S T A T E O F N E W Y O R K

2399

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

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

AN ACT to amend the election law, in relation to prohibiting multiple party designations for candidates for public office and to repeal subdivision 6 of section 7-104 of such law relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 1 of section 6-146 of the election law is amended to read as follows:

1. A person designated as a candidate for nomination or for party position, or nominated for an office, otherwise than at a primary election, may, in a certificate signed and acknowledged by him OR HER, and filed as provided in this article, decline the designation or nomination; provided, however, that, if designated or nominated for a public office other than a judicial office by a party of which he OR SHE is not a duly enrolled member, or if designated or nominated for a public office other than a judicial office by more than one party or independent body or by an independent body alone, such person shall, in a certificate signed and acknowledged by him OR HER, and filed as provided in this article, accept the designation or nomination as a candidate of each such party or independent body other than that of the party of which he OR SHE is an enrolled member, otherwise such designation or nomination shall be null and void; PROVIDED, FURTHER, HOWEVER, THAT IF A PERSON WHO HAS BEEN DESIGNATED AS A CANDIDATE FOR THE NOMINATION OF MORE THAN ONE PARTY FOR THE SAME PUBLIC OFFICE, EXCEPT JUDICIAL OFFICE, ACCEPTS THE DESIGNATION OF A PARTY OF WHICH HE OR SHE IS NOT ENROLLED, ALL OTHER SUCH DESIGNATIONS OF SUCH CANDIDATE FOR SUCH OFFICE SHALL BE DEEMED TO HAVE BEEN DECLINED. IF A PERSON WHO ACCEPTS THE NOMINATION OF AN INDEPENDENT BODY FOR AN OFFICE, EXCEPT JUDICIAL OFFICE, IS ALSO NOMINATED BY A PARTY FOR SUCH OFFICE, SUCH NOMINATION OF SUCH INDEPENDENT BODY SHALL BE DEEMED TO HAVE BEEN DECLINED.

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

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S 2. Subdivision 5 of section 7-104 of the election law, as amended by chapter 654 of the laws of 1985, is amended to read as follows:

5. (a) The names of all candidates nominated by any party or independent body for an office shall always appear in the row or column containing generally the names of candidates nominated by such party or independent body for other offices [except as hereinafter provided].

(b) When the same person has been nominated for an office to be filled at the election by more than one party, the voting machine shall be so adjusted that his OR HER name shall appear in each row or column containing generally the names of candidates for other offices nominated by any such party.

(c) [If such candidate has also been nominated by one or more independent bodies, his name shall appear only in each row or column containing generally the names of candidates for other offices nominated by any such party and the name and emblem of each such independent body shall appear in one such row or column to be designated by the candidate in a writing filed with the officer or board charged with the duty of providing ballots, or if such person shall fail to so designate, the names and emblems of such independent bodies shall appear in such row or column as such officer or board shall determine.

(d) If any person shall be nominated for any office by one party and two or more independent bodies his name shall appear on the voting machine twice; once in the row or column containing generally the names of candidates for other offices nominated by such party, and once in the row or column containing generally the names of candidates nominated by the independent body designated by such person in a writing filed with the officer or board charged with the duty of providing ballots and in connection with the name of such person in such row or column shall appear the name and emblem of each independent body nominating him or, if such person shall fail to so designate, the name of such candidate and the names and emblems of such independent bodies shall appear in such row or column as such officer or board shall determine.

(e) If any person is nominated for any office only by more than one independent bodies, his name shall appear but once upon the machine in one such row or column to be designated by the candidate in a writing filed with the officer or board charged with the duty of providing ballots, or if the candidate shall fail to so designate, in the place designated by the officer or board charged with the duty of providing ballots, and in connection with his name there shall appear the name and emblem of each independent body nominating him, but, where the capacity of the machine will permit, the name of such person shall not appear or be placed in a column or on a horizontal line with the names of persons nominated by a party for other offices] NO PERSON MAY BE THE CANDIDATE OF MORE THAN ONE PARTY OR INDEPENDENT BODY FOR THE SAME OFFICE, EXCEPT JUDICIAL OFFICE.

S 3. Subdivision 6 of section 7-104 of the election law is REPEALED.

S 4. This act shall take effect on the first of December next succeeding the date on which it shall have become a law.