

9725

I N A S S E M B L Y

January 20, 2010

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

AN ACT to amend the election law, in relation to filing a notice of intent to circulate nominating petitions

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

1 Section 1. Subdivision 6 of section 6-104 of the election law, as
2 amended by chapter 79 of the laws of 1992, is amended to read as
3 follows:

4 6. The meeting of the state committee for the purpose of designating
5 candidates shall be held not earlier than twenty-one days before the
6 first day to [sign designating petitions] FILE A NOTICE OF INTENT TO
7 CIRCULATE A DESIGNATING PETITION and not later than the first day to
8 [sign designating petitions] FILE A NOTICE OF INTENT TO CIRCULATE A
9 DESIGNATING PETITION for the primary election.

10 S 2. Subdivision 1 of section 6-108 of the election law, as amended by
11 chapter 160 of the laws of 1996, is amended to read as follows:

12 1. In any town in a county having a population of over seven hundred
13 fifty thousand inhabitants, as shown by the latest federal decennial or
14 special population census, party nominations of candidates for town
15 offices shall be made at the primary preceding the election. In any
16 other town, nominations of candidates for town offices shall be made by
17 caucus or primary election as the rules of the county committee shall
18 provide, except that the members of the county committee from a town may
19 adopt by a two-thirds vote, a rule providing that the party candidates
20 for town offices shall be nominated at the primary election. If a rule
21 adopted by the county committee of a political party or by the members
22 of the county committee from a town, provides that party candidates for
23 town offices, shall be nominated at a primary election, such rule shall
24 not apply to nor affect a primary held less than four months after a
25 certified copy of the rule shall have been filed with the board of
26 elections. After the filing of such a rule, the rule shall continue in
27 force until a certified copy of a rule revoking the same shall have been
28 filed with such board at least four months before a subsequent primary.

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

LBD14973-02-0

1 Such a caucus shall be held no earlier than the first day on which
2 [designating petitions] NOTICE OF INTENT TO CIRCULATE A DESIGNATING
3 PETITION for the fall primary election may be [signed] FILED.

4 S 3. Section 6-116 of the election law, as amended by chapter 373 of
5 the laws of 1978, is amended to read as follows:

6 S 6-116. Party nominations; election to fill a vacancy. A party nomi-
7 nation of a candidate for election to fill a vacancy in an elective
8 office required to be filled at the next general election, occurring
9 after seven days before the last day for [circulating designating
10 petitions] FILING A NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION
11 or after the holding of the meeting or convention to nominate or desig-
12 nate candidates for such, shall be made, after the day of the primary
13 election, by a majority vote of a quorum of the state committee if the
14 vacancy occurs in an office to be filled by all voters of the state, and
15 otherwise by a majority vote of a quorum of the members of a county
16 committee or committees last elected in the political subdivision in
17 which such vacancy is to be filled, or by a majority of such other
18 committee as the rules of the party may provide. A certificate of nomi-
19 nation shall be filed as provided for herein.

20 S 4. Section 6-118 of the election law, as amended by chapter 9 of the
21 laws of 1978, is amended to read as follows:

22 S 6-118. Designation and nomination by petition. Except as otherwise
23 provided by this article, the designation of a candidate for party nomi-
24 nation at a primary election and the nomination of a candidate for
25 election to a party position to be elected at a primary election shall
26 be by FILING A NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION AND
27 PAYING A FEE OF FIVE HUNDRED DOLLARS TO THE BOARD OF ELECTIONS AND BY
28 designating petition.

29 S 5. The election law is amended by adding a new section 6-117 to read
30 as follows:

31 S 6-117. NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION. 1. A
32 NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION, WITH ALL REQUIRED
33 INFORMATION CONTAINED THEREIN, SHALL BE FILED IN THE SAME PLACES AND
34 MANNER AS PROVIDED FOR DESIGNATING PETITIONS, AND SHALL BE FILED NO
35 EARLIER THAN THIRTY DAYS BEFORE THE FIRST DAY TO SIGN DESIGNATING
36 PETITIONS AND NO LATER THAN SEVEN DAYS BEFORE THE FIRST DAY TO SIGN
37 DESIGNATING PETITIONS.

