

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK
ALBANY DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 1:10-CV 1214 (GLS/RFT)
)	
v.)	
)	
STATE OF NEW YORK and THE NEW)	
YORK STATE BOARD OF ELECTIONS,)	
)	
Defendants.)	
)	
_____)	

SUPPLEMENTAL REMEDIAL ORDER

WHEREAS the January 27, 2012 Order of this court granted a Permanent Injunction to the United States upon its application to bring the State of New York into compliance with the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) of 1986, 42 U.S.C. §§1973ff to 1973ff-7, as amended by the Military and Overseas Voter Empowerment (MOVE) Act, Pub. L. No. 111-84, subtitle H, §§ 575-589, 123 Stat. 2190, 2318-235 (2009). The January 27, 2012 Order set the 2012 federal non-presidential primary date as June 26, 2012 and provided that in subsequent even-numbered years, New York's non-presidential federal primary date shall

be the fourth Tuesday of June, unless and until New York enacts legislation resetting the non-presidential federal primary for a date that complies fully with all UOCA V A requirements, and is approved by the court (Decretal Paragraphs "1" and "2");

WHEREAS by Order dated February 9, 2012, this court adopted a political calendar for the implementation of the 2012 federal non-presidential primary and general election, and such calendar was specific to 2012. (ECF Document No. 64, pp. 2-3, 5-6);

WHEREAS by Order dated December 12, 2013, this court adopted a political calendar for the implementation of the 2014 federal non-presidential primary and general election, and such calendar was specific to 2014. (ECF Document No. 85, pp 2-6);

WHEREAS by Order dated October 29, 2015, this court adopted a political calendar for the implementation of the 2016 federal non-presidential primary and general election, and such calendar was specific to 2016. (ECF Document No. 88, pp 3-5);

WHEREAS as of this date the State of New York has not amended the New York State Election Law to change the date of the federal primary with respect to this court's Order of January 27, 2012 and until such action has occurred this application is necessary;

WHEREAS the instant application requests that the court supersede various sections of the Election Law as necessary to effectuate the January 27, 2012 Order of this court;

WHEREAS the parties to this action consent to the issuance of this Supplemental Remedial Order;

WHEREAS it is the judgment of this court that the enumerated sections of New York State law must be superseded to provide for a MOVE Act compliant election in New York for the year 2018, now therefore, it is hereby,

ORDERED that the following sections of New York State law be and hereby are superseded for the 2018 election of federal offices in New York:

Schedule of State Law Provisions Superseded for Compliance with MOVE Act

Section of Election Law	Subject	Description of Change
§ 1-106	Timeliness of filings related to federal offices	For the 2018 Federal Primary and General Elections, that all certificates and petitions of designation or nomination, certificates of acceptance or declination of such designations and nominations, certificates of authorization for such designations, 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 (as defined in Election Law 1-106(3) in an envelope postmarked or showing receipt by the overnight delivery service prior to midnight of the last day of filing, and received no later than one business day after the last day to file such certificates, petitions, objections or specifications.

Section of Election Law	Subject	Description of Change
§ 4-110	Date of certification of Primary Election ballot by New York State Board of Elections for candidates for federal office	from thirty-six to fifty-four days pre-Primary [May 3, 2018]
§ 4-114	Date of certification of ballot by county boards of elections for candidates for federal office	from thirty-five to fifty-three days pre-Primary or pre General Election [Primary: May 4, 2018; General: September 14, 2018]
§ 4-112 [1]	Date of certification of General Election ballot by New York State Board of Elections for candidates for federal office	from thirty-six to fifty-four days pre-General Election [September 13, 2018]
§ 6-104 [6]	Dates for holding state committee meeting to nominate candidates for statewide federal office	measured from federal primary [February 13, 2018 thru March 6, 2018]
§ 6-158 [1]	Filing of designating petitions for Federal Primary	from the time period “between the tenth Monday to the ninth Thursday” to the time period “between the twelfth Monday to the eleventh Thursday” preceding the Federal Primary [April 9, 2018 April 12, 2018]
§ 6-158 [4]	Filing of opportunity to ballot petitions for Federal Primary	from the eighth Thursday to the tenth Thursday preceding Federal Primary [April 19, 2018]
§ 6-158 [4]	Filing of opportunity to ballot petitions upon declination for Federal Primary	from the seventh to the ninth Thursday preceding Federal Primary [April 26, 2018]
§ 6-158 [6]	Last day to file certificate of nomination to fill vacancy in federal office pursuant to § 6-116	from seven to twenty-one days after Federal Primary [July 17, 2018]
§ 6-158 [9]	Filing dates for independent nominations for federal offices	from the time period “twelve weeks preceding through eleven weeks preceding” to the time period “fifteen weeks preceding through fourteen weeks preceding” the General Election [July 24, 2018 to July 31, 2018]

Section of Election Law	Subject	Description of Change
§ 6-158 [11]	Last day to accept or decline independent nomination for federal office	from three days after the eleventh Tuesday to three days after the fourteenth Tuesday preceding the General Election, and from three days after the Primary to three days after the fourteenth Tuesday preceding the General Election [August 3, 2018]
§ 6-158 [12]	Last day to fill vacancy after declination of a federal independent nomination	from the eleventh to the fourteenth Tuesday preceding the General Election [August 6, 2018]
§ 10-108 [1] and § 11-204 [4]	Deadline to transmit Military and Special Federal absentee ballots for Federal Primary or General Election to voters with valid applications on file	from thirty-two days to forty-five days before Federal Primary or General Election for federal offices. [May 12, 2018 for Federal Primary] [September 22, 2018 for General Election]

ORDERED that nothing herein shall prohibit the State of New York from making statutory changes in its federal office election process to put New York in compliance with the MOVE Act, and that such changes, if made, may be implemented in 2018 upon the determination of this court that such changes render the 2018 election for federal offices MOVE Act compliant.

