

# 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 ~~[or]~~ 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 ~~[or]~~ 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.