38 2. A FEE OF FIVE HUNDRED DOLLARS SHALL BE PAID TO THE BOARD OF
39 ELECTIONS AT THE TIME OF FILING THE NOTICE OF INTENT TO CIRCULATE A
40 DESIGNATING PETITION WITH THE BOARD OF ELECTIONS.

41 3. IF ONLY ONE PERSON FROM A PARTY HAS FILED A NOTICE OF INTENT TO
42 CIRCULATE A DESIGNATING PETITION FOR A PARTICULAR POSITION AND PAID THE
43 REQUISITE FEE TO THE BOARD OF ELECTIONS THEN THAT PERSON SHALL BE NAMED
44 ON THE BALLOT WITHOUT HAVING TO CIRCULATE A DESIGNATING PETITION. FOR
45 THE PURPOSES OF THIS TITLE, A PERSON WHO IS NAMED ON THE BALLOT WITHOUT
46 HAVING TO CIRCULATE A DESIGNATING PETITION SHALL BE CONSIDERED AS BEING
47 NOMINATED BY PETITION.

48 4. THE STATE BOARD OF ELECTIONS SHALL PREPARE A SAMPLE FORM OF A
49 NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION WHICH MEETS THE
50 REQUIREMENTS OF THIS SECTION AND SHALL DISTRIBUTE OR CAUSE SUCH FORMS TO
51 BE DISTRIBUTED TO EACH BOARD OF ELECTIONS. SUCH FORMS SHALL BE MADE
52 AVAILABLE TO THE PUBLIC, UPON REQUEST, BY THE STATE BOARD OF ELECTIONS
53 AND EACH SUCH BOARD. ANY NOTICE OF INTENT TO CIRCULATE A DESIGNATING
54 PETITION THAT IS A COPY OF SUCH A SAMPLE SHALL BE DEEMED TO MEET THE
55 REQUIREMENTS OF FORM OF A NOTICE OF INTENT TO CIRCULATE A DESIGNATING
56 PETITION.

1 5. A NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION MAY DESIG-
2 NATE CANDIDATES FOR NOMINATION FOR ONE OR MORE DIFFERENT PUBLIC OFFICES
3 OR FOR NOMINATION FOR ELECTION TO ONE OR MORE PARTY POSITIONS OR BOTH,
4 BUT DESIGNATIONS OR NOMINATIONS FOR WHICH THE NOTICES ARE REQUIRED TO BE
5 FILED IN DIFFERENT OFFICES OR NOTICES FOR THE SAME PUBLIC OFFICE OR
6 PARTY POSITION IN DIFFERENT POLITICAL SUBDIVISIONS MAY NOT BE COMBINED
7 IN THE SAME NOTICE. IF TWO OR MORE OFFICES HAVING THE SAME TITLE ARE TO
8 BE FILLED FOR DIFFERENT TERMS, THE TERMS OF OFFICE SHALL BE INCLUDED AS
9 PART OF THE TITLE OF THE OFFICE.

10 6. NOTICES OF INTENT TO CIRCULATE A DESIGNATING PETITION SHALL BE
11 DELIVERED TO THE BOARD OF ELECTIONS IN THE MANNER PRESCRIBED BY REGU-
12 LATIONS THAT SHALL BE PROMULGATED BY THE STATE BOARD OF ELECTIONS. SUCH
13 REGULATIONS SHALL BE NO MORE RESTRICTIVE THAN IS REASONABLY NECESSARY
14 FOR THE PROCESSING OF SUCH NOTICES BY THE BOARD OF ELECTIONS. SUCH
15 REGULATIONS SHALL BE BINDING ON THE BOARDS OF ELECTION IN EACH COUNTY
16 AND IN THE CITY OF NEW YORK. WHEN A DETERMINATION IS MADE THAT A NOTICE
17 OF INTENT TO CIRCULATE A DESIGNATING PETITION DOES NOT COMPLY WITH SUCH
18 REGULATIONS, THE CANDIDATE SHALL HAVE THREE BUSINESS DAYS FROM THE DATE
19 OF SUCH DETERMINATION TO CURE THE VIOLATION.