Date: November 21, 2017
Albany, New York

Gary L. Sharpe
GARY L. SHARPE
United States District Court Judge

TABLE OF POLITICAL CALENDAR EVENTS ADJUSTED TO COMPLY WITH COURT ORDER IMPLEMENTING THE MOVE ACT

The Federal MOVE Act requires military and special federal ballots to be sent out 45 days prior to an election for federal office. Here's a summary of the key calendar changes that ensure compliance.

The following table shows the 2018 events that occur in the political calendar grouped by topic. The left-hand column indicates the sections of law that would need to be superseded in order to comply with the Court Order to send out the military ballots by the 45th day before both the federal primary and the general election.

The table also applies the statutory rule of moving filing dates 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. Election Law §1-106

Designating Petitions for Federal Office/Federal Primary Election:

- First date to circulate designating petitions for federal office is March 6, 2018.
- Dates to file designating petitions are April 9, 2018 to April 12, 2018.
 - Nominating petitions by independent bodies for federal office as those petition dates are altered by this plan.
 - First date to circulate independent nominating petitions for federal office is June 19, 2018.
 - Dates to file independent nominating petitions for federal office are July 24, 2018 to July 31, 2018.
 - Nominating petitions by independent bodies for state/local office are NOT altered by this plan.

Opportunity to Ballot Petitions for Federal Office/Federal Primary Election:

- First date to circulate OTB petitions for federal office is changed to March 27, 2018.
- Last date to file OTB petitions is changed to April 19, 2018.

To provide for the reduction in time to process designations and allow an administrative process for objections, and judicial review, NYS Election Law Section 1-106 should be superseded to require as part of this plan the following:

For the 2018 Federal Primary and General Elections, that all certificates and petitions of designation or nomination, certificates of acceptance or declination of such designations and nominations, certificates of authorization for such designations, 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 (as defined in NYS Election Law Section 1-106(3)(a)) in an envelope postmarked or showing receipt by the overnight delivery service prior to midnight of the last day of filing, and received no later than one business day after the last day to file such certificates, petitions, objections or specifications.

General Election: November 6, 2018
 State Primary: September 11, 2018
 Federal Primary: June 26, 2018

Designating Petitions for State Primary

First day to sign June 5, 2018
 Filing Dates July 9-July 12
 Last day to authorize July 16
 Last day to accept/decline July 16
 Last day to fill vacancy July 20
 Last day to authorize substitution July 24

Opportunity to Ballot Petitions

First day to sign June 26, 2018
 Last day to file OTB July 19
 Last day to file OTB if designated candidate declines July 26

Statewide Party Nominations May 15-June 5, 2018

Summary of Current Statutory Text (CO# = Changes in law to comply with Court Order)		SECTION OF LAW	Date	Comments
Certification of Federal Primary Election				
CO-1	Certification of Federal Primary ballot by SBOE of designations filed in its office 54 days before federal primary.	§ 4-110	5/3/2018	<p>Statute needs to be superseded.</p> <p>§ 4-110. Certification of primary election candidates; state board of elections The state board of elections not later than <u>fifty-four days before a primary election for federal office; or thirty-six days before a primary election for state/local office</u>, shall certify to each county board of elections: The name and residence of each candidate to be voted for within the political subdivision of such board for whom a designation has been filed with the state board; the title of the office or position for which the candidate is designated; the name of the party upon whose primary ballot his name is to be placed; and the order in which the names of the candidates are to be printed as determined by the state board. Where an office or position is uncontested, such certification shall state such fact.</p>
CO-2	Determination of candidates for federal office; CBOEs of designations filed in its office – 53 days before federal primary.	§ 4-114	5/4/2018	<p>Statute needs to be superseded.</p> <p>§ 4-114. Determination of candidates and questions; county board of elections The county board of elections, not later than <u>fifty-three days before a primary or general election for federal office; or the thirty-fifth day before the day of a primary or general election for state/local offices</u>, or the fifty-third day before a special election, shall determine the candidates duly nominated for public office and the questions that shall appear on the ballot within the jurisdiction of that board of elections.</p>
Federal Primary Election				
	Federal Primary	Court Order	6/26/2018	Set by Federal Court Order
	Canvass of Federal Primary Returns by County Board of Elections	§9-200(1)	7/5/2018	
	Recanvass of Federal Primary Returns	§9-208(1)	7/11/2018	
	Post-Election Audit of Voting Systems	§9-211(1)	7/3/2018	

Summary of Current Statutory Text (CO#= Changes in law to comply with Court Order)		SECTION OF LAW	Date	Comments
Certification of General Election				
	Certification of offices to be filled at General Election	§4-106 (1) (2)	3/6/2018	Same as the first date to circulate designating petitions for federal primary.
	Deadline for vacancies to occur and be filled at the General Election for state/local candidates where the contest was not already on the ballot.	§6-158 (14) Pub Off §42 (1)	9/19/18	Except State Supreme Court Justices, deadline is 3 months before the date of the General Election. (August 6, 2018)
CO-3	Certification of General Election ballot by SBOE of federal candidates filed in its office to be completed 54 days before General Election.	§ 4-112 (1)	9/13/2018	<p>Statute needs to be superseded.</p> <p>§ 4-112. Certification of nominations; state board of elections 1. The state board of elections not later than <u>fifty-four days before a general election for federal offices; or, thirty-six days before a general election for state/local offices</u>, or fifty-three days before a special election, shall certify to each county board of elections the name and residence of each candidate nominated in any valid certificate filed with it or by the returns canvassed by it, the title of the office for which nominated; the name of the party or body specified of which he is a candidate; the emblem chosen to distinguish the candidates of the party or body; and a notation as to whether or not any litigation is pending concerning the candidacy. Upon the completion of any such litigation, the state board of elections shall forthwith notify the appropriate county boards of elections of the results of such litigation.</p>
CO-4	Determination of federal candidates; CBOEs filed locally – 53 days before General Election	§ 4-114	9/14/2018	<p>Statute needs to be superseded.</p> <p>§ 4-114. Determination of candidates and questions; county board of elections The county board of elections, not later than <u>fifty-three days before a primary or general election for federal office; or the thirty-fifth day before the day of a primary or general election for state/local offices</u>, or the fifty-third day before a special election, shall determine the candidates duly nominated for public office and the questions that shall appear on the ballot within the jurisdiction of that board of elections.</p>

