

STATE OF NEW YORK

S. 1103

A. 779

2019-2020 Regular Sessions

SENATE - ASSEMBLY

January 10, 2019

IN SENATE -- Introduced by Sens. STEWART-COUSINS, ADDABBO, BAILEY, BENJAMIN, BIAGGI, BRESLIN, BROOKS, CARLUCCI, COMRIE, GAUGHRAN, GIANARIS, GOUNARDES, HARCKHAM, HOYLMAN, JACKSON, KAMINSKY, KAPLAN, KAVANAGH, KENNEDY, KRUEGER, LIU, MARTINEZ, MAY, MAYER, METZGER, MONTGOMERY, MYRIE, PARKER, PERSAUD, RAMOS, RIVERA, SALAZAR, SANDERS, SAVINO, SEPULVEDA, SERRANO, SKOUFIS, STAVISKY, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

IN ASSEMBLY -- Introduced by M. of A. LAVINE, HEASTIE, BRONSON, PAULIN, DenDEKKER, GOTTFRIED, ORTIZ, HEVESI, DINOWITZ, McDONALD, SIMOTAS, L. ROSENTHAL, STIRPE, ABINANTI, BARRETT, FAHY, BRABENEC, GALEF, WEPRIN, ROZIC, BLAKE, BURKE, CARROLL, CRUZ, EICHENSTEIN, EPSTEIN, FALL, GLICK, GRIFFIN, JACOBSON, LIFTON, McMAHON, OTIS, ROMEO, THIELE, WEINSTEIN -- Multi-Sponsored by -- M. of A. BENEDETTO, BRAUNSTEIN, BUCHWALD, LENTOL, LUPARDO, MAGNARELLI, B. MILLER, RODRIGUEZ, SANTABARBARA, SIMON, ZEBROWSKI -- read once and referred to the Committee on Election Law

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

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

1 Section 1. Subdivision 1 of section 1-106 of the election law, as
2 amended by chapter 700 of the laws of 1977, is amended to read as
3 follows:

4 1. All papers required to be filed pursuant to the provisions of this
5 chapter shall, unless otherwise provided, be filed between the hours of

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

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1 nine A.M. and five P.M. If the last day for filing shall fall on a
2 Saturday, Sunday or legal holiday, the next business day shall become
3 the last day for filing. All papers sent by mail in an envelope post-
4 marked prior to midnight of the last day of filing shall be deemed time-
5 ly filed and accepted for filing when received, except that all certif-
6 icates and petitions of designation or nomination, certificates of
7 acceptance or declination of such designations or nominations, certif-
8 icates of authorization for such designations or nominations, certif-
9 icates of disqualification, certificates of substitution for such desig-
10 nations or nominations and objections and specifications of objections
11 to such certificates and petitions required to be filed with the state
12 board of elections or a board of elections outside of the city of New
13 York shall be deemed timely filed and accepted for filing if sent by
14 mail or overnight delivery service pursuant to subdivision three of this
15 section, and received no later than two business days after the last day
16 to file such certificates, petitions, objections or specifications.
17 Failure of the post office or any other person or entity to deliver any
18 such petition, certificate or objection to such board of elections
19 outside the city of New York no later than two business days after the
20 last day to file such certificates, petitions, objections or specifica-
21 tions shall be a fatal defect. Excepted further that all certificates
22 and petitions of designation or nomination, certificates of acceptance
23 or declination of such designations and nominations, certificates of
24 substitution for such designations or nominations and objections and
25 specifications of objections to such certificates and petitions required
26 to be filed with the board of elections of the city of New York must be
27 actually received by such city board of elections on or before the last
28 day to file any such petition, certificate or objection and such office
29 shall be open for the receipt of such petitions, certificates and
30 objections until midnight on the last day to file any such petition,
31 certificate or objection. Failure of the post office or any other person
32 or entity to deliver any such petition, certificate or objection to such
33 city board of elections on or before such last day shall be a fatal
34 defect.

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

37 1. Every board of elections shall, in consultation with each city,
38 town and village, designate the polling places in each election district
39 in which the meetings for the registration of voters, and for any
40 election may be held. The board of trustees of each village in which
41 general and special village elections conducted by the board of
42 elections are held at a time other than the time of a general election
43 shall submit such a list of polling places for such village elections to
44 the board of elections. A polling place may be located in a building
45 owned by a religious organization or used by it as a place of worship.
46 If such a building is designated as a polling place, it shall not be
47 required to be open for voter registration on any Saturday if this is
48 contrary to the religious beliefs of the religious organization. In such
49 a situation, the board of elections shall designate an alternate
50 location to be used for voter registration. Such polling places must be
51 designated by ~~[May—first]~~ March fifteenth, of each year, and shall be
52 effective for one year thereafter. Such a list required to be submitted
53 by a village board of trustees must be submitted at least four months
54 before each general village election and shall be effective until four
55 months before the subsequent general village election. No place in which
56 a business licensed to sell alcoholic beverages for on premises consump-

tion is conducted on any day of local registration or of voting shall be so designated. If, within the discretion of the board of elections a particular polling place so designated is subsequently found to be unsuitable or unsafe or should circumstances arise that make a designated polling place unsuitable or unsafe, then the board of elections is empowered to select an alternative meeting place. In the city of New York, the board of elections shall designate such polling places and alternate registration places if the polling place cannot be used for 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

