STATE OF NEW YORK

253--B

2023-2024 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 4, 2023

Introduced by M. of A. MAGNARELLI, McDONALD, LUPARDO, LUNSFORD, WALLACE, McMAHON -- read once and referred to the Committee on Election Law -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Election Law in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to county committee designations of candidates for certain offices

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

Section 1. The election law is amended by adding a new section 6-127 to read as follows:

§ 6-127. Designation by county committee. 1. Party designation of a candidate for nomination at a primary election in counties, excluding counties located within a city with a population of one million or more, for any office to be filled by the voters of the entire county shall be made by the county committee, if the party rules of such county so provide.

2. Party designation of a candidate for nomination at a primary election for any office whose electoral district is contained within a county, excluding counties located within a city with a population of one million or more, shall be made by the county committee members representing the district associated with such office, if the party rules of such county so provide.

3. For each assembly district or part of an assembly district from which delegates to a judicial nominating convention are to be elected pursuant to section 6-124 of this article, excluding those assembly districts or parts of assembly districts that are located within cities with a population of one million or more, candidates for the position of

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

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judicial delegate and alternate judicial delegate to be elected at a primary election shall be designated by the county committee members representing such assembly district or part of an assembly district, if the party rules of the county containing such assembly district or part of an assembly district so provide.

4. Designations made pursuant to subdivisions one through three of this section shall be made by weighted vote of all county committee members qualified to vote for each such designation. The vote of county committee members shall be held not earlier than twenty-one days before the first day to sign designating petitions and not later than the first day to sign designating petitions for the primary election. Within four days after such votes are taken, the county committee shall file with the county board of elections the names of the persons who have been designated and the offices or delegate positions for which they have been designated. Upon the vote for each such designation, each county committee member shall be entitled to cast a number of votes which shall be in accordance with the ratio which the number of votes for the party candidate for governor on the line or column of the party at the last preceding general election in the unit of representation such member represents bears to the total vote cast on such line or column at such election for such candidate for governor in the entire district associated with the office or delegate position for which the designation is being made. The apportionment of such votes as so prescribed shall be determined by the rules of the party. The person receiving the majority of the weighted vote shall be the party's designated candidate for nomination at the primary election, or, if such designation is for a judicial delegate or alternate judicial delegate, for election at the primary election, and all other persons who shall have received twenty-five percent or more of the weighted vote cast on any ballot shall have the right to make written demand, duly acknowledged, to the county board of elections that their names appear on the primary ballot as candidates for such nomination or delegate position. Such demand shall be made not later than seven days after the vote of the county committee members and may be withdrawn in the same manner within fourteen days of such vote.

5. Party designation of a candidate for nomination at a primary election for any office whose electoral district encompasses portions of more than one county shall be made by the county committee members representing the district associated with such office, if the party rules of each county containing a portion of the district so provide, except where any such county is located within a city with a population of one million or more.

6.(a) Designations made pursuant to subdivision five of this section shall be made by weighted vote of all county committee members qualified to vote for each such designation.

(b) The county committee of each county included within an electoral district or districts for which such a designation is being made shall convene a meeting for the purpose of ascertaining and certifying the votes of its members who are qualified to vote for any such designation. Each such meeting shall be held not earlier than twenty-one days before the first day to sign designating petitions and not later than seven days before the first day to sign designating petitions for the primary election. During each such meeting, for each elected office for which members of the county committee are eligible to participate in the candidate designation process, a vote shall be held wherein each county committee member eligible to vote for such designation shall be entitled

to cast a single ballot specifying the name of one person whom the member wishes to designate as a candidate for such nomination.

(c) Within four days after such meeting is held, the county committee shall file with the state board of elections a document, certified by the chairperson and the secretary of the county committee, identifying, for each elected office for which members of the county committee cast designating ballots, the name of each county committee member who cast a ballot during the vote, the unit of representation each such member represents, and the name of the person whom each such member voted to designate.

(d) For each elected office for which the state board of elections receives certified results of designating votes from the county committees of the counties included within the electoral district associated with such office, the state board of elections shall determine, within seven days of receiving such results, the weighted vote of all county committee members who voted for such designation. The weighted vote of each such committee member shall be equivalent to the ratio which the number of votes for the party candidate for governor on the line or column of the party at the last preceding general election in the unit of representation such member represents bears to the total vote cast on such line or column at such election for such candidate for governor in the entire district associated with the office for which the designation is being made.

(e) If any person received a majority of the weighted vote, that person shall be the party's designated candidate for nomination at the primary election, and all other persons who shall have received twenty-five percent or more of the weighted vote shall have the right to make written demand, duly acknowledged, to the state board of elections that their names appear on the primary ballot as candidates for such nomination. Such demand shall be made not later than seven days after the first day to sign designating petitions for the primary election and may be withdrawn in the same manner within fourteen days of the first day to sign designating petitions for the primary election.

7. No person may, in a given year, be chosen as a party's designated candidate for nomination at a primary election or make written demand to any board of elections that their name appear on the primary ballot as a candidate for party nomination for more than one office pursuant to the provisions of this section.

8. Notwithstanding the provisions of this section, enrolled members of the party may make designations by petition for a member of the same party pursuant to section 6-136 of this article.

9. Notwithstanding the provisions of this section, party nominations for village and town elections may be made by caucus pursuant to title two of this article and section 6-108 of this article, respectively. For elections wherein nominees are chosen by caucus, the provisions of this section shall not be applicable.

§ 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.