

STATE OF NEW YORK

8683--A

IN ASSEMBLY

January 10, 2022

Introduced by M. of A. SALKA -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to the number of signatures for independent nominating petitions

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

1 Section 1. Subdivision 1 of section 6-142 of the election law, as
2 amended by chapter 90 of the laws of 2021, is amended to read as
3 follows:

4 1. An independent nominating petition for candidates to be voted for
5 by all the voters of the state must be signed by at least [~~forty-five~~
6 fifteen thousand voters, or one percent of the total number of votes,
7 excluding blank and void ballots, cast for the office of governor at the
8 last gubernatorial election, whichever is less, of whom at least five
9 hundred, or one percent of enrolled voters, whichever is less, shall
10 reside in each of one-half of the congressional districts of the State.

11 § 2. Subdivision 1 of section 6-142 of the election law, as amended
12 by section 9 of part ZZZ of chapter 58 of the laws of 2020, is amended
13 to read as follows:

14 1. An independent nominating petition for candidates to be voted for
15 by all the voters of the state must be signed by at least [~~forty-five~~
16 fifteen thousand voters, or one percent of the total number of votes,
17 excluding blank and void ballots, cast for the office of governor at the
18 last gubernatorial election, whichever is less, of whom at least [~~five~~
19 one hundred~~7~~] or one percent of enrolled voters, whichever is less,
20 shall reside in each of one-half of the congressional districts of the
21 State.

22 § 3. Subdivision 3 of section 1-104 of the election law, as amended by
23 section 10 of part ZZZ of chapter 58 of the laws of 2020, is amended to
24 read as follows:

25 3. The term "party" means any political organization which, excluding
26 blank and void ballots, at the last preceding election for governor
27 received, at least two percent of the total votes cast for its candidate

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

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1 for governor, or [~~one hundred thirty~~] fifty thousand votes, whichever
2 [~~is greater~~] lesser, in the year in which a governor is elected and at
3 least two percent of the total votes cast for its candidate for presi-
4 dent, or [~~one hundred thirty~~] fifty thousand votes, whichever is [~~great-~~
5 ~~er~~] lesser, in a year when a president is elected.

6 § 4. Subdivision 4 of section 6-138 of the election law, as amended by
7 chapter 88 of the laws of 1995, is amended to read as follows:

8 4. [~~A signature made earlier than six weeks prior to the last day to~~
9 ~~file independent petitions shall not be counted.~~] (a) A signature on an
10 independent petition for a special election made earlier than the date
11 of the proclamation calling the special election shall not be counted.

12 (b) Signatures for an independent petition for the general election
13 shall be collected during a twelve week period beginning the Monday
14 before Memorial day and ending the third Monday of August. No signature
15 for an independent petition for the general election shall be counted if
16 made prior to or after such period.

17 § 5. Subdivisions 9, 11 and 12 of section 6-158 of the election law,
18 as amended by chapter 5 of the laws of 2019, are amended to read as
19 follows:

20 9. A petition for an independent nomination for an office to be filled
21 at the time of a general election shall be filed not earlier than [~~twen-~~
22 ~~ty-four~~] six weeks and not later than [~~twenty-three~~] five weeks preced-
23 ing such election. A petition for an independent nomination for an
24 office to be filled at a special election shall be filed not later than
25 twelve days following the issuance of a proclamation of such election.

26 11. A certificate of acceptance or declination of an independent nomi-
27 nation for an office to be filled at the time of a general election
28 shall be filed not later than [~~the third day after the twenty-third~~
29 ~~Tuesday~~] seven weeks preceding such general election [~~except that a~~
30 ~~candidate who files such a certificate of acceptance for an office for~~
31 ~~which there have been filed certificates or petitions designating more~~
32 ~~than one candidate for the nomination of any party, may thereafter file~~
33 ~~a certificate of declination not later than the third day after the~~
34 ~~primary election~~]. A certificate of acceptance or declination of an
35 independent nomination for an office to be filled at a special election
36 shall be filed not later than fourteen days following the issuance of a
37 proclamation of such election.

38 12. A certificate to fill a vacancy caused by a declination of an
39 independent nomination for an office to be filled at the time of a
40 general election shall be filed not later than [~~the sixth day after the~~
41 ~~twenty-third Tuesday~~] seven weeks preceding such general election. A
42 certificate to fill a vacancy caused by a declination of an independent
43 nomination for an office to be filled at a special election shall be
44 filed not later than sixteen days following the issuance of a proclama-
45 tion of such election.

46 § 6. Paragraph (a) of subdivision 6 of section 6-158 of the election
47 law, as amended by chapter 290 of the laws of 2019, is amended to read
48 as follows:

49 (a) A certificate of a party nomination made other than at the primary
50 election for an office to be filled at the time of a general election
51 shall be filed not later than [~~thirty days after the June primary~~
52 ~~election~~] seven weeks preceding such general election,

53 § 7. Paragraph (a) of subdivision 6 of section 6-158 of the election
54 law, as amended by chapter 5 of the laws of 2019, is amended to read as
55 follows:

1 (a) A certificate of a party nomination made other than at the primary
2 election for an office to be filled at the time of a general election
3 shall be filed not later than [~~thirty days after the primary election~~]
4 seven weeks preceding such general election,

5 § 8. This act shall take effect immediately; provided, however, that:

6 a. the amendments to subdivision 1 of section 6-142 of the election
7 law made by section one of this act shall be subject to the expiration
8 and reversion of such subdivision when upon such date the provisions of
9 section two of this act shall take effect; and

10 b. the amendments to paragraph (a) of subdivision 6 of section 6-158
11 of the election law made by section six of this act shall be subject to
12 the expiration and reversion of such subdivision when upon such date the
13 provisions of section seven of this act shall take effect.