Summary of Current Statutory Text (CO# = Changes in law to comply with Court Order)		SECTION OF LAW	Date	Comments
	Certification of General Election ballot by SBOE of state candidates filed in its office to be completed 36 days before General Election.	§ 4-112 (1)	10/1/2018	
	Determination of state/local candidates and questions; CBOEs filed locally – 35 days before General Election	§ 4-114	10/2/2018	
General Election				
	General Election	§ 8-100 (1)(c)	11/6/2018	
Party Designations				
Designating Petitions for the Federal Primary				
	First day for signing designating petitions for federal office.	§ 6-134 (4)	3/6/2018	
CO-5	Dates for filing designating petitions for Federal Primary.	§ 6-158 (1)	4/9/18 to 4/12/18	Footnote: Change the time to receive documents sent by overnight mail to not later than one business day after the last date to file for filings made at State Board or County Boards outside of the City of NY. (§1-106) Change to 12 th Monday and 11 th Thursday before primary. Notwithstanding the provisions of Section 6-158(1), in 2018, a designating petition for federal office shall be filed not earlier than the <u>twelfth</u> Monday before, and not later than the <u>eleventh</u> Thursday preceding the federal primary election.
	Last day to authorize federal designations.	§ 6-120 (3) § 6-158 (6)	4/16/2018	Remaining issues in this section are based on the dates as changed to file designating petitions for federal office.
	Last day to accept/decline a federal designation.	§ 6-158 (2)	4/16/2018	
	Last day to fill vacancy after declination of federal designation.	§ 6-158 (3)	4/20/2018	
	Last day to file authorization of substitution after a declination of federal designation.	§ 6-120 (3)	4/24/2018	

Summary of Current Statutory Text (CO# = Changes in law to comply with Court Order)		SECTION OF LAW	Date	Comments
Opportunity to Ballot (OTB) Petitions for the Federal Primary				
	First day for signing OTB for federal office.	§ 6-164	3/27/2018	
CO-6	Last day to file OTB petitions for federal office.	§ 6-158 (4)	4/19/2018	Footnote: Except in 2018 for Federal primary election, petition of enrolled members of a party requesting an opportunity to write in the name of an undesignated candidate for a federal public office at a federal primary election shall be filed not later than the <u>10th</u> Thursday preceding the federal primary election.
CO-7	Last day to file an OTB petition if there has been a declination by a designated candidate.	§ 6-158 (4)	4/26/2018	Footnote: Except in 2018 for Federal primary election, if a designating petition has been filed and the person named has declined such designation, and another person has been designated to fill the vacancy, then in that event, a petition for an opportunity to ballot in a primary election for Federal office shall be filed not later than the <u>9th</u> Thursday preceding such federal primary election.
Party Nominations Other than Primary for Federal Office				
	Dates for holding state committee meeting to nominate candidates for federal statewide office	§6-104 (6)	Feb 13 thru Mar 6, 2018	Change in 2018. Dates are based on the state/local political calendar dates as provided in statute as there is a federal statewide office in 2018
CO-8	Last day to file certificates of nomination to fill vacancies in federal office created pursuant to § 6-116.	§ 6-158 (6)	7/17/2018	<u>21</u> days after Federal primary election. We should supersede Section 6-158(6) to provide more time post primary to convene a state committee meeting, in the event a vacancy occurs after 7 days before the last date to circulate designating petitions for federal office, or 60 days before the primary pursuant to Pub Officers Law Sec 42-4-a. With the July 4 th holiday and the availability of time post-primary, it would be helpful to increase the statutorily provided 7 days after the federal primary time period to at least 21 days after the primary.
	Last day to accept or decline a nomination for federal office made based on § 6-116.	§ 6-158 (7)	7/20/2018	3 days after the last date to file certificate of nomination.

Summary of Current Statutory Text (CO#= Changes in law to comply with Court Order)		SECTION OF LAW	Date	Comments
	Last day to file authorization of nomination for federal office made based on § 6-116.	§ 6-120 (3)	7/23/2018	4 days after the last day to file certificate of nomination. Date falls on Saturday, July 21 st – moves to Monday, July 23, 2018.
	Last day to fill a vacancy after a declination for federal office made based on § 6-116.	§ 6-158 (8)	7/24/2018	4 days after the last day to file declination.
Party Nominations Other than Primary for State Office				
	Dates for holding state committee meeting to nominate candidates for statewide office	§6-104 (6)	5/15/2018 thru 6/5/2018	Not earlier than 21 days before the first day to sign designating petitions, not later than the first day to sign designating petitions for the primary election.
Independent Petitions for Federal Office				
	First day for signing nominating petitions for federal office.	§ 6-138 (4)	6/19/2018	Notwithstanding NYS Election Law provisions, we will need to move the independent nominating ballot access time period in 2018 for federal office to begin and end four weeks earlier than currently provided for in statute. Otherwise, there will be less than 8 days to research objection/specs, conduct hearings, hold a board vote to make determinations, provide an opportunity for litigation and conduct the state/local primary before the September 13 th deadline to certify the federal candidates for the general election ballot.
CO-9	Dates for filing independent nominating petitions for federal office.	§ 6-158 (9)	7/24/2018 to 7/31/2018	Statute needs to be superseded. 9. A petition for an independent nomination for an office to be filled at the time of a general election shall be filed not earlier than <u>fifteen</u> weeks and not later than <u>fourteen</u> weeks preceding such election. Based upon previous experience, additional time is necessary to process filings, objections and specifications, and respond to any litigation, prior to the certification of the ballot and the timely production of ballots.

