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

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I N A S S E M B L Y

April 16, 2014

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

AN ACT to amend the election law, in relation to establishing the congressional district method of electoral voting in presidential and vice presidential elections

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

Section 1. Section 12-100 of the election law, as amended by chapter 175 of the laws of 1988, is amended to read as follows:

S 12-100. Electors of president and vice president. At the general election in November preceding the time fixed by law of the United States for the choice of president and vice president of the United States, as many electors of president and vice president of the United States shall be elected, as this state shall be entitled to. ONE PRESIDENTIAL AND VICE PRESIDENTIAL ELECTOR SHALL BE CHOSEN FROM EACH CONGRESSIONAL DISTRICT, AND TWO PRESIDENTIAL AND VICE PRESIDENTIAL ELECTORS SHALL BE CHOSEN AT LARGE. THE CONGRESSIONAL DISTRICT ELECTORS SHALL BE CHOSEN FROM THE PARTY OR GROUP OF PETITIONERS OF THE HIGHEST NUMBER OF VOTES IN SUCH DISTRICT. THE AT LARGE ELECTORS SHALL BE CHOSEN FROM THE PARTY OR GROUP OF PETITIONERS OF THE HIGHEST NUMBER OF VOTES IN THE STATE. Each vote cast for the candidates of any party or independent body for president and vice president of the United States and each vote cast for any write-in candidates for such offices shall be deemed to be cast for the candidates for elector of such party or independent body or the candidates for elector named in the certificate of candidacy of such write-in candidates.

S 2. Section 12-106 of the election law is amended to read as follows:

S 12-106. Electoral college; vote of the electors. Immediately after the organization of the electoral college, the electors shall then and there vote by ballot for president and vice president[, but no elector shall vote for more than one person who is a resident of this state]. EACH CONGRESSIONAL DISTRICT PRESIDENTIAL ELECTOR SHALL CAST HIS OR HER BALLOT FOR THE PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES WHO RECEIVED THE HIGHEST NUMBER OF VOTES IN HIS OR HER CONGRESSIONAL

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

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DISTRICT AND THE TWO ELECTORS WHO WERE CHOSEN AT LARGE SHALL CAST THEIR VOTES FOR THE PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES WHO RECEIVED THE HIGHEST NUMBER OF VOTES IN THE STATE. They shall name in separate ballots the persons voted for as president and vice president. They shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one with the votes for president and one with the votes for vice president. There shall be annexed to each of the certificates one of the lists of electors which shall have been furnished to them by the state board of elections. They shall seal up the certificates so made and certify upon each that the lists of all the votes of this state given for president and vice president are contained therein.

S 3. This act shall take effect immediately.