20 S 6. Subdivision 3 of section 6-120 of the election law, as amended by
21 chapter 226 of the laws of 1982, is amended to read as follows:

22 3. The members of the party committee representing the political
23 subdivision of the office for which a designation or nomination is to be
24 made, unless the rules of the party provide for another committee, in
25 which case the members of such other committee, and except as hereinaft-
26 er in this subdivision provided with respect to certain offices in the
27 city of New York, may, by a majority vote of those present at such meet-
28 ing provided a quorum is present, authorize the designation or nomi-
29 nation of a person as candidate for any office who is not enrolled as a
30 member of such party as provided in this section. In the event that such
31 designation or nomination is for an office to be filled by all the
32 voters of the city of New York, such authorization must be by a majority
33 vote of those present at a joint meeting of the executive committees of
34 each of the county committees of the party within the city of New York,
35 provided a quorum is present at such meeting. The certificate of author-
36 ization shall be filed not later than four days after the last day to
37 file the NOTICE OF INTENT TO CIRCULATE A designating petition, certif-
38 icate of nomination or certificate of substitution to which such author-
39 ization relates. The certificate of authorization shall be signed and
40 acknowledged by the presiding officer and the secretary of the meeting
41 at which such authorization was given.

42 S 7. Section 6-144 of the election law, as amended by chapter 635 of
43 the laws of 1990, the opening paragraph as amended by chapter 150 of the
44 laws of 1996, is amended to read as follows:

45 S 6-144. Nominating and designating petitions and certificates; place
46 for filing. Petitions, NOTICES, FEES, certificates and minutes speci-
47 fied in this article shall be filed in the office of the [Board] BOARD
48 of [Elections] ELECTIONS of the county, except as follows: for an
49 office or position to be voted for wholly within the city of New York,
50 in the office of the [Board] BOARD of [Elections] ELECTIONS of that
51 city; for an office or position to be voted for in a district greater
52 than one county, or portions of two or more counties, in the office of
53 the state board of elections; for a village office to be filled in a
54 village election not conducted by the board of elections, in the office
55 of the village clerk. All such petitions, NOTICES, FEES and certificates
56 shall at the time of filing thereof be endorsed by such officer or board

1 with the day, hour and minute of such filing. Such officer or board
2 shall keep a book, which shall be open to public inspection in which
3 shall be entered the times of filing all such petitions, NOTICES, FEES,
4 and certificates; the names and residences of all candidates named ther-
5 ein; the names and residences of all candidates certified to such offi-
6 cer or board; the title of the office or party position; the name of the
7 party or independent body to which the petition, NOTICE, AND FEE or
8 certificate relates and a memorandum of any objections to such petition,
9 NOTICE, or certificate. Forthwith upon the filing of a petition, NOTICE,
10 AND FEE or certificate designating or nominating a person or persons for
11 public office, such officer or board shall mail notice thereof to each
12 such person. Such notice shall also state the last day to decline such
13 designation or nomination, and include a statement that the candidate's
14 name shall appear on the ballot as it appears in such notice.

15 S 8. Section 6-154 of the election law, subdivision 2 as amended by
16 chapter 248 of the laws of 1981, is amended to read as follows:

17 S 6-154. Nominations and designations; objections to. 1. Any petition
18 OR NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION filed with the
19 officer or board charged with the duty of receiving it shall be presump-
20 tively valid if it is in proper form and appears to bear the requisite
21 number of signatures, authenticated in a manner prescribed by this chap-
22 ter.

