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I N   S E N A T E

May 27, 2010

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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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 6-162 of the election law, as amended by chapter  
2     418 of the laws of 1993, is amended to read as follows:  
3     S 6-162. Primary; New York City, run-off. 1. In the city of New York,  
4     when no candidate for the office of mayor, public advocate or comp-  
5     troller receives forty percent or more of the votes cast by the members  
6     of a political party for such office in a city-wide primary election,  
7     the board of elections of such city shall conduct a run-off primary  
8     election between the two candidates receiving the greatest number of  
9     votes for the same office.  
10    2.     IN ANY JURISDICTION THAT AUTHORIZES A RUN-OFF ELECTION AFTER A  
11    PRIMARY ELECTION, IF ONE OF THE TWO CANDIDATES RECEIVING THE GREATEST  
12    NUMBER OF VOTES FOR THE SAME OFFICE FILES WITH THE LOCAL BOARD OF  
13    ELECTIONS A CERTIFICATE OF WITHDRAWAL WITHIN THREE DAYS FOLLOWING SUCH  
14    PRIMARY ELECTION, THE BOARD SHALL ACCEPT AND CERTIFY THE WITHDRAWAL AND  
15    DECLARE THE REMAINING CANDIDATE THE WINNER AND NO SUCH RUN-OFF PRIMARY  
16    ELECTION SHALL BE HELD.     SUCH CERTIFICATE OF WITHDRAWAL SHALL BE IN  
17    AFFIDAVIT OR AFFIRMATION FORM AS DETERMINED BY THE STATE BOARD OF  
18    ELECTIONS.  
19    S 2.    This act shall take effect on the thirtieth day after it shall  
20    have become a law.

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

LBD02081-01-9