STATE OF NEW YORK

8184

2021-2022 Regular Sessions

IN ASSEMBLY

August 25, 2021

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

AN ACT to amend the election law, in relation to requiring that candidates for certain offices be residents and registered voters in the district containing the public office or party position sought at certain times during the electoral process

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

Section 1. Section 6-136 of the election law is amended by adding a new subdivision 5 to read as follows:

5. At the time of the filing of a designating petition for a public office or a party position, the candidate shall be a resident and registered voter in the district containing the public office or party position sought. A county, city, town or village may impose more stringent residency requirements. A candidate for member of the county committee need only be a resident and registered to vote in the Assembly district which contains the election district that the candidate is running in. Failure to meet these requirements shall render the petition void. These requirements shall be in addition to all other requirements required by law. This section shall not apply to a candidate for representative in congress, or to a candidate for the state assembly or state senate.

§ 2. Section 6-138 of the election law is amended by adding a new subdivision 5 to read as follows:

5. At the time of the filing of an independent nominating petition for public office, the candidate shall be a resident and registered voter in the district containing the public office. Failure to meet these requirements shall render the petition void. These requirements shall be in addition to all other requirements required by law. A county, city, town or village may impose more stringent residency requirements. This section shall not apply to a candidate for representative in congress, or to a candidate for the state assembly or state senate.

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

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§ 3. Section 6-108 of the election law is amended by adding a new subdivision 4 to read as follows:

4. At the time of a party caucus, the candidate shall be a resident and registered voter in the district containing the public office sought. Failure to meet these requirements shall render the certificate of designation or nomination void. These requirements shall be in addition to all other requirements required by law. A town may impose more stringent residency requirements.

§ 4. Section 6-146 of the election law is amended by adding a new subdivision 6 to read as follows:

6. The candidate filing a certificate accepting the designation or nomination under this section shall be a resident and registered voter in the district containing the public office sought. Failure to meet these requirements shall render the certificate of acceptance void. A county, city, town or village may impose more stringent residency requirements. These requirements shall be in addition to all other requirements required by law. This section shall not apply to a candidate for representative in congress, or to a candidate for the state assembly or state senate, or a candidate for justice of the supreme court.

§ 5. Section 6-122 of the election law, as amended by chapter 511 of the laws of 1993, is amended to read as follows:

§ 6-122. Designation or nomination; eligibility, restrictions. **1.** A person shall not be designated or nominated for a public office or party position who [~~(1)~~]**:**

(a) is not a citizen of the state of New York;

[~~(2)~~] **(b)** is ineligible to be elected to such office or position; [~~or~~ ~~(3)~~] **(c)** who, if elected will not at the time of commencement of the term of such office or position, meet the constitutional or statutory qualifications thereof or, with respect to judicial office, who will not meet such qualifications within thirty days of the commencement of the term of such office**; or**

(d) at the time of such designation or nomination shall not be a resident of the district and not registered to vote in the district containing the public office or party position. A county, city, town or village may impose more stringent residency requirements. A candidate for member of the county committee need only be a resident and registered to vote in the Assembly district which contains the election district that the candidate is running in.

2. The provisions of paragraph (d) of subdivision one of this section shall not apply to the office of representative in congress, or to the office of representative in the state assembly or state senate, or to the office of justice of the supreme court.

§ 6. This act shall take effect immediately.