# STATE OF NEW YORK

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# 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 -- 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:**

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

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

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

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

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

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

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

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

§ 4. Subdivisions 9, 11 and 12 of section 6-158 of the election law, as amended by chapter 164 of the laws of 2022, 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~~] **twenty-three** weeks and not later than [~~twenty-three~~] **six** 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, provided however, such certificate shall be filed not later than nine days following the issuance of a proclamation of a special election held pursuant to paragraph b of subdivision three of section forty-two of the public officers law.

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 Tuesday~~] **seven weeks** preceding such **general** 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, provided however, such certificate shall be filed not later than eleven days following the issuance of a proclamation of a special election held pursuant to paragraph b of subdivision three of section forty-two of the public officers law.

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 Tuesday~~] **seven weeks** preceding such election. A certificate to fill a vacancy caused by a declination of an independent nomination for an office to be filled at a special election shall be filed not later than sixteen days following the issuance of a proclamation of such election, provided however, such certificate shall be filed not later than thirteen days following the issuance of a proclamation of a special election held pursuant to paragraph b of subdivision three of section forty-two of the public officers law.

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

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

shall be filed not later than [~~thirty days after the June primary election~~] seven weeks preceding such general election,

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

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

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