Summary of Current Statutory Text (CO#= Changes in law to comply with Court Order)		SECTION OF LAW	Date	Comments
CO-10	Last day to accept or decline independent petition nomination for federal office.	§ 6-158 (11)	8/3/2018	<p>Statute should be superseded.</p> <p>Federal primary occurs prior to independent petition filing period for federal office, so the second part of this should be null. Not sure the best way to point that out to address the deadline issue that would be left hanging if not addressed.</p> <p>11. A certificate of acceptance or declination of an independent nomination for an office to be filled at the time of a general election shall be filed not later than the third day after the fourteenth Tuesday preceding such election except that a candidate who files such a certificate of acceptance for an office for which there have been filed certificates or petitions designating more than one candidate for the nomination of any party, may thereafter file a certificate of declination not later than the <u>third day after the fourteenth Tuesday preceding such primary election.</u></p>
CO-11	Last day to fill a vacancy after a declination to an independent petition nomination for federal office.	§ 6-158 (12)	8/6/2018	<p>Statute should be superseded.</p> <p>12. A certificate to fill a vacancy caused by a declination of an independent nomination for an office to be filled at the time of a general election shall be filed not later than the sixth day after the <u>fourteenth Tuesday</u> preceding such election.</p>
CO-12	Last day to decline after acceptance if nominee loses party primary.	§ 6-158 (11)	8/3/2018	<p>Statute issue. The federal primary takes place before independent petitions for federal office are filed. Therefore, this issue would not take place and the regular declination deadline for an independent petition nomination for federal office should be referenced.</p>
Independent Petitions For State/Local Office				
	First day for signing nominating petitions for state/local office.	§ 6-138 (4)	7/10/2018	
	Dates for filing independent nominating petitions for state/local office.	§ 6-158 (9)	8/14/2018 - 8/21/2018	
	Last day to accept or decline independent petition nomination for state/local office.	§ 6-158 (11)	8/24/2018	
	Last day to fill a vacancy after a declination of independent petition nomination for state/local office.	§ 6-158 (12)	8/27/2018	

Summary of Current Statutory Text (CO#= Changes in law to comply with Court Order)		SECTION OF LAW	Date	Comments
	Last day to decline after acceptance of independent petition nomination if nominee loses party primary.	§ 6-158 (11)	9/14/2018	
Voter Registration				
Federal Primary Election				
	Mail registration: Last day to postmark application and last day it must be received by board of elections.	§ 5-210 (3)	6/1/2018 thru 6/6/2018	
	In person registration: Last day application must be received by board of elections to be eligible to vote in primary election.	§§ 5-210, 5-211, 5-212	6/1/2018	
	Change of Address: Changes of address received 20 days before an election must be completed before such election.	§ 5-208 (3)	6/6/2018	
Voting by Absentee Ballot				
For Federal Primary				
	Last day to postmark application for ballot.	§8-400(2)(c)	6/19/2018	
	Last day to apply in person for a ballot.	§8-400(2)(c)	6/25/2018	
	Last day to postmark ballot and date it must be received by the board of elections.	§8-412(1)	6/25/2018 - 7/3/2018	
	Last day to deliver ballot in person to the county board, by 9 PM.	§8-412(1)	6/26/2018	
Military/Special Federal (UOCAVA) Voters for Federal Primary				
	Last day for a BOE to receive application for Military or Special Federal ballot if not previously registered.	§ 10-106(5) §11-202	6/1/2018	
	Last day for a BOE to receive Military or Special Federal absentee application if previously registered.	§ 10-106(5) §11-204(4)	6/19/2018	
	Last day to apply personally for Military absentee if previously registered.	§ 10-106(5)	6/25/2018	

Summary of Current Statutory Text (CO# = Changes in law to comply with Court Order)		SECTION OF LAW	Date	Comments
CO-13	Deadline to transmit Military/Special Federal absentee ballots for Federal Primary to voters with valid applications on file.	§ 10-108(1) § 11-204(4)	5/12 is Saturday (45 days)	<p>Ballots for UOCAVA voters shall be mailed or otherwise transmitted not later than 32 <u>45</u> days before a primary or general election for federal office.</p> <p>These sections need to be superseded.</p> <p>§ 10-108. Military voters; distribution of ballots to</p> <p>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 <u>forty-five days before a primary or general election for federal offices or</u>; thirty-two days before a primary or general election <u>for state/local offices</u>;</p> <p>§ 11-204. Processing of applications by board of elections</p> <p>4. If the board of elections shall determine that the applicant making the application provided for in this section is qualified to receive and vote a special federal ballot, it shall, as soon as practicable after it shall have so determined, or not later than <u>forty-five days before a primary or general election for federal offices or</u>; thirty-two days before each general or primary election <u>for state/local offices</u>;</p>
	Last day to post mark Military/Special Federal ballot and date it must be received by the board of elections.	§ 10-114(1) § 11-212	6/25/2018 7/3/2018	
Military/Special Federal (UOCAVA) Voters for General Election				
	Last day for a BOE to receive application for a Military absentee ballot if not previously registered.	§ 10-106 (5)	10/27/2018	
	Last day for a BOE to receive a Military absentee application, if by mail and previously registered.	§ 10-106 (5)	10/30/2018	
	Last day for a BOE to receive application for Special Federal absentee ballot if not previously registered.	§ 11-202 (1)	10/12/2018	

