

STATE OF NEW YORK

3562

2017-2018 Regular Sessions

IN SENATE

January 24, 2017

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

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

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

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1 board of elections or a board of elections outside of the city of New
2 York shall be deemed timely filed and accepted for filing if sent by
3 mail or overnight delivery service pursuant to subdivision three of this
4 section, and received no later than two business days after the last day
5 to file such certificates, petitions, objections or specifications.
6 Failure of the post office or any other person or entity to deliver any
7 such petition, certificate or objection to such board of elections
8 outside the city of New York no later than two business days after the
9 last day to file such certificates, petitions, objections or specifica-
10 tions shall be a fatal defect. Excepted further that all certificates
11 and petitions of designation or nomination, certificates of acceptance
12 or declination of such designations and nominations, certificates of
13 substitution for such designations or nominations and objections and
14 specifications of objections to such certificates and petitions required
15 to be filed with the board of elections of the city of New York must be
16 actually received by such city board of elections on or before the last
17 day to file any such petition, certificate or objection and such office
18 shall be open for the receipt of such petitions, certificates and
19 objections until midnight on the last day to file any such petition,
20 certificate or objection. Failure of the post office or any other person
21 or entity to deliver any such petition, certificate or objection to such
22 city board of elections on or before such last day shall be a fatal
23 defect.

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

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

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

4 1. The state board of elections shall, [~~at least eight months before~~
5 ~~each~~] by February first in the year of each general election, make and
6 transmit to the board of elections of each county, a certificate stating
7 each office, except county, city, village and town offices to be voted
8 for at such election in such county.

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

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

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

30 § 5. Section 4-110 of the election law, as amended by chapter 87 of
31 the laws of 2015, is amended to read as follows:

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

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

46 1. The state board of elections, not later than [~~thirty-six~~] fifty-
47 five days before a general election, or fifty-three days before a
48 special election, shall certify to each county board of elections the
49 name and residence of each candidate nominated in any valid certificate
50 filed with it or by the returns canvassed by it, the title of the office
51 for which nominated; the name of the party or body specified of which he
52 or she is a candidate; the emblem chosen to distinguish the candidates
53 of the party or body; and a notation as to whether or not any litigation
54 is pending concerning the candidacy. Upon the completion of any such
55 litigation, the state board of elections shall forthwith notify the

1 appropriate county boards of elections of the results of such liti-
2 gation.

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

5 § 4-114. Determination of candidates and questions; county board of
6 elections. The county board of elections, not later than the [~~thirty-~~
7 ~~fifth~~] fifty-fourth day before the day of a primary or general election,
8 or the fifty-third day before a special election or presidential primary
9 election, shall determine the candidates duly nominated for public
10 office and the questions that shall appear on the ballot within the
11 jurisdiction of that board of elections.

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

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

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

3 1. The board of elections shall also cause to be published for each
4 election district a complete list of the registered voters of each
5 election district. Such list shall, in addition to the information
6 required for registration lists, include the party enrollment of each
7 voter. At least as many copies of such list shall be prepared as the
8 required minimum number of registration lists.

9 Lists for all the election districts in a ward or assembly district
10 may be bound together in one volume. The board of elections shall also
11 cause to be published a complete list of names and residence addresses
12 of the registered voters, including the party enrollment of each voter,
13 for each town and city over which the board has jurisdiction. The names
14 for each town and city may be arranged according to street and number or
15 alphabetically. Such lists shall be published before the first day of
16 ~~April~~ February. The board shall keep at least five copies for public
17 inspection at each main office or branch office of the board. Surplus
18 copies of the lists shall be sold at a charge not exceeding the cost of
19 publication.

20 § 10. Paragraph a of subdivision 5 of section 5-708 of the election
21 law, as added by chapter 659 of the laws of 1994, is amended to read as
22 follows:

23 a. At least once each year during the month of ~~May~~ February, each
24 board of elections shall obtain through the National Change of Address
25 System, the forwarding address for every voter registered with such
26 board of elections for whom the United States Postal Service has such a
27 forwarding address together with the name of each such voter whom the
28 Postal Service records indicate has moved from the address at which he
29 is registered without leaving a forwarding address.

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

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

51 § 12. Subdivisions 1 and 2 of section 6-147 of the election law, as
52 amended by chapter 434 of the laws of 1984, are amended to read as
53 follows:

54 1. The name of a person designated on more than one petition as a
55 candidate for a party position to be filled by two or more persons shall
56 be printed on the ballot with the group of candidates designated by the

1 petition first filed unless such person, in a certificate duly acknowl-
2 edged by him or her and filed with the board of elections not later than
3 the [~~eighth~~] tenth Tuesday preceding the primary election or five days
4 after the board of elections mails such person notice of his or her
5 designation in more than one group, whichever is later, specifies another
6 group in which his or her name shall be printed.

