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:

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

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

11. A certificate of acceptance or declination of an independent nomination for an office to be filled at the time of a general election shall be filed not later than the third day after the [~~twenty third~~] **sixteenth** Tuesday preceding such election except that a candidate who files such a certificate of acceptance for an office for which there have been filed certificates or petitions designating more than one candidate for the nomination of any party, may thereafter file a certificate of declination not later than the third day after the primary election. A certificate of acceptance or declination of an independent nomination for an office to be filed at a special election shall be filed not later than fourteen days following the issuance of a proclamation 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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not later than eleven days following the issuance of a proclamation of a special election held pursuant to paragraph b of subdivision three of section forty-two of the public officers law.

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

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

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

§ 3. This act shall take effect immediately.