

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

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 enacting the "nominating petitions streamlining act"

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "nominating petitions streamlining act".

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

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

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

13 1. In any town in a county having a population of over seven hundred  
14 fifty thousand inhabitants, as shown by the latest federal decennial or  
15 special population census, party nominations of candidates for town  
16 offices shall be made at the primary preceding the election. In any  
17 other town, nominations of candidates for town offices shall be made by  
18 caucus or primary election as the rules of the county committee shall  
19 provide, except that the members of the county committee from a town may  
20 adopt by a two-thirds vote, a rule providing that the party candidates  
21 for town offices shall be nominated at the primary election. If a rule  
22 adopted by the county committee of a political party or by the members  
23 of the county committee from a town, provides that party candidates for  
24 town offices, shall be nominated at a primary election, such rule shall

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

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1 not apply to nor affect a primary held less than four months after a  
2 certified copy of the rule shall have been filed with the board of  
3 elections. After the filing of such a rule, the rule shall continue in  
4 force until a certified copy of a rule revoking the same shall have been  
5 filed with such board at least four months before a subsequent primary.  
6 Such a caucus shall be held no earlier than the first day on which  
7 [designating petitions] NOTICE OF INTENT TO CIRCULATE A DESIGNATING  
8 PETITION for the fall primary election may be [signed] FILED.

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

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

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

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

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

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

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

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

53 4. THE STATE BOARD OF ELECTIONS SHALL PREPARE A SAMPLE FORM OF A  
54 NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION WHICH MEETS THE  
55 REQUIREMENTS OF THIS SECTION AND SHALL DISTRIBUTE OR CAUSE SUCH FORMS TO  
56 BE DISTRIBUTED TO EACH BOARD OF ELECTIONS. SUCH FORMS SHALL BE MADE

1 AVAILABLE TO THE PUBLIC, UPON REQUEST, BY THE STATE BOARD OF ELECTIONS  
2 AND EACH SUCH BOARD. ANY NOTICE OF INTENT TO CIRCULATE A DESIGNATING  
3 PETITION THAT IS A COPY OF SUCH A SAMPLE SHALL BE DEEMED TO MEET THE  
4 REQUIREMENTS OF FORM OF A NOTICE OF INTENT TO CIRCULATE A DESIGNATING  
5 PETITION.

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

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

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

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

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

50 S 6-144. Nominating and designating petitions and certificates; place  
51 for filing. Petitions, NOTICES, FEES, certificates and minutes speci-  
52 fied in this article shall be filed in the office of the [Board] BOARD  
53 of [Elections] ELECTIONS of the county, except as follows: for an  
54 office or position to be voted for wholly within the city of New York,  
55 in the office of the [Board] BOARD of [Elections] ELECTIONS of that  
56 city; for an office or position to be voted for in a district greater

1 than one county, or portions of two or more counties, in the office of  
2 the state board of elections; for a village office to be filled in a  
3 village election not conducted by the board of elections, in the office  
4 of the village clerk. All such petitions, NOTICES, FEES and certificates  
5 shall at the time of filing thereof be endorsed by such officer or board  
6 with the day, hour and minute of such filing. Such officer or board  
7 shall keep a book, which shall be open to public inspection in which  
8 shall be entered the times of filing all such petitions, NOTICES, FEES,  
9 and certificates; the names and residences of all candidates named ther-  
10 ein; the names and residences of all candidates certified to such offi-  
11 cer or board; the title of the office or party position; the name of the  
12 party or independent body to which the petition, NOTICE, AND FEE or  
13 certificate relates and a memorandum of any objections to such petition,  
14 NOTICE, or certificate. Forthwith upon the filing of a petition, NOTICE,  
15 AND FEE or certificate designating or nominating a person or persons for  
16 public office, such officer or board shall mail notice thereof to each  
17 such person. Such notice shall also state the last day to decline such  
18 designation or nomination, and include a statement that the candidate's  
19 name shall appear on the ballot as it appears in such notice.

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

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

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

1 3. When a determination is made that a certificate or petition OR  
2 NOTICE OF INTENT TO CIRCULATE A DESIGNATING PETITION is insufficient,  
3 such officer or board shall give notice of the determination forthwith  
4 by mail to each candidate named in the petition, NOTICE or certificate,  
5 and, if the determination is made upon specified objections, the objec-  
6 tor shall be notified.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55 b. A certificate of acceptance or declination of a party nomination  
56 for an office to be filled at the time of a general or special village

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

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

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

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

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

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

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

51 S 17. Paragraphs (c) and (d) of subdivision 1 and paragraph (e) of  
52 subdivision 2 of section 7-114 of the election law, paragraph (c) of  
53 subdivision 1 as amended by chapter 433 of the laws of 1984 and para-  
54 graph (d) of subdivision 1 as amended and paragraph (e) of subdivision 2  
55 as added by chapter 234 of the laws of 1976, are amended to read as  
56 follows:

1 (c) Where a candidate for nomination for the same public office or for  
2 election to the same party position is designated by two or more  
3 petitions OR NOTICES, his name shall be placed upon the ballot for the  
4 primary election but once as such a candidate.

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

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

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

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

39 PARTY DESIGNATING PETITION

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

48	Name of Candidate	Public Office	Term	Residence
49	.....	.....	.....	.....
50	.....	.....	.....	.....

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.