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

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| 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 at 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. Such calendar was specific to 2012. (ECF Document No. 64, pp. 2-3, 5-6).

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 Elections Law;

WHEREAS no party to this action objects to the issuance of this Supplemental Remedial Order; and

WHEREAS it is the judgment of this court that the enumerated sections of New York State law must be superseded to provide for a MOVE Act compliant election in New York for the year 2014, now therefore, it is hereby

ORDERED that the following sections of New York State law be and same hereby are superseded for the 2014 election of federal offices in New York:

Schedule of State Law Provisions Superseded for Compliance with MOVE Act

| Section | Subject | Change |
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| §1-106 | Timeliness of filing for federal offices | For the 2014 Federal Primary and General Elections, that 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 certifycates 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 Ballot by NYSBOE for federal candidates | from 36 to 54 days pre-primary |

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| §4-114 | Date of Certification of Ballot by Counties for federal candidates | from 35 to 53 days pre-primary or general |
| §4-112(1) | Date of Certification of General Election Ballot by NYSBOE for federal candidates | from 36 to 54 days pre-general |
| §6-158(1) | Filing of Designating Petitions for federal primary | from nine to ten weeks to to eleven to twelve weeks pre- federal primary |
| §6-158(4) | Filing of Opportunity to Ballot Petitions federal primary | from 8th Thursday to 10th Thursday pre-federal primary |
| §6-158(4) | Filing of Opportunity to Ballot Petitions federal primary upon declination | 7th to 9th Thursday preceding federal primary |
| §6-158(6) | Last day to file Certificate of Nomination to fill vacancy in federal office pursuant to §6-116 | from 7 to 21 days after federal primary |
| §6-158(9) | Filing dates for Independent Nominations for federal office | from eleven to twelve to thirteen to fourteen weeks prior to general election |

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| §6-158(11) | Last day to accept or decline Independent Nomination for federal office | from the eleventh to thirteenth Thursday prior to general election for acceptance, and 3 days after the thirteenth Tuesday preceding such general election for declination |
| §6-158(12) | Last day to fill a vacancy after a declination to a federal independent nomination | from eleventh to thirteenth Tuesday preceding such general election |
| §10-108(1)<br>§11-204(4) | Deadline to transmit Military/Special Federal absentee ballots for Federal Primary to voters with valid application on file | from thirty-two days to forty-five days before a primary or general election for federal offices |

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 2014 upon the determination of this

court that such changes render the 2014 election of federal office MOVE Act compliant.

December 12, 2013

Gary L. Sharpe

GARY L. SHARPE
United States District Court Judge