

2399

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 15, 2009

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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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 1 of section 6-146 of the election law is  
2 amended to read as follows:  
3     1. A person designated as a candidate for nomination or for party  
4 position, or nominated for an office, otherwise than at a primary  
5 election, may, in a certificate signed and acknowledged by him OR HER,  
6 and filed as provided in this article, decline the designation or nomi-  
7 nation; provided, however, that, if designated or nominated for a public  
8 office other than a judicial office by a party of which he OR SHE is not  
9 a duly enrolled member, or if designated or nominated for a public  
10 office other than a judicial office by more than one party or independ-  
11 ent body or by an independent body alone, such person shall, in a  
12 certificate signed and acknowledged by him OR HER, and filed as provided  
13 in this article, accept the designation or nomination as a candidate of  
14 each such party or independent body other than that of the party of  
15 which he OR SHE is an enrolled member, otherwise such designation or  
16 nomination shall be null and void; PROVIDED, FURTHER, HOWEVER, THAT IF A  
17 PERSON WHO HAS BEEN DESIGNATED AS A CANDIDATE FOR THE NOMINATION OF MORE  
18 THAN ONE PARTY FOR THE SAME PUBLIC OFFICE, EXCEPT JUDICIAL OFFICE,  
19 ACCEPTS THE DESIGNATION OF A PARTY OF WHICH HE OR SHE IS NOT ENROLLED,  
20 ALL OTHER SUCH DESIGNATIONS OF SUCH CANDIDATE FOR SUCH OFFICE SHALL BE  
21 DEEMED TO HAVE BEEN DECLINED. IF A PERSON WHO ACCEPTS THE NOMINATION OF  
22 AN INDEPENDENT BODY FOR AN OFFICE, EXCEPT JUDICIAL OFFICE, IS ALSO NOMI-  
23 NATED BY A PARTY FOR SUCH OFFICE, SUCH NOMINATION OF SUCH INDEPENDENT  
24 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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1 S 2. Subdivision 5 of section 7-104 of the election law, as amended by  
2 chapter 654 of the laws of 1985, is amended to read as follows:

3 5. (a) The names of all candidates nominated by any party or independ-  
4 ent body for an office shall always appear in the row or column contain-  
5 ing generally the names of candidates nominated by such party or inde-  
6 pendent body for other offices [except as hereinafter provided].

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

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

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

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

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

47 S 4. This act shall take effect on the first of December next succeed-  
48 ing the date on which it shall have become a law.