STATE OF NEW YORK

5437

2021-2022 Regular Sessions

IN ASSEMBLY

February 16, 2021

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

AN ACT to amend the election law, in relation to requiring electors to vote for the presidential and vice presidential candidates in a manner representing the plurality of votes in each congressional district and removing electors who vote in violation of their pledge to vote in such manner

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. 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. **Two electoral votes shall be given to the statewide winner and one electoral vote shall be given to each congressional district based on the plurality of votes in such district. Each presidential elector shall execute the following pledge: "As a presidential elector duly selected (or appointed) for this position, I agree to serve and to mark my ballots for president and vice president for the presidential and vice presidential candidates who received the highest number of votes in the state if I am an at-large presidential elector or the highest number of votes in my congressional district if I am a congressional presidential elector".** 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 certif-

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

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icates 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. The election law is amended by adding a new section 12-112 to read as follows:

§ 12-112. Violation of pledge. A presidential elector who refuses to present a ballot, who attempts to present an unmarked ballot, or who attempts to present a ballot marked in violation of his or her pledge pursuant to section 12-106 of this title vacates the office of presidential elector. In the event of a vacancy caused by violation of this section, the remaining electors shall fill such vacancy in accordance with section 12-104 of this title.

§ 3. This act shall take effect immediately.