

**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.	)	
	)	
	)	
	)	

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**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 UOCAVA 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** 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**WHEREAS** it is the judgment of this court that the enumerated sections of New York State law must be superseded to provide for a MOVE Act compliant election in New York for the year 2016, now therefore, it is hereby,

**ORDERED** that the following sections of New York State law be and hereby are superseded for the 2016 election of federal offices in New York:

**Schedule of State Law Provisions Superseded for Compliance with MOVE Act**

<b>Section of Election Law</b>	<b>Subject</b>	<b>Description of Change</b>
§ 1-106	Timeliness of filings related to federal offices	For the 2016 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 CPLR §2103(b)(6) 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.
§ 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 5, 2016]

<b>Section of Election Law</b>	<b>Subject</b>	<b>Description of Change</b>
§ 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 <b>[May 6, 2016]</b>
§ 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 <b>[September 15, 2016]</b>
§ 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 <b>[April 11, 2016 - April 14, 2016]</b>
§ 6-158 [4]	Filing of opportunity to ballot petitions for Federal Primary	from the eighth Thursday to the tenth Thursday preceding Federal Primary <b>[April 21, 2016]</b>
§ 6-158 [4]	Filing of opportunity to ballot petitions upon declination for Federal Primary	from the seventh to the ninth Thursday preceding Federal Primary <b>[April 28, 2016]</b>
§ 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 <b>[July 19, 2016]</b>
§ 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 Federal Primary <b>[July 26, 2016 – August 2, 2016]</b>
§ 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 <b>[August 5, 2016]</b>

Section of Election Law	Subject	Description of Change
§ 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 8, 2016]
§ 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 14, 2016 for Federal Primary] [September 24, 2016 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 2016 upon the determination of this court that such changes render the 2016 election for federal offices MOVE Act compliant.

Date: October 29, 2015  
Albany, New York

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

The following is a DRAFT Political Calendar for 2016 which includes the Congressional Primary (June 28<sup>th</sup>), the State & Local Primary (September 13<sup>th</sup>) and the General Election (November 8<sup>th</sup>). Portions of this Calendar are SUBJECT TO APPROVAL of the United States District Court for the Northern District of New York, and the Calendar is posted here for informational purposes only pending submission to the Court. Note also, portions of the Calendar could change as a result of future legislative enactment or court orders.

#### Summary of Changes:

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.

#### Designating Petitions for Federal Office/Federal Primary Election:

- First date to circulate designating petitions for federal office is March 8, 2016.
- Dates to file designating petitions are April 11, 2016 to April 14, 2016.
  - 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 21, 2016.
    - Dates to file independent nominating petitions for federal office are July 26, 2016 to August 2, 2016.
  - 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 29, 2016.
- Last date to file OTB petitions is changed to April 21, 2016.

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 2016 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 CPLR §2103(b)(6)) 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.







STATE/LOCAL ELECTION  
ELECTION DATES

Sept. 13	State/Local Primary Election §8-100(1)(a)
May 24	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. 8	Certification of September state/local primary ballot by SBOE of designations filed in its office. §4-110
Aug. 9	Determination of candidates and questions; County Boards. §4-114

## CANVASS OF STATE/LOCAL PRIMARY RESULTS

Sept. 22	Canvass of State/Local Primary Returns by County Board of Elections §9-200(1)
Sept. 28	Recanvass of State/Local Primary returns. §9-208(1)
Sept. 20	Verifiable Audit of Voting Systems. §9-211(1)

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

Oct. 3	Certification of general election ballot by SBOE of nominations filed in its office. §4-112(1)
Oct. 4	Determination of state/local candidates and questions by county boards. §4-114

## CANVASS OF STATE/LOCAL GENERAL ELECTION RESULTS

Dec. 2	Canvass of General Election results by County Board of Elections §9-214(1)
Nov. 23	Recanvass of General results. §9-208(1)
Nov. 23	Verifiable Audit of Voting Systems. §9-211(1)
Dec. 12	State Board of Canvassers meet to certify General Election

## \*\* BECOMING A CANDIDATE \*\*

## DESIGNATING PETITIONS FOR STATE/LOCAL PRIMARY

June 7	First day for signing designating petitions for state/local offices. §6-134(4)
July 11-14	Dates for filing designating petitions for state/local offices. §6-158(1)
July 18	Last day to authorize designations for state/local offices. §6-120(3)
July 18	Last day to accept or decline designations for state/local offices. §6-158(2)
July 22	Last day to fill a vacancy after a declaration for state/local office §6-158(3)
July 26	Last day to file authorization of substitution after declaration of a state/local designation. §6-120(3)

## OPPORTUNITY TO BALLOT PETITIONS FOR STATE/LOCAL PRIMARY

June 28	First day for signing OTB petitions for state/local offices. §6-164
July 21	Last day to file OTB petitions for state/local offices §6-158(4)
July 28	Last day to file OTB petition if there has been a declaration by a designated candidate for state/local offices. §6-158(4)

