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

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I N S E N A T E

January 21, 2010

Introduced by Sen. MONSERRATE -- 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 creating a special primary election

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

Section 1. Section 6-114 of the election law is amended to read as follows:

S 6-114. Party nominations; special election. Party nominations for an office to be filled at a special election shall be made [in the manner prescribed by the rules of the party] AT A SPECIAL PRIMARY ELECTION PURSUANT TO SECTION 6-161 OF THIS ARTICLE, AT WHICH THE CANDIDATE RECEIVING THE MOST VOTES SHALL BE THE NOMINEE OF THE PARTY.

S 2. The election law is amended by adding a new section 6-161 to read as follows:

S 6-161. SPECIAL PRIMARY ELECTIONS. 1. THE SPECIAL PRIMARY ELECTION SHALL TAKE PLACE ON THE FIRST TUESDAY OCCURRING AT LEAST THIRTY DAYS BUT NO MORE THAN THIRTY-SIX DAYS PRIOR TO THE SPECIAL ELECTION.

2. DESIGNATING PETITIONS FOR A PRIMARY NOMINATION SHALL BE SUBJECTED TO THE SAME FORM AND RULES SET OUT IN SECTIONS 6-132 AND 6-134 OF THIS ARTICLE. DESIGNATING PETITIONS SHALL BE FILED WITHIN TWELVE DAYS OF THE DATE THE GOVERNOR PROCLAIMS THE NEED FOR A SPECIAL ELECTION.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.

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

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