the
46 board of elections may send a single communication to a household
47 containing more than one registered voter, provided that the names of
48 all such voters appear as part of the address on such communication.

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

51 1. The board of elections shall also cause to be published for each
52 election district a complete list of the registered voters of each
53 election district. Such list shall, in addition to the information
54 required for registration lists, include the party enrollment of each
55 voter. At least as many copies of such list shall be prepared as the
56 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 § 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 § 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 § 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 another
54 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 § 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 79 of the laws
11 of 1992, 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
33 for 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 [~~fourteen~~]
39 seventy-four days after the [~~fall~~] primary election, and (d) except
40 still further that a certificate of party nomination made at a judicial
41 district convention shall be filed not later than the day after the last
42 day to hold such convention and the minutes of such convention, duly
43 certified by the chairman and secretary, shall be filed within seventy-
44 two hours after adjournment of the convention. A certificate of party
45 nomination for an office to be filled at a special election shall be
46 filed not later than ten days following the issuance of a proclamation
47 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 § 14. Paragraph (a) of subdivision 1 of section 8-100 of the election
28 law, as amended by chapter 17 of the laws of 2007, is amended to read as
29 follows:

30 (a) A primary election[~~, to be known as the fall primary,~~] 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 § 15. Subdivision 1 of section 9-200 of the election law, as amended
45 by chapter 250 of the laws of 1984, is amended to read as follows:

46 1. The board of elections shall canvass the returns of primary
47 elections filed with it. It shall canvass first the votes of the deleg-
48 ates and alternates to judicial district conventions and complete such
49 canvass at the earliest time possible. It shall complete the canvass
50 otherwise within [~~nine~~] thirteen days from the day upon which the prima-
51 ry election is held. Upon the completion of the canvass the board shall
52 make and file in its office tabulated statements, signed by the members
53 of such board or a majority thereof, of the number of votes cast for all
54 the candidates for nomination to each public office or for election to
55 each party position, and the number of votes cast for each such candi-
56 date. The candidate receiving the highest number of votes for nomination

1 for a public office or for election to a party position voted for wholly
2 within the political unit for which such board is acting, shall be the
3 nominee of his party for such office or elected to such party position
4 and the board, if requested by a candidate elected to a party position,
5 shall furnish to him a certificate of election.

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

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

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

42 1. Within fifteen days after each general or special election, ~~[and]~~
43 within ~~[seven]~~ thirteen days after every primary ~~[e]~~ election, and
44 within seven days after every village election conducted by the board of
45 elections, the board of elections or a bipartisan committee appointed by
46 such board shall audit the voter verifiable audit records from three
47 percent of voting machines or systems within the jurisdiction of such
48 board. Such audits may be performed manually or via the use of any auto-
49 mated tool authorized for such use by the state board of elections which
50 is independent from the voting system it is being used to audit. Voting
51 machines or systems shall be selected for audit through a random, manual
52 process. At least five days prior to the time fixed for such selection
53 process, the board of elections shall send notice by first class mail to
54 each candidate, political party and independent body entitled to have
55 had watchers present at the polls in any election district in such
56 board's jurisdiction. Such notice shall state the time and place fixed

1 for such random selection process. The audit shall be conducted in the
2 same manner, to the extent applicable, as a canvass of paper ballots.
3 Each candidate, political party or independent body entitled to appoint
4 watchers to attend at a polling place shall be entitled to appoint such
5 number of watchers to observe the audit.

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

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

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

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

1 requests such special federal ballot from such board of elections in a
2 letter, which is signed by the voter and received by the board of
3 elections not later than the seventh day before the election for which
4 the ballot is first requested and which states the address where the
5 voter is registered and the address to which the ballot is to be mailed.
6 The board of elections shall enclose with such ballot a form of applica-
7 tion for a special federal ballot.

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

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

16 § 21. Subdivisions 3 and 4 of section 16-104 of the election law,
17 subdivision 3 as added by chapter 136 of the laws of 1978 and subdivi-
18 sion 4 as amended by chapter 117 of the laws of 1985, are amended to
19 read as follows:

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

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

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

33 1. A vacancy occurring three months before [~~September twentieth of~~]
34 the general election in any year in any office authorized to be filled
35 at a general election, except in the offices of governor or lieutenant-
36 governor, shall be filled at the general election held next thereafter,
37 unless otherwise provided by the constitution, or unless previously
38 filled at a special election.

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

55 § 23. This act shall take effect on December 31, 2018.