23 2. Written objections to any certificate of designation or nomination
24 or to a nominating or designating petition, NOTICE OF INTENT TO CIRCUL-
25 LATE A DESIGNATING PETITION or a petition for opportunity to ballot for
26 public office or to a certificate of acceptance, a certificate of
27 authorization, a certificate of declination or a certificate of substi-
28 tution relating thereto may be filed by any voter registered to vote for
29 such public office and to a designating petition OR NOTICE OF INTENT TO
30 CIRCULATE A DESIGNATING PETITION or a petition for opportunity to ballot
31 for party position or a certificate of substitution, a certificate of
32 acceptance or a certificate of declination relating thereto by any voter
33 enrolled to vote for such party position. Such objections shall be filed
34 with the officer or board with whom the original petition OR NOTICE OF
35 INTENT TO CIRCULATE A DESIGNATING PETITION or certificate is filed with-
36 in three days after the filing of the petition OR NOTICE OF INTENT TO
37 CIRCULATE A DESIGNATING PETITION or certificate to which objection is
38 made, or within three days after the last day to file such a certifi-
39 cate, if no such certificate is filed except that if any person nomi-
40 nated by an independent nominating petition, is nominated as a party
41 candidate for the same office by a party certificate filed, or a party
42 nomination made after the filing of such petition, the written objection
43 to such petition may be filed within three days after the filing of such
44 party certificate or the making of such party nomination. When such an
45 objection is filed, specifications of the grounds of the objections
46 shall be filed within six days thereafter with the same officer or board
47 and if specifications are not timely filed, the objection shall be null
48 and void. Each such officer or board is hereby empowered to make rules
49 in reference to the filing and disposition of such petition, NOTICE OF
50 INTENT TO CIRCULATE A DESIGNATING PETITION, certificate, objections and
51 specifications.

52 3. When a determination is made that a certificate or petition OR
53 NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION is insufficient,
54 such officer or board shall give notice of the determination forthwith
55 by mail to each candidate named in the petition, NOTICE or certificate,

1 and, if the determination is made upon specified objections, the objec-
2 tor shall be notified.

3 S 9. The section heading and subdivision 1 section 6-158 of the
4 election law, subdivision 1 as amended by chapter 434 of the laws of
5 1984, are amended to read as follows:

6 Nominating and designating petitions, NOTICE OF INTENT TO CIRCULATE A
7 DESIGNATING PETITION and certificates, conventions; times for filing and
8 holding. 1. (A) A designating petition shall be filed not earlier than
9 the tenth Monday before, and not later than the ninth Thursday preceding
10 the primary election.

11 (B) A NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION SHALL BE
12 FILED NOT EARLIER THAN THIRTY DAYS BEFORE, AND NOT LATER THAN SEVEN DAYS
13 BEFORE, THE FIRST DAY TO SIGN A DESIGNATING PETITION.

14 S 10. Subdivision 3 of section 6-168 of the election law, as added by
15 chapter 143 of the laws of 1979, is amended to read as follows:

16 3. If, at any primary election in which more than one nomination is to
17 be made for the office of judge of the civil court of the city of New
18 York in any borough of such city or in any civil court district within
19 any such borough, only one candidate is designated for any such vacancy,
20 such candidate shall be deemed nominated and his name shall not appear
21 upon the primary ballot unless a NOTICE OF INTENT TO CIRCULATE A DESIG-
22 NATING PETITION AND, IF REQUIRED, A petition for opportunity to ballot
23 for such vacancy is filed pursuant to the provisions of this chapter.

