

# PROGRAM BILL # 15

S. -----  
Senate  
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IN SENATE-- Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

----- A.  
Assembly  
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IN ASSEMBLY-- Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the  
Committee on

**\*ELECLA\***

(Provides for the election of deleg-  
ates to a national party convention  
or a national party conference)

Elect. national party conventions

**AN ACT**

to amend the election law, in  
relation to the conducting of the  
presidential primary, to provide for  
the election of delegates to a  
national party convention or a  
national party conference in 2012,  
and the "Presidential" and "Fall"  
primary in such year; to amend the  
election law, in relation to elect-  
ing delegates to a national party  
convention; and providing for the  
repeal of such provisions upon expi-  
ration thereof

## IN SENATE

### Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship  
of this proposal:

s20 Adams	s44 Farley	s58 Kennedy	s18 Montgomery	s23 Savino
s15 Addabbo	s02 Flanagan	s34 Klein	s54 Nozzolio	s28 Serrano
s55 Alesi	s08 Fuschillo	s26 Krueger	s53 O'Mara	s51 Seward
s11 Avella	s59 Gallivan	s27 Kruger	s37 Oppenheimer	s09 Skelos
s40 Ball	s12 Gianaris	s24 Lanza	s21 Parker	s14 Smith
s42 Bonacic	s22 Golden	s39 Larkin	s13 Peralta	s25 Squadron
s46 Breslin	s47 Griffo	s01 LaValle	s30 Perkins	s16 Stavisky
s38 Carlucci	s60 Grisanti	s52 Libous	s61 Ranzenhofer	s35 Stewart-
s50 DeFrancisco	s06 Hannon	s45 Little	s48 Ritchie	Cousins
s32 Diaz	s36 Hassell-	s05 Marcellino	s33 Rivera	s49 Valesky
s17 Dilan	Thompson	s07 Martins	s56 Robach	s57 Young
s29 Duane	s10 Huntley	s62 Maziarz	s41 Saland	s03 Zeldin
s31 Espallat	s04 Johnson	s43 McDonald	s19 Sampson	

## IN ASSEMBLY

### Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the  
multi-sponsorship of this proposal:

a049 Abbate	a107 Crouch	a095 Jaffee	a038 Miller, M.	a012 Saladino
a092 Abinanti	a014 Curran	a057 Jeffries	a052 Millman	a113 Sayward
a105 Amedore	a063 Cusick	a135 Johns	a103 Molinaro	a029 Scarborough
a084 Arroyo	a045 Cymbrowitz	a112 Jordan	a015 Montesano	a016 Schimel
a035 Aubry	a034 DenDekker	a099 Katz	a132 Morelle	a140 Schimminger
a124 Barclay	a081 Dinowitz	a074 Kavanagh	a039 Moya	a145 Schroeder
a040 Barron	a114 Duprey	a065 Kellner	a003 Murray	a064 Silver
a082 Benedetto	a004 Englebright	a100 Kirwan	a037 Nolan	a036 Simotas
a073 Bing	a071 Farrell	a129 Kolb	a128 Oaks	a146 Smardz
a122 Blankenbush	a123 Finch	a025 Lancman	a069 O'Donnell	a093 Spano
a055 Boyland	a007 Fitzpatrick	a091 Latimer	a051 Ortiz	a079 Stevenson
a008 Boyle	a137 Friend	a013 Lavine	a136 Palmesano	a011 Sweeney
a026 Braunstein	a143 Gabryszak	a050 Lentol	a088 Paulin	a110 Tedisco
a044 Brennan	a090 Galef	a125 Lifton	a141 Peoples-	a115 Tenney
a131 Bronson	a133 Gantt	a072 Linares	Stokes	a002 Thiele
a046 Brook-Krasny	a077 Gibson	a127 Lopez, P.	a058 Perry	a061 Titone
a147 Burling	a149 Giglio	a053 Lopez, V.	a087 Pretlow	a031 Titus
a117 Butler	a066 Glick	a001 Losquadro	a021 Ra	a062 Tobacco
a101 Cahill	a150 Goodell	a126 Lupardo	a097 Rabbitt	a041 Weinstein
a096 Calhoun	a075 Gottfried	a111 Magee	a009 Raia	a020 Weisenberg
a043 Camara	a005 Graf	a120 Magnarelli	a006 Ramos	a024 Weprin
a106 Canestrari	a098 Gunther	a059 Maisel	a134 Reilich	a070 Wright
a089 Castelli	a130 Hanna	a060 Malliotakis	a109 Reilly	a094 Zebrowski
a086 Castro	a139 Hawley	a030 Markey	a078 Rivera, J.	a023
a138 Ceretto	a148 Hayes	a019 McDonough	a080 Rivera, N.	a027
a033 Clark	a083 Heastie	a104 McEneny	a076 Rivera, P.	a054
a047 Colton	a028 Hevesi	a017 McKevitt	a119 Roberts	a116
a010 Conte	a048 Hikind	a108 McLaughlin	a056 Robinson	
a032 Cook	a018 Hooper	a022 Meng	a068 Rodriguez	
a142 Corwin	a144 Hoyt	a121 Miller, D.	a067 Rosenthal	
a085 Crespo	a042 Jacobs	a102 Miller, J.	a118 Russell	