## PARTY NOMINATION OTHER THAN PRIMARY

June 7	First day to hold a town caucus. §6-208 **
Sept. 20	Last day for filing nominations made at a town or village caucus or by a party committee. §6-158(6)
Sept. 20	Last day to file certificates of nomination to fill vacancies created pursuant to §§ 6-116 & 6-158(6)
Sept. 23	Last day to accept or decline a nomination for State/local office made based on § 6-116
Sept. 26	Last day to file authorization of nomination made based on § 6-116
Sept. 27	Last day to fill a vacancy after a declaration made based on § 6-116

## INDEPENDENT PETITIONS FOR STATE/LOCAL OFFICES

July 12	First day for signing nominating petitions for state/local offices. §6-138(4)
Aug 16 - Aug. 23	Dates for filing independent nominating petitions for state/local office. §6-158(9)
Aug. 26	Last day to accept or decline nomination for state/local office. §6-158(11)
Aug. 29	Last day to fill a vacancy after a declaration in state/local office. §6-158(12)
Sept. 16	Last day to decline after acceptance if nominee loses party primary. §6-158(11)

STATE/LOCAL ELECTION  
JUDICIAL DISTRICT CONVENTIONS

Sept. 20 thru 26	Dates for holding Judicial conventions. §6-158(5)
Sept. 27	Last day to file certificates of nominations. §6-158(6)
Sept. 30	Last day to decline. §6-158(7)
Oct. 4	Last day to fill vacancy after a declaration. §6-158(8)
Minutes of a convention must be filed within 72 hours of adjournment. §6-158(6)	

## SIGNATURE REQUIREMENTS 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 REQUIREMENTS 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. 19	Mail Registration for state/local Primary: Last day to postmark application and last day it must be received by board of elections is Aug. 24. §5-210(3)
Aug. 19	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. 24	Changes of address for state/local Primary received by this date must be processed. §5-208(3)

STATE/LOCAL ELECTION  
VOTER REGISTRATION FOR GENERAL

Oct. 14	Mail Registration: Last day to postmark application for general election and last day it must be received by board of elections by Oct. 19. §5-210(3)
Oct. 14	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 14 <sup>th</sup> , you may register in person at the board of elections up until October 29 <sup>th</sup> . §§5-210, 5-211, 5-212
Oct. 19	Changes of address received by this date must be processed. §5-208(3)
Oct. 14	Change of Party Enrollment: Last day to receive. §5-304(3)
Oct. 1	First day for local registration. §5-202(1)
Oct. 8	Uniform day for local registration throughout the state. §5-202(3)

## \*\*\*VOTING BY ABSENTEE\*\*\*

## ABSENTEE VOTING FOR STATE/LOCAL PRIMARY

Sept. 6	Last day to postmark application for state/local primary ballot. §8-400(2)(c)
Sept. 12	Last day to apply in person for state/local primary ballot. §8-400(2)(c)
Sept. 12	Last day to postmark state/local ballot. Must be received by the county board no later than Sept. 20 <sup>th</sup> . §8-412(1)
Sept. 13	Last day to deliver state/local primary ballot in person to county board, by close of polls. §8-412(1)

## MILITARY/SPECIAL FEDERAL VOTER FOR STATE/LOCAL PRIMARY

Aug. 12	First day to mail ballot to Military/Special Federal Voter. §10-108(1)
Aug. 19	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. 6	Last day for a board of elections to receive Military application for state/local primary if previously registered. §10-106(5)
Sept. 12	Last day to apply personally for Military ballot for state/local primary if previously registered. §10-106(5)
Sept. 12	Last day to postmark Military ballot for state/local primary and date it must be received by the board of elections is September 20 <sup>th</sup> . §10-114(1)

## ABSENTEE VOTING FOR GENERAL ELECTION

Nov. 1	Last day to postmark application or letter of application for general election ballot. §8-400(2)(c)
Nov. 7	Last day to apply in person for ballot for general election ballot. §8-400(2)(c)
Nov. 7	Last day to postmark general election ballot. Must be received by the county board no later than Nov. 15 <sup>th</sup> . §8-412(1)
Nov. 8	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. 7	Date to transmit Military/Special Federal ballots, per federal court order.
Oct. 29	Last day for a board of elections to receive application for a Military absentee ballot if not previously registered. §10-106(5)
Nov. 1	Last day for a board of elections to receive Military/Special Federal absentee application, if by mail and previously registered. §10-106(5)
Nov. 7	Last day to apply personally for a Military General Election ballot if previously registered. §10-106(5)
Nov. 7	Last day to postmark Military/Special Federal ballot and it must be received by the board of elections is Nov. 21 <sup>st</sup> . §10-114(1) §11-212

## FINANCIAL DISCLOSURE

## DATES FOR FILING:

PRIMARY ELECTION	
32 Day Pre-Primary	August 12
11 Day Pre-Primary	September 2
10 Day Post Primary	September 23
August 26 <sup>th</sup> thru Sept. 8 <sup>th</sup> ★	

## GENERAL ELECTION

32 Day Pre-General	October 7
11 Day Pre-General	October 28
27 Day Post-General	December 5
Oct. 21 <sup>st</sup> thru Nov. 3 <sup>rd</sup> ★	

★ 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.

Periodic Reports	
January 15 <sup>th</sup>	
July 15 <sup>th</sup>	