Summary of Current Statutory Text (CO#= Changes in law to comply with Court Order)		SECTION OF LAW	Date	Comments
	Last day for a BOE to receive a Special Federal absentee application if previously registered.	§ 11-204 (4)	10/30/2018	
	Last day to apply personally for a Military absentee ballot if previously registered.	§ 10-106 (5)	11/5/2018	
CO-14	Deadline to transmit Military/Special Federal general election absentee ballots for federal offices to be filled at the General Election to voters with valid applications on file.	§ 10-108(1) § 11-204(4)	9/22/2018 (45 days)	<p>Footnote: Transmit ballot for federal office 9/24/2018 (45 days falls on SAT). However, a second ballot with only state/local offices/propositions would need to be transmitted ONLY to Military voters thereafter who previously received only federal ballot. Later, Military applicants would continue to receive two ballots: one with federal contests, and one with state/local contests and proposals.</p> <p>§ 10–108. Military voters; distribution of ballots to</p> <p>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 <u>forty-five days before a primary or general election for federal offices or</u>; thirty-two days before a primary or general election <u>for state/local offices</u>;</p> <p>§ 11–204. Processing of applications by board of elections</p> <p>4. If the board of elections shall determine that the applicant making the application provided for in this section is qualified to receive and vote a special federal ballot, it shall, as soon as practicable after it shall have so determined, or not later than <u>forty-five days before a primary or general election for federal offices or</u>; thirty-two days before each general or primary election <u>for state/local offices</u>;</p>
	Last day to postmark Military/Special Federal ballot and date it must be received by the board of elections.	§10-114(1) §11-212	11/5/2018 11/19/2018	

D*R*A*F*T**2018
POLITICAL CALENDAR****September 28, 2017****Federal Primary Election
June 26****State/Local Primary Election
September 11****General Election
November 6**

This political calendar is a ready reference to the significant dates pertaining to elections to be held in this state. For complete information be sure to consult the State's Election Law and Regulations and any relevant court orders.

All dates are based on court-ordered and statutory provisions in effect on the date of publication and may be subject to change. Final confirmation should be obtained from your county board of elections or the State Board.

NEW YORK STATE
BOARD OF ELECTIONS
40 NORTH PEARL STREET - SUITE 5,
ALBANY, NEW YORK 12207
(518) 474-6220

For TDD/TTY, call the NY State Relay 711

www.elections.ny.gov**PRIMARY ELECTION HOURS:**

In New York City and the counties of Nassau, Suffolk, Westchester, Rockland, Orange, Putnam, Erie and Dutchess, POLLS OPEN at 6 AM and CLOSE at 9 PM. In all other counties POLLS OPEN at 12 NOON and CLOSE at 9 PM.

GENERAL ELECTION HOURS:

All Polls OPEN at 6 AM and CLOSE at 9 PM

**FILING REQUIREMENTS
FEDERAL COURT ORDER**

For the 2018 Federal Primary Election and General Elections, all certificates and petitions of designation or nomination, certificates of acceptance or declination of such designations and nominations, certificates of authorization for such designations, 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 (as defined in New York State Election Law §1706(3)(a)) in an envelope postmarked or showing receipt by the overnight delivery service prior to midnight of the last day of filing, and received no later than one business day after the last day to file such certificates, petitions, objections or specifications.

**SIGNATURE REQUIREMENT FOR FEDERAL DESIGNATING
AND OPPORTUNITY TO BALLOT PETITIONS**

5% of the enrolled voters of the political party in the political unit (excluding voters in inactive status) or the following, whichever is less: For any office to be filled by all the voter of:

the entire state15,000
(with at least 100 or 5% of enrolled voters from each of one-half of the congressional districts)

any congressional district1,250

**SIGNATURE REQUIREMENTS FOR
FEDERAL INDEPENDENT NOMINATING PETITIONS**

5% of the total number of votes, excluding blank and void, cast for the office of governor at the last gubernatorial election in the political unit, except that not more than 3,500 signatures shall be required on a petition for any office to be filled in any political subdivision outside the City of New York, and not more than the following for any office to be voted for by all the voters of:

the entire state15,000
(with at least 100 from each of one-half of the congressional districts)

any congressional district3,500

FEDERAL ELECTION - ELECTION DATES

March 6	Certification of offices to be filled at General Election. §4-106(1)(2)
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June 26 th	Federal Primary Election. Court Ordered
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CERTIFICATION OF FEDERAL PRIMARY

May 3	Certification of Federal primary ballot by State Board of Elections of designations filed in its office. §4-110
May 4	Determination of candidates for Federal office by county boards. §4-114

CANVASS OF FEDERAL PRIMARY ELECTION RESULTS

July 5	Canvass of Federal Primary returns by counties. §9-200(1)
July 11	Recanvass of Federal Primary returns. §9-208(1)
July 3	Verifiable Audit of Voting Systems §9-211(1)

Sept. 19	Deadline for vacancies to be filled at General Election. §6-158(14)
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November 6 th	General Election §8-100(1)(c)
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CERTIFICATION OF FEDERAL GENERAL BALLOT

Sept. 13	Certification of general election ballot by State Board of Federal designations filed in its office. §4-112(1)
Sept. 14	Determination of Federal candidates and questions by county boards. §4-114

