

# STATE OF NEW YORK

8683--B

## IN ASSEMBLY

January 10, 2022

Introduced by M. of A. SALKA, BLANKENBUSH, TAGUE, DeSTEFANO, ANGELINO -- 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 the number of signatures for independent nominating petitions

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

1 Section 1. Subdivision 1 of section 6-142 of the election law, as  
2 amended by section 9 of part ZZZ of chapter 58 of the laws of 2020, is  
3 amended to read as follows:

4 1. An independent nominating petition for candidates to be voted for  
5 by all the voters of the state must be signed by at least [~~forty-five~~  
6 fifteen] thousand voters, or one percent of the total number of votes,  
7 excluding blank and void ballots, cast for the office of governor at the  
8 last gubernatorial election, whichever is less, of whom at least [~~five~~  
9 one] hundred[7] or one percent of enrolled voters, whichever is less,  
10 shall reside in each of one-half of the congressional districts of the  
11 State.

12 § 2. Subdivision 3 of section 1-104 of the election law, as amended by  
13 section 10 of part ZZZ of chapter 58 of the laws of 2020, is amended to  
14 read as follows:

15 3. The term "party" means any political organization which, excluding  
16 blank and void ballots, at the last preceding election for governor  
17 received, at least two percent of the total votes cast for its candidate  
18 for governor, or [~~one hundred thirty~~] fifty thousand votes, whichever  
19 [~~is greater~~] lesser, in the year in which a governor is elected and at  
20 least two percent of the total votes cast for its candidate for presi-  
21 dent, or [~~one hundred thirty~~] fifty thousand votes, whichever is [~~great-~~  
22 er] lesser, in a year when a president is elected.

23 § 3. Subdivision 4 of section 6-138 of the election law, as amended by  
24 chapter 88 of the laws of 1995, 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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1 4. [~~A signature made earlier than six weeks prior to the last day to~~  
2 ~~file independent petitions shall not be counted.~~] (a) A signature on an  
3 independent petition for a special election made earlier than the date  
4 of the proclamation calling the special election shall not be counted.

5 (b) Signatures for an independent petition for the general election  
6 shall be collected during a twelve week period beginning the Monday  
7 before Memorial day and ending the third Monday of August. No signature  
8 for an independent petition for the general election shall be counted if  
9 made prior to or after such period.

10 § 4. Subdivisions 9, 11 and 12 of section 6-158 of the election law,  
11 as amended by chapter 164 of the laws of 2022, are amended to read as  
12 follows:

13 9. A petition for an independent nomination for an office to be filled  
14 at the time of a general election shall be filed not earlier than [~~twen-~~  
15 ~~ty-four~~] six weeks and not later than twenty-three weeks preceding such  
16 election. A petition for an independent nomination for an office to be  
17 filled at a special election shall be filed not later than twelve days  
18 following the issuance of a proclamation of such election, provided  
19 however, such certificate shall be filed not later than nine days  
20 following the issuance of a proclamation of a special election held  
21 pursuant to paragraph b of subdivision three of section forty-two of the  
22 public officers law.

23 11. A certificate of acceptance or declination of an independent nomi-  
24 nation for an office to be filled at the time of a general election  
25 shall be filed not later than [~~the third day after the twenty-third~~  
26 ~~Tuesday~~] seven weeks preceding such general election [~~except that a~~  
27 ~~candidate who files such a certificate of acceptance for an office for~~  
28 ~~which there have been filed certificates or petitions designating more~~  
29 ~~than one candidate for the nomination of any party, may thereafter file~~  
30 ~~a certificate of declination not later than the third day after the~~  
31 ~~primary election~~]. A certificate of acceptance or declination of an  
32 independent nomination for an office to be filled at a special election  
33 shall be filed not later than fourteen days following the issuance of a  
34 proclamation of such election, provided however, such certificate shall  
35 be filed not later than eleven days following the issuance of a procla-  
36 mation of a special election held pursuant to paragraph b of subdivision  
37 three of section forty-two of the public officers law.

38 12. A certificate to fill a vacancy caused by a declination of an  
39 independent nomination for an office to be filled at the time of a  
40 general election shall be filed not later than [~~the sixth day after the~~  
41 ~~twenty-third Tuesday~~] seven weeks preceding such election. A certificate  
42 to fill a vacancy caused by a declination of an independent nomination  
43 for an office to be filled at a special election shall be filed not  
44 later than sixteen days following the issuance of a proclamation of such  
45 election, provided however, such certificate shall be filed not later  
46 than thirteen days following the issuance of a proclamation of a special  
47 election held pursuant to paragraph b of subdivision three of section  
48 forty-two of the public officers law.

49 § 5. Paragraph (a) of subdivision 6 of section 6-158 of the election  
50 law, as amended by section 6 of chapter 164 of the laws of 2022, is  
51 amended to read as follows:

52 (a) A certificate of a party nomination made other than at the primary  
53 election for an office to be filled at the time of a general election  
54 shall be filed not later than [~~thirty days after the June primary~~  
55 ~~election~~] seven weeks preceding such general election,

1 § 6. Paragraph (a) of subdivision 6 of section 6-158 of the election  
2 law, as amended by section 7 of chapter 164 of the laws of 2022, is  
3 amended to read as follows:

4 (a) A certificate of a party nomination made other than at the primary  
5 election for an office to be filled at the time of a general election  
6 shall be filed not later than [~~thirty days after the primary election~~]  
7 seven weeks preceding such general election,

8 § 7. This act shall take effect immediately; provided, however, that  
9 the amendments to paragraph (a) of subdivision 6 of section 6-158 of the  
10 election law made by section five of this act shall be subject to the  
11 expiration and reversion of such subdivision when upon such date the  
12 provisions of section six of this act shall take effect.