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I N   A S S E M B L Y

January 12, 2016

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Introduced by M. of A. STECK -- read once and referred to the Committee  
on Election Law

AN ACT to amend the election law, in relation to judicial proceedings

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 2 of section 16-102 of the election law, as  
2 amended by chapter 79 of the laws of 1992, is amended to read as  
3 follows:  
4     2. (A) A proceeding with respect to a petition shall be instituted  
5 within fourteen days after the last day to file the petition, or within  
6 three business days after the officer or board with whom or which such  
7 petition was filed, makes a determination of invalidity with respect to  
8 such petition, whichever is later; except that a proceeding with respect  
9 to a petition for a village election or an independent nomination for a  
10 special election shall be instituted within seven days after the last  
11 day to file the petition for such village election or independent nomi-  
12 nation or within three business days after the officer or board with  
13 whom or which such petition was filed, makes a determination of invalid-  
14 ity with respect to such petition, whichever is later. A proceeding with  
15 respect to a primary, convention, meeting of a party committee, or  
16 caucus shall be instituted within ten days after the holding of such  
17 primary or convention or the filing of the certificate of nominations  
18 made at such caucus or meeting of a party committee.  
19     (B) IN ANY PROCEEDING COMMENCED PURSUANT TO PARAGRAPH (A) OF THIS  
20 SUBDIVISION RELATED TO A DESIGNATING OR NOMINATING PETITION OR CERTIF-  
21 ICATE, ANY PARTY THERETO MAY PLEAD, AS OF RIGHT WITHIN THE TIME TO  
22 ANSWER, A COUNTER CLAIM, CROSS-PETITION, AFFIRMATIVE DEFENSE, OBJECTION  
23 IN POINT OF LAW OR OTHER AVERMENT, FOR THE PURPOSE OF ASSERTING THE  
24 VALIDITY OF SUCH DESIGNATING OR NOMINATING PETITION OR CERTIFICATE  
25 INCLUDING THE VALIDITY OF ANY SIGNATURE THEREON.  
26     S 2. This act shall take effect on the ninetieth day after it shall  
27 have become a law. Effective immediately, the addition, amendment  
28 and/or repeal of any rules or regulations necessary for the implementa-  
29 tion of this act on its effective date are authorized to be made on or  
30 before such date.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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