STATE OF NEW YORK

5531--A

Cal. No. 176

2021-2022 Regular Sessions

IN ASSEMBLY

February 19, 2021

Introduced by M. of A. BICHOTTE HERMELYN -- read once and referred to the Committee on Election Law -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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:

Section 1. Section 6-124 of the election law, as amended by chapter 876 of the laws of 1977, is amended to read as follows:

§ 6-124. Conventions; judicial. **1.** A judicial district convention shall be constituted by the election at the preceding primary of delegates and alternate delegates, if any, from each assembly district or, if an assembly district shall contain all or part of two or more counties and if the rules of the party shall so provide, separately from the part of such assembly district contained within each such county. The number of delegates and alternates, if any, shall be determined by party rules, but the number of delegates shall be substantially in accordance with the ratio, which the number of votes cast for the party candidate for the office of governor, on the line or column of the party at the last preceding election for such office, in any unit of representation, bears to the total vote cast at such election for such candidate on such line or column in the entire state. The number of alternates from any district shall not exceed the number of delegates therefrom. The delegates certified to have been elected as such, in the manner provided in this chapter, shall be conclusively entitled to their seats, rights and votes as delegates to such convention. When a duly elected delegate does not attend the convention, his place shall be taken by one of the alternates, if any, to be substituted in his place, in the order of the vote received by each such alternate as such vote appears upon the certified

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

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list and if an equal number of votes were cast for two or more such alternates; the order in which such alternates shall be substituted shall be determined by lot forthwith upon the convening of the convention. If there shall have been no contested election for alternate, substitution shall be in the order in which the name of such alternate appears upon the certified list, and if no alternates shall have been elected or if no alternates appear at such convention, then the delegates present from the same district shall elect a person to fill the vacancy.

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

§ 2. This act shall take effect immediately and shall expire and be deemed repealed December 31, 2022.