1) Single House Bill (introduced and printed separately in either or  
both houses). Uni-Bill (introduced simultaneously in both houses and printed  
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2  
signed copies of bill and 4 copies of memorandum in support (single house);  
or 4 signed copies of bill and 8 copies of memorandum  
in support (uni-bill).

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

1 Section 1. Paragraph (a) of subdivision 1 of section 8-100 of the  
2 election law, as amended by chapter 17 of the laws of 2007, is amended  
3 to read as follows:

4 (a) A primary election, to be known as the fall primary, shall be held  
5 on the first Tuesday after the second Monday in September before every  
6 general election unless otherwise changed by an act of the legislature.  
7 Members of state and county committees and assembly district leaders and  
8 associate assembly district leaders and all other party positions to be  
9 elected shall be elected at the fall primary and all nominations for  
10 public office required to be made at a primary election in such year  
11 shall be made at the fall primary. In [each] the year two thousand  
12 twelve in which electors of president and vice president of the United  
13 States are to be elected, an additional primary election, to be known as  
14 the [spring] presidential primary, shall be held on [the first Tuesday  
15 in February] April twenty-fourth, two thousand twelve, unless otherwise  
16 changed by an act of the legislature, for the purpose of electing deleg-  
17 ates to the national convention[, members of state and county committees  
18 and assembly district leaders and associate assembly district leaders].

19 § 2. Notwithstanding any inconsistent provisions of the election law,  
20 a rule or resolution of a state committee providing for the selection of  
21 delegates and alternate delegates to a national party convention or  
22 national party conference in the year 2012 shall select either section  
23 three or section four of this act in order to conform to the rules of a  
24 national committee. A certified copy of such rule or resolution shall  
25 be filed with the state board of elections no later than the first day  
26 of November, 2011.

27 § 3. The election law is amended by adding a new section 2-122-a to  
28 read as follows:

1 § 2-122-a. National convention; national party conference. 1. The  
2 rules of the state committee of a party may provide that the delegates  
3 and alternate delegates to a national convention or national party  
4 conference be elected by a combination of all of the following methods:  
5 a. By votes cast at a primary election for candidates for the office  
6 of president of the United States in which the names of candidates for  
7 such office appear on the ballot;  
8 b. By votes cast at a primary election for candidates for the posi-  
9 tions of delegate and alternate delegate to a national convention in  
10 districts no larger than congressional districts; and  
11 c. By the state committee or a committee of the state committee at a  
12 meeting or convention called for such purpose as the rules of the party  
13 may provide.  
14 2. If the rules of a state committee adopted pursuant to the  
15 provisions of this section provide for a primary election in which the  
16 office of president of the United States appears on the ballot, desig-  
17 nation of candidates for such office shall be made pursuant to the  
18 provisions of sections 6-100, 6-118, 6-122 (except that such candidates  
19 need not be citizens of New York but only citizens of the United  
20 States), 6-130, 6-132 (except that references to a committee to fill  
21 vacancies shall be deemed references to a committee to receive notices),  
22 6-134, 6-144, the provisions with respect to declinations in subdivi-  
23 sions one and two of section 6-146 (except that references to a commit-  
24 tee to fill vacancies shall be deemed references to a committee to  
25 receive notices), 6-154, and subdivision one and the provision with  
26 respect to declinations in subdivision two of section 6-158 (except that  
27 such candidates may decline such designations not later than February  
28 thirteenth, two thousand twelve) of this chapter. The state board of

1 elections shall forthwith notify the appropriate county boards of  
2 elections of any such declination filed.

