

STATE OF NEW YORK

1720

2023-2024 Regular Sessions

IN ASSEMBLY

January 20, 2023

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

AN ACT to amend the election law, in relation to primary elections and moving the date of the presidential primary

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

1 Section 1. Subdivisions 9, 11 and 12 of section 6-158 of the election
2 law, as amended by chapter 164 of the laws of 2022, are amended to read
3 as follows:

4 9. A petition for an independent nomination for an office to be filled
5 at the time of a general election shall be filed not earlier than [~~twen-~~
6 ~~ty-four~~] seventeen weeks and not later than [~~twenty-three~~] sixteen weeks
7 preceding such election. A petition for an independent nomination for an
8 office to be filled at a special election shall be filed not later than
9 twelve days following the issuance of a proclamation of such election,
10 provided however, such certificate shall be filed not later than nine
11 days following the issuance of a proclamation of a special election held
12 pursuant to paragraph b of subdivision three of section forty-two of the
13 public officers law.

14 11. A certificate of acceptance or declination of an independent nomi-
15 nation for an office to be filled at the time of a general election
16 shall be filed not later than the third day after the [~~twenty-third~~]
17 sixteenth Tuesday preceding such election except that a candidate who
18 files such a certificate of acceptance for an office for which there
19 have been filed certificates or petitions designating more than one
20 candidate for the nomination of any party, may thereafter file a certif-
21 icate of declination not later than the third day after the primary
22 election. A certificate of acceptance or declination of an independent
23 nomination for an office to be filled at a special election shall be
24 filed not later than fourteen days following the issuance of a proclama-
25 tion of such election, provided however, such certificate shall be filed

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

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1 not later than eleven days following the issuance of a proclamation of a
2 special election held pursuant to paragraph b of subdivision three of
3 section forty-two of the public officers law.

4 12. A certificate to fill a vacancy caused by a declination of an
5 independent nomination for an office to be filled at the time of a
6 general election shall be filed not later than the sixth day after the
7 [~~twenty-third~~ sixteenth] Tuesday preceding such election. A certificate
8 to fill a vacancy caused by a declination of an independent nomination
9 for an office to be filled at a special election shall be filed not
10 later than sixteen days following the issuance of a proclamation of such
11 election, provided however, such certificate shall be filed not later
12 than thirteen days following the issuance of a proclamation of a special
13 election held pursuant to paragraph b of subdivision three of section
14 forty-two of the public officers law.

15 § 2. Paragraph (a) of subdivision 1 of section 8-100 of the election
16 law, as amended by chapter 5 of the laws of 2019, is amended to read as
17 follows:

18 (a) A primary election shall be held on the [~~fourth~~ second] Tuesday in
19 [~~June~~ August] before every general election unless otherwise changed by
20 an act of the legislature. Members of the state and county committees
21 and assembly district leaders and associate district leaders and all
22 other party positions to be elected shall be elected at such primary and
23 all nominations for public office required to be made at a primary
24 election in such year shall be made at such primary. In each year in
25 which electors of president and vice president of the United States are
26 to be elected an additional primary election, to be known as the spring
27 primary, shall be held on the [~~first~~ fourth] Tuesday in [~~February~~ April]
28 unless otherwise changed by an act of the legislature, for the purpose
29 of electing delegates to the national convention.

30 § 3. This act shall take effect immediately.