

# STATE OF NEW YORK

8683--C

## 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:

1 Section 1. Subdivision 1 of section 6-142 of the election law, as  
2 amended by section 9 of part ZZZ of chapter 58 of the laws of 2020, is  
3 amended to read as 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 one hundred~~7~~] or one percent of enrolled voters, whichever is less,  
10 shall reside in each of one-half of the congressional districts of the  
11 State.

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

15 3. The term "party" means any political organization which, excluding  
16 blank and void ballots, at the last preceding election for governor  
17 received, at least two percent of the total votes cast for its candidate  
18 for governor, or [~~one hundred thirty~~ fifty thousand votes, whichever  
19 [~~is greater~~ lesser], in the year in which a governor is elected and at  
20 least two percent of the total votes cast for its candidate for presi-  
21 dent, or [~~one hundred thirty~~ fifty thousand votes, whichever is [~~great-~~  
22 ~~er~~] 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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1 § 3. Subdivision 4 of section 6-138 of the election law, as amended by  
2 chapter 88 of the laws of 1995, is amended to read as follows:

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

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

12 § 4. Subdivisions 9, 11 and 12 of section 6-158 of the election law,  
13 as amended by chapter 164 of the laws of 2022, are amended to read as  
14 follows:

15 9. A petition for an independent nomination for an office to be filled  
16 at the time of a general election shall be filed not earlier than [~~twen-~~  
17 ~~ty-four~~] twenty-three weeks and not later than [~~twenty-three~~] six weeks  
18 preceding such election. A petition for an independent nomination for an  
19 office to be filled at a special election shall be filed not later than  
20 twelve days following the issuance of a proclamation of such election,  
21 provided however, such certificate shall be filed not later than nine  
22 days following the issuance of a proclamation of a special election held  
23 pursuant to paragraph b of subdivision three of section forty-two of the  
24 public officers law.

25 11. A certificate of acceptance or declination of an independent nomi-  
26 nation for an office to be filled at the time of a general election  
27 shall be filed not later than [~~the third day after the twenty third~~  
28 ~~Tuesday~~] seven weeks preceding such general election [~~except that a~~  
29 ~~candidate who files such a certificate of acceptance for an office for~~  
30 ~~which there have been filed certificates or petitions designating more~~  
31 ~~than one candidate for the nomination of any party, may thereafter file~~  
32 ~~a certificate of declination not later than the third day after the~~  
33 ~~primary election]. A certificate of acceptance or declination of an  
34 independent nomination for an office to be filled at a special election  
35 shall be filed not later than fourteen days following the issuance of a  
36 proclamation of such election, provided however, such certificate shall  
37 be filed not later than eleven days following the issuance of a procla-  
38 mation of a special election held pursuant to paragraph b of subdivision  
39 three of section forty-two of the public officers law.~~

40 12. A certificate to fill a vacancy caused by a declination of an  
41 independent nomination for an office to be filled at the time of a  
42 general election shall be filed not later than [~~the sixth day after the~~  
43 ~~twenty third Tuesday~~] seven weeks preceding such election. A certificate  
44 to fill a vacancy caused by a declination of an independent nomination  
45 for an office to be filled at a special election shall be filed not  
46 later than sixteen days following the issuance of a proclamation of such  
47 election, provided however, such certificate shall be filed not later  
48 than thirteen days following the issuance of a proclamation of a special  
49 election held pursuant to paragraph b of subdivision three of section  
50 forty-two of the public officers law.

51 § 5. Paragraph (a) of subdivision 6 of section 6-158 of the election  
52 law, as amended by section 6 of chapter 164 of the laws of 2022, is  
53 amended to read as 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 June primary~~  
2 ~~election~~] seven weeks preceding such general election,

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

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

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