24 S 11. Section 1-106 of the election law, subdivision 1 as amended by
25 chapter 700 of the laws of 1977, is amended to read as follows:

26 S 1-106. Filing of papers; when received. 1. All papers required to be
27 filed pursuant to the provisions of this chapter shall, unless otherwise
28 provided, be filed between the hours of nine A.M. and five P.M. If the
29 last day for filing shall fall on a Saturday, Sunday or legal holiday,
30 the next business day shall become the last day for filing. All papers
31 sent by mail in an envelope postmarked prior to midnight of the last day
32 of filing shall be deemed timely filed and accepted for filing when
33 received, except that all certificates and petitions of designation or
34 nomination, NOTICES OF INTENT TO CIRCULATE A DESIGNATING PETITION,
35 certificates of acceptance or declination of such designations and nomi-
36 nations, certificates of substitution for such designations or nomi-
37 nations and objections and specifications of objections to such certif-
38 icates and petitions required to be filed with the board of elections of
39 the city of New York must be actually received by such city board of
40 elections on or before the last day to file any such NOTICE, petition,
41 certificate or objection and such office shall be open for the receipt
42 of such NOTICES, petitions, certificates and objections until midnight
43 on the last day to file any such NOTICE, petition, certificate or
44 objection. Failure of the post office or any other person or entity to
45 deliver any such NOTICE, petition, certificate or objection to such city
46 board of elections on or before such last day shall be a fatal defect.

47 2. The failure to file any NOTICE, petition or certificate relating to
48 the designation or nomination of a candidate for party position or
49 public office or to the acceptance or declination of such designation or
50 nomination within the time prescribed by the provisions of this chapter
51 shall be a fatal defect.

52 S 12. Subdivisions 6 and 6-a of section 3-220 of the election law,
53 subdivision 6 as amended by chapter 163 of the laws of 1994, and subdi-
54 vision 6-a as added by chapter 324 of the laws of 1977, are amended to
55 read as follows:

1 6. All petitions, NOTICES, certificates, objections or papers filed or
2 deposited with a board or officer before an election or primary and
3 relating to designations or nominations, and all registers, books,
4 statements, returns or papers so filed or deposited after registration,
5 enrollment, election or primary at which they were used or to which they
6 relate, not including, however, the voted, unused, protested, void or
7 wholly blank ballots, shall be preserved by such board or officer for at
8 least two years after the receipt thereof and until the determination of
9 any action or proceeding touching the same or in which they are ordered
10 to be preserved pending the action or proceeding and at the expiration
11 of such time they may be either destroyed or sold. Lists of registered
12 voters with computer generated facsimile signatures used in lieu of
13 registration poll records at any election shall be preserved until the
14 end of the fourth calendar year after the year of such election. In all
15 jurisdictions, the original statements of results made by the state
16 board of canvassers or a county or city board of canvassers and any
17 original record specifying the name of a person declared to have been
18 elected to a public office shall not be destroyed or sold but shall be
19 preserved, as part of the records of such board or officer, until other-
20 wise provided by law.

21 6-a. During the period prescribed by subdivision six of this section,
22 no petition OR NOTICE shall be removed from the office of the board of
23 elections for copying or any other purpose except while in the custody,
24 or under the supervision of a member or employee of such board or pursu-
25 ant to court order.

26 S 13. Subdivision 3 of section 3-502 of the election law, as renum-
27 bered by chapter 180 of the laws of 2005, is amended to read as follows:

28 3. All petitions, NOTICES and certificates of nomination or desig-
29 nation, or of declination thereof, for an election to which this section
30 applies, and all statements of receipts and expenditures relating to
31 such an election, required to be filed with any officer of Nassau coun-
32 ty, or political subdivision therein shall be filed with the board of
33 elections.

34 S 14. Subdivision 3 of section 3-504 of the election law, as renum-
35 bered by chapter 180 of the laws of 2005, is amended to read as follows:

36 3. All petitions, NOTICES and certificates of nomination or desig-
37 nation, or of declination thereof, for an election to which this section
38 applies, and all statements of receipts and expenditures required to be
39 filed with any officer of Suffolk county, or political subdivision ther-
40 ein shall be filed with the board of elections.