3 3. Designating petitions, where required for candidates for the office  
4 of president of the United States to be voted on by voters of the entire  
5 state in a primary election, must be signed by not less than five thou-  
6 sand of the then enrolled voters of the party in the state.

7 4. If the rules of a state committee provide for a primary election in  
8 which the office of the president of the United States appears on the  
9 ballot, in addition to the spaces on the ballot with the names of the  
10 candidates designated for such office there may be a space with the word  
11 "uncommitted." The "uncommitted" space shall be listed on the ballot  
12 provided that a designating petition for such "uncommitted" space which  
13 meets the same requirements as a petition designating a candidate for  
14 the office of president of the United States is filed in the same manner  
15 as is required for such a petition.

16 5. a. The form of a petition requesting that an "uncommitted" space be  
17 listed on the ballot at a primary election for the office of president  
18 of the United States held pursuant to the provisions of this section  
19 shall be substantially as follows:

20 I, the undersigned, do hereby state that I am a duly enrolled voter of  
21 the ..... Party and entitled to vote at the next primary  
22 election of such party to be held on the ..... day of  
23 ..... 20...., that my place of residence is truly stated oppo-  
24 site my signature hereto, and I do hereby request that an "uncommitted"  
25 space be listed on the ballot at the primary election of such party for  
26 the office of president of the United States.

27 b. The appointment of a committee to receive notices shall be in the  
28 form prescribed for a petition for a opportunity to ballot. The signa-

1 tures on the petition with all the required information and the signed  
2 statement of a witness or authentication by a person authorized to take  
3 oaths shall be in the form prescribed for a designating petition for  
4 such office.

5 6. a. If the rules of a state committee, adopted pursuant to the  
6 provisions of this section, provide that the positions of delegate and  
7 alternate delegate to a national convention appear on the ballot, desig-  
8 nation of candidates for such positions shall be made pursuant to the  
9 provisions of sections 6-100, 6-118, 6-122, 6-130, 6-132 (except that  
10 references to a committee to fill vacancies shall be deemed references  
11 to a committee to receive notices), 6-134, 6-144, the provisions with  
12 respect to declinations in subdivisions one and two of section 6-146  
13 (except that references to a committee to fill vacancies shall be  
14 deemed references to a committee to receive notices), 6-147, 6-154, and  
15 subdivision one and the provision with respect to declinations in subdi-  
16 vision two and subdivision three of section 6-158 of this chapter.

17 b. Candidates for the positions of district delegate and alternate  
18 district delegate to a national party convention pursuant to the  
19 provisions of this section shall be enrolled members of such party and  
20 residents of the district in which they are candidates. The congres-  
21 sional districts used for the election of such delegates and alternate  
22 delegates shall be those districts in effect for the two thousand ten  
23 congressional elections unless new district lines developed pursuant to  
24 the state's congressional redistricting based upon the two thousand ten  
25 federal census have been enacted into law at least nineteen weeks before  
26 the date of the presidential primary.

27 c. Designating petitions for candidates for such positions must be  
28 signed by at least five hundred enrolled voters of the party residing in

1 the district in which such candidates are designated, or by at least  
2 one-half of one percent (0.5%) of the then enrolled voters of such party  
3 in such district, whichever is less.

4 d. The designating petition for any such candidate or candidates shall  
5 have printed thereon prior to the affixing of any signatures thereto, a  
6 legend naming the presidential candidate whom such candidates are  
7 pledged to support, or a legend that such candidates are uncommitted.  
8 Such legend shall be part of the title of such position.

9 e. No designating petition containing the names of more than one  
10 candidate for either such position shall be valid unless all such candi-  
11 dates for such positions have printed on such petition the legend that  
12 they are pledged to the same presidential candidate or unless all such  
13 candidates for such positions have printed on such petition the legend  
14 that they are uncommitted.

15 f. No designating petition containing the names of more than one  
16 candidate for either such position shall be presumptively valid unless  
17 the candidates for delegate as a group and the candidates for alternate  
18 as a group are equally divided between males and females, with a vari-  
19 ance no greater than one.

