STATE OF NEW YORK

3804

2023-2024 Regular Sessions

IN ASSEMBLY

February 8, 2023

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

AN ACT to amend the election law, in relation to the appointment of commissioners of elections

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

Section 1. Subdivision 4 of section 3-204 of the election law, as amended by chapter 116 of the laws of 2010, is amended to read as follows:

4. **(a)** Commissioners of election shall be appointed by the county legislative body, or in the city of New York, by the city council.

(b) Provided, however, that if a legislative body shall fail to appoint any person recommended by a party for appointment as a commissioner pursuant to this section, within thirty days after the filing of a certificate of recommendation with such legislative body, then the **member or** members of such legislative body who are members of the political party which filed such certificate may appoint such person. And further provided, if there are no members of the legislative body who are members of the political party which filed such certificate, the [~~appointment shall take effect~~] **person named in the certificate of party recommendation shall be deemed appointed** upon the expiration of thirty days from the date that the certificate was filed.

(c) Where the legislative body includes a member or members of the political party which filed such certificate, and no action is taken to appoint such recommended person by either the legislative body or such member or members within sixty days after the filing of any such certificate, the person named in such certificate shall be deemed appointed upon the expiration of such sixty days.

(d) If [~~none of the~~]**, pursuant to this subdivision, the members of such legislative body who are members of the political party which filed such certificate reject any** persons named in any of the certificates

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

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filed by a party [~~are so appointed within sixty days after the filing of any such certificate~~] **by majority vote**, then such party may file another certificate within thirty days after [~~the expiration of any such sixty day period~~] **such vote** recommending a different person for such appointment.

(e) If the members of such legislative body who are members of the political party which filed such certificate fail to appoint such person recommended by a party in a second certificate of recommendation within thirty days of the filing of such certificate, the person named in such certificate shall be deemed appointed upon the expiration of thirty days from the date that the second certificate was filed.

(f) If a party fails to file a certificate within the time prescribed by this section, the members of the legislative body who are members of such party may appoint any eligible person to such office.

§ 2. This act shall take effect immediately.