

827

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

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 5 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-

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

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1 NATED BY A PARTY FOR SUCH OFFICE, SUCH NOMINATION OF SUCH INDEPENDENT
2 BODY SHALL BE DEEMED TO HAVE BEEN DECLINED.

3 S 2. Subdivision 4 of section 7-104 of the election law, as amended by
4 chapter 165 of the laws of 2010, is amended to read as follows:

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

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

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

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

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

48 S 3. Subdivision 5 of section 7-104 of the election law is REPEALED.

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