20 g. In the event that a designating petition is filed for candidates  
21 for such positions listed as pledged to support a presidential candidate  
22 or as uncommitted, and the name of such presidential candidate, or the  
23 word uncommitted, will not appear on the ballot at the presidential  
24 primary election in two thousand twelve, then the petition designating  
25 such candidates for such positions shall be null and void and the names  
26 of such candidates for such positions shall not appear on the ballot.

27 h. Every board of elections with which designating petitions are filed  
28 pursuant to the provisions of this section shall, not later than four

1 days after the last day to file such petitions, file with the state  
2 board of elections by express mail or by electronic transmission, a  
3 complete list of all candidates for delegate and alternate delegate  
4 together with their residence addresses, the districts in which they are  
5 candidates and the name of the presidential candidate whom they are  
6 pledged to support or that they are uncommitted. Such boards of  
7 elections shall, not later than the day after a certificate of declina-  
8 tion or substitution is filed with respect to any such candidate, file  
9 such information with respect to such candidate with the state board of  
10 elections by electronic transmission.

11 7. a. The rules of a state committee adopted pursuant to the  
12 provisions of this section may provide that no candidate for the posi-  
13 tions of delegate and alternate delegate may appear on the ballot as  
14 pledged to support a particular presidential candidate, or as uncommi-  
15 ted, unless the name of such candidate for such position appears on a  
16 certificate listing the names of those candidates for such positions who  
17 have filed statements of candidacy for such positions with the secretary  
18 of the state committee within the time prescribed by such rules and who,  
19 if their statements of candidacy contained a pledge of support of a  
20 presidential candidate, were not rejected by such presidential candi-  
21 date. Such certificate shall also list the address and sex of each such  
22 candidate for delegate and alternate delegate and the district in which  
23 such candidate may appear on the ballot.

24 b. Such certificate shall be filed by the secretary of such state  
25 committee, with the board of elections with which the designating  
26 petitions for such candidates for such positions are required to be  
27 filed, not later than February twenty-first, two thousand twelve.

1 c. In the event that a designating petition for candidates for such  
2 positions, listed as pledged to support a presidential candidate,  
3 contains the names of one or more persons who have not been permitted by  
4 such presidential candidate to appear on the ballot as so pledged pursu-  
5 ant to the provisions of this section, then the names of such candidates  
6 shall not appear on the ballot but the names of other candidates on such  
7 petition who have been permitted by the presidential candidate to appear  
8 on the ballot shall be placed on the ballot provided that such candi-  
9 dates are otherwise eligible and that such petition is otherwise valid.

10 d. The state board of elections shall send a copy of the certificate  
11 required by section 4-110 of this chapter to the secretary of the state  
12 committee of each party conducting a primary pursuant to the provisions  
13 of this section. Every other board of elections with which designating  
14 petitions for delegate and alternate delegate were filed pursuant to the  
15 provisions of this section shall, not later than March second, two thou-  
16 sand twelve, send a list of the names and addresses of those candidates  
17 who will appear on the ballot to the secretary of each such state  
18 committee.

19 8. a. If the rules of a state committee adopted pursuant to the  
20 provisions of this section provide for an election in which candidates  
21 for the office of president of the United States and the word "uncommit-  
22 ted" and candidates for the positions of delegate and alternate delegate  
23 to a national convention appear on the ballot, such ballot shall be  
24 arranged in the manner prescribed by this section.

25 b. The name of each candidate for the office of president of the  
26 United States who has qualified to appear on the ballot and the word  
27 "uncommitted," if a valid designating petition to place such word on the  
28 ballot was filed with the state board of elections, shall appear in a

1 separate row or column. The names of all the candidates for delegate to  
2 a national convention who filed designating petitions containing a  
3 legend naming the presidential candidate whom they are pledged to  
4 support or stating that they are uncommitted shall be listed in such row  
5 or column immediately under or adjacent to the name of such presidential  
6 candidate or the word "uncommitted," followed by the names of all candi-  
7 dates for alternate delegate to such convention who filed such  
8 petitions. If the number of candidates, or groups of candidates for  
9 delegate and alternate delegate who are pledged to support a particular  
10 presidential candidate or who are uncommitted is greater than the number  
11 who may be listed in one row or column and if there are more rows or  
12 columns available on the ballot than are required for the candidates for  
13 president who have qualified to appear on the ballot, then the board of  
14 elections shall use two rows or columns on such ballot to list the names  
15 of such candidates for delegate and alternate delegate.

