STATE OF NEW YORK

9409

IN ASSEMBLY

March 13, 2024

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

AN ACT to amend the election law, in relation to moving the date of the meeting of the electors and the method for the transmission of the certificates of vote

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

Section 1. Section 12-102 of the election law, as amended by chapter 9 of the laws of 1978, is amended to read as follows:

§ 12-102. Lists of electors; state board of elections to furnish. [~~The~~] **At least six days before the time fixed for the meeting of the electors pursuant to section 12-104 of this title, the** state board of elections shall**:**

1. prepare seven lists, containing [~~both~~] the names of the persons who are elected as electors [~~and~~]**,** a canvass of the votes cast for each candidate for elector, [~~together with~~] a certificate of determination [~~thereon~~] by the state board of canvassers[~~; procure to the same~~]**,** the signature of the governor[~~; cause to be affixed thereto~~]**,** the seal of the state, and [~~in~~] **imprinted on such list an embossment of the seal of the state as a security feature for purposes of verifying the authenticity of such list; and**

2. on behalf of the governor, [~~send~~] **transmit immediately after the preparation of such lists** one copy of such [~~certified~~] list to the [~~administrator of general services~~] **archivist** of the United States by [~~registered mail~~] **the most expeditious method available** and deliver the six other copies thus signed and sealed to the president of the college of electors immediately after [~~his~~] **their** election.

§ 2. Section 12-104 of the election law, as amended by chapter 234 of the laws of 1976, is amended to read as follows:

§ 12-104. Electoral college; meeting and organization. The electors shall convene at the state capitol upon notice from, and at a place fixed by the secretary of state on the first [~~Monday~~] **Tuesday** after the second Wednesday in December next following their election. Those of them who shall be assembled at twelve o'clock noon of that day shall

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

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immediately at that hour fill, by majority vote, all vacancies in the electoral college occasioned by the death, refusal to serve, or neglect to attend at that hour, of any elector, or any vacancies occasioned by an equal number votes having been given for two or more candidates. The electoral college being thus completed, they shall then choose a president and one or more secretaries from their own body.

§ 3. Section 12-106 of the election law, as amended by chapter 476 of the laws of 2023, is amended to read as follows:

§ 12-106. Electoral college; vote of the electors. Immediately after the organization of the electoral college, the electors shall then and there vote by ballot for president and vice president, but no elector shall vote for more than one person who is a resident of this state. They shall name in separate ballots the persons voted for as president and vice president. They shall make and sign six certificates **of vote** of all the votes given by them, each of which certificates shall contain two distinct lists, one with the votes for president and one with the votes for vice president. There shall be annexed to each of the certificates **of vote** one of the lists of electors which shall have been furnished to them by the state board of elections **pursuant to section 12-102 of this title**. They shall seal up the certificates **of vote** so made and certify upon each that the lists of all the votes of this state given for president and vice president are contained therein.

Notwithstanding any other section of law besides title four of this article, each elector shall cast his or her ballot for president and vice president for the candidates for these offices who were nominated by the political party that nominated the presidential elector. Refusal or failure to vote for the candidates for president and vice president who were nominated by the political party that nominated the presidential elector shall constitute a resignation from the office of elector, and any such vote by an elector shall not be recorded. The ballots used by the elector shall bear the name of the elector. The remaining electors shall forthwith fill the vacancy in accordance with section 12-104 of this title. Nothing in this subdivision shall be interpreted as modifying or repealing title four of this article, the agreement among the states to elect the president by national popular vote.

§ 4. Section 12-108 of the election law is amended to read as follows:

§ 12-108. Electoral college; certificate of vote, how distributed. The president of the electoral college shall [~~distribute~~] **immediately transmit the** certificates **of vote** so made **pursuant to section 12-106 of this title** with the lists attached thereto**. Such transmission of each such certificate shall occur at the same time, in the most expeditious method available,** in the following manner:

1. [~~Forthwith, and before the fourth Wednesday in the said month of December, forward~~] one certificate to the president of the United States senate at the seat of the federal government [~~by registered mail~~].

2. [~~Forthwith, and before the fourth Wednesday in the said month of December deliver~~] two certificates to the state board of elections, one of which shall be held by it subject to the order of the president of the United States senate **or the archivist of the United States, as appropriate, pursuant to the laws of the United States** and the other shall be preserved for one year and shall be a part of the public records of the board and be open to public inspection.

3. [~~On the following day forward~~] two certificates to the [~~administrator of general services~~] **archivist of the United States** at the seat of the federal government [~~by registered mail~~].

4. [~~Forthwith, and before the fourth Wednesday in the said month of December, deliver~~] the other certificates to the chief judge of the United States District Court of the northern district of the state of New York.

§ 5. This act shall take effect immediately.