***** BECOMING A CANDIDATE *******DESIGNATING PETITIONS FOR FEDERAL PRIMARY**

March 6	First day for signing Federal designating petitions. §6-134(4)
April 9 - April 12	Dates for filing Federal designating petitions. §6-158(1)
April 16	Last day to authorize Federal designations §6-120(3) & §6-158(6)
April 16	Last day to accept or decline Federal designations. §6-158(2)
April 20	Last day to fill a vacancy after a Federal declination. §6-158(3)
April 24	Last day to file authorization of substitution after declination of a Federal designation. §6-120(3)

OPPORTUNITY TO BALLOT PETITIONS FOR FEDERAL PRIMARY

March 27	First day for signing Federal OTB petitions. §6-164
April 19	Last day to file Federal OTB petitions. §6-158(4)
April 26	Last day to file OTB petition if there has been a declination by a designated candidate. §6-158(4)

PARTY NOMINATION OTHER THAN PRIMARY

Feb. 13 - March 6	Dates for holding state committee meeting to nominate candidates for Federal statewide office. §6-104(6)
July 17	Last day to file certificates of nomination to fill vacancies in Federal office created pursuant to §§ 6-116 & 6-158(6)
July 20	Last day to accept or decline a nomination for Federal office made based on § 6-116
July 23	Last day to file authorization of nomination for Federal office made based on § 6-116
July 23	Last day to fill a vacancy after a declination for Federal office made based on § 6-116
July 24	Last day to fill vacancy after declination §6-158(8)

INDEPENDENT PETITIONS FOR FEDERAL OFFICE

June 19	First day for signing Federal nominating petitions. §6-138(4)
July 24 - July 31	Dates for filing Federal independent nominating petitions. §6-158(9)
August 3	Last day to accept or decline Federal independent nomination. §6-158(11)
August 6	Last day to fill a vacancy after a declination to any independent petition for Federal office. §6-158(12)
August 3	Last day to decline after acceptance if nominee loses party primary. §6-158(11)

FEDERAL ELECTION - VOTER REGISTRATION**VOTER REGISTRATION FOR FEDERAL PRIMARY**

June 1	Mail Registration for Federal Primary: Last day to postmark application and last day it must be received by board of elections is June 6. §5-210(3)
June 6	In person registration for Federal Primary: Last day application must be received by board of election to be eligible to vote in primary election. §5-210, §5-211 & §5-212
June 6	Changes of address for Federal Primary received by this date must be processed. §5-208(3)

FEDERAL ELECTION - VOTER REGISTRATION**VOTER REGISTRATION FOR GENERAL**

Oct. 12	Mail Registration: Last day to postmark application for general election and last day it must be received by board of elections is Oct 17. §5-210(3)
Oct 17	In person registration: Last day application must be received by board of election to be eligible to vote in general election. If you have been honorably discharged from the military or have become a naturalized citizen since October 14 th , you may register in person at the board of elections up until October 29 th . §5-210, §5-211, §5-212
Oct. 12	Changes of address received by this date must be processed. §5-208(3)
Oct. 17	Change of party enrollment: Last day to accept a change of enrollment. §5-208(3)

*****VOTING BY ABSENTEE*******ABSENTEE VOTING FOR FEDERAL PRIMARY**

June 19	Last day to postmark application for Federal primary ballot. §8-400(2)(c)
June 25	Last day to apply in person for Federal primary ballot. §8-400(2)(c)
June 25	Last day to postmark Federal primary ballot. Must be received by the county board no later than July 3 rd . §8-412(1)
July 3	Last day to deliver Federal primary ballot in person to county board, by close of polls on election day. §8-412(1)

MILITARY/SPECIAL FEDERAL VOTERS FOR FEDERAL PRIMARY

May 12	Date to transmit Military/Special Federal ballots for Federal primary. (5/12 Saturday) §10-108(1) & §11-204(4)
June 1	Last day for a board of elections to receive application for Military/Special Federal ballot if not previously registered. §10-106(5) & §11-202
June 19	Last day for a board of elections to receive Military/Special Federal application if previously registered. §10-106(5) & §11-204(4)
June 25	Last day to apply personally for Military ballot if previously registered. §10-106(5)
June 25	Last day to postmark Military/Special Federal ballot and date it must be received by the board of elections is July 3. §10-114(1) & §11-212

ABSENTEE VOTING FOR FEDERAL GENERAL

Oct 30	Last day to postmark application or letter of application for general election ballot. §8-400(2)(c)
Nov. 5	Last day to apply in person for general election ballot. §8-400(2)(c)
Nov. 5	Last day to postmark ballot. Must be received by the county board no later than Nov. 19 th . §8-412(1)
Nov. 6	Last day to deliver ballot in person to county board, by close of polls on election day. §8-412(1)

MILITARY/SPECIAL FEDERAL VOTERS FOR FEDERAL GENERAL

Sept. 22	Date to transmit Military/Special Federal general election ballots. §10-108(1) & §11-204(4)
Oct. 12	Last day for a board of elections to receive application for Special Federal absentee ballot if not previously registered. §11-202(1)
Oct. 27	Last day for a board of elections to receive application for Military absentee ballot if not previously registered. §10-106(5)
Oct 30	Last day for a board of elections to receive Military absentee application, if by mail and previously registered. §10-106(5)
Oct. 30	Last day for a board of elections to receive Special Federal absentee application, if previously registered. §11-204(4)
Nov. 5	Last day to apply personally for Military ballot if previously registered. §10-106(5)
Nov. 5	Last day to postmark Military/Special Federal ballot and date it must be received by the board of elections is Nov. 19 th . §10-114(1) & §11-212

