

6874

I N S E N A T E

April 2, 2012

Introduced by Sen. DILAN -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to requiring ballot rotation

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

1 Section 1. Subdivision 6 of section 7-116 of the election law, the
2 second undesignated paragraph as amended by chapter 121 of the laws of
3 1997, is amended to read as follows:
4 6. In the city of New York, the ballot [on the voting machine] for
5 primary elections shall conform to the following additional provisions:
6 The names of the candidates designated for [such] public office [or
7 party position] in the primary of a party shall be placed under the
8 title of the office or position in the alphabetical order of their
9 surnames, in the first or lowest numbered assembly district and election
10 district of any political unit or subdivision within a county. If
11 candidates' surnames are identical, their given or first name shall
12 determine their order. Thereafter the names shall be rotated by
13 election districts by transposing the first named candidate to the
14 bottom of the order at each succeeding election district, so that each
15 name shall appear first and in each other position in an equal number,
16 as nearly as possible, of the election districts [and except, further,
17 that where two or more candidates are to be elected to the same party
18 position, the names of candidates for such a position which appear on
19 the same designating petition shall be grouped together on the ballot in
20 the order in which their names appear on the designating petition and
21 the group rotated alphabetically in relation to other groups or individ-
22 ual candidates according to the surname of the first person on the
23 designating petition of such group. Groups of candidates for delegate
24 and alternate delegate, and groups of candidates for male and female
25 delegate and male and female alternate delegate to the same convention
26 designated on the same petition shall be rotated together alphabetically
27 in relation to other groups or individual candidates according to the
28 surname of the first person listed on such designating petition in the

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

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1 group of candidates for whichever of such delegate or alternate delegate
2 positions will appear first on the voting machine. If the rules of a
3 party committee provide for equal representation of the sexes among the
4 members of a state committee elected from each unit of representation,
5 elections for male and female members of such a committee from a single
6 unit of representation shall be conducted as elections for two different
7 party positions]. Notwithstanding the provisions of this paragraph, if
8 the board of elections has assigned numbers to the candidates for an
9 office [or position] because of identical or similar names among such
10 candidates, the names of such candidates shall be placed under the title
11 of such office [or position] in the order of such numbers in such first
12 or lowest numbered district, and the names shall not be rotated by
13 election district. Such names shall appear in the identical order on
14 each ballot in each election district.

15 [County committee candidates or groups of candidates shall be printed
16 within the first election district of each assembly district or part
17 thereof, according to the priority of filing of designating petitions
18 and they shall then be rotated by election district by placing the
19 candidate or group of candidates designated in the same petition as the
20 candidate or group of candidates which was printed first in an election
21 district at the bottom of the order in the next succeeding election
22 district in which a candidate or group of candidates designated in such
23 petition appears on the ballot.

24 In cases where a name is added to or removed from the ballot by court
25 order too late to make a complete adjustment to these requirements
26 feasible, the name may be added at the bottom of the list of candidates
27 in all election districts, or removed from the ballot in all election
28 districts without changing the previously arranged order of other names
29 and without invalidating the election.] Any inadvertent error in the
30 order of names discovered too late to correct the order of the names on
31 the ballots concerned shall not invalidate an election.

32 Except where a contest or candidate is removed from the ballot by
33 court order too late to make complete compliance with this paragraph
34 feasible, the title of each public office [or party position] and the
35 names of the candidates for such office [or position] appearing on any
36 [voting machine] BALLOT used for primary elections in the city of New
37 York shall appear on such [machine] BALLOT immediately adjacent to one
38 another, either horizontally or vertically; and no blank spaces shall
39 separate the names of candidates actually running for an office [or
40 party position] on such [voting machine] BALLOT, and no blank spaces
41 shall separate any two such offices [or positions] which appear on such
42 [voting machine] BALLOT in the same column or row.

43 S 2. This act shall take effect immediately.