STATE OF NEW YORK

1447

2025-2026 Regular Sessions

IN SENATE

January 9, 2025

Introduced by Sens. BORRELLO, OBERACKER -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to requiring electors to vote for the presidential and vice presidential candidates in a manner representing the plurality of votes in each congressional district

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

Section 1. Section 12-106 of the election law, as amended by chapter 215 of the laws of 2024, is amended to read as follows:

§ 12-106. Electoral college; vote of the electors. Immediately after the organization of the electoral college, the electors shall then and there vote by ballot for president and vice president, but no elector shall vote for more than one person who is a resident of this state. **Two electoral votes shall be given to the statewide winner and one electoral vote shall be given to each congressional district based on the plurality of votes in such district.** They shall name in separate ballots the persons voted for as president and vice president. They shall make and sign six certificates of vote of all the votes given by them, each of which certificates shall contain two distinct lists, one with the votes for president and one with the votes for vice president. There shall be annexed to each of the certificates of vote one of the lists of electors which shall have been furnished to them by the state board of elections pursuant to section 12-102 of this title. They shall seal up the certificates of vote so made and certify upon each that the lists of all the votes of this state given for president and vice president are contained therein.

Notwithstanding any other section of law besides title four of this article, each elector shall cast [~~his or her~~] **such elector's** ballot for president and vice president for the candidates for these offices who were nominated by the political party that nominated the presidential elector. Refusal or failure to vote for the candidates for president and

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

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vice president who were nominated by the political party that nominated the presidential elector shall constitute a resignation from the office of elector, and any such vote by an elector shall not be recorded. The ballots used by the elector shall bear the name of the elector. The remaining electors shall forthwith fill the vacancy in accordance with section 12-104 of this title. Nothing in this subdivision shall be interpreted as modifying or repealing title four of this article, the agreement among the states to elect the president by national popular vote.

§ 2. This act shall take effect immediately and shall apply to all electors for all elections occurring on and after such date.