

2216

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

---

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

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

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

LBD00689-01-3

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

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

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

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

47 S 2. This act shall take effect immediately.