41 S 15. The section heading and subdivisions 1 and 2 of section 6-210 of
42 the election law, as added by chapter 359 of the laws of 1989, are
43 amended to read as follows:

44 Petitions, NOTICES and certificates; place and times for filing. 1.
45 Petitions, NOTICES and certificates specified in this title shall be
46 filed with the county board of elections.

47 2. a. A certificate of party nomination for an office to be filled at
48 the time of a general or special village election for offices shall be
49 filed not earlier than fifty-four days nor later than forty-seven days
50 preceding the election.

51 b. A certificate of acceptance or declination of a party nomination
52 for an office to be filled at the time of a general or special village
53 election shall be filed not later than forty-four days prior to such
54 election.

55 c. A certificate to fill a vacancy caused by declination of a party
56 nomination for an office to be filled at the time of a general or

1 special village election shall be filed not later than forty-one days
2 prior to such election.

3 d. A NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION SHALL BE
4 FILED NOT EARLIER THAN THIRTY DAYS NOR LATER THAN SEVEN DAYS PRIOR TO
5 THE START OF PETITIONING.

6 E. Party designating petitions for a village primary election shall be
7 filed not earlier than twenty-two days nor later than fifteen days prior
8 to the primary election. Upon such a filing, the board of elections
9 shall immediately notify the village election chairman of such party and
10 the person or persons designated in such petition of the fact of such
11 filing and that such petition may be inspected in its office.

12 [e.] F. A written declination of a party designation must be filed
13 within three days of the date of the filing of the designating petition.
14 Upon the filing of such declination, the board of elections shall, with-
15 in one day notify the committee to fill vacancies named in the petition.
16 A certificate to fill the vacancy caused by a declination or any other
17 reason must be filed within three days after the date of the notice to
18 the committee to fill vacancies and shall have appended thereto the
19 written consent of the person or persons designated.

20 S 16. Section 6-212 of the election law, as added by chapter 359 of
21 the laws of 1989, is amended to read as follows:

22 S 6-212. Designations and nominations, objections. Written objections
23 to a nominating or designating petition, NOTICE OF INTENT TO CIRCULATE A
24 DESIGNATING PETITION, or to a certificate of nomination, certificate of
25 acceptance, certificate of authorization, certificate of declination or
26 certificate of substitution with respect to an office to be filled at a
27 general or special village election may be filed not later than the day
28 after the last day to file such petition, NOTICE OF INTENT TO CIRCULATE
29 A DESIGNATING PETITION, or certificate, or the day after such petition,
30 NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION, or certificate is
31 received by the board of elections if such petition, NOTICE OF INTENT TO
32 CIRCULATE A DESIGNATING PETITION, or certificate is mailed within the
33 time permitted by law, whichever is later. Written specifications of the
34 grounds for such objections shall be so filed within two days thereaft-
35 er. A failure to file such written specifications shall render the
36 original objection null and void. Upon receipt of written specifica-
37 tions, the county board of elections shall immediately notify each
38 candidate named in such petition, NOTICE OF INTENT TO CIRCULATE A DESIG-
39 NATING PETITION, or certificate and take all steps necessary and
40 consistent with this chapter to render a determination on the questions
41 raised in such objections and specifications. When a determination has
42 been made by the county board of elections that the petition, NOTICE OF
43 INTENT TO CIRCULATE A DESIGNATING PETITION, is sufficient or insuffi-
44 cient, it shall immediately notify each candidate named in the petition,
45 NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION, or certificate,
46 and, if such determination was made on objection, the objector.

47 S 17. Paragraphs (c) and (d) of subdivision 1, paragraph (e) of subdivi-
48 sion 2 and paragraph (b) of subdivision 3 of section 7-114 of the
49 election law, paragraph (c) of subdivision 1 as amended by chapter 433
50 of the laws of 1984, paragraph (d) of subdivision 1 as amended and para-
51 graph (e) of subdivision 2 as added by chapter 234 of the laws of 1976,
52 and paragraph (b) of subdivision 3 as added by chapter 92 of the laws of
53 2001, are amended to read as follows:

54 (c) Where a candidate for nomination for the same public office or for
55 election to the same party position is designated by two or more

1 petitions OR NOTICES, his name shall be placed upon the ballot for the
2 primary election but once as such a candidate.

