

STATE OF NEW YORK

8446--A

IN SENATE

January 30, 2024

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to certain party nominations for candidates for county office

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

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

3 § 6-127. Designation by county committee. 1. Party designation of a
4 candidate for nomination at a primary election in counties, excluding
5 counties located within a city with a population of one million or more,
6 for any office to be filled by the voters of the entire county shall be
7 made by the county committee, if the party rules of such county so
8 provide.

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

15 3. For each assembly district or part of an assembly district from
16 which delegates to a judicial nominating convention are to be elected
17 pursuant to section 6-124 of this article, excluding those assembly
18 districts or parts of assembly districts that are located within cities
19 with a population of one million or more, candidates for the position of
20 judicial delegate and alternate judicial delegate to be elected at a
21 primary election shall be designated by the county committee members
22 representing such assembly district or part of an assembly district, if
23 the party rules of the county containing such assembly district or part
24 of an assembly district so provide.

25 4. Designations made pursuant to subdivisions one through three of
26 this section shall be made by weighted vote of all county committee

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

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1 members qualified to vote for each such designation. The vote of county
2 committee members shall be held not earlier than twenty-one days before
3 the first day to sign designating petitions and not later than the first
4 day to sign designating petitions for the primary election. Within four
5 days after such votes are taken, the county committee shall file with
6 the county board of elections the names of the persons who have been
7 designated and the offices or delegate positions for which they have
8 been designated. Upon the vote for each such designation, each county
9 committee member shall be entitled to cast a number of votes which shall
10 be in accordance with the ratio which the number of votes for the party
11 candidate for governor on the line or column of the party at the last
12 preceding general election in the unit of representation such member
13 represents bears to the total vote cast on such line or column at such
14 election for such candidate for governor in the entire district associ-
15 ated with the office or delegate position for which the designation is
16 being made. The apportionment of such votes as so prescribed shall be
17 determined by the rules of the party. The person receiving the majority
18 of the weighted vote shall be the party's designated candidate for nomi-
19 nation at the primary election, or, if such designation is for a judi-
20 cial delegate or alternate judicial delegate, for election at the prima-
21 ry election, and all other persons who shall have received twenty-five
22 percent or more of the weighted vote cast on any ballot shall have the
23 right to make written demand, duly acknowledged, to the county board of
24 elections that their names appear on the primary ballot as candidates
25 for such nomination or delegate position. Such demand shall be made not
26 later than seven days after the vote of the county committee members and
27 may be withdrawn in the same manner within fourteen days of such vote.

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

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

38 (b) The county committee of each county included within an electoral
39 district or districts for which such a designation is being made shall
40 convene a meeting for the purpose of ascertaining and certifying the
41 votes of its members who are qualified to vote for any such designation.
42 Each such meeting shall be held not earlier than twenty-one days before
43 the first day to sign designating petitions and not later than seven
44 days before the first day to sign designating petitions for the primary
45 election. During each such meeting, for each elected office for which
46 members of the county committee are eligible to participate in the
47 candidate designation process, a vote shall be held wherein each county
48 committee member eligible to vote for such designation shall be entitled
49 to cast a single ballot specifying the name of one person whom the
50 member wishes to designate as a candidate for such nomination.

51 (c) Within four days after such meeting is held, the county committee
52 shall file with the state board of elections a document, certified by
53 the chairperson and the secretary of the county committee, identifying,
54 for each elected office for which members of the county committee cast
55 designating ballots, the name of each county committee member who cast a
56 ballot during the vote, the unit of representation each such member

1 represents, and the name of the person whom each such member voted to
2 designate.

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

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

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

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

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

39 § 2. This act shall take effect on the first of January next succeed-
40 ing the date on which it shall have become a law.