

STATE OF NEW YORK

10054

IN ASSEMBLY

March 12, 2018

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

AN ACT to amend the election law, in relation to the appointment of commissioners of elections

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 4 of section 3-204 of the election law, as
2 amended by chapter 116 of the laws of 2010, is amended to read as
3 follows:

4 4. (a) Commissioners of election shall be appointed by the county
5 legislative body, or in the city of New York, by the city council.

6 (b) Provided, however, that if a legislative body shall fail to
7 ~~[appoint any person recommended by a party for appointment as a commis-~~
8 ~~sioner pursuant to this section,]~~ take action on a recommendation by a
9 party within thirty days after the filing of a certificate of recommen-
10 dation with such legislative body, then the member or members of such
11 legislative body who are members of the political party which filed such
12 certificate may appoint such person. And further provided, if there are
13 no members of the legislative body who are members of the political
14 party which filed such certificate, the appointment shall take effect
15 upon the expiration of thirty days from the date that the certificate
16 was filed.

17 (c) Where the legislative body includes a member or members of the
18 political party which filed such certificate, and no action is taken on
19 such recommendation by either the legislative body or such member or
20 members within sixty days after the filing of any such certificate, the
21 appointment shall take effect upon the expiration of such sixty days.

22 (d) If ~~[none of the]~~, pursuant to this subdivision, either the legis-
23 lative body or the members of such legislative body who are members of
24 the political party which filed such certificate reject any persons
25 named in any of the certificates filed by a party ~~[are so appointed~~
26 ~~within sixty days after the filing of any such certificate]~~ by majority
27 vote, then such party may file another certificate within thirty days

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

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1 after [~~the expiration of any such sixty day period~~] such vote recommend-
2 ing a different person for such appointment.

3 (e) If the legislative body fails to appoint such person recommended
4 by a party in a second certificate of recommendation within thirty days
5 of the filing of such certificate, or fails to take action on such
6 recommendation, the appointment shall take effect upon the expiration of
7 thirty days from the date that the second certificate was filed.

8 (f) If a party fails to file a certificate within the time prescribed
9 by this section, the members of the legislative body who are members of
10 such party may appoint any eligible person to such office.

11 § 2. This act shall take effect immediately.