STATE/LOCAL ELECTION - ELECTION DATES

Sept. 11	State/Local Primary Election §8-100(1)(a)
May 22	PARTY CALLS: Last day for State & County party chairs to file a statement of party positions to be filled at the State Primary Election. §2-120(1)

CERTIFICATION OF STATE/LOCAL PRIMARY

Aug. 6	Certification of September state/local primary ballot by SBOE of designations filed in its office. §4-110
Aug. 7	Determination of candidates and questions; County Boards. §4-114

CANVASS OF STATE/LOCAL PRIMARY RESULTS

Sept. 20	Canvass of State/Local Primary Returns by County Board of Elections §9-200(1)
Sept. 26	Recanvass of State/Local Primary returns. §9-208(1)
Sept. 18	Verifiable Audit of Voting Systems. §9-211(1)

Nov. 6	General Election §8-100(1)(c)
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CERTIFICATION OF STATE/LOCAL GENERAL ELECTION BALLOT

Oct. 1	Certification of state election ballot by SBOE of nominations filed in its office. §4-112(1)
Oct. 2	Determination of state/local candidates and questions by county boards. §4-114

CANVASS OF STATE/LOCAL GENERAL ELECTION RESULTS

Dec. 3	Canvass of General Election results by County Board of Elections §9-214(1)
Nov. 21	Recanvass of General results. §9-208(1)
Nov. 21	Verifiable Audit of Voting Systems. §9-211(1)
Dec. 14	State Board of Canvassers meet to certify General Election (12/15 Saturday)

** BECOMING A CANDIDATE **

DESIGNATING PETITIONS FOR STATE/LOCAL PRIMARY

June 5	First day for signing designating petitions for state/local offices. §6-134(4)
July 9-12	Dates for filing designating petitions for state/local offices. §6-158(1)
July 16	Last day to authorize designations for state/local offices. §6-120(3)
July 16	Last day to accept or decline designations for state/local offices. §6-158(2)
July 20	Last day to fill a vacancy after a declination for state/local office. §6-158(3)
July 24	Last day to file authorization of substitution after declination of a state/local designation. §6-120(3)

OPPORTUNITY TO BALLOT PETITIONS FOR STATE/LOCAL PRIMARY

June 26	First day for signing OTB petitions for state/local offices. §6-164
July 19	Last day to file OTB petitions for state/local offices §6-158(4)
July 26	Last day to file OTB petition if there has been a declination by a designated candidate for state/local offices. §6-158(4)

PARTY NOMINATION OTHER THAN PRIMARY

May 15 through June 5	Dates for holding state committee meeting to nominate candidates for statewide office
June 5	First day to hold a town caucus. §6-108 **
Sept. 18	Last day for filing nominations made at a town or village caucus or by a party committee. §6-158(6)
Sept. 18	Last day to file certificates of nomination to fill vacancies created pursuant to §§ 6-116 & 6-158(6)
Sept. 21	Last day to accept or decline a nomination For State/local office made based on § 6-116
Sept. 24	Last day to file authorization of nomination made based on § 6-116
Sept. 25	Last day to fill a vacancy after a declination made based on § 6-116

INDEPENDENT PETITIONS FOR STATE/LOCAL OFFICES

July 10	First day for signing nominating petitions for state/local offices. §6-138(4)
Aug 14 - Aug. 21	Dates for filing independent nominating petitions for state/local office. §6-158(9)
Aug. 24	Last day to accept or decline nomination for state/local office. §6-158(11)
Aug. 27	Last day to fill a vacancy after a declination in state/local office. §6-158(12)
Sept. 14	Last day to decline after acceptance if nominee loses party primary. §6-158(11)

STATE/LOCAL ELECTION

JUDICIAL DISTRICT CONVENTIONS

Sept. 18 thru 26	Dates for holding Judicial conventions. §6-158(5)
Sept. 25	Last day to file certificates of nominations. §6-158(6)
Sept. 28	Last day to decline. §6-158(7)
Oct. 2	Last day to fill vacancy after a declination. §6-158(8)
Minutes of a convention must be filed within 72 hours of adjournment. §6-158(6)	

SIGNATURE REQUIREMENT FOR DESIGNATING AND OPPORTUNITY TO BALLOT PETITIONS FOR STATE/LOCAL OFFICES

5% of the enrolled voters of the political party in the political unit (excluding voters in inactive status) or the following, whichever is less:
For any office to be filled by all the voters of:

the entire state 15,000
(with at least 100 or 5% of enrolled voters from each of one-half of the congressional districts)

New York City 7,500
any county or borough of New York City 4,000
a municipal court district within NY City 1,500
any city council district within New York City. ... 900
cities or counties having more than 250,000 inhabitants 2,000
cities or counties having more than 25,000 but not more than 250,000 1,000
any city, county, councilmanic or county legislative districts in any city other than NY City 500
any congressional district 1,250
any state senatorial district 1,000
any assembly district 500

any political subdivision contained within another political subdivision, except as herein provided, requirement is not to exceed the number required for the larger subdivision; a political subdivision containing more than one assembly district, county or other political subdivision, requirement is not to exceed the aggregate of the signatures required for the subdivision or parts of subdivision so contained.

***NOTE:** Section 1057-b of the New York City Charter Supersedes New York Election Law signature requirements for Designating and OTB petitions and Independent nominating petitions with respect to certain NY City offices.

