

GOVERNOR'S PROGRAM BILL

2011

MEMORANDUM

AN ACT to amend the public officers law and the election law, in relation to time frames within certain actions must be taken

Purpose:

This bill would amend certain provisions of the Public Officers Law and the Election Law to provide county boards of elections additional time prior to special elections in order to allow military ballots to be timely mailed to voters in compliance with the federal Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), 42 U.S.C. §§ 1973ff-1973ff-7, as amended by the Military and Overseas Voter Empowerment Act, Pub. L. No. 111-84, Subtitle H, §§ 575-589, 123 Stat. 2190, 2318-2335 (2009) ("MOVE Act").

Summary of Provisions:

Section 1 of the bill would amend Public Officers Law § 42(3) to enlarge the period between the announcement of a special election and the date of that election by forty days. As a result, the special election would be held between seventy and eighty days from its announcement, rather than between thirty and forty days.

Section 2 of the bill would amend Election Law § 4-112 to change the date by which the State Board of Elections must certify certain information concerning the candidates for election to the applicable county boards of elections from thirteen days to fifty-three days before a special election.

Section 3 of the bill would amend Election Law § 4-114 to change the date by which county boards of elections must determine the candidates and ballot questions that will be on the ballot from twelve to fifty three days before a special election.

Section 4 of the bill would amend Election Law § 9-214 to provide that each county board of elections shall transmit to the Secretary of State the election results within twenty days after a special election.

Sections 5 and 6 of the bill would amend Election Law § 10-108(1) and Election Law § 11-204(4), respectively, to provide that military ballots shall be transmitted not later than forty-five days before a special election.

Section 7 of the bill would provide that this act shall take effect immediately.

Statement in Support:

The existing provisions of the Public Officers Law and Election Law do not provide sufficient time for the State and county boards of elections to finalize and transmit to military voters overseas the final ballot within 45 days of a special election as required by the federal UOCAVA and Move Act. The changes to those provisions in this bill would, among other related changes, remedy that problem by providing additional time for election officials to finalize and transmit military ballots and requiring that such transmission occur earlier than under existing law. Without the passage of this bill, New York State laws will remain in conflict with the requirements of federal law and certain military voters will not timely receive final ballots to complete and cast.

Budget Implications:

This legislation is not expected to have a significant impact on the budget.

Effective Date:

This act shall take effect immediately.