S T A T E O F N E W Y O R K

7980

I N S E N A T E

May 27, 2010

Introduced by Sen. MONTGOMERY -- 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 withdrawal from a run-off election after a primary

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

Section 1. Section 6-162 of the election law, as amended by chapter 418 of the laws of 1993, is amended to read as follows:

S 6-162. Primary; New York City, run-off. 1. In the city of New York, when no candidate for the office of mayor, public advocate or comptroller receives forty percent or more of the votes cast by the members of a political party for such office in a city-wide primary election, the board of elections of such city shall conduct a run-off primary election between the two candidates receiving the greatest number of votes for the same office.

2. IN ANY JURISDICTION THAT AUTHORIZES A RUN-OFF ELECTION AFTER A PRIMARY ELECTION, IF ONE OF THE TWO CANDIDATES RECEIVING THE GREATEST NUMBER OF VOTES FOR THE SAME OFFICE FILES WITH THE LOCAL BOARD OF ELECTIONS A CERTIFICATE OF WITHDRAWAL WITHIN THREE DAYS FOLLOWING SUCH PRIMARY ELECTION, THE BOARD SHALL ACCEPT AND CERTIFY THE WITHDRAWAL AND DECLARE THE REMAINING CANDIDATE THE WINNER AND NO SUCH RUN-OFF PRIMARY ELECTION SHALL BE HELD. SUCH CERTIFICATE OF WITHDRAWAL SHALL BE IN AFFIDAVIT OR AFFIRMATION FORM AS DETERMINED BY THE STATE BOARD OF ELECTIONS.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

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

LBD02081-01-9