§ 10-108. Military voters; distribution of ballots to. 1. (a) Ballots for military voters shall be mailed or otherwise distributed by the board of elections, in accordance with the preferred method of transmission designated by the voter pursuant to section 10-107 of this article, as soon as practicable but in any event not later than forty-six days before a primary or general election; twenty-five days before a New York city community school board district or city of Buffalo school district election; fourteen days before a village election conducted by the board of elections; forty-five days before a special election; and twenty-three days before a special election held pursuant to paragraph b of subdivision three of section forty-two of the public officers law. A voter who submits a military ballot application shall be entitled to a military ballot thereafter for each subsequent election through and including the next two regularly scheduled general elections held in even numbered years, including any run-offs which may occur; provided, however, such application shall not be valid for any election held within seven days after its receipt. Ballots shall also be mailed to any qualified military voter who is already registered and who requests such military ballot from such board of elections in a letter, which is signed by the voter and received by the board of elections not later than the seventh day before the election for which the ballot is requested and which states the address where the voter is registered and the address to which the ballot is to be mailed. The board of elections shall enclose with such ballot a form of application for military ballot. In the case of a primary election, the board shall deliver only the ballot of the party with which the military voter is enrolled according to the military voter's registration records. In the event a primary election is uncontested in the military voter's election district for all offices or positions except the party position of member of the ward, town, city or county committee, no ballot shall be delivered to such military voter for such election; and the military voter shall be advised of the reason why he or she will not receive a ballot.

(b) Upon the proclamation of a special election by the governor or otherwise pursuant to law, each board of elections shall, not later than three days after the establishment of the date of such special election, transmit by mail, facsimile transmission or electronic mail in

accordance with the preferred method of transmission designated by the voter pursuant to section 10-107 of this article, a federal write-in absentee ballot to all military voters eligible to vote by military ballot in such special election.

(c) Each board of elections which is served with a court order restraining or enjoining the issuance of ballots in any election, other than a special election, in which any military voter is entitled to receive a ballot shall immediately notify the state board of elections of such fact and shall transmit in accordance with the preferred method of transmission designated by the voter, a federal write-in absentee ballot to all military voters eligible to vote in such election.

(d) A military voter who has received a federal write-in absentee ballot shall be entitled to receive a certified ballot notwithstanding the prior transmission of a federal write-in absentee ballot to such voter pursuant to paragraph (b) or (c) of this subdivision. Such certified military ballot shall be sent by the board of elections in accordance with the preferred method of transmission designated by the voter pursuant to section 10-107 of this article, or expedited mail if the military voter has not expressed a preference to receive same by facsimile transmission or electronic mail, and his or her request for a military ballot was made at least thirty-two days before the election.

2. In the event that the board of elections of any county shall not mail or otherwise distribute ballots to the military voters of such county by the date required by this section, such board shall notify the state board of elections in writing of the facts and reasons for such non-compliance.

3. Thereafter, ballots shall be so distributed to persons whose names and military addresses are added to the registration poll ledgers as military voters, except that the military ballots may be delivered by hand to military voters who personally file an application with the board of elections of their county of residence. The military ballot shall be delivered to such military voter together with a ballot envelope and a second envelope addressed to the appropriate board of elections on which is printed "Official Election Balloting Material--Via Air Mail".