1 name and residence of each candidate nominated in any valid certificate
2 filed with it or by the returns canvassed by it, the title of the office
3 for which nominated; the name of the party or body specified of which he
4 or she is a candidate; the emblem chosen to distinguish the candidates
5 of the party or body; and a notation as to whether or not any litigation
6 is pending concerning the candidacy. Upon the completion of any such
7 litigation, the state board of elections shall forthwith notify the
8 appropriate county boards of elections of the results of such liti-
9 gation.

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

12 § 4-114. Determination of candidates and questions; county board of
13 elections. The county board of elections, not later than the [~~thirty-~~
14 ~~fifth~~] fifty-fourth day before the day of a primary or general election,
15 or the fifty-third day before a special election, shall determine the
16 candidates duly nominated for public office and the questions that shall
17 appear on the ballot within the jurisdiction of that board of elections.

18 § 8. Subdivision 1 of section 4-117 of the election law, as amended by
19 chapter 3 of the laws of 2018, is amended to read as follows:

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

1 tration and polling places, the phone number to call to indicate that
2 the voter is willing to serve on election day as an election inspector,
3 poll clerk, interpreter or in other capacities, the phone number to call
4 to obtain an application for registration by mail, and such other infor-
5 mation concerning the elections or registration as the board may
6 include. In lieu of sending such communication to every registered
7 voter, the board of elections may send a single communication to a
8 household containing more than one registered voter, provided that the
9 names of all such voters appear as part of the address on such communi-
10 cation.

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

13 1. The board of elections shall also cause to be published for each
14 election district a complete list of the registered voters of each
15 election district. Such list shall, in addition to the information
16 required for registration lists, include the party enrollment of each
17 voter. At least as many copies of such list shall be prepared as the
18 required minimum number of registration lists.

19 Lists for all the election districts in a ward or assembly district
20 may be bound together in one volume. The board of elections shall also
21 cause to be published a complete list of names and residence addresses
22 of the registered voters, including the party enrollment of each voter,
23 for each town and city over which the board has jurisdiction. The names
24 for each town and city may be arranged according to street and number or
25 alphabetically. Such lists shall be published before the first day of
26 ~~April~~ February. The board shall keep at least five copies for public
27 inspection at each main office or branch office of the board. Surplus
28 copies of the lists shall be sold at a charge not exceeding the cost of
29 publication.

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

33 a. At least once each year during the month of ~~May~~ February, each
34 board of elections shall obtain through the National Change of Address
35 System, the forwarding address for every voter registered with such
36 board of elections for whom the United States Postal Service has such a
37 forwarding address together with the name of each such voter whom the
38 Postal Service records indicate has moved from the address at which he
39 is registered without leaving a forwarding address.

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

42 1. In any town in a county having a population of over seven hundred
43 fifty thousand inhabitants, as shown by the latest federal decennial or
44 special population census, party nominations of candidates for town
45 offices shall be made at the primary preceding the election. In any
46 other town, nominations of candidates for town offices shall be made by
47 caucus or primary election as the rules of the county committee shall
48 provide, except that the members of the county committee from a town may
49 adopt by a two-thirds vote, a rule providing that the party candidates
50 for town offices shall be nominated at the primary election. If a rule
51 adopted by the county committee of a political party or by the members
52 of the county committee from a town, provides that party candidates for
53 town offices, shall be nominated at a primary election, such rule shall
54 not apply to nor affect a primary held less than four months after a
55 certified copy of the rule shall have been filed with the board of
56 elections. After the filing of such a rule, the rule shall continue in

1 force until a certified copy of a rule revoking the same shall have been
2 filed with such board at least four months before a subsequent primary.
3 Such a caucus shall be held no earlier than the first day on which
4 designating petitions for the [~~fall~~] primary election may be signed.

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

8 1. The name of a person designated on more than one petition as a
9 candidate for a party position to be filled by two or more persons shall
10 be printed on the ballot with the group of candidates designated by the
11 petition first filed unless such person, in a certificate duly acknowl-
12 edged by him or her and filed with the board of elections not later than
13 the [~~eighth~~] tenth Tuesday preceding the primary election or five days
14 after the board of elections mails such person notice of his or her
15 designation in more than one group, whichever is later, specifies anoth-
16 er group in which his or her name shall be printed.