7 2. A person designated as a candidate for the position of member of
8 the county committee in more than one election district shall be deemed
9 to have been designated in the lowest numbered election district unless
10 such person, in a certificate duly acknowledged by him or her, and filed
11 with the board of elections not later than the [~~eighth~~] tenth Tuesday
12 preceding the primary election or five days after the board of elections
13 mails such person notice of his or her designation in more than one
14 election district whichever is later, specifies that he or she wishes to
15 be deemed designated in a different election district.

16 § 13. Subdivisions 1, 4, 5, 6, 9, 11, 12 and 14 of section 6-158 of
17 the election law, subdivisions 1, 4, 11 and 12 as amended by chapter 434
18 of the laws of 1984, subdivision 6 as amended by chapter 87 of the laws
19 of 2015, and subdivision 9 as amended by chapter 517 of the laws of
20 1986, are amended to read as follows:

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

24 4. A petition of enrolled members of a party requesting an opportunity
25 to write in the name of an undesignated candidate for a public office or
26 party position at a primary election shall be filed not later than the
27 [~~eighth~~] eleventh Thursday preceding the primary election. However,
28 where a designating petition has been filed and the person named therein
29 has declined such designation and another person has been designated to
30 fill the vacancy, then in that event, a petition for an opportunity to
31 ballot in a primary election shall be filed not later than the [~~seventh~~]
32 tenth Thursday preceding such primary election.

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

37 6. (a) A certificate of a party nomination made other than at the
38 primary election for an office to be filled at the time of a general
39 election shall be filed not later than [~~seven~~] thirty days after the
40 [~~fall~~] primary election, (b) except that a certificate of nomination for
41 an office which becomes vacant after the seventh day preceding such
42 primary election shall be filed not later than [~~fourteen~~] thirty days
43 after the primary election or ten days after the creation of such vacan-
44 cy, whichever is later, and (c) except, further, that a certificate of
45 party nomination of candidates for elector of president and vice-presi-
46 dent of the United States shall be filed not later than [~~sixty~~] seven-
47 ty-six days [~~before the two thousand sixteen general~~] after the fall
48 primary election, and (d) except still further that a certificate of
49 party nomination made at a judicial district convention shall be filed
50 not later than the day after the last day to hold such convention and
51 the minutes of such convention, duly certified by the chairman and
52 secretary, shall be filed within seventy-two hours after adjournment of
53 the convention. A certificate of party nomination for an office to be
54 filled at a special election shall be filed not later than ten days
55 following the issuance of a proclamation of such election.

1 9. A petition for an independent nomination for an office to be filled
2 at the time of a general election shall be filed not earlier than
3 [~~twelve~~] twenty-four weeks and not later than [~~eleven~~] twenty-three
4 weeks preceding such election. A petition for an independent nomination
5 for an office to be filled at a special election shall be filed not
6 later than twelve days following the issuance of a proclamation of such
7 election. [~~A petition for trustee of the Long Island Power Authority~~
8 ~~shall be filed not earlier than seven weeks and not later than six weeks~~
9 ~~preceding the day of the election of such trustees.~~]

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

22 12. A certificate to fill a vacancy caused by a declination of an
23 independent nomination for an office to be filled at the time of a
24 general election shall be filed not later than the sixth day after the
25 [~~eleventh~~] twenty-third Tuesday preceding such election. A certificate
26 to fill a vacancy caused by a declination of an independent nomination
27 for an office to be filled at a special election shall be filed not
28 later than sixteen days following the issuance of a proclamation of such
29 election.

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

36 § 14. Paragraph (a) of subdivision 1 of section 8-100 of the election
37 law, as amended by chapter 87 of the laws of 2015, is amended to read as
38 follows:

39 (a) A primary election[~~, to be known as the fall primary,~~] shall be
40 held on the [~~first~~] fourth Tuesday [~~after the second Monday~~] in [~~Septem-~~
41 ~~ber~~] June before every general election unless otherwise changed by an
42 act of the legislature. Members of the state and county committees and
43 assembly district leaders and associate district leaders and all other
44 party positions to be elected shall be elected at such primary and all
45 nominations for public office required to be made at a primary election
46 in such year shall be made at such primary. In each year in which elec-
47 tors of president and vice president of the United States are to be
48 elected an additional primary election, to be known as the spring prima-
49 ry, shall be held on the first Tuesday in February unless otherwise
50 changed by an act of the legislature, for the purpose of electing deleg-
51 ates to the national convention[~~, members of state and county committees~~
52 ~~and assembly district leaders and associate assembly district leaders~~].

