STATE OF NEW YORK

2736

2023-2024 Regular Sessions

IN ASSEMBLY

January 27, 2023

Introduced by M. of A. PAULIN, LAVINE, L. ROSENTHAL, DICKENS, SEAWRIGHT, COLTON, GALLAGHER, BURDICK, KELLES, SAYEGH, WOERNER, SEPTIMO, SIMON -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to providing for the declination of a designation as a candidate or nomination for a party position under special circumstances

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 6-159 to read as follows:

§ 6-159. Special circumstance declination. 1. Notwithstanding the date specified in the notice required pursuant to section 6-144 of this article, a person designated as a candidate for nomination or for party position, or nominated for an office, may, in a certificate signed and acknowledged by him or her, and filed no later than three business days before the certification of the ballot for an election, decline the designation or nomination only under the following extraordinary circumstances:

(a) the person has received a diagnosis of a life-threatening illness;

(b) the person has been indicted for a crime; or

(c) the person has resigned the office for which they are nominated or designated to run for re-election, for any reason.

2. The provisions of this article regarding filling a vacancy when a designation or nomination is declined shall apply following the creation of vacancy due to special circumstances as herein provided, except that the certificate of substitution shall be received by the appropriate board of elections not later than two business days after such declination is received by the board.

§ 2. This act shall take effect immediately.

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

LBD05710-01-3