

STATE OF NEW YORK

9039

IN SENATE

October 9, 2020

Introduced by Sen. BORRELLO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the election law, in relation to requiring electors to vote for the presidential and vice presidential candidate in a manner proportional to the number of votes such candidates received in the state; and to repeal certain provisions of such law relating thereto

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

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

3 § 12-106. Electoral college; vote of the electors. 1. Immediately
4 after the organization of the electoral college, the electors shall then
5 and there vote by ballot for president and vice president, but no elec-
6 tor shall vote for more than one person who is a resident of this state.
7 They shall name in separate ballots the persons voted for as president
8 and vice president. They shall make and sign six certificates of all the
9 votes given by them, each of which certificates shall contain two
10 distinct lists, one with the votes for president and one with the votes
11 for vice president. There shall be annexed to each of the certificates
12 one of the lists of electors which shall have been furnished to them by
13 the state board of elections. They shall seal up the certificates so
14 made and certify upon each that the lists of all the votes of this state
15 given for president and vice president are contained therein.

16 2. Notwithstanding any other section of law to the contrary, the elec-
17 tors shall cast their ballots for president and vice president for the
18 candidates for these offices in a manner such that their votes are in
19 the same proportion, or as close as possible, as the votes for such
20 candidates within the state. Refusal or failure to vote for the candi-
21 dates for president and vice president in such a manner shall constitute
22 a resignation from the office of elector, and any such vote by an elec-
23 tor shall not be recorded. The ballots used by such elector shall bear
24 the name of the elector. The remaining electors shall forthwith fill the
25 vacancy in accordance with section 12-104 of this title.

26 § 2. Title 4 of article 12 of the election law is REPEALED.

27 § 3. This act shall take effect immediately and shall apply to all
28 electors for all elections occurring on and after such date.

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

LBD17412-01-0