

STATE OF NEW YORK

4364

2021-2022 Regular Sessions

IN ASSEMBLY

February 3, 2021

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

AN ACT to amend the election law, in relation to authorizing party designations and nominations for elections to be made via video conference; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Section 15-108 of the election law is amended by adding a
2 new subdivision 11 to read as follows:

3 11. All party designations and nominations pursuant to this article,
4 except for a primary election, may be made in whole or in part via video
5 conference upon at least seventy-two hours notice to the members of the
6 respective committee by mail, an appropriately titled email, text or
7 telephone call at an address or number expressly provided in writing for
8 the purpose of receiving such notices. Such notice must include
9 instructions to participants on how to access the meeting by such video
10 conference. Where the meeting is held in whole or in part via video
11 conference, the presiding officer shall afford a fair and appropriate
12 opportunity for persons eligible to attend to listen, hear, and be
13 heard, in a manner similar to that which would be afforded if the meet-
14 ing were held in person. Certificates of designation or nomination,
15 minutes, authorizations and/or acceptances may be executed in separate
16 acts by the signatories thereto and where acknowledgements or oaths are
17 required, they may be performed or administered remotely and pursuant to
18 executive order 202.7 of 2020 allowing notarizations to be performed
19 using communication technology.

20 § 2. Section 6-202 of the election law is amended by adding a new
21 subdivision 6 to read as follows:

22 6. All party designations and nominations pursuant to this title,
23 except for a primary election, may be made in whole or in part via video

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

LBD09382-02-1

1 conference upon at least seventy-two hours notice to the members of the
2 respective committee by mail, an appropriately titled email, text or
3 telephone call at an address or number expressly provided in writing for
4 the purpose of receiving such notices. Such notice must include
5 instructions to participants on how to access the meeting by such video
6 conference. Where the meeting is held in whole or in part via video
7 conference, the presiding officer shall afford a fair and appropriate
8 opportunity for persons eligible to attend to listen, hear, and be
9 heard, in a manner similar to that which would be afforded if the meet-
10 ing were held in person. Certificates of designation or nomination,
11 minutes, authorizations and/or acceptances may be executed in sepa-
12 rate acts by the signatories thereto and where acknowledgements or oaths
13 are required, they may be performed or administered remotely and
14 pursuant to executive order 202.7 of 2020 allowing notarizations to be
15 performed using communication technology.

16 § 3. Section 6-100 of the election law is amended to read as follows:

17 § 6-100. Nominations and designations; generally. 1. Nomination and
18 designation of candidates for election to public office or party posi-
19 tion are governed by this article.

20 2. All party designations and nominations, except for a primary
21 election, may be made at a meeting held in whole or in part via video
22 conference upon at least seventy-two hours notice to the members of the
23 respective committee by mail, an appropriately titled email, text or
24 telephone call at an address or number expressly provided in writing for
25 the purpose of receiving such notices. Such notice must include
26 instructions to participants on how to access the meeting by such video
27 conference. Where the meeting is held in whole or in part via video
28 conference, the presiding officer shall afford a fair and appropriate
29 opportunity for persons eligible to attend to listen, hear, and be
30 heard, in a manner similar to that which would be afforded if the meet-
31 ing were held in person. Certificates of designation or nomination,
32 minutes, authorizations and/or acceptances may be executed in separate
33 acts by the signatories thereto and where acknowledgements or oaths are
34 required, they may be performed or administered remotely and pursuant
35 to executive order 202.7 allowing notarizations to be performed using
36 communication technology.

37 3. Notwithstanding any provisions of law or a party's rules to the
38 contrary, proxy voting at any party caucus, party meeting or party
39 convention held pursuant to this chapter held in the year two thousand
40 twenty-one shall be permitted. Except where a greater number is permit-
41 ted by a party committee's rules, any person eligible to attend and vote
42 at such a meeting may hold up to ten proxies. A proxy statement may be
43 in the form prescribed by the party's rule or as accepted in the past by
44 the party entity or may be substantially as follows: "I, a member or
45 eligible voter of (state name of party caucus, party meeting or party
46 convention), do hereby give my proxy authorization to (state name of
47 proxy holder) who shall be authorized to vote in my stead at the meeting
48 to be held on (date) and any adjourned date thereof." Any proxy granted
49 hereunder shall be revocable in a writing provided to the secretary or
50 chair of the party entity or by the attendance of the proxy grantor at
51 the meeting.

52 § 4. This act shall take effect immediately and shall expire and be
53 deemed repealed December 31, 2021.