

STATE OF NEW YORK

8509

2021-2022 Regular Sessions

IN ASSEMBLY

December 13, 2021

Introduced by M. of A. GOODELL, NORRIS, BARCLAY, J. M. GIGLIO -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to primary elections and moving the date of the presidential primary

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

Section 1. Subdivisions 9, 11 and 12 of section 6-158 of the election law, as amended by chapter 5 of the laws of 2019, are amended to read as follows:

9. A petition for an independent nomination for an office to be filled at the time of a general election shall be filed not earlier than [~~twenty-four~~ seventeen] weeks and not later than [~~twenty-three~~ sixteen] weeks preceding such election. A petition for an independent nomination for an office to be filled at a special election shall be filed not later than twelve days following the issuance of a proclamation of such election.

11. A certificate of acceptance or declination of an independent nomination for an office to be filled at the time of a general election shall be filed not later than the third day after the [~~twenty-third~~ sixteenth] Tuesday preceding such election except that a candidate who files such a certificate of acceptance for an office for which there have been filed certificates or petitions designating more than one candidate for the nomination of any party, may thereafter file a certificate of declination not later than the third day after the primary election. A certificate of acceptance or declination of an independent nomination for an office to be filled at a special election shall be filed not later than fourteen days following the issuance of a proclamation of such election.

12. A certificate to fill a vacancy caused by a declination of an independent nomination for an office to be filled at the time of a general election shall be filed not later than the sixth day after the [~~twenty-third~~ sixteenth] Tuesday preceding such election. A certificate

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

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1 to fill a vacancy caused by a declination of an independent nomination
2 for an office to be filled at a special election shall be filed not
3 later than sixteen days following the issuance of a proclamation of such
4 election.

5 § 2. Paragraph (a) of subdivision 1 of section 8-100 of the election
6 law, as amended by chapter 5 of the laws of 2019, is amended to read as
7 follows:

8 (a) A primary election shall be held on the [~~fourth~~] second Tuesday in
9 [~~June~~] August before every general election unless otherwise changed by
10 an act of the legislature. Members of the state and county committees
11 and assembly district leaders and associate district leaders and all
12 other party positions to be elected shall be elected at such primary and
13 all nominations for public office required to be made at a primary
14 election in such year shall be made at such primary. In each year in
15 which electors of president and vice president of the United States are
16 to be elected an additional primary election, to be known as the spring
17 primary, shall be held on the [~~first~~] fourth Tuesday in [~~February~~] April
18 unless otherwise changed by an act of the legislature, for the purpose
19 of electing delegates to the national convention.

20 § 3. This act shall take effect immediately.