

STATE OF NEW YORK

3588

2019-2020 Regular Sessions

IN ASSEMBLY

January 29, 2019

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

AN ACT to amend the election law, in relation to run-off primary elections

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (b) of subdivision 1 of section 8-100 of the
2 election law, as added by chapter 373 of the laws of 1978, is amended to
3 read as follows:

4 (b) In the event a run-off primary election is required in the city of
5 New York, it shall be held on the [~~second~~] third Tuesday next succeeding
6 the date on which the initial primary election was held.

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

9 § 4-114. Determination of candidates and questions; county board of
10 elections. The county board of elections, not later than the thirty-
11 fifth day before the day of a primary or general election, or the
12 fifty-third day before a special election, shall determine the candi-
13 dates duly nominated for public office and the questions that shall
14 appear on the ballot within the jurisdiction of that board of elections.
15 Provided, however, in any year in which there has been a run-off
16 election in the city of New York, the board of elections of such city
17 shall, not later than the twenty-eighth day before the general election
18 in that year, determine the candidates duly nominated for public office
19 and the questions that shall appear on the ballot within the jurisdic-
20 tion of the board of elections of the city of New York.

21 § 3. Subdivision 1 of section 8-412 of the election law, as amended by
22 chapter 155 of the laws of 1994, is amended to read as follows:

23 1. The board of elections shall cause all absentee ballots received by
24 it before the close of the polls on election day and all ballots
25 contained in envelopes showing a cancellation mark of the United States
26 postal service or a foreign country's postal service, or showing a dated
27 endorsement of receipt by another agency of the United States govern-
28 ment, with a date which is ascertained to be not later than the day

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

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1 before election and received by such board of elections not later than
2 seven days following the day of election, or fourteen days following the
3 day of the general election in the city of New York in any year in which
4 there has been a run-off election, to be cast and counted except that
5 the absentee ballot of a voter who requested such ballot by letter,
6 rather than application, shall not be counted unless a valid application
7 form, signed by such voter, is received by the board of elections with
8 such ballot.

9 § 4. Section 9-214 of the election law, the section heading and first
10 undesignated paragraph as amended by chapter 286 of the laws of 1983,
11 and the second undesignated paragraph as amended by chapter 4 of the
12 laws of 2011, is amended to read as follows:

13 § 9-214. Transmission of statements of canvassing boards to state
14 board of elections and secretary of state. The board of elections shall
15 transmit by mail or cause to be delivered personally to the state board
16 of elections, a certified copy of the statement of the canvassing board
17 relating to the offices of electors of president and vice-president of
18 the United States, United States senator, representatives in congress
19 and state offices, including members of the state senate and assembly,
20 and to the votes cast on any ballot proposal submitted to all the voters
21 of the state, within twenty-five days after the election. If any certi-
22 fied copy shall not be received by the state board on or before the
23 twenty-fifth day following a general election, or a special election, it
24 shall dispatch a special messenger to obtain such certified copy, and
25 the board of elections, immediately upon demand of such messenger at its
26 office, shall make and deliver a certified copy to such messenger who
27 shall deliver it forthwith to the state board.

28 The board of elections shall transmit to the secretary of state within
29 twenty-five days after a general election, and within twenty days after
30 a special election, a list of the names and residences of all persons
31 determined by the canvassing board to be elected to any county office.
32 Notwithstanding the foregoing provisions of this section, in any year in
33 which there has been a run-off election in the city of New York, the
34 board of elections in the city of New York shall transmit to the secre-
35 tary of state not later than thirty days after the general election in
36 that year a list of the names and residences of all persons determined
37 by the canvassing board to be elected to any county office.

38 The board of elections shall transmit to the state board, on or before
39 the tenth day of December following an election for governor, a certi-
40 fied tabulated statement, by election districts, of the official canvass
41 of the votes cast for candidates for governor, to include, in the case
42 of a candidate who was nominated by two or more parties or independent
43 bodies, a separate statement of the number of votes cast for him as the
44 candidate of each party or independent body by which he was nominated
45 and if the county contains more than one assembly district or parts of
46 more than one assembly district, a statement of the number of votes cast
47 for governor by assembly district.

48 § 5. Paragraph (a) of subdivision 1 of section 10-108 of the election
49 law, as amended by chapter 4 of the laws of 2011, is amended to read as
50 follows:

51 (a) Ballots for military voters shall be mailed or otherwise distrib-
52 uted by the board of elections, in accordance with the preferred method
53 of transmission designated by the voter pursuant to section 10-107 of
54 this article, as soon as practicable but in any event not later than
55 thirty-two days before a primary or general election; twenty-five days
56 before a New York city community school board district or city of

1 Buffalo school district election; fourteen days before a village
2 election conducted by the board of elections; and forty-five days before
3 a special election. Notwithstanding the foregoing provisions of this
4 section, in any year in which there has been a run-off election in the
5 city of New York, ballots for military voters shall be mailed or other-
6 wise distributed by the board of elections of such city in accordance
7 with the preferred method of transmission designated by the voter pursu-
8 ant to section 10-107 of this article, as soon as practicable but in any
9 event not later than twenty-five days before a general election in that
10 year. A voter who submits a military ballot application shall be enti-
11 tled to a military ballot thereafter for each subsequent election
12 through and including the next two regularly scheduled general elections
13 held in even numbered years, including any run-offs which may occur;
14 provided, however, such application shall not be valid for any election
15 held within seven days after its receipt. Ballots shall also be mailed
16 to any qualified military voter who is already registered and who
17 requests such military ballot from such board of elections in a letter,
18 which is signed by the voter and received by the board of elections not
19 later than the seventh day before the election for which the ballot is
20 requested and which states the address where the voter is registered and
21 the address to which the ballot is to be mailed. The board of elections
22 shall enclose with such ballot a form of application for military
23 ballot. In the case of a primary election, the board shall deliver only
24 the ballot of the party with which the military voter is enrolled
25 according to the military voter's registration records. In the event a
26 primary election is uncontested in the military voter's election
27 district for all offices or positions except the party position of
28 member of the ward, town, city or county committee, no ballot shall be
29 delivered to such military voter for such election; and the military
30 voter shall be advised of the reason why he or she will not receive a
31 ballot.

32 § 6. Subdivision 1 of section 10-114 of the election law, as amended
33 by chapter 165 of the laws of 2009, is amended to read as follows:

34 1. The board of elections shall cause all military ballots received by
35 it before the close of the polls on election day and all ballots
36 contained in envelopes showing a cancellation mark of the United States
37 postal service or a foreign country's postal service, or showing a dated
38 endorsement of receipt by another agency of the United States government
39 or are signed and dated by the voter and one witness thereto, with a
40 date which is ascertained to be not later than the day before election
41 and received by such board of elections not later than seven days
42 following the day of a primary election and not later than thirteen days
43 following the day of a general or special election to be cast and count-
44 ed. Notwithstanding the foregoing provisions of this section, in any
45 year in which there has been a run-off election in the city of New York,
46 the board of elections of such city shall cause all military ballots
47 received by it before the close of the polls on election day and all
48 ballots contained in envelopes showing a cancellation mark of the United
49 States postal service or foreign country's postal service, or showing a
50 dated endorsement of receipt by another agency of the United States
51 government or are signed and dated by the voter and one witness thereto,
52 with a date which is ascertained to be not later than the day before
53 election day and received by such board of elections not later than
54 twenty days following the day of a general election in that year to be
55 cast and counted.

56 § 7. This act shall take effect immediately.