

# STATE OF NEW YORK

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3562--A

2017-2018 Regular Sessions

## IN SENATE

January 24, 2017

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Introduced by Sens. STEWART-COUSINS, ADDABBO, ALCANTARA, BROOKS, COMRIE, DILAN, GIANARIS, HOYLMAN, KAVANAGH, KRUEGER, PERSAUD, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- recommitted to the Committee on Veterans, Homeland Security and Military Affairs in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1     § 7. Section 4-114 of the election law, as amended by chapter 4 of the  
2 laws of 2011, is amended to read as follows:

3     § 4-114. Determination of candidates and questions; county board of  
4 elections. The county board of elections, not later than the [~~thirty-~~  
5 ~~fifth~~] fifty-fourth day before the day of a primary or general election,  
6 or the fifty-third day before a special election, shall determine the  
7 candidates duly nominated for public office and the questions that shall  
8 appear on the ballot within the jurisdiction of that board of elections.

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

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

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

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

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

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

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

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

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

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

52 1. The name of a person designated on more than one petition as a  
53 candidate for a party position to be filled by two or more persons shall  
54 be printed on the ballot with the group of candidates designated by the  
55 petition first filed unless such person, in a certificate duly acknowl-  
56 edged by him or her and filed with the board of elections not later than



1 the [~~eighth~~] tenth Tuesday preceding the primary election or five days  
2 after the board of elections mails such person notice of his or her  
3 designation in more than one group, whichever is later, specifies another  
4 group in which his or her name shall be printed.

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

14 § 13. Subdivisions 1, 4, 5, 6, 9, 11, 12 and 14 of section 6-158 of  
15 the election law, subdivisions 1, 4, 11 and 12 as amended by chapter 434  
16 of the laws of 1984, subdivision 6 as amended by chapter 79 of the laws  
17 of 1992, and subdivision 9 as amended by chapter 517 of the laws of  
18 1986, are amended to read as follows:

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

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

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

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

54 9. A petition for an independent nomination for an office to be filled  
55 at the time of a general election shall be filed not earlier than  
56 [~~twelve~~] twenty-four weeks and not later than [~~eleven~~] twenty-three

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

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

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

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

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

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

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

52 1. The board of elections shall canvass the returns of primary  
53 elections filed with it. It shall canvass first the votes of the deleg-  
54 ates and alternates to judicial district conventions and complete such  
55 canvass at the earliest time possible. It shall complete the canvass  
56 otherwise within [~~nine~~] thirteen days from the day upon which the prima-

ry election is held. Upon the completion of the canvass the board shall make and file in its office tabulated statements, signed by the members of such board or a majority thereof, of the number of votes cast for all the candidates for nomination to each public office or for election to each party position, and the number of votes cast for each such candidate. The candidate receiving the highest number of votes for nomination for a public office or for election to a party position voted for wholly within the political unit for which such board is acting, shall be the nominee of his party for such office or elected to such party position and the board, if requested by a candidate elected to a party position, shall furnish to him a certificate of election.

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

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

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

1. Within fifteen days after each general or special election, ~~[and]~~ within ~~[seven]~~ thirteen days after every primary ~~[ex]~~ election, and within seven days after every village election conducted by the board of elections, the board of elections or a bipartisan committee appointed by such board shall audit the voter verifiable audit records from three percent of voting machines or systems within the jurisdiction of such board. Such audits may be performed manually or via the use of any automated tool authorized for such use by the state board of elections which is independent from the voting system it is being used to audit. Voting



1 machines or systems shall be selected for audit through a random, manual  
2 process. At least five days prior to the time fixed for such selection  
3 process, the board of elections shall send notice by first class mail to  
4 each candidate, political party and independent body entitled to have  
5 had watchers present at the polls in any election district in such  
6 board's jurisdiction. Such notice shall state the time and place fixed  
7 for such random selection process. The audit shall be conducted in the  
8 same manner, to the extent applicable, as a canvass of paper ballots.  
9 Each candidate, political party or independent body entitled to appoint  
10 watchers to attend at a polling place shall be entitled to appoint such  
11 number of watchers to observe the audit.

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

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

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

47 4. If the board of elections shall determine that the applicant making  
48 the application provided for in this section is qualified to receive and  
49 vote a special federal ballot, it shall, as soon as practicable after it  
50 shall have so determined, or not later than [~~thirty-two~~ forty-six days  
51 before each general or primary election [~~and forty-five days before~~  
52 ~~each~~] or special election in which such applicant is qualified to vote,  
53 or three days after receipt of such an application, whichever is later,  
54 mail to him or her at the residence address outside the United States  
55 shown in his or her application, a special federal ballot, an inner  
56 affirmation envelope and an outer envelope, or otherwise distribute same

1 to the voter in accordance with the preferred method of transmission  
2 designated by the voter pursuant to section 11-203 of this title. The  
3 board of elections shall also mail, or otherwise distribute in accord-  
4 ance with the preferred method of transmission designated by the voter  
5 pursuant to section 11-203 of this title, a special federal ballot to  
6 every qualified special federal voter who is already registered and who  
7 requests such special federal ballot from such board of elections in a  
8 letter, which is signed by the voter and received by the board of  
9 elections not later than the seventh day before the election for which  
10 the ballot is first requested and which states the address where the  
11 voter is registered and the address to which the ballot is to be mailed.  
12 The board of elections shall enclose with such ballot a form of applica-  
13 tion for a special federal ballot.

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

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

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

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

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

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

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

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

1 called after three months before the next general election [~~or be called~~  
2 ~~after September nineteenth~~] in such year. If a special election to fill  
3 an office shall not be held as required by law, the office shall be  
4 filled at the next general election.  
5 § 23. This act shall take effect on December 31, 2018.