

# STATE OF NEW YORK

10306

## IN ASSEMBLY

April 15, 2020

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

AN ACT to amend the election law, in relation to voting by proxy at a judicial district convention due to novel coronavirus, COVID-19; 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:

1 Section 1. Section 6-124 of the election law, as amended by chapter  
2 876 of the laws of 1977, is amended to read as follows:  
3 § 6-124. Conventions; judicial. 1. A judicial district convention  
4 shall be constituted by the election at the preceding primary of deleg-  
5 ates and alternate delegates, if any, from each assembly district or, if  
6 an assembly district shall contain all or part of two or more counties  
7 and if the rules of the party shall so provide, separately from the part  
8 of such assembly district contained within each such county. The number  
9 of delegates and alternates, if any, shall be determined by party rules,  
10 but the number of delegates shall be substantially in accordance with  
11 the ratio, which the number of votes cast for the party candidate for  
12 the office of governor, on the line or column of the party at the last  
13 preceding election for such office, in any unit of representation, bears  
14 to the total vote cast at such election for such candidate on such line  
15 or column in the entire state. The number of alternates from any  
16 district shall not exceed the number of delegates therefrom. The deleg-  
17 ates certified to have been elected as such, in the manner provided in  
18 this chapter, shall be conclusively entitled to their seats, rights and  
19 votes as delegates to such convention. When a duly elected delegate does  
20 not attend the convention, his place shall be taken by one of the alter-  
21 nates, if any, to be substituted in his place, in the order of the vote  
22 received by each such alternate as such vote appears upon the certified  
23 list and if an equal number of votes were cast for two or more such  
24 alternates; the order in which such alternates shall be substituted  
25 shall be determined by lot forthwith upon the convening of the conven-  
26 tion. If there shall have been no contested election for alternate,  
27 substitution shall be in the order in which the name of such alternate

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

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1 appears upon the certified list, and if no alternates shall have been  
2 elected or if no alternates appear at such convention, then the deleg-  
3 ates present from the same district shall elect a person to fill the  
4 vacancy.

5 2. Notwithstanding subdivision one of this section or any other  
6 provision of law, rule or regulation to the contrary, where a duly  
7 elected delegate may not attend the convention due to the state disaster  
8 of emergency due to novel coronavirus, COVID-19, such delegate's place  
9 shall not be substituted by an alternate and instead such delegate shall  
10 be entitled to vote by proxy.

11 § 2. This act shall take effect immediately and shall expire and be  
12 deemed repealed December 31, 2020.