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

55 1. The board of elections shall canvass the returns of primary
56 elections filed with it. It shall canvass first the votes of the deleg-

1 ates and alternates to judicial district conventions and complete such
2 canvass at the earliest time possible. It shall complete the canvass
3 otherwise within [~~nine~~] thirteen days from the day upon which the prima-
4 ry election is held. Upon the completion of the canvass the board shall
5 make and file in its office tabulated statements, signed by the members
6 of such board or a majority thereof, of the number of votes cast for all
7 the candidates for nomination to each public office or for election to
8 each party position, and the number of votes cast for each such candi-
9 date. The candidate receiving the highest number of votes for nomination
10 for a public office or for election to a party position voted for wholly
11 within the political unit for which such board is acting, shall be the
12 nominee of his party for such office or elected to such party position
13 and the board, if requested by a candidate elected to a party position,
14 shall furnish to him a certificate of election.

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

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

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

51 1. Within fifteen days after each general or special election, [~~and~~]
52 within [~~seven~~] thirteen days after every primary [~~e~~] election, and
53 within seven days after every village election conducted by the board of
54 elections, the board of elections or a bipartisan committee appointed by
55 such board shall audit the voter verifiable audit records from three
56 percent of voting machines or systems within the jurisdiction of such

1 board. Such audits may be performed manually or via the use of any auto-
2 mated tool authorized for such use by the state board of elections which
3 is independent from the voting system it is being used to audit. Voting
4 machines or systems shall be selected for audit through a random, manual
5 process. At least five days prior to the time fixed for such selection
6 process, the board of elections shall send notice by first class mail to
7 each candidate, political party and independent body entitled to have
8 had watchers present at the polls in any election district in such
9 board's jurisdiction. Such notice shall state the time and place fixed
10 for such random selection process. The audit shall be conducted in the
11 same manner, to the extent applicable, as a canvass of paper ballots.
12 Each candidate, political party or independent body entitled to appoint
13 watchers to attend at a polling place shall be entitled to appoint such
14 number of watchers to observe the audit.

15 § 18. Paragraph (a) of subdivision 1 of section 10-108 of the election
16 law, as amended by chapter 87 of the laws of 2015, is amended to read as
17 follows:

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

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

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

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

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

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

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

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

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

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

42 1. A vacancy occurring three months before [~~September twentieth of~~
43 the general election in] any year in any office authorized to be filled
44 at a general election, except in the offices of governor or lieutenant-
45 governor, shall be filled at the general election held next thereafter,
46 unless otherwise provided by the constitution, or unless previously
47 filled at a special election.

48 4. A special election shall not be held to fill a vacancy in the
49 office of a representative in congress unless such vacancy occurs on or
50 before the first day of July of the last year of the term of office, or
51 unless it occurs thereafter and a special session of congress is called
52 to meet before the next general election, or be called after [~~September~~
53 ~~nineteenth of~~] three months before the general election in such year;
54 nor to fill a vacancy in the office of state senator or in the office of
55 member of assembly, unless the vacancy occurs before the first day of
56 April of the last year of the term of office, or unless the vacancy

1 occurs in either such office of senator or member of assembly after such
2 first day of April and a special session of the legislature be called to
3 meet between such first day of April and the next general election or be
4 called after three months before the next general election [~~or be called~~
5 ~~after September nineteenth~~] in such year. If a special election to fill
6 an office shall not be held as required by law, the office shall be
7 filled at the next general election.

8 § 23. Section 13 of chapter 87 of the laws of 2015, relating to the
9 conducting of the presidential primary, is amended to read as follows:

10 § 13. This act shall take effect immediately; provided, however, if
11 this act shall become law after July 1, 2015, it shall take effect imme-
12 diately and shall be deemed to have been in full force and effect on and
13 after July 1, 2015; provided further that sections six, seven, eight,
14 nine, ten and eleven of this act shall take effect December 15, 2015;
15 and provided further, that sections two, three, four and eleven of this
16 act shall expire December 31, 2016 when upon such date the provisions of
17 [~~this act~~] such sections shall be deemed repealed.

18 § 24. This act shall take effect immediately.