STATE OF NEW YORK

8392

2023-2024 Regular Sessions

IN ASSEMBLY

December 13, 2023

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

AN ACT to amend the election law, in relation to the removal of an insurrectionist from the presidential ballot

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

Section 1. Section 4-110 of the election law, as amended by chapter 5 of the laws of 2019, is amended to read as follows:

§ 4-110. Certification of primary election candidates; state board of elections. **1.** The state board of elections, not later than fifty-five days before a primary election, shall certify to each county board of elections: The name and residence of each candidate to be voted for within the political subdivision of such board for whom a designation has been filed with the state board; the title of the office or position for which the candidate is designated; the name of the party upon whose primary ballot his or her name is to be placed; and the order in which the names of the candidates are to be printed as determined by the state board. Where an office or position is uncontested, such certification shall state such fact.

2. Notwithstanding subdivision one of this section, a candidate for whom a designation has been filed who has been found by the state board of elections to have engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof, shall not be so certified, unless the United States Congress, by a vote of two-thirds of each house, has removed such disability. For purposes of such determination, where the state board of elections is unable to reach a finding, the question shall, within twenty-four hours, be referred to the office of the attorney general by the co-executive directors of the state board of elections for a formal opinion, which, absent a contrary order by a court of competent jurisdiction, shall be conclusive of the inquiry.

§ 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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