

# STATE OF NEW YORK

1702

2023-2024 Regular Sessions

## IN ASSEMBLY

January 17, 2023

Introduced by M. of A. SIMON -- Multi-Sponsored by -- M. of A. RIVERA,  
SEAWRIGHT -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to the procedure to fill  
certain senate and assembly vacancies in a city with a population of  
one million or more

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 in a city with a population of one million or more, a vacancy in the  
18 office of state senator or in the office of member of assembly occurring  
19 in a district consisting of parts of more than one county and required  
20 to be filled at the next general election shall be filled by popular  
21 election in the following manner:

22 (a) Within three days of the occurrence of such a vacancy, the gover-  
23 nor shall make proclamation of a special non-partisan election to fill  
24 such office, specifying the district and/or counties in which the

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

LBD02861-01-3

1 election is to be held, and the day thereof, which shall be forty-five  
2 days from the date of the proclamation.

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

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

22 (d) A person elected to fill such a vacancy at an election held pursu-  
23 ant to this subdivision shall take office immediately upon qualification  
24 and serve for the remainder of the unexpired term.

25 § 2. This act shall take effect immediately.