

# STATE OF NEW YORK

3430

2023-2024 Regular Sessions

## IN SENATE

January 31, 2023

Introduced by Sen. MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to the representation of newly formed political parties

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

1 Section 1. Subdivision 1 of section 7-116 of the election law is  
2 amended to read as follows:

3 1. In printing the names of candidates on the ballot, the candidate or  
4 candidates of the party which polled [~~for its candidate for the office~~  
5 ~~of governor at the last preceding election for such office~~] the highest  
6 number of votes for its candidate for governor or for its slate of pres-  
7 ident electors at the most recent general election in an even numbered  
8 year, shall be [~~row or~~] column A or one and the candidates of the other  
9 parties shall be placed on such ballot in descending order of such  
10 votes.

11 § 2. Section 6-124 of the election law, as amended by chapter 876 of  
12 the laws of 1977, is amended to read as follows:

13 § 6-124. Conventions; judicial. A judicial district convention shall  
14 be constituted by the election at the preceding primary of delegates and  
15 alternate delegates, if any, from each assembly district or, if an  
16 assembly district shall contain all or part of two or more counties and  
17 if the rules of the party shall so provide, separately from the part of  
18 such assembly district contained within each such county. The number of  
19 delegates and alternates, if any, shall be determined by party rules,  
20 but the number of delegates shall be substantially in accordance with  
21 the ratio, which the number of votes cast for the party candidate for  
22 the office of governor, on the line or column of the party at the last  
23 preceding election for such office, in any unit of representation, bears  
24 to the total vote cast at such election for such candidate on such line  
25 or column in the entire state; provided, however, for a new party formed

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

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1 at a presidential election, for such party's judicial district conven-  
2 tion held in the second year after the presidential election, such ratio  
3 shall be based on such party's vote for presidential electors, as other-  
4 wise as provided by this section, and thereafter based on such party's  
5 vote for the office of governor. The number of alternates from any  
6 district shall not exceed the number of delegates therefrom. The deleg-  
7 ates certified to have been elected as such, in the manner provided in  
8 this chapter, shall be conclusively entitled to their seats, rights and  
9 votes as delegates to such convention. When a duly elected delegate does  
10 not attend the convention, his place shall be taken by one of the alter-  
11 nates, if any, to be substituted in his place, in the order of the vote  
12 received by each such alternate as such vote appears upon the certified  
13 list and if an equal number of votes were cast for two or more such  
14 alternates; the order in which such alternates shall be substituted  
15 shall be determined by lot forthwith upon the convening of the conven-  
16 tion. If there shall have been no contested election for alternate,  
17 substitution shall be in the order in which the name of such alternate  
18 appears upon the certified list, and if no alternates shall have been  
19 elected or if no alternates appear at such convention, then the deleg-  
20 ates present from the same district shall elect a person to fill the  
21 vacancy.

22 § 3. Subdivision 1 of section 2-104 of the election law, as amended by  
23 chapter 260 of the laws of 2021, is amended to read as follows:

24 1. The county committee of each party shall be constituted by the  
25 election in each election district within such county of at least two  
26 members and of such additional members as the rules of the county  
27 committee of the party within the county or the statement filed pursuant  
28 hereto may provide for such district, proportional to the party vote in  
29 the district for governor at the last preceding gubernatorial election,  
30 or in the case of a new party formed at a presidential election when  
31 first electing members of a county committee, proportional to the party  
32 vote in the district for presidential electors at the last preceding  
33 presidential election, or in case the boundaries of such district have  
34 been changed or a new district has been created since the last preceding  
35 gubernatorial election used to apportion members, proportional to the  
36 party vote cast for member of assembly or in the event there was no  
37 election for member of assembly, then proportional to the number of  
38 enrolled voters of such party in such district on the list of enrolled  
39 voters last published by the board of elections, excluding voters in  
40 inactive status. In a county in which no additional members are provided  
41 for by the rules of the county committee or the statement filed pursuant  
42 hereto the voting power of each member shall be in proportion to such  
43 party vote or, if the election district which such member represents was  
44 created or changed since the last election for member of assembly,  
45 proportional to such party enrollment. In a county in which additional  
46 members are so provided for, on the basis of the party vote or enroll-  
47 ment in election districts within such county, each member shall have  
48 one vote. Each member of a county committee shall be an enrolled voter  
49 of the party residing in the county and the assembly district from which  
50 or in the assembly district containing the election district in which  
51 such member is elected except that a member of a county committee who,  
52 as a result of an alteration of assembly district lines, no longer  
53 resides within such assembly district may continue to serve for the  
54 balance of the term to which he was elected.

55 § 4. Subdivision 5 of section 7-104 of the election law, as amended by  
56 chapter 411 of the laws of 2019, is amended to read as follows:

1 5. Notwithstanding the provisions of subdivision four of this section,  
2 the name of a person who is nominated for the office of president of the  
3 United States (electors for), governor, or state senator, or member of  
4 assembly, shall appear on the ballot as many times as there are parties  
5 or independent bodies nominating him or her, and there shall be a sepa-  
6 rate voting position at each place in which such name shall appear.

7 § 5. Subdivision 4 of section 6-104 of the election law is amended to  
8 read as follows:

9 4. Upon the vote for such designation, each member of the state  
10 committee shall be entitled to cast a number of votes which shall be in  
11 accordance with the ratio which the number of votes cast for the party  
12 candidate for governor on the line or column of the party at the last  
13 preceding general state election in the unit of representation of such  
14 member bears to the total vote cast on such line or column at such  
15 election for such candidate in the entire state, or in the case of a new  
16 party formed at a presidential election, each member of the state  
17 committee shall be entitled to cast a number of votes which shall be in  
18 accordance with the ratio which the number of votes cast for the party's  
19 presidential electors at the last preceding presidential election in the  
20 unit of representation of such member bears to the total vote cast on  
21 such line or column at such election for such electors in the entire  
22 state, until such time as such new party has a party vote for its candi-  
23 date for governor. The apportionment of such votes as so prescribed  
24 shall be determined by the rules of the party.

25 § 6. The third undesignated paragraph of section 9-214 of the election  
26 law is amended to read as follows:

27 The board of elections shall transmit to the state board, on or before  
28 the tenth day of December following an election for governor or presi-  
29 dential electors, a certified tabulated statement, by election  
30 districts, of the official canvass of the votes cast for candidates for  
31 governor or presidential electors, to include, in the case of a candi-  
32 date who was nominated by two or more parties or independent bodies, a  
33 separate statement of the number of votes cast for ~~him~~ such candidate  
34 as the candidate of each party or independent body by which ~~he~~ such  
35 candidate was nominated and if the county contains more than one assem-  
36 bly district or parts of more than one assembly district, a statement of  
37 the number of votes cast for governor or presidential electors by assem-  
38 bly district.

39 § 7. This act shall take effect immediately.