

# STATE OF NEW YORK

8683

## IN ASSEMBLY

January 10, 2022

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

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 chapter 90 of the laws of 2021, is amended to read as  
3 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 hundred, or one percent of enrolled voters, whichever is less, shall  
10 reside in each of one-half of the congressional districts of the State.

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

14 1. An independent nominating petition for candidates to be voted for  
15 by all the voters of the state must be signed by at least [~~forty-five~~  
16 fifteen thousand voters, or one percent of the total number of votes,  
17 excluding blank and void ballots, cast for the office of governor at the  
18 last gubernatorial election, whichever is less, of whom at least five  
19 hundred, or one percent of enrolled voters, whichever is less, shall  
20 reside in each of one-half of the congressional districts of the State.

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

24 3. The term "party" means any political organization which, excluding  
25 blank and void ballots, at the last preceding election for governor  
26 received, at least two percent of the total votes cast for its candidate  
27 for governor, or [~~one hundred thirty~~ fifty thousand votes, whichever  
28 [~~is greater~~ lesser, in the year in which a governor is elected and at

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

LBD13620-03-1

1 least two percent of the total votes cast for its candidate for presi-  
2 dent, or [~~one hundred thirty~~] fifty thousand votes, whichever is [~~great-~~  
3 ~~er~~] lesser, in a year when a president is elected.

4 § 4. Subdivision 4 of section 6-138 of the election law, as amended by  
5 chapter 88 of the laws of 1995, is amended to read as follows:

6 4. [~~A signature made earlier than six weeks prior to the last day to~~  
7 ~~file independent petitions shall not be counted.~~] (a) A signature on an  
8 independent petition for a special election made earlier than the date  
9 of the proclamation calling the special election shall not be counted.

10 (b) Signatures for an independent petition for the general election  
11 shall be collected during a twelve week period beginning June first and  
12 ending August thirty-first. No signature for an independent petition for  
13 the general election shall be counted if made prior to or after such  
14 period.

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

18 9. A petition for an independent nomination for an office to be filled  
19 at the time of a general election shall be filed not earlier than [~~twen-~~  
20 ~~ty-four~~] six weeks and not later than [~~twenty-three~~] five weeks preced-  
21 ing such election. A petition for an independent nomination for an  
22 office to be filled at a special election shall be filed not later than  
23 twelve days following the issuance of a proclamation of such election.

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

36 12. A certificate to fill a vacancy caused by a declination of an  
37 independent nomination for an office to be filled at the time of a  
38 general election shall be filed not later than [~~the sixth day after the~~  
39 ~~twenty-third Tuesday~~] seven weeks preceding such general election. A  
40 certificate to fill a vacancy caused by a declination of an independent  
41 nomination for an office to be filled at a special election shall be  
42 filed not later than sixteen days following the issuance of a proclama-  
43 tion of such election.

44 § 6. Paragraph (a) of subdivision 6 of section 6-158 of the election  
45 law, as amended by chapter 290 of the laws of 2019, is amended to read  
46 as follows:

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

51 § 7. Paragraph (a) of subdivision 6 of section 6-158 of the election  
52 law, as amended by chapter 5 of the laws of 2019, is amended to read as  
53 follows:

54 (a) A certificate of a party nomination made other than at the primary  
55 election for an office to be filled at the time of a general election

1 shall be filed not later than [~~thirty days after the primary election~~]  
2 seven weeks preceding such general election,  
3 § 8. This act shall take effect immediately; provided, however, that:  
4 a. the amendments to subdivision 1 of section 6-142 of the election  
5 law made by section one of this act shall be subject to the expiration  
6 and reversion of such subdivision when upon such date the provisions of  
7 section two of this act shall take effect; and  
8 b. the amendments to paragraph (a) of subdivision 6 of section 6-158  
9 of the election law made by section six of this act shall be subject to  
10 the expiration and reversion of such subdivision when upon such date the  
11 provisions of section seven of this act shall take effect.