16 c. The order of the names of candidates for the office of president  
17 and the word "uncommitted" on the ballot and the order of the names of  
18 candidates for the positions of delegate or alternate delegate within a  
19 particular row or column shall be determined pursuant to the provisions  
20 of subdivision three of section 7-116 of this chapter except that names  
21 of candidates for such positions who are designated by individual  
22 petitions and not in a group shall have their positions determined by  
23 lot in the same drawing as groups and except further that candidates or  
24 groups of candidates for delegates and alternate delegates designated by  
25 the same petition shall be treated as one group for the purposes of such  
26 determination by lot. The provisions of subdivision six of such section  
27 7-116 of this chapter shall not apply to any election conducted pursuant  
28 to the provisions of this section.

1 d. Immediately following the name of each candidate for delegate and  
2 alternate delegate on the ballot shall appear, in parenthesis, the  
3 letter (M) if such candidate is male and the letter (F) if such candi-  
4 date is female.

5 9. All primary elections conducted pursuant to the provisions of this  
6 section shall be on voting machines.

7 10. Persons entitled to vote pursuant to section 11-200 of this chap-  
8 ter shall be entitled to sign designating petitions for, and vote in,  
9 any election held pursuant to the provisions of this section.

10 11. If the rules of a state committee provide for a primary election  
11 in which the office of president of the United States and the positions  
12 of delegate and alternate delegate to a national convention appear on  
13 the ballot pursuant to the provisions of this section, the state board  
14 of elections and the county boards of elections as the case may be shall  
15 canvass the results of such primary election for such office and posi-  
16 tions pursuant to the provisions of sections 9-200 and 9-202 of this  
17 chapter, and shall certify to the secretary of the state committee of  
18 such party the vote cast for each candidate for such office and posi-  
19 tions in such primary election and the vote cast for the "uncommitted"  
20 preference, tallied separately by congressional districts, except that  
21 no candidate or "uncommitted" preference shall be certified as nominated  
22 or elected to any such office or position.

23 12. Except as provided in this section and party rules and regu-  
24 lations, all provisions of the election law, except any provisions of  
25 section 2-122 of this article which are inconsistent with this section  
26 and those sections and subdivisions of article six of this chapter not  
27 specified in this section, shall apply to elections conducted pursuant  
28 to this section.

1 § 4. The election law is amended by adding a new section 2-122-b to  
2 read as follows:

3 § 2-122-b. Presidential primary. 1. Applicability. The selection of  
4 delegates and alternate delegates from New York state to the national  
5 convention of the Republican party in each year in which electors of  
6 president and vice-president of the United States are to be elected  
7 shall be conducted pursuant to the provisions of this section. The state  
8 committee of any other political party may, by rule or resolution, opt  
9 to conduct the selection of delegates and alternate delegates in any  
10 such year in accordance with the provisions of this section. A certified  
11 copy of such rule or resolution shall be filed with the state board of  
12 elections no later than twenty weeks prior to the date of such election.

13 2. General provisions. The selection of delegates and alternate deleg-  
14 ates to a national convention or conference of a political party pursu-  
15 ant to this section shall be determined by the votes cast at a statewide  
16 primary election for candidates for the office of president of the  
17 United States in which the names of candidates for such office appear on  
18 the ballot and the names of delegates and alternate delegates do not  
19 appear on such ballot. The total number of delegates and alternate  
20 delegates shall be determined by the call for the national convention.  
21 Three delegates and three alternate delegates shall be elected from  
22 every congressional district in the state, unless the rules of the  
23 national Republican party and/or the call for the national convention  
24 provide differently. The total number of delegates and alternate deleg-  
25 ates as established by the call for the national convention minus the  
26 number of delegates and alternate delegates to be elected from the  
27 congressional districts shall be designated at-large delegates and  
28 at-large alternate delegates.

1 A political party shall certify to the state board of elections, at  
2 least twelve weeks prior to the date of the presidential primary, the  
3 number of delegates to which such party is entitled pursuant to its  
4 rules.

5 Congressional district delegates and alternate delegates shall be  
6 elected at separate and distinct primary elections held within each  
7 congressional district of the state. Congressional district delegates  
8 shall be allocated to presidential candidates pursuant to subdivision  
9 four of this section. At-Large delegates and alternate delegates shall  
10 be elected by the state committee and allocated to presidential candi-  
11 dates pursuant to subdivision five of this section.

