STATE OF NEW YORK

5874

2023-2024 Regular Sessions

IN ASSEMBLY

March 23, 2023

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

AN ACT to amend the election law, in relation to legal challenges to the constitutionality of provisions of such law

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

Section 1. The election law is amended by adding a new section 16-101 to read as follows:

§ 16-101. Actions or proceedings challenging provisions of this chapter. 1. Notwithstanding any other law to the contrary, in any action or proceeding in which any party challenges the constitutionality of a provision of this chapter, and any related statutory claims, venue shall be proper only in one of the following designated courts in a judicial department within which at least one plaintiff is located:

(a) first judicial department: New York county;

(b) second judicial department: Westchester county;

(c) third judicial department: Albany county; or

(d) fourth judicial department: Erie county.

2. For the purposes of this section, a challenge to the constitutionality of a provision of this chapter shall mean a challenge in any form, including but not limited to a claim, counter-claim, cross-claim, defense, or affirmative defense. Such a claim may be raised by any party, including but not limited to a plaintiff, defendant, third-party plaintiff, third-party defendant, intervenor, or substituted party.

§ 2. This act shall take effect immediately.

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

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