

STATE OF NEW YORK

5022

2021-2022 Regular Sessions

IN ASSEMBLY

February 10, 2021

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 439 of the laws of 2019, 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. On the last day of filing in the county
7 of Westchester, petitions of designation or nomination shall be filed
8 between the hours of nine A.M. and midnight and such board of elections
9 office shall be open to receive such petitions during the hours herein
10 specified. If the last day for filing shall fall on a Saturday, Sunday
11 or legal holiday, the next business day shall become the last day for
12 filing. All papers sent by mail in an envelope postmarked prior to
13 midnight of the last day of filing shall be deemed timely filed and
14 accepted for filing when received~~[, except that all]~~.

15 (b) All certificates and petitions of designation or nomination,
16 certificates of acceptance or declination of such designations or nomi-
17 nations, certificates of authorization for such designations or nomi-
18 nations, certificates of disqualification, certificates of substitution
19 for such designations or nominations and objections and specifications
20 of objections to such certificates and petitions required to be filed
21 with the state board of elections or a board of elections outside of the
22 city of New York shall be deemed timely filed and accepted for filing if
23 sent by mail or overnight delivery service pursuant to subdivision three
24 of this section, and received no later than two business days after the
25 last day to file such certificates, petitions, objections or specifica-
26 tions. Failure of the post office or any other person or entity to

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

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1 deliver any such petition, certificate or objection to such board of
2 elections outside the city of New York no later than two business days
3 after the last day to file such certificates, petitions, objections or
4 specifications shall be a fatal defect. Excepted further that all
5 certificates and petitions of designation or nomination, certificates of
6 acceptance or declination of such designations and nominations, certifi-
7 cates of substitution for such designations or nominations and
8 objections and specifications of objections to such certificates and
9 petitions required to be filed with the board of elections of the city
10 of New York must be actually received by such city board of elections on
11 or before the last day to file any such petition, certificate or
12 objection and such office shall be open for the receipt of such
13 petitions, certificates and objections until midnight on the last day to
14 file any such petition, certificate or objection. Failure of the post
15 office or any other person or entity to deliver any such petition,
16 certificate or objection to such city board of elections on or before
17 such last day shall be a fatal defect.

18 (c) Upon the adoption of a resolution by a county board of elections,
19 the election commissioners of a county outside of the city of New York
20 may provide that all certificates and petitions of designation or nomi-
21 nation, certificates of acceptance or declination of such designations
22 and nominations, certificates of substitution for such designations or
23 nominations and objections and specifications of objections to such
24 certificates and petitions required to be filed with the board of
25 elections of such county must be actually received by such county board
26 of elections on or before the last day to file any such petition,
27 certificate or objection and such office shall be open for the receipt
28 of such petitions, certificates and objections until midnight on the
29 last day to file any such petition, certificate or objection. Failure
30 of the post office or any other person or entity to deliver any such
31 petition, certificate or objection to such board of elections on or
32 before such last day shall be a fatal defect. Such resolution shall be
33 adopted no later than March first of the year in which it shall be
34 effective.

35 (i) The resolution adopted by a county board of elections shall be
36 posted prominently in the offices of the board of elections and shall be
37 posted on such board of elections website. The local board of elections
38 adopting such a resolution may use any media source available to it to
39 publish the resolution adopted by the board. In addition, such resol-
40 ution shall be filed with the state board of elections no later than
41 five days after its adoption. The chairpersons of all party committees
42 within such county shall be provided written notice of the adoption of
43 such resolution no later than five days after its adoption. The state
44 board of elections shall make this information available on its website.

45 (ii) Any board of elections choosing to accept filings until midnight
46 of the last day for filing, pursuant to the terms of this chapter, shall
47 continue to receive filings in such manner until a resolution discontin-
48 uing such practice is adopted by the county board of elections. The
49 resolution discontinuing such practice shall be adopted no later than
50 March first of the year in which it shall be effective, and shall be
51 published and posted in the same manner as a resolution requiring filing
52 by midnight on the last day for filing.

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