

STATE OF NEW YORK

5884

2017-2018 Regular Sessions

IN ASSEMBLY

February 16, 2017

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

AN ACT to amend the election law, in relation to establishing the
congressional district method of electoral voting in presidential and
vice presidential elections

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

1 Section 1. Section 12-100 of the election law, as amended by chapter
2 175 of the laws of 1988, is amended to read as follows:

3 § 12-100. Electors of president and vice president. At the general
4 election in November preceding the time fixed by law of the United
5 States for the choice of president and vice president of the United
6 States, as many electors of president and vice president of the United
7 States shall be elected, as this state shall be entitled to. One presi-
8 dential and vice presidential elector shall be chosen from each congres-
9 sional district, and two presidential and vice presidential electors
10 shall be chosen at large. The congressional district electors shall be
11 chosen from the party or group of petitioners of the highest number of
12 votes in such district. The at large electors shall be chosen from the
13 party or group of petitioners of the highest number of votes in the
14 state. Each vote cast for the candidates of any party or independent
15 body for president and vice president of the United States and each vote
16 cast for any write-in candidates for such offices shall be deemed to be
17 cast for the candidates for elector of such party or independent body or
18 the candidates for elector named in the certificate of candidacy of such
19 write-in candidates.

20 § 2. Section 12-106 of the election law is amended to read as follows:

21 § 12-106. Electoral college; vote of the electors. Immediately after
22 the organization of the electoral college, the electors shall then and
23 there vote by ballot for president and vice president[, ~~but no elector~~
24 ~~shall vote for more than one person who is a resident of this state~~].

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

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1 Each congressional district presidential elector shall cast his or her
2 ballot for the presidential and vice-presidential candidates who
3 received the highest number of votes in his or her congressional
4 district and the two electors who were chosen at large shall cast their
5 votes for the presidential and vice-presidential candidates who received
6 the highest number of votes in the state. They shall name in separate
7 ballots the persons voted for as president and vice president. They
8 shall make and sign six certificates of all the votes given by them,
9 each of which certificates shall contain two distinct lists, one with
10 the votes for president and one with the votes for vice president. There
11 shall be annexed to each of the certificates one of the lists of elec-
12 tors which shall have been furnished to them by the state board of
13 elections. They shall seal up the certificates so made and certify upon
14 each that the lists of all the votes of this state given for president
15 and vice president are contained therein.
16 § 3. This act shall take effect immediately.