3 (d) The ballot shall not contain a space for voting for candidates for
4 uncontested offices and positions, and no ballot shall be printed for a
5 party whose primary is uncontested unless a [petition for opportunity to
6 ballot] NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION has been
7 filed.

8 (e) The names of candidates on paper ballots shall be numbered with
9 arabic numerals printed in heavy faced type beginning with "one" for the
10 first candidate named in the first part and continuing in numerical
11 order to and including the last candidate named in the last part, except
12 that where two or more candidates are to be elected to a party position,
13 the names of candidates designated by each petition OR NOTICE shall be
14 grouped, and each group shall have but one number, which shall be print-
15 ed opposite the approximate center of the group.

16 (b) shall provide a slot or device to permit voters to write-in the
17 name of an undesignated person with respect to only such election for
18 party position for which a valid petition for an opportunity to ballot
19 OR NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION has been filed.

20 S 18. Paragraph a of subdivision 3 and subdivision 7 of section 15-108
21 of the election law, paragraph a of subdivision 3 as amended by chapter
22 447 of the laws of 2006, subdivision 7 as amended by chapter 462 of the
23 laws of 1977 and paragraph (e) of subdivision 7 as amended by chapter 9
24 of the laws of 1978, are amended to read as follows:

25 a. Party designations for elective village offices shall be made [on]
26 BY FILING A NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION AND
27 PAYING A FEE OF FIVE HUNDRED DOLLARS. IF MORE THAN ONE PERSON FROM A
28 PARTICULAR PARTY FILES A NOTICE OF INTENT TO CIRCULATE A DESIGNATING
29 PETITION FOR A PARTICULAR POSITION THEN a designating petition contain-
30 ing the signatures in ink of residents of the village who are registered
31 to vote with the appropriate county board of elections at the time of
32 signing and who are enrolled in such political party SHALL BE FILED.
33 The sheets of such a petition shall be numbered. Such petition must set
34 forth in each instance the correct date of signing, the name of the
35 signer, and his or her present address, and may set forth a committee to
36 fill vacancies consisting of at least three qualified voters of the
37 village enrolled in such party and their residence within the village. A
38 signer need not himself or herself fill in the date or residence. Each
39 sheet of such petition must be in substantially the following form and
40 shall contain all the information required therein:

41 PARTY DESIGNATING PETITION

42 I, the undersigned do hereby state that I am a registered voter of the
43 Village of and a duly enrolled voter of the party and
44 entitled to vote at the next primary election of such party, that my
45 place of residence is truly stated opposite my signature hereto, and I
46 hereby designate the following named person (or persons) as a candidate
47 (or candidates) for nomination of such party for the public office (or
48 public offices) to be voted for at the primary election to be held on
49 the day of 20.... as hereinafter specified.

50	Name of Candidate	Public Office	Term	Residence
51
52

1 I do hereby appoint (insert names and addresses of at least three
2 persons, all of whom shall be enrolled voters of said party) as a
3 committee to fill vacancies in accordance with the provisions of the
4 election law.

5 IN WITNESS WHEREOF, I have hereunto set my hand, the day and year
6 placed opposite my signature.

7	Date	Name	Residence
8
9

10 STATEMENT OF WITNESS

11 I (name of witness) state: I am a duly qualified voter
12 of the State of New York; and an enrolled voter of the party
13 and now reside in the Village of County of State of
14 New York at (residence address) therein. Each of the
15 persons whose names are subscribed to this petition sheet
16 containing signatures, subscribed his or her name in my pres-
17 ence.

18 I understand that this statement will be accepted for all purposes as
19 the equivalent of an affidavit and, if it contains a material false
20 statement, shall subject me to the same penalties as if I had been duly
21 sworn.

