

STATE OF NEW YORK

4881

2025-2026 Regular Sessions

IN ASSEMBLY

February 7, 2025

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

AN ACT to amend the public officers law, in relation to filling vacancies in elective offices

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

1 Section 1. Legislative findings. The Legislature finds that New York's
2 current system of filling federal and state elected office vacancies
3 places undue financial and operational burdens on local boards of
4 elections and exacerbates voter confusion and fatigue by asking voters
5 to frequently participate in elections throughout the year, thus result-
6 ing in lower voter turnout and decreased participation in the electoral
7 process.

8 Local boards must comply with state requirements and federal require-
9 ments under the Help America Vote Act (HAVA), which include training
10 poll workers to ensure elections remain inclusive and accessible to
11 voters. The unpredictability of holding multiple elections throughout
12 the year may leave local boards unable to fiscally plan for such unex-
13 pected expenses. County boards generally have months of preparation
14 ahead of elections given the complexities associated with executing an
15 election - including setting up poll sites, processing voter registra-
16 tions, and gathering the necessary staff to help run the election. It is
17 therefore an inefficient use of funds to schedule a special election so
18 close to a general election date, causing county boards to reduplicate
19 the significant effort and funding in a short period of time.

20 Further, voter fatigue occurs when voters are asked to participate in
21 frequent elections throughout the year. In addition, multiple elections
22 can create a process which is confusing or challenging for voters,
23 resulting in lower voter turnout and subsequently a less representative
24 electorate for the people. This is particularly true in congressional
25 elections, which may encompass multiple counties and involve several
26 boards of elections. Ensuring that congressional elections are set to
27 maximize voter turnout is of fundamental importance to the Legislature
28 and a well-functioning elections system.

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

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1 While vacancies in elected offices can occur at any time, occasionally
2 necessitating additional special elections in unusual times of the year,
3 the Legislature finds it is crucial to ensure efficiencies in elections
4 where possible and maximize voter turnout. For these reasons, the
5 Legislature seeks to create such efficiencies and increase voter turnout
6 by allowing for the combination of special elections with general
7 election dates in state elections when the special election would occur
8 close in time with a general election date already determined by the
9 State Board of Elections. For congressional elections, the Legislature
10 seeks to create such efficiencies and increase voter turnout by allowing
11 for special elections to be combined with a general election. This will
12 prevent the doubling of efforts and the excess expenditure of taxpayer
13 funds as well as ensure that county boards, voters, and candidates are
14 prepared and informed.

15 § 2. Subdivision 3 of section 42 of the public officers law, as
16 amended by chapter 164 of the laws of 2022, is amended to read as
17 follows:

18 3. Upon the failure to elect to any office, except that of governor or
19 lieutenant-governor, at a general or special election, at which such
20 office is authorized to be filled, or upon the death or disqualification
21 of a person elected to office before the commencement of ~~[his or her]~~
22 their official term, or upon the occurrence of a vacancy in any elective
23 office which cannot be filled by appointment for a period extending to
24 or beyond the next general election at which a person may be elected
25 thereto, the governor shall, unless otherwise provided for by authorized
26 local law, resolution or ordinance, make proclamation of a special
27 election to fill such office within ~~[ten]~~ fifteen days of the occurrence
28 of a vacancy, specifying the district or county in which the election is
29 to be held, and the day thereof, which shall be:

30 a. not less than seventy nor more than eighty days from the date of
31 the proclamation to fill a vacancy in the office of a representative in
32 congress or for a vacancy in any other office that is not in the state
33 senate or assembly, provided, however, that if there is a vacancy occur-
34 ring in the same calendar year as a general election date set pursuant
35 to section 8-100 of the election law, a proclamation may be issued so
36 that the special election may be scheduled on the general election date;
37 and

38 b. not less than forty days nor more than fifty days from the date of
39 the proclamation to fill a vacancy in the state senate or assembly,
40 provided, however, that ~~[the]~~ if there is a general election date set
41 pursuant to section 8-100 of the election law which is not less than
42 forty nor more than one hundred days from the date the proclamation to
43 fill such vacancy must be issued, a proclamation may be issued so that
44 the special election may be scheduled on the general election date. The
45 governor may issue a proclamation to fill any subsequent vacancy in the
46 state senate or assembly for the same date as any previously scheduled
47 special election as long as the proclamation is issued at least thirty
48 days before the occurrence of the special election.

49 c. Nothing in this subdivision shall be construed to require a special
50 election to be consolidated with any already scheduled general election
51 date.

52 § 3. This act shall take effect immediately. Notwithstanding any other
53 provision of law, this act shall apply to any vacancy for which a proc-
54 lamation may be issued under section 42 of the public officers law but
55 has not yet been issued as of the effective date of this act.