§ 1-106. Filing of papers; when received. 1. 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 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 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.

2. The failure to file any petition or certificate relating to the designation or nomination of a candidate for party position or public office or to the acceptance or declination of such designation or nomination within the time prescribed by the provisions of this chapter shall be a fatal defect.

3. (a) Any reference in this chapter to the United States mail shall be treated as including a reference to any delivery service designated by the secretary of the treasury of the United States pursuant to section seventy-five hundred two of the internal revenue code and any reference in this chapter to a postmark or a postmark by the United States mail shall be treated as including a reference to any date recorded or marked in the manner described in section seventy-five hundred two of the internal revenue code by a designated delivery service. If the state board of elections finds that any delivery service designated by such secretary is inadequate for the needs of the state, the state board of elections may withdraw such designation for purposes of this article. The state board of elections may also designate additional delivery services meeting the criteria of section seventy-five hundred two of the internal revenue code for purposes of this article, or may withdraw any such designation if the state board of elections finds that a delivery service so designated is inadequate for the needs of the state. Any reference in this chapter to the United States mail shall be treated as including a reference to any delivery service designated by the state board of elections and any reference in this chapter to a postmark by the United States mail shall be treated as including a reference to any date recorded or marked in the manner described in section seventy-five hundred two of the internal revenue code by a delivery service designated by the state board of elections.

(b) Any equivalent of registered or certified mail designated by the United States secretary of the treasury, or as may be designated by the state board of elections pursuant to the same criteria used by such secretary for such designations pursuant to section seventy-five hundred

two of the internal revenue code, shall be included within the meaning of registered or certified mail as used in this chapter. If the state board of elections finds that any equivalent of registered or certified mail designated by such secretary or the state board of elections is inadequate for the needs of the state, the state board of elections may withdraw such designation for purposes of this article.