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:

Section 1. Subdivision 1 of section 1-106 of the election law, as amended by chapter 439 of the laws of 2019, is amended to read as follows:

1. **(a)** All papers required to be filed pursuant to the provisions of this chapter shall, unless otherwise provided, be filed between the hours of nine A.M. and five P.M. On the last day of filing in the county of Westchester, petitions of designation or nomination shall be filed between the hours of nine A.M. and midnight and such board of elections office shall be open to receive such petitions during the hours herein specified. If the last day for filing shall fall on a Saturday, Sunday or legal holiday, the next business day shall become the last day for filing. All papers sent by mail in an envelope postmarked prior to midnight of the last day of filing shall be deemed timely filed and accepted for filing when received[~~, except that all~~].

(b) All certificates and petitions of designation or nomination, certificates of acceptance or declination of such designations or nominations, certificates of authorization for such designations or nominations, certificates of disqualification, certificates of substitution for such designations or nominations and objections and specifications of objections to such certificates and petitions required to be filed with the state board of elections or a board of elections outside of the city of New York shall be deemed timely filed and accepted for filing if sent by mail or overnight delivery service pursuant to subdivision three of this section, and received no later than two business days after the last day to file such certificates, petitions, objections or specifications. 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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deliver any such petition, certificate or objection to such board of elections outside the city of New York no later than two business days after the last day to file such certificates, petitions, objections or specifications shall be a fatal defect. Excepted further that all certificates and petitions of designation or nomination, certificates of acceptance or declination of such designations and nominations, certificates of substitution for such designations or nominations and objections and specifications of objections to such certificates and petitions required to be filed with the board of elections of the city of New York must be actually received by such city board of elections on or before the last day to file any such petition, certificate or objection and such office shall be open for the receipt of such petitions, certificates and objections until midnight on the last day to file any such petition, certificate or objection. Failure of the post office or any other person or entity to deliver any such petition, certificate or objection to such city board of elections on or before such last day shall be a fatal defect.

(c) Upon the adoption of a resolution by a county board of elections, the election commissioners of a county outside of the city of New York may provide that all certificates and petitions of designation or nomination, certificates of acceptance or declination of such designations and nominations, certificates of substitution for such designations or nominations and objections and specifications of objections to such certificates and petitions required to be filed with the board of elections of such county must be actually received by such county board of elections on or before the last day to file any such petition, certificate or objection and such office shall be open for the receipt of such petitions, certificates and objections until midnight on the last day to file any such petition, certificate or objection. Failure of the post office or any other person or entity to deliver any such petition, certificate or objection to such board of elections on or before such last day shall be a fatal defect. Such resolution shall be adopted no later than March first of the year in which it shall be effective.

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

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

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