STATE OF NEW YORK

8361

2021-2022 Regular Sessions

IN ASSEMBLY

October 20, 2021

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

AN ACT to amend the election law, in relation to providing for the appointment and removal of commissioners of election; and to repeal certain provisions of the election law relating thereto

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

Section 1. The section heading of section 3-200 of the election law, as amended by chapter 373 of the laws of 1978, is amended to read as follows:

Boards of elections; creation, qualifications of commissioners[~~, removal~~].

§ 2. Subdivision 7 of section 3-200 of the election law is REPEALED.

§ 3. Section 3-202 of the election law is amended to read as follows:

§ 3-202. Election commissioners; term of office. 1. The term of office of an election commissioner shall be [~~two~~] four years beginning [~~January first~~] February fifteenth of [~~each odd numbered year except that in the city of New York and the county of Schenectady the term shall be four years beginning on January~~] the first alternate odd numbered year. [~~The county legislative body of any other county may determine that the commissioners of elections thereafter appointed shall serve for a term of four years. Such determination may be rescinded by a subsequent action of the county legislative body which shall take effect at the expiration of the terms of the commissioners then in office.~~]

2. The local legislative body may, at any time, determine that the terms of office for commissioners shall be staggered and may make subsequent appointments so as to provide for staggered terms of office thereafter.

§ 4. Subdivision 4 of section 3-204 of the election law, as amended by chapter 116 of the laws of 2010, is amended to read as follows:

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

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4. Commissioners of election shall be appointed by the county legislative body, or in the city of New York, by the city council. Provided, however, that if a legislative body shall fail to appoint any person recommended by a party for appointment as a commissioner pursuant to this section, within thirty days after the filing of a certificate of recommendation with such legislative body, then the members of such legislative body who are members of the political party which filed such certificate may appoint such person. And further provided, if there are no members of the legislative body who are members of the political party which filed such certificate, the [~~appointment shall take effect upon the expiration of thirty days from the date that the certificate was filed~~] **county committee or such other committee as the rules of the party may provide shall recommend not fewer than two additional persons for the county legislative body to choose from**. If none of the persons named in any of the certificates filed by a party are so appointed within sixty days after the filing of any such certificate, then such party may file another certificate within thirty days after the expiration of any such sixty day period recommending a different person for such appointment. If a party fails to file a certificate within the time prescribed by this section, the members of the legislative body who are members of such party may appoint any eligible person to such office.

§ 5. The election law is amended by adding a new section 3-206 to read as follows:

§ 3-206. Election commissioners; removal. 1. The state board of elections shall have the power to remove the election commissioner of any county for any willful violation or neglect of duty under this chapter, or willfully disobeying any law, decision, order, settlement, rule or regulation of the state board of elections.

2. An election commissioner may be removed from office by the governor for cause in the same manner as a sheriff.

3. Any vacancy so resulting shall be filled in a manner prescribed by this article for filling vacancies.

§ 6. This act shall take effect immediately.