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

9524

I N A S S E M B L Y

March 9, 2012

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

AN ACT to amend chapter 147 of the laws of 2011 amending the election law relating to the conducting of the presidential primary, in relation to th effectiveness thereof; to amend the election law, in relation to date of primary elections; and to amend a chapter of the laws of 2012 amending the election law relating to primary elections, as proposed in legislative bill number A. 9271-A, in relation to the effectiveness thereof

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

Section 1. Section 11 of chapter 147 of the laws of 2011 amending the election law relating to the conducting of the presidential primary, is amended to read as follows:

S 11. This act shall take effect immediately; except that if this act shall become a law after July 1, 2011, it shall take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 2011; and, EXCEPT FOR SECTIONS SIX, SEVEN, EIGHT, AND NINE OF THIS ACT shall expire December 31, 2012 when upon such date the provisions of this act, EXCEPT FOR SECTIONS SIX, SEVEN, EIGHT, AND NINE OF THIS ACT, shall be deemed repealed.

S 2. Subdivisions 1 and 4 of section 6-158 of the election law, as amended by chapter 434 of the laws of 1984, are amended to read as follows:

1. A designating petition shall be filed not earlier than the [tenth] THIRTEENTH Monday before, and not later than the [ninth] TWELFTH Thursday preceding the primary election.

4. A petition of enrolled members of a party requesting an opportunity to write in the name of an undesignated candidate for a public office or party position at a primary election shall be filed not later than the [eighth] ELEVENTH Thursday preceding the primary election. However, where a designating petition has been filed and the person named therein has declined such designation and another person has been designated to fill the vacancy, then in that event, a petition for an opportunity to

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

LBD15018-01-2

ballot in a primary election shall be filed not later than the [seventh] TENTH Thursday preceding such primary election.

S 3. Paragraph (a) of subdivision 1 of section 8-100 of the election law, as amended by chapter 17 of the laws of 2007, is amended to read as follows:

(a) A primary election[, to be known as the fall primary,] shall be held on the [first] FOURTH Tuesday [after the second Monday] in [September] JUNE before every general election unless otherwise changed by an act of the legislature. MEMBERS OF THE STATE AND COUNTY COMMITTEES AND ASSEMBLY DISTRICT LEADERS AND ASSOCIATE DISTRICT LEADERS AND ALL OTHER PARTY POSITIONS TO BE ELECTED SHALL BE ELECTED AT SUCH PRIMARY AND ALL NOMINATIONS FOR PUBLIC OFFICE REQUIRED TO BE MADE AT A PRIMARY ELECTION IN SUCH YEAR SHALL BE MADE AT SUCH PRIMARY. In each year in which electors of president and vice president of the United States are to be elected an additional primary election, to be known as the spring primary, shall be held on the first Tuesday in February unless otherwise changed by an act of the legislature, for the purpose of electing delegates to the national convention[, members of state and county committees and assembly district leaders and associate assembly district leaders].

S 4. Section 23 of a chapter of the laws of 2012 amending the election law relating to primary elections, as proposed in legislative bill number A.9271-A, is amended to read as follows:

S 23. This act shall take effect immediately provided, however, that the provisions of sections one, seven-a, nine, ten, eleven and THE AMENDMENTS TO SUBDIVISIONS 1 AND 4 OF SECTION 6-158 OF THE ELECTION LAW MADE BY SECTION thirteen of this act shall EXPIRE AND be deemed repealed December 31, 2012; provided, [further that:

(a) the amendments to section 4-110 of the election law made by section three of this act shall not affect the expiration of such section and shall be deemed to expire therewith;

(b) the amendments to section 4-114 of the election law made by section five of this act shall not affect the expiration of such section and shall be deemed to expire therewith;

(c)] HOWEVER, the amendments to paragraph (a) of subdivision 1 of section 8-100 of the election law made by section fifteen of this act shall not affect the expiration of such paragraph and shall be deemed to expire therewith[;

(d) the amendments to paragraph (a) of subdivision 1 of section 10-108 of the election law made by section eighteen of this act shall not affect the expiration of such paragraph and shall be deemed to expire therewith; and

(e) the amendments to subdivision 4 of section 11-204 of the election law, made by section nineteen of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith].

S 5. This act shall take effect immediately; provided, however that:

a. section one of this act shall be deemed to have been in full force and effect on the same date that chapter 147 of the laws of 2011 took effect;

b. section two of this act shall take effect on the same date that subdivisions 1 and 4 of section 6-158 of the election law expire and are repealed pursuant to section 23 of a chapter of the laws of 2012 amending the election law relating to primary elections, as proposed in legislative bill number A.9271-A; and

c. section three of this act shall take effect on the same date that section 1 of chapter 147 of the laws of 2011 expires and is repealed pursuant to section 11 of such chapter.