12 3. Ballot access methods. Candidates shall be eligible to appear on  
13 the ballot in a primary election of a political party for the office of  
14 president of the United States pursuant to any of the following  
15 provisions:

16 a. Any candidate who has been certified as eligible to receive presi-  
17 dential primary matching fund payments pursuant to the provisions of 11  
18 Code of Federal Regulations Part 9033, or any candidate who meets the  
19 eligibility criteria regarding matchable contributions established in 11  
20 Code of Federal Regulations Part 9033.2(b)(3) regardless of whether such  
21 candidate actually applied for such matching fund payments, may request,  
22 by certificate filed and received by the state board of elections no  
23 sooner than twelve weeks and not later than nine weeks prior to the date  
24 of the presidential primary, that the name of such candidate appear on  
25 the ballot at the primary of such party in the state of New York for  
26 that year.

27 b. Any candidate may request, by certificate filed and received by the  
28 state board of elections no sooner than twelve weeks and not later than

1 nine weeks prior to the date of the presidential primary, that the name  
2 of such candidate appear on the ballot at the primary of such party in  
3 the state of New York for the office of president of the United States.  
4 Such candidate shall be eligible to appear on the ballot of such party  
5 in the state of New York at the primary election for that year if the  
6 state board of elections determines that the person is a nationally  
7 known and recognized candidate and the candidacy of such person for the  
8 party nomination for president is generally and seriously advocated or  
9 recognized according to reports in the national or state news media.  
10 Notwithstanding any inconsistent provision of law to the contrary, a  
11 request by a candidate to appear on the presidential primary ballot of a  
12 major political party shall be determined solely upon a joint recommen-  
13 dation by the commissioners of the state board of elections who have  
14 been appointed on the recommendation of such political party or the  
15 legislative leaders of such political party, and no other commissioner  
16 of the state board of elections shall participate in such determination.  
17 The state board of elections shall act upon any such request within two  
18 weeks of its receipt by the state board.

19 c. Any candidate shall be eligible to appear on the ballot pursuant to  
20 the provisions of article six of this chapter. Designating petitions  
21 shall be signed by not less than five thousand or five percent, whichever  
22 is less, of the then enrolled voters of the party in the state.

23 d. Any candidate meeting the requirements of paragraph a, b or c of  
24 this subdivision, shall file a certificate with and have such certif-  
25 icate received by the state board of elections no sooner than twelve  
26 weeks and no later than nine weeks prior to the date of the primary  
27 election on which their name will appear, providing a complete election  
28 prioritized list of proposed congressional district delegates and

1 congressional district alternate delegates supporting and committed to  
2 their presidential candidacy for each such position from the congres-  
3 sional districts to be elected at the primary election. Each such  
4 proposed congressional district delegate and congressional district  
5 alternate delegate must be an enrolled member of the Republican party  
6 and reside in the congressional district which they seek to represent.  
7 The state board of elections shall review each such slate and if it  
8 determines that such slate is not complete or is not otherwise in  
9 compliance with the provisions of this paragraph, it shall notify the  
10 presidential candidate of any defects forthwith and provide such presi-  
11 dential candidate with five business days to cure any defects. A presi-  
12 dential candidate eligible to appear on the primary ballot pursuant to  
13 the provisions of paragraph a, b or c of this subdivision shall appear  
14 on such primary ballot only upon the filing of a certificate in compli-  
15 ance with the provisions of this paragraph.

16 e. Presidential candidates determined eligible to appear on the prima-  
17 ry ballot may, by filing a certificate with the state board of elections  
18 received no later than seven days before such primary election, invali-  
19 date their candidacy thereby rendering any votes cast for such candi-  
20 dates null and void and such votes shall not be counted toward statewide  
21 or congressional district vote totals for purposes of allocating deleg-  
22 ates and alternate delegates pursuant to subdivisions four and five of  
23 this section.

24 4. Election of delegates and alternate delegates from congressional  
25 districts. a. Each congressional district shall conduct a separate and  
26 distinct primary election. Enrolled Republican voters from a congres-  
27 sional district shall vote for a presidential candidate who has quali-

1 fied for the primary ballot pursuant to subdivision three of this  
2 section.

