

STATE OF NEW YORK

1315

2019-2020 Regular Sessions

IN ASSEMBLY

January 14, 2019

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

AN ACT to amend the election law, in relation to filing of papers

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. (a) All papers required to be filed pursuant to the provisions of
5 this chapter shall, unless otherwise provided, be filed between the
6 hours of nine A.M. and five P.M. If the last day for filing shall fall
7 on a Saturday, Sunday or legal holiday, the next business day shall
8 become the last day for filing. All papers sent by mail in an envelope
9 postmarked prior to midnight of the last day of filing shall be deemed
10 timely filed and accepted for filing when received~~[, except that all]~~.

11 (b) All certificates and petitions of designation or nomination,
12 certificates of acceptance or declination of such designations and nomi-
13 nations, certificates of substitution for such designations or nomi-
14 nations and objections and specifications of objections to such certif-
15 icates and petitions required to be filed with the board of elections of
16 the city of New York must be actually received by such city board of
17 elections on or before the last day to file any such petition, certif-
18 icate or objection and such office shall be open for the receipt of such
19 petitions, certificates and objections until midnight on the last day to
20 file any such petition, certificate or objection. Failure of the post
21 office or any other person or entity to deliver any such petition,
22 certificate or objection to such city board of elections on or before
23 such last day shall be a fatal defect.

24 (c) Upon the adoption of a resolution by a county board of elections,
25 the election commissioners of a county outside of the city of New York
26 may provide that all certificates and petitions of designation or nomi-

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

LBD00598-01-9

1 nation, certificates of acceptance or declination of such designations
2 and nominations, certificates of substitution for such designations or
3 nominations and objections and specifications of objections to such
4 certificates and petitions required to be filed with the board of
5 elections of such county must be actually received by such county board
6 of elections on or before the last day to file any such petition,
7 certificate or objection and such office shall be open for the receipt
8 of such petitions, certificates and objections until midnight on the
9 last day to file any such petition, certificate or objection. Failure of
10 the post office or any other person or entity to deliver any such peti-
11 tion, certificate or objection to such board of elections on or before
12 such last day shall be a fatal defect. Such resolution shall be adopted
13 no later than March first of the year in which it shall be effective.

14 (i) The resolution adopted by a county board of elections shall be
15 posted prominently in the offices of the board of elections and shall be
16 posted on such board of elections website. The local board of elections
17 adopting such a resolution may use any media source available to it to
18 publish the resolution adopted by the board. In addition, such resolu-
19 tion shall be filed with the state board of elections no later than
20 five days after its adoption. The chairpersons of all party committees
21 within such county shall be provided written notice of the adoption of
22 such resolution no later than five days after its adoption. The state
23 board of elections shall make this information available on its website.

24 (ii) Any board of elections choosing to accept filings until midnight
25 of the last day for filing, pursuant to the terms of this chapter, shall
26 continue to receive filings in such manner until a resolution discontin-
27 uing such practice is adopted by the county board of elections. The
28 resolution discontinuing such practice shall be adopted no later than
29 March first of the year in which it shall be effective, and shall be
30 published and posted in the same manner as a resolution requiring filing
31 by midnight on the last day for filing.

32 § 2. This act shall take effect on the thirtieth day after it shall
33 have become a law.