17 2. A person designated as a candidate for the position of member of
18 the county committee in more than one election district shall be deemed
19 to have been designated in the lowest numbered election district unless
20 such person, in a certificate duly acknowledged by him or her, and filed
21 with the board of elections not later than the [~~eighth~~] tenth Tuesday
22 preceding the primary election or five days after the board of elections
23 mails such person notice of his or her designation in more than one
24 election district whichever is later, specifies that he or she wishes to
25 be deemed designated in a different election district.

26 § 13. Subdivisions 1, 4, 5, 6, 9, 11, 12 and 14 of section 6-158 of
27 the election law, subdivisions 1, 4, 11 and 12 as amended by chapter 434
28 of the laws of 1984, subdivision 6 as amended by chapter 79 of the laws
29 of 1992, and subdivision 9 as amended by chapter 517 of the laws of
30 1986, are amended to read as follows:

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

34 4. A petition of enrolled members of a party requesting an opportunity
35 to write in the name of an undesignated candidate for a public office or
36 party position at a primary election shall be filed not later than the
37 [~~eighth~~] eleventh Thursday preceding the primary election. However,
38 where a designating petition has been filed and the person named therein
39 has declined such designation and another person has been designated to
40 fill the vacancy, then in that event, a petition for an opportunity to
41 ballot in a primary election shall be filed not later than the [~~seventh~~]
42 tenth Thursday preceding such primary election.

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

47 6. (a) A certificate of a party nomination made other than at the
48 primary election for an office to be filled at the time of a general
49 election shall be filed not later than [~~seven~~] thirty days after the
50 [~~fall~~] primary election, (b) except that a certificate of nomination
51 for an office which becomes vacant after the seventh day preceding such
52 primary election shall be filed not later than [~~fourteen~~] thirty days
53 after the primary election or ten days after the creation of such vacan-
54 cy, whichever is later, and (c) except, further, that a certificate of
55 party nomination of candidates for elector of president and vice-presi-
56 dent of the United States shall be filed not later than [~~fourteen~~]

1 seventy-four days after the [~~fall~~] primary election, and (d) except
2 still further that a certificate of party nomination made at a judicial
3 district convention shall be filed not later than the day after the last
4 day to hold such convention and the minutes of such convention, duly
5 certified by the chairman and secretary, shall be filed within seventy-
6 two hours after adjournment of the convention. A certificate of party
7 nomination for an office to be filled at a special election shall be
8 filed not later than ten days following the issuance of a proclamation
9 of such election.

10 9. A petition for an independent nomination for an office to be filled
11 at the time of a general election shall be filed not earlier than
12 [~~twelve~~] twenty-four weeks and not later than [~~eleven~~] twenty-three
13 weeks preceding such election. A petition for an independent nomination
14 for an office to be filled at a special election shall be filed not
15 later than twelve days following the issuance of a proclamation of such
16 election. [~~A petition for trustee of the Long Island Power Authority~~
17 ~~shall be filed not earlier than seven weeks and not later than six weeks~~
18 ~~preceding the day of the election of such trustees.~~]

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

31 12. A certificate to fill a vacancy caused by a declination of an
32 independent nomination for an office to be filled at the time of a
33 general election shall be filed not later than the sixth day after the
34 [~~eleventh~~] twenty-third Tuesday preceding such election. A certificate
35 to fill a vacancy caused by a declination of an independent nomination
36 for an office to be filled at a special election shall be filed not
37 later than sixteen days following the issuance of a proclamation of such
38 election.

39 14. 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, lieutenant-
42 governor, or United States senator shall be filled at the general
43 election held next thereafter, unless otherwise provided by the consti-
44 tution, or unless previously filled at a special election.

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

48 (a) A primary election[~~, to be known as the fall primary,~~] shall be
49 held on the [~~first~~] fourth Tuesday [~~after the second Monday~~] in [~~Septem-~~
50 ~~ber~~] June before every general election unless otherwise changed by an
51 act of the legislature. Members of the state and county committees and
52 assembly district leaders and associate district leaders and all other
53 party positions to be elected shall be elected at such primary and all
54 nominations for public office required to be made at a primary election
55 in such year shall be made at such primary. In each year in which elec-
56 tors of president and vice president of the United States are to be

1 elected an additional primary election, to be known as the spring primary,
2 shall be held on the first Tuesday in February unless otherwise
3 changed by an act of the legislature, for the purpose of electing delegates
4 to the national convention[~~, members of state and county committees~~
5 ~~and assembly district leaders and associate assembly district leaders~~].