3 b. All three delegates and all three alternate delegates from a  
4 congressional district shall be awarded to a presidential candidate who  
5 receives a majority of the total votes cast for presidential candidates  
6 in such congressional district. If no presidential candidate receives a  
7 majority of the votes in a congressional district, the presidential  
8 candidate receiving the most votes in the congressional district shall  
9 be awarded two delegates and two alternate delegates and the presiden-  
10 tial candidate who receives the second most votes in the congressional  
11 district shall be awarded one delegate and one alternate delegate,  
12 provided however, that a presidential candidate must receive at least  
13 twenty percent of the total votes cast for presidential candidates in  
14 the congressional district in order to be awarded any delegates and  
15 alternate delegates from that congressional district. If only one presi-  
16 dential candidate receives twenty percent or more of the total votes  
17 cast for presidential candidates in a congressional district, such presi-  
18 dential candidate shall be awarded all three delegates and all three  
19 alternate delegates. If no presidential candidate receives twenty  
20 percent or more of the total votes cast for presidential candidates in a  
21 congressional district, the three delegate and three alternate delegate  
22 positions from such district shall be deemed vacant and filled pursuant  
23 to the rules of the national Republican party.

24 c. (i) If the rules of the national Republican party or the call for  
25 the national convention permit and if state congressional redistricting  
26 is not enacted prior to twelve weeks before the date of the presidential  
27 primary and the state has a net loss of congressional districts follow-  
28 ing reapportionment, two delegates and two alternate delegates shall be

1 elected from each of the pre-apportionment congressional districts. The  
2 two delegates and the two alternate delegates from a congressional  
3 district shall be awarded to the presidential candidate receiving the  
4 most votes in the congressional district provided, however, that a pres-  
5 idential candidate must receive at least twenty percent of the total  
6 votes cast for presidential candidates in the congressional district in  
7 order to be awarded any delegates and alternate delegates from that  
8 congressional district. If no presidential candidate receives twenty  
9 percent or more of the total votes cast for presidential candidates in a  
10 congressional district, the two delegate and two alternate delegate  
11 positions from such district shall be deemed vacant and filled pursuant  
12 to the rules of the national Republican party.

13 (ii) If the provisions of subparagraph (i) of this paragraph are not  
14 permitted by the rules of the national Republican party or the call for  
15 the national convention, the New York Republican state committee may  
16 adopt a party rule regarding the election of congressional district  
17 delegates and congressional district alternate delegates to take effect  
18 in the event that state congressional redistricting based upon the two  
19 thousand ten congressional reapportionment is not enacted prior to  
20 twelve weeks before the date of the two thousand twelve presidential  
21 primary.

22 5. Election of at large delegates and at large alternate delegates.  
23 At-large delegates and at-large alternate delegates shall be elected by  
24 the New York Republican state committee and awarded to presidential  
25 candidates based upon the statewide vote results of the presidential  
26 primary election. All at-large delegates and at-large alternate deleg-  
27 ates shall be awarded to a presidential candidate who receives a majori-  
28 ty of the statewide total votes cast for presidential candidates. If no

1 presidential candidate receives a majority of the statewide total votes  
2 cast for presidential candidates, at-large delegates and at-large alter-  
3 nate delegates shall be allocated and awarded as follows: based on the  
4 ratio of the total statewide vote received by each presidential candi-  
5 date in relation to the total statewide vote for all presidential candi-  
6 dates receiving at least twenty percent of the statewide vote in the  
7 presidential primary election, the New York Republican state committee  
8 shall apportion pro-rata the number of at-large delegates and at-large  
9 alternate delegates that each presidential candidate is entitled to  
10 receive rounded to the nearest whole number: provided however, that a  
11 presidential candidate must receive at least twenty percent of the total  
12 statewide vote of the presidential primary election in order to be  
13 awarded any at-large delegates by the New York Republican state commit-  
14 tee. In the event the pro-rata apportionment of delegates leaves one or  
15 more delegates unawarded by process of mathematical distribution, then  
16 any such delegate or delegates, shall be awarded to the presidential  
17 candidate with the most statewide votes for all presidential candidates.  
18 In the event pro-rata apportionment entitles presidential candidates by  
19 process of mathematical distribution to more delegates than are author-  
20 ized pursuant to the rules of the national Republican party and the call  
21 for the national convention, then the number of delegates awarded for  
22 the candidate receiving the least statewide votes among those presiden-  
23 tial candidates otherwise entitled to be awarded delegates, shall be  
24 decreased to the extent necessary to conform to the number of authorized  
25 delegate positions.