22
23	Date	Signature of Witness
24		page no.

25 7. a. A certificate of party nomination for an office to be filled at
26 the time of a general or special village election for offices shall be
27 filed not earlier than fifty-four days nor later than forty-seven days
28 preceding the election.

29 b. A certificate of acceptance or declination of a party nomination
30 for an office to be filled at the time of a general or special village
31 election shall be filed not later than forty-four days prior to such
32 election.

33 c. A certificate to fill a vacancy caused by declination of a party
34 nomination for an office to be filled at the time of a general or
35 special village election shall be filed not later than forty-one days
36 prior to such election.

37 d. A NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION SHALL BE
38 FILED AND A FEE OF FIVE HUNDRED DOLLARS SHALL BE PAID IN THE OFFICE OF
39 THE VILLAGE CLERK NOT EARLIER THAN THIRTY DAYS NOR LATER THAN SEVEN DAYS
40 PRIOR TO THE FIRST DAY TO SIGN DESIGNATING PETITIONS.

41 E. Party designating petitions for a village primary election shall be
42 filed in the office of the village clerk not earlier than twenty-two
43 days nor later than fifteen days prior to the primary election. Upon
44 such a filing, the village clerk shall immediately notify the village
45 election chairman of such party and the person or persons designated in
46 such petition of the fact of such filing and that such petition may be
47 inspected in his office.

48 [(e)] F. A written declination of a party designation must be filed in
49 the office of the village clerk within three days of the date of the
50 filing of the designating petition. Upon the filing of such declina-
51 tion, the village clerk shall, within one day notify the committee to

1 fill vacancies named in the petition. A certificate to fill the vacancy
2 caused by a declination or any other reason must be filed with the
3 village clerk within three days after the date of the notice to the
4 committee to fill vacancies and shall have appended thereto the written
5 consent of the person or persons designated.

6 S 19. Subdivisions 1 and 2 of section 16-102 of the election law,
7 subdivision 1 as amended by chapter 373 of the laws of 1978 and subdivi-
8 sion 2 as amended by chapter 79 of the laws of 1992, are amended to read
9 as follows:

10 1. The nomination or designation of any candidate for any public
11 office or party position or any independent nomination, or the holding
12 of an uncontested primary election, by reason of a petition for an
13 opportunity to ballot OR NOTICE OF INTENT TO CIRCULATE A DESIGNATING
14 PETITION having been filed, or the election of any person to any party
15 position may be contested in a proceeding instituted in the supreme
16 court by any aggrieved candidate, or by the chairman of any party
17 committee or by a person who shall have filed objections, as provided in
18 this chapter, except that the chairman of a party committee may not
19 bring a proceeding with respect to a designation or the holding of an
20 otherwise uncontested primary.

21 2. A proceeding with respect to a petition OR NOTICE shall be insti-
22 tuted within fourteen days after the last day to file the petition OR
23 NOTICE, or within three business days after the officer or board with
24 whom or which such petition OR NOTICE was filed, makes a determination
25 of invalidity with respect to such petition OR NOTICE, whichever is
26 later; except that a proceeding with respect to a petition OR NOTICE for
27 a village election or an independent nomination for a special election
28 shall be instituted within seven days after the last day to file the
29 petition OR NOTICE for such village election or independent nomination
30 or within three business days after the officer or board with whom or
31 which such petition OR NOTICE was filed, makes a determination of inva-
32 lidity with respect to such petition OR NOTICE, whichever is later. A
33 proceeding with respect to a primary, convention, meeting of a party
34 committee, or caucus shall be instituted within ten days after the hold-
35 ing of such primary or convention or the filing of the certificate of
36 nominations made at such caucus or meeting of a party committee.

37 S 20. This act shall take effect immediately; provided, however, that
38 the amendments to paragraph (b) of subdivision 3 of section 7-114 of the
39 election law made by section seventeen of this act shall not affect the
40 repeal of such subdivision and shall be deemed to be repealed therewith.