

# STATE OF NEW YORK

1277

2023-2024 Regular Sessions

## IN ASSEMBLY

January 13, 2023

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

AN ACT to amend the election law, in relation to requiring that candidates for certain offices be residents and registered voters in the district containing the public office or party position sought at certain times during the electoral process

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

1 Section 1. Section 6-136 of the election law is amended by adding a  
2 new subdivision 4 to read as follows:

3 4. At the time of the filing of a designating petition for a public  
4 office or a party position, the candidate shall be a resident and regis-  
5 tered voter in the district containing the public office or party posi-  
6 tion sought. A county, city, town or village may impose more stringent  
7 residency requirements. A candidate for member of the county committee  
8 need only be a resident and registered to vote in the Assembly district  
9 which contains the election district that the candidate is running in.  
10 Failure to meet these requirements shall render the petition void. These  
11 requirements shall be in addition to all other requirements required by  
12 law. This section shall not apply to a candidate for representative in  
13 congress, or to a candidate for the state assembly or state senate.

14 § 2. Section 6-138 of the election law is amended by adding a new  
15 subdivision 5 to read as follows:

16 5. At the time of the filing of an independent nominating petition for  
17 public office, the candidate shall be a resident and registered voter in  
18 the district containing the public office. Failure to meet these  
19 requirements shall render the petition void. These requirements shall be  
20 in addition to all other requirements required by law. A county, city,  
21 town or village may impose more stringent residency requirements. This  
22 section shall not apply to a candidate for representative in congress,  
23 or to a candidate for the state assembly or state senate.

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

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1 § 3. Section 6-108 of the election law is amended by adding a new  
2 subdivision 4 to read as follows:

3 4. At the time of a party caucus, the candidate shall be a resident  
4 and registered voter in the district containing the public office  
5 sought. Failure to meet these requirements shall render the certificate  
6 of designation or nomination void. These requirements shall be in addi-  
7 tion to all other requirements required by law. A town may impose more  
8 stringent residency requirements.

9 § 4. Section 6-146 of the election law is amended by adding a new  
10 subdivision 8 to read as follows:

11 8. The candidate filing a certificate accepting the designation or  
12 nomination under this section shall be a resident and registered voter  
13 in the district containing the public office sought. Failure to meet  
14 these requirements shall render the certificate of acceptance void. A  
15 county, city, town or village may impose more stringent residency  
16 requirements. These requirements shall be in addition to all other  
17 requirements required by law. This section shall not apply to a candi-  
18 date for representative in congress, or to a candidate for the state  
19 assembly or state senate, or a candidate for justice of the supreme  
20 court.

21 § 5. Section 6-122 of the election law, as amended by chapter 511 of  
22 the laws of 1993, is amended to read as follows:

23 § 6-122. Designation or nomination; eligibility, restrictions. 1. A  
24 person shall not be designated or nominated for a public office or party  
25 position who [~~1~~]:

26 (a) is not a citizen of the state of New York;

27 [~~2~~] (b) is ineligible to be elected to such office or position; [~~e~~  
28 ~~3~~] (c) who, if elected will not at the time of commencement of the  
29 term of such office or position, meet the constitutional or statutory  
30 qualifications thereof or, with respect to judicial office, who will not  
31 meet such qualifications within thirty days of the commencement of the  
32 term of such office; or

33 (d) at the time of such designation or nomination shall not be a resi-  
34 dent of the district and not registered to vote in the district contain-  
35 ing the public office or party position. A county, city, town or village  
36 may impose more stringent residency requirements. A candidate for member  
37 of the county committee need only be a resident and registered to vote  
38 in the Assembly district which contains the election district that the  
39 candidate is running in.

40 2. The provisions of paragraph (d) of subdivision one of this section  
41 shall not apply to the office of representative in congress, or to the  
42 office of representative in the state assembly or state senate, or to  
43 the office of justice of the supreme court.

44 § 6. This act shall take effect immediately.