

# STATE OF NEW YORK

1243

2023-2024 Regular Sessions

## IN ASSEMBLY

January 13, 2023

Introduced by M. of A. GALLAGHER, GONZALEZ-ROJAS, GALLAHAN, SEAWRIGHT, FORREST, EPSTEIN -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to providing for the appointment and removal of commissioners of election; and to repeal certain provisions of the election law relating thereto

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

1 Section 1. The section heading of section 3-200 of the election law,  
2 as amended by chapter 373 of the laws of 1978, is amended to read as  
3 follows:  
4 Boards of elections; creation, qualifications of commissioners[~~7~~  
5 ~~removal~~].  
6 § 2. Subdivision 7 of section 3-200 of the election law is REPEALED.  
7 § 3. Section 3-202 of the election law is amended to read as follows:  
8 § 3-202. Election commissioners; term of office. 1. The term of office  
9 of an election commissioner shall be [~~two~~] four years beginning [~~January~~  
10 ~~first~~] February fifteenth of [~~each odd numbered year except that in the~~  
11 ~~city of New York and the county of Schenectady the term shall be four~~  
12 ~~years beginning on January~~] the first alternate odd numbered year. [~~The~~  
13 ~~county legislative body of any other county may determine that the~~  
14 ~~commissioners of elections thereafter appointed shall serve for a term~~  
15 ~~of four years. Such determination may be rescinded by a subsequent~~  
16 ~~action of the county legislative body which shall take effect at the~~  
17 ~~expiration of the terms of the commissioners then in office.~~]  
18 2. The local legislative body may, at any time, determine that the  
19 terms of office for commissioners shall be staggered and may make subse-  
20 quent appointments so as to provide for staggered terms of office there-  
21 after.  
22 § 4. Subdivision 4 of section 3-204 of the election law, as amended by  
23 chapter 116 of the laws of 2010, is amended to read as follows:

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

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1 4. Commissioners of election shall be appointed by the county legisla-  
2 tive body, or in the city of New York, by the city council. Provided,  
3 however, that if a legislative body shall fail to appoint any person  
4 recommended by a party for appointment as a commissioner pursuant to  
5 this section, within thirty days after the filing of a certificate of  
6 recommendation with such legislative body, then the members of such  
7 legislative body who are members of the political party which filed such  
8 certificate may appoint such person. And further provided, if there are  
9 no members of the legislative body who are members of the political  
10 party which filed such certificate, the [~~appointment shall take effect~~  
11 ~~upon the expiration of thirty days from the date that the certificate~~  
12 ~~was filed~~] county committee or such other committee as the rules of the  
13 party may provide shall recommend not fewer than two additional persons  
14 for the county legislative body to choose from. If none of the persons  
15 named in any of the certificates filed by a party are so appointed with-  
16 in sixty days after the filing of any such certificate, then such party  
17 may file another certificate within thirty days after the expiration of  
18 any such sixty day period recommending a different person for such  
19 appointment. If a party fails to file a certificate within the time  
20 prescribed by this section, the members of the legislative body who are  
21 members of such party may appoint any eligible person to such office.

22 § 5. The election law is amended by adding a new section 3-206 to read  
23 as follows:

24 § 3-206. Election commissioners; removal. 1. The state board of  
25 elections shall have the power to remove the election commissioner of  
26 any county for any willful violation or neglect of duty under this chap-  
27 ter, or willfully disobeying any law, decision, order, settlement, rule  
28 or regulation of the state board of elections.

29 2. An election commissioner may be removed from office by the governor  
30 for cause in the same manner as a sheriff.

31 3. Any vacancy so resulting shall be filled in a manner prescribed by  
32 this article for filling vacancies.

33 § 6. This act shall take effect immediately.