26 6. All provisions of this chapter which are not inconsistent with this  
27 section shall be applicable to a primary election conducted pursuant to  
28 this section.

1 § 5. Section 6-158 of the election law is amended by adding a new  
2 subdivision 1-a to read as follows:

3 1-a. A designating petition filed for a presidential primary election  
4 shall be filed not earlier than the twelfth Monday before, and not later  
5 than the eleventh Thursday preceding the presidential primary election.

6 § 6. Section 4-110 of the election law, as amended by chapter 434 of  
7 the laws of 1984, is amended to read as follows:

8 § 4-110. Certification of primary election candidates; state board of  
9 elections. The state board of elections not later than thirty-six days  
10 before a primary election or fifty-four days before a presidential  
11 primary election, shall certify to each county board of elections: The  
12 name and residence of each candidate to be voted for within the poli-  
13 tical subdivision of such board for whom a designation has been filed  
14 with the state board; the title of the office or position for which the  
15 candidate is designated; the name of the party upon whose primary ballot  
16 his name is to be placed; and the order in which the names of the candi-  
17 dates are to be printed as determined by the state board. Where an  
18 office or position is uncontested, such certification shall state such  
19 fact.

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

22 § 4-114. Determination of candidates and questions; county board of  
23 elections. The county board of elections, not later than the thirty-  
24 fifth day before the day of a primary or general election, or the  
25 fifty-third day before a special election or presidential primary  
26 election, shall determine the candidates duly nominated for public  
27 office and the questions that shall appear on the ballot within the  
28 jurisdiction of that board of elections.

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

4 (a) Ballots for military voters shall be mailed or otherwise distrib-  
5 uted by the board of elections, in accordance with the preferred method  
6 of transmission designated by the voter pursuant to section 10-107 of  
7 this article, as soon as practicable but in any event not later than  
8 thirty-two days before a primary or general election; twenty-five days  
9 before a New York city community school board district or city of  
10 Buffalo school district election; fourteen days before a village  
11 election conducted by the board of elections; and forty-five days before  
12 a special election or presidential primary election. A voter who submits  
13 a military ballot application shall be entitled to a military ballot  
14 thereafter for each subsequent election through and including the next  
15 two regularly scheduled general elections held in even numbered years,  
16 including any run-offs which may occur; provided, however, such applica-  
17 tion shall not be valid for any election held within seven days after  
18 its receipt. Ballots shall also be mailed to any qualified military  
19 voter who is already registered and who requests such military ballot  
20 from such board of elections in a letter, which is signed by the voter  
21 and received by the board of elections not later than the seventh day  
22 before the election for which the ballot is requested and which states  
23 the address where the voter is registered and the address to which the  
24 ballot is to be mailed. The board of elections shall enclose with such  
25 ballot a form of application for military ballot. In the case of a  
26 primary election, the board shall deliver only the ballot of the party  
27 with which the military voter is enrolled according to the military  
28 voter's registration records. In the event a primary election is uncon-

1 tested in the military voter's election district for all offices or  
2 positions except the party position of member of the ward, town, city or  
3 county committee, no ballot shall be delivered to such military voter  
4 for such election; and the military voter shall be advised of the reason  
5 why he or she will not receive a ballot.

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

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

1 ballot is to be mailed. The board of elections shall enclose with such  
2 ballot a form of application for a special federal ballot.

3 § 10. Separability. If any sentence, clause, subparagraph, paragraph,  
4 subdivision, section or other part of this act, or the application ther-  
5 eof to any party, person or circumstances shall be held or adjudged by  
6 any court of competent jurisdiction to be invalid, such holding or judg-  
7 ment shall not affect, impair or invalidate the remainder or any portion  
8 of the remainder of this act, or the application of such section or part  
9 of a section held or adjudged to be invalid, to any other person or  
10 circumstances, but shall be confined in its operation to the sentence,  
11 clause, subparagraph, paragraph, subdivision, section or other part of  
12 this act directly involved in the controversy in which such holding or  
13 judgment shall have been rendered, or to the party, person and circum-  
14 stances therein involved.

15 § 11. This act shall take effect immediately; except that if this act  
16 shall become a law after July 1, 2011, it shall take effect immediately  
17 and shall be deemed to have been in full force and effect on and after  
18 July 1, 2011; and shall expire December 31, 2012 when upon such date the  
19 provisions of this act shall be deemed repealed.