

# STATE OF NEW YORK

1292

2021-2022 Regular Sessions

## IN SENATE

January 11, 2021

Introduced by Sens. BROOKS, GOUNARDES -- read twice and ordered printed,  
and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to the procedure to fill  
senate and assembly vacancies

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

1 Section 1. Section 6-116 of the election law, as amended by chapter  
2 373 of the laws of 1978, is amended to read as follows:

3 § 6-116. Party nominations; election to fill a vacancy. 1. A party  
4 nomination of a candidate for election to fill a vacancy in an elective  
5 office required to be filled at the next general election, occurring  
6 after seven days before the last day for circulating designating  
7 petitions or after the holding of the meeting or convention to nominate  
8 or designate candidates for such, shall be made, after the day of the  
9 primary election, by a majority vote of a quorum of the state committee  
10 if the vacancy occurs in an office to be filled by all voters of the  
11 state, and otherwise by a majority vote of a quorum of the members of a  
12 county committee or committees last elected in the political subdivision  
13 in which such vacancy is to be filled, or by a majority of such other  
14 committee as the rules of the party may provide. A certificate of nomi-  
15 nation shall be filed as provided for [~~herein~~] in this article.

16 2. Notwithstanding the provisions of subdivision one of this section,  
17 a vacancy in the office of state senator or in the office of member of  
18 assembly required to be filled at the next general election shall be  
19 filled by popular election in the following manner:

20 (a) Within three days of the occurrence of a vacancy, the governor  
21 shall make proclamation of a special non-partisan election to fill such  
22 office, specifying the district or county in which the election is to be  
23 held, and the day thereof, which shall be forty-five days from the date  
24 of the proclamation.

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

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1 (b) All nominations for elections to fill vacancies held pursuant to  
2 this subdivision shall be by independent nominating petition, such  
3 petitions to be subject to the provisions of this article pertaining to  
4 independent nominations except as is otherwise set forth in this subdivi-  
5 vision. The sheets of the independent nominating petition shall set  
6 forth in every instance the name of the signer, his or her residence  
7 address, town or city (except in the city of New York, the county), and  
8 the date the signature is fixed. Such petition shall be required to  
9 contain a designated number of signatures which shall be the lesser of  
10 five percent of votes cast in the last preceding gubernatorial election  
11 or one thousand five hundred signatures per petition for the office of  
12 state senator and seven hundred fifty signatures per petition for the  
13 office of member of assembly. A signature on an independent nominating  
14 petition made earlier than the date of the proclamation required by  
15 paragraph (a) of this subdivision shall not be counted.

16 (c) All nominating petitions filed pursuant to this subdivision shall  
17 be filed in accordance with the provisions of section 6-144 of this  
18 article within fifteen days after the date of the governor's proclama-  
19 tion as described in paragraph (a) of this subdivision.

20 (d) A person elected to fill a vacancy at an election held pursuant to  
21 this subdivision shall take office immediately upon qualification and  
22 serve for the remainder of the unexpired term.

23 § 2. This act shall take effect immediately.