STATE OF NEW YORK

10340--B

IN ASSEMBLY

April 29, 2020

Introduced by M. of A. JACOBSON -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to requiring electors to vote for the presidential and vice presidential candidate who received the highest number of votes in the state; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 12-106 of the election law is amended to read as follows:

§ 12-106. Electoral college; vote of the electors. **1.** 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. 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.

2. Notwithstanding any other section of law besides title four of this article, each elector shall cast his or her ballot for president and vice president for the candidates for these offices who received the highest number of votes within the state. Refusal or failure to vote for the candidates for president and vice president who received the highest number of votes within the state shall constitute a resignation from the office of elector, and any such vote by an elector shall not be recorded. The ballots used by the elector shall bear the name of the

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

LBD14309-13-0

elector. The remaining electors shall forthwith fill the vacancy in accordance with section 12-104 of this title. Nothing in this subdivision shall be interpreted as modifying or repealing title four of this article, the agreement among the states to elect the president by national popular vote.

§ 2. This act shall take effect immediately and shall apply to all electors for all elections occurring on and after such date and shall expire and be deemed repealed January 21, 2021.