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

7454

2011-2012 Regular Sessions

I N A S S E M B L Y

May 4, 2011

Introduced by M. of A. MILLMAN -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to the canvassing of primary returns by the board of elections

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

Section 1. Subdivision 2 of section 9-200 of the election law, as amended by chapter 29 of the laws of 1983, is amended to read as follows:

2. The board forthwith upon the completion of the canvass for members of a state committee and delegates and alternates to a national, state or judicial district convention, shall transmit to the state board of elections a certificate stating the name and residence of each member of a state committee and delegate and alternate elected from a district wholly within the jurisdiction of such board, except that, in respect to a judicial district convention in the first, second, eleventh [and], twelfth AND THIRTEENTH judicial districts, the board of elections, instead of transmitting such certificate, shall compile the roll of the convention and transmit it to the chairman or secretary of the committee which, by party rules, is empowered to fix the time and place of the convention. The board of elections shall send by mail to each delegate and alternate elected a notice of his election. The certificate or roll of the convention shall list the delegates and alternates elected at a primary in the order of the votes received by each delegate or alternate, with the delegate or alternate receiving the highest number of votes listed first. Tie votes shall be indicated in a manner prescribed by the state board of elections. If there shall have been no contested election for alternates, the names of the alternates shall appear on the certificate or roll in the order in which their names appeared on the petition which designated them.

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

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S 2. Section 9-202 of the election law, as amended by chapter 218 of the laws of 1992, is amended to read as follows:

S 9-202. Canvass of primary returns by state board of elections; convention rolls. The state board of elections upon receipt by it from boards of elections of the tabulated statements of votes at a primary election required to be filed with it shall proceed forthwith to canvass such statements. Upon the completion of the canvass it shall make, certify and file in its office tabulated statements of the number of votes cast for all the candidates for nomination to each public office or for election to each party position, and the number of votes cast for each such candidate. The candidate receiving the highest number of votes shall be the nominee of his party for such office or shall be elected to such party position, as the case may be, and the board, if requested, shall furnish to the elected candidates a certificate of election. From such certified statements of the votes for delegates and alternates elected to a state or judicial district convention of any party, other than a judicial district convention in the first, second, eleventh [and], twelfth AND THIRTEENTH judicial districts, the state board shall forthwith compile the roll of each such convention in duplicate and transmit it, if for a state convention, to the chairman and secretary of the state committee of the party, and if for a judicial district convention, to the chairman and secretary of the committee which, by party rules, is empowered to fix the time and place of the convention. The roll of the convention shall list the candidates elected at a primary in the order of the votes received by each candidate together with the number of votes received by each such candidate. If there shall have been no contested election for alternates, the names of the alternates shall appear on the roll in the order in which their names appear on the petition which designated them. The state board of elections shall transmit copies of the certified statements of the votes for delegates and alternates to a national convention of a party to the chairman and secretary of the state committee of such party.

S 3. This act shall take effect immediately.