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

8 1. The board of elections shall canvass the returns of primary
9 elections filed with it. It shall canvass first the votes of the delegates
10 and alternates to judicial district conventions and complete such
11 canvass at the earliest time possible. It shall complete the canvass
12 otherwise within [~~nine~~] thirteen days from the day upon which the primary
13 election is held. Upon the completion of the canvass the board shall
14 make and file in its office tabulated statements, signed by the members
15 of such board or a majority thereof, of the number of votes cast for all
16 the candidates for nomination to each public office or for election to
17 each party position, and the number of votes cast for each such candidate.
18 The candidate receiving the highest number of votes for nomination
19 for a public office or for election to a party position voted for wholly
20 within the political unit for which such board is acting, shall be the
21 nominee of his party for such office or elected to such party position
22 and the board, if requested by a candidate elected to a party position,
23 shall furnish to him a certificate of election.

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

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

1 the right personally to examine and make a record of the vote recorded
2 on the tabulated result tape and any ballots which were hand counted.

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

5 1. Within fifteen days after each general or special election, ~~[and]~~
6 within ~~[seven]~~ thirteen days after every primary ~~[or]~~ election, and
7 within seven days after every village election conducted by the board of
8 elections, the board of elections or a bipartisan committee appointed by
9 such board shall audit the voter verifiable audit records from three
10 percent of voting machines or systems within the jurisdiction of such
11 board. Such audits may be performed manually or via the use of any auto-
12 mated tool authorized for such use by the state board of elections which
13 is independent from the voting system it is being used to audit. Voting
14 machines or systems shall be selected for audit through a random, manual
15 process. At least five days prior to the time fixed for such selection
16 process, the board of elections shall send notice by first class mail to
17 each candidate, political party and independent body entitled to have
18 had watchers present at the polls in any election district in such
19 board's jurisdiction. Such notice shall state the time and place fixed
20 for such random selection process. The audit shall be conducted in the
21 same manner, to the extent applicable, as a canvass of paper ballots.
22 Each candidate, political party or independent body entitled to appoint
23 watchers to attend at a polling place shall be entitled to appoint such
24 number of watchers to observe the audit.

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

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

1 voter shall be advised of the reason why he or she will not receive a
2 ballot.

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

5 4. If the board of elections shall determine that the applicant making
6 the application provided for in this section is qualified to receive and
7 vote a special federal ballot, it shall, as soon as practicable after it
8 shall have so determined, or not later than [~~thirty-two~~ forty-six days
9 before each general or primary election [~~and forty-five days before~~
10 ~~each~~] or special election in which such applicant is qualified to vote,
11 or three days after receipt of such an application, whichever is later,
12 mail to him or her at the residence address outside the United States
13 shown in his or her application, a special federal ballot, an inner
14 affirmation envelope and an outer envelope, or otherwise distribute same
15 to the voter in accordance with the preferred method of transmission
16 designated by the voter pursuant to section 11-203 of this title. The
17 board of elections shall also mail, or otherwise distribute in accord-
18 ance with the preferred method of transmission designated by the voter
19 pursuant to section 11-203 of this title, a special federal ballot to
20 every qualified special federal voter who is already registered and who
21 requests such special federal ballot from such board of elections in a
22 letter, which is signed by the voter and received by the board of
23 elections not later than the seventh day before the election for which
24 the ballot is first requested and which states the address where the
25 voter is registered and the address to which the ballot is to be mailed.
26 The board of elections shall enclose with such ballot a form of applica-
27 tion for a special federal ballot.

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

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

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

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

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

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

53 1. A vacancy occurring three months before [~~September twentieth of~~]
54 the general election in any year in any office authorized to be filled
55 at a general election, except in the offices of governor or lieutenant-
56 governor, shall be filled at the general election held next thereafter,

1 unless otherwise provided by the constitution, or unless previously
2 filled at a special election.

3 4. A special election shall not be held to fill a vacancy in the
4 office of a representative in congress unless such vacancy occurs on or
5 before the first day of July of the last year of the term of office, or
6 unless it occurs thereafter and a special session of congress is called
7 to meet before the next general election, or be called after [~~September~~

8 ~~nineteenth-of~~] three months before the general election in such year;

9 nor to fill a vacancy in the office of state senator or in the office of
10 member of assembly, unless the vacancy occurs before the first day of
11 April of the last year of the term of office, or unless the vacancy
12 occurs in either such office of senator or member of assembly after such
13 first day of April and a special session of the legislature be called to
14 meet between such first day of April and the next general election or be
15 called after three months before the next general election [~~or be called~~
16 ~~after—September nineteenth~~] in such year. If a special election to fill
17 an office shall not be held as required by law, the office shall be
18 filled at the next general election.

19 § 23. This act shall take effect immediately.