

# 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:

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

3 § 12-102. Lists of electors; state board of elections to furnish.  
4 [~~The~~] At least six days before the time fixed for the meeting of the  
5 electors pursuant to section 12-104 of this title, the state board of  
6 elections shall:

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

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

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

23 § 12-104. Electoral college; meeting and organization. The electors  
24 shall convene at the state capitol upon notice from, and at a place  
25 fixed by the secretary of state on the first [~~Monday~~] Tuesday after the  
26 second Wednesday in December next following their election. Those of  
27 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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1 immediately at that hour fill, by majority vote, all vacancies in the  
2 electoral college occasioned by the death, refusal to serve, or neglect  
3 to attend at that hour, of any elector, or any vacancies occasioned by  
4 an equal number votes having been given for two or more candidates. The  
5 electoral college being thus completed, they shall then choose a presi-  
6 dent and one or more secretaries from their own body.

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

9 § 12-106. Electoral college; vote of the electors. Immediately after  
10 the organization of the electoral college, the electors shall then and  
11 there vote by ballot for president and vice president, but no elector  
12 shall vote for more than one person who is a resident of this state.  
13 They shall name in separate ballots the persons voted for as president  
14 and vice president. They shall make and sign six certificates of vote  
15 all the votes given by them, each of which certificates shall contain  
16 two distinct lists, one with the votes for president and one with the  
17 votes for vice president. There shall be annexed to each of the certif-  
18 icates of vote one of the lists of electors which shall have been  
19 furnished to them by the state board of elections pursuant to section  
20 12-102 of this title. They shall seal up the certificates of vote so  
21 made and certify upon each that the lists of all the votes of this state  
22 given for president and vice president are contained therein.

23 Notwithstanding any other section of law besides title four of this  
24 article, each elector shall cast his or her ballot for president and  
25 vice president for the candidates for these offices who were nominated  
26 by the political party that nominated the presidential elector. Refusal  
27 or failure to vote for the candidates for president and vice president  
28 who were nominated by the political party that nominated the presiden-  
29 tial elector shall constitute a resignation from the office of elector,  
30 and any such vote by an elector shall not be recorded. The ballots used  
31 by the elector shall bear the name of the elector. The remaining elec-  
32 tors shall forthwith fill the vacancy in accordance with section 12-104  
33 of this title. Nothing in this subdivision shall be interpreted as modi-  
34 fying or repealing title four of this article, the agreement among the  
35 states to elect the president by national popular vote.

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

37 § 12-108. Electoral college; certificate of vote, how distributed. The  
38 president of the electoral college shall [~~distribute~~] immediately trans-  
39 mit the certificates of vote so made pursuant to section 12-106 of this  
40 title with the lists attached thereto. Such transmission of each such  
41 certificate shall occur at the same time, in the most expeditious method  
42 available, in the following manner:

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

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

53 3. [~~On the following day forward~~] two certificates to the [~~administra-~~  
54 ~~tor of general services~~] archivist of the United States at the seat of  
55 the federal government [~~by registered mail~~].

1 4. [~~Forthwith, and before the fourth Wednesday in the said month of~~  
2 ~~December, deliver~~] the other certificates to the chief judge of the  
3 United States District Court of the northern district of the state of  
4 New York.  
5 § 5. This act shall take effect immediately.