SIGNATURE REQUIREMENT FOR INDEPENDENT NOMINATING PETITIONS FOR STATE/LOCAL OFFICES

5% of the total number of votes, excluding blank and void, cast for the office of governor at the last gubernatorial election in the political unit, except that not more than 3,500 signatures shall be required on a petition for any office to be filled in any political subdivision outside the City of New York, and not more than the following for any office to be voted for by all the voters of:
the entire state 15,000
(with at least 100 or 5% of enrolled voters from each of one-half of the congressional districts)

any county or portion thereof outside the city of NY 1,500
the City of New York 7,500
any county or borough or any two counties or boroughs within the city of NY City 4,000
a municipal court district 3,000
any city council district within NY City 2,700
any congressional district 3,500
any state senatorial district 3,000
any assembly district 1,500

any political subdivision contained within another political subdivision, except as herein provided, requirement is not to exceed the number required for the larger subdivision.

VOTER REGISTRATION

VOTER REGISTRATION FOR STATE/LOCAL PRIMARY

Aug. 17	Mail Registration for state/local Primary: Last day to postmark application and last day it must be received by board of elections is Aug. 22. §5-210(3)
Aug. 17	In person registration for state/local Primary: Last day application must be received by board of election to be eligible to vote in primary election. §5-210, 5-211, 5-212
Aug. 22	Changes of address for state/local Primary received by this date must be processed. §5-208(3)
Oct. 12	Mail Registration: Last day to postmark application for general election and last day it must be received by board of elections by Oct. 17. §5-210(3)

STATE/LOCAL ELECTION

VOTER REGISTRATION FOR GENERAL

Oct. 12	In person registration: Last day application must be received by board of election to be eligible to vote in general election. If honorably discharged from the military or have become a naturalized citizen since October 12 th , you may register in person at the board of elections up until October 27 th (10/28 Saturday) §5-210, 5-211, 5-212
Oct. 17	Changes of address received by this date must be processed. §5-208(3)
Oct. 12	Change of Party Enrollment: Last day to receive. §5-304(3)

VOTING BY ABSENTEE

ABSENTEE VOTING FOR STATE/LOCAL PRIMARY

Sept. 4	Last day to postmark application for state/local primary ballot. §8-400(2)(c)
Sept. 10	Last day to apply in person for state/local primary ballot. §8-400(2)(c)
Sept. 10	Last day to postmark state/local ballot. Must be received by the county board no later than Sept. 18 th . §8-412(1)
Sept. 11	Last day to deliver state/local primary ballot in person to county board, by close of polls. §8-412(1)

MILITARY VOTERS/SPECIAL FEDERAL FOR STATE/LOCAL PRIMARY

Aug. 10	First day to mail ballot to Military/Special Federal Voter. §10-108(1)
Aug. 17	Last day for a board of elections to receive application for Military ballot for state/local primary if not previously registered. §10-106(5)
Sept. 4	Last day for a board of elections to receive Military application for state/local primary if previously registered. §10-106(5)
Sept. 10	Last day to apply personally for Military ballot for state/local primary if previously registered. §10-106(5)
Sept. 10	Last day to postmark Military ballot for state/local primary and date it must be received by the board of elections is September 18 th . §10-114(1)

ABSENTEE VOTING FOR GENERAL ELECTION

Oct. 30	Last day to postmark application or letter of application for general election ballot. §8-400(2)(c)
Nov. 5	Last day to apply in person for ballot for general election ballot. §8-400(2)(c)
Nov. 5	Last day to postmark general election ballot. Must be received by the county board no later than Nov. 19 th . §8-412(1)
Nov. 6	Last day to deliver general election ballot in person to county board, by close of polls on election day. §8-412(1)

MILITARY/SPECIAL FEDERAL VOTERS FOR GENERAL

Oct. 5	Date to transmit Military voters' absentee ballots for state/local offices and proposals, per federal court order.
Oct. 28	Last day for a board of elections to receive application for a Military absentee ballot if not previously registered. §10-106(5) (10/28 Saturday)
Oct. 30	Last day for a board of elections to receive Military/Special Federal absentee application, if by mail and previously registered. §10-106(5)
Nov. 5	Last day to apply personally for a Military General Election ballot if previously registered. §10-106(5)
Nov. 5	Last day to postmark Military/Special Federal ballot and it must be received by the board of elections is Nov. 19 th . §10-114(1) §11-212

FINANCIAL DISCLOSURE

DATES FOR FILING:

PRIMARY ELECTION	
32 Day Pre-Primary	August 10
11 Day Pre-Primary	August 31
10 Day Post Primary	September 21
August 28 th thru Sept. 10 th ★	

GENERAL ELECTION	
32 Day Pre-General	October 5
11 Day Pre-General	October 26
27 Day Post-General	December 3
Oct. 23 rd thru Nov. 5 th ★	

★ During this time period any contribution or loan which exceeds \$1,000 must be reported within 24 hours of receipt. This same contribution or loan must also be reported in the Post-Election report. If Committees have additional and different reporting obligations. See §14-107(4)(a).

2018 Periodic Reports	
January 16 th	
July 16 th	

FINANCIAL DISCLOSURE

DATES FOR FILING:

PRIMARY ELECTION §14-108(1)	
32 Day Pre-Primary	August 10
11 Day Pre-Primary	August 31
10 Day Post Primary	September 21
24 Hour Notice §14-107(4)(a)	August 28 th thru Sept. 10 th

GENERAL ELECTION §14-108(1)	
32 Day Pre-General	October 5
11 Day Pre-General	October 26
27 Day Post-General	December 3
24 Hour Notice §14-108(2)	October 23 rd thru November 5 th

Periodic Reports §14-108(1)	
	January 16 th
	July 16 th

Additional Independent Expenditure Reporting	
24 Hour Notice	Primary: Aug. 13 th thru Sept. 10 th
§14-107(3) (b) & (c)	General: Oct. 8 th thru Nov. 5 th
Weekly Notice	Refer to §14-107(3)(b)

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