# STATE OF NEW YORK

430

2023-2024 Regular Sessions

# IN ASSEMBLY

January 9, 2023

Introduced by M. of A. L. ROSENTHAL, SIMON -- Multi-Sponsored by -- M. of A. EPSTEIN -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to the procedure to fill senate and assembly vacancies

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

Section 1. Section 6-116 of the election law, as amended by chapter 373 of the laws of 1978, is amended to read as follows:

§ 6-116. Party nominations; election to fill a vacancy. **1.** A party nomination of a candidate for election to fill a vacancy in an elective office required to be filled at the next general election, occurring after seven days before the last day for circulating designating petitions or after the holding of the meeting or convention to nominate or designate candidates for such, shall be made, after the day of the primary election, by a majority vote of a quorum of the state committee if the vacancy occurs in an office to be filled by all voters of the state, and otherwise by a majority vote of a quorum of the members of a county committee or committees last elected in the political subdivision in which such vacancy is to be filled, or by a majority of such other committee as the rules of the party may provide. A certificate of nomination shall be filed as provided for [~~herein~~] **in this article**.

**2. Notwithstanding the provisions of subdivision one of this section, a vacancy in the office of state senator or in the office of member of assembly required to be filled at the next general election shall be filled by popular election in the following manner:**

**(a) Within three days of the occurrence of a vacancy, the governor shall make proclamation of a special non-partisan election to fill such office, specifying the district or county in which the election is to be held, and the day thereof, which shall be forty-five days from the date of the proclamation.**

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

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(b) All nominations for elections to fill vacancies held pursuant to this subdivision shall be by independent nominating petition, such petitions to be subject to the provisions of this article pertaining to independent nominations except as is otherwise set forth in this subdivision. The sheets of the independent nominating petition shall set forth in every instance the name of the signer, his or her residence address, town or city (except in the city of New York, the county), and the date the signature is fixed. Such petition shall be required to contain a designated number of signatures which shall be the lesser of five percent of votes cast in the last preceding gubernatorial election or one thousand five hundred signatures per petition for the office of state senator and seven hundred fifty signatures per petition for the office of member of assembly. A signature on an independent nominating petition made earlier than the date of the proclamation required by paragraph (a) of this subdivision shall not be counted.

(c) All nominating petitions filed pursuant to this subdivision shall be filed in accordance with the provisions of section 6-144 of this article within fifteen days after the date of the governor's proclamation as described in paragraph (a) of this subdivision.

(d) A person elected to fill a vacancy at an election held pursuant to this subdivision shall take office immediately upon qualification and serve for the remainder of the unexpired term.

§ 2. This act shall take effect immediately.