

7115--A

I N S E N A T E

March 29, 2016

Introduced by Sen. BOYLE -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to specification of objections to designating petitions, independent nominating petitions, certificates of nomination or ballot access documents

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

1 Section 1. Section 6-154 of the election law, subdivision 2 as amended
2 by chapter 248 of the laws of 1981, is amended to read as follows:
3 S 6-154. Nominations and designations; objections to. 1. Any petition
4 OR CERTIFICATE filed with the officer or board charged with the duty of
5 receiving it shall be presumptively valid if it is in proper form and
6 appears to bear the requisite number of signatures, authenticated in a
7 manner prescribed by this chapter.
8 2. Written objections to any certificate of designation or nomination
9 or to a nominating or designating petition or a petition for opportunity
10 to ballot for public office or to a certificate of acceptance, a certifi-
11 cate of authorization, a certificate of declination or a certificate of
12 substitution relating thereto may be filed by any voter registered to
13 vote for such public office and to a designating petition or a petition
14 for opportunity to ballot for party position or a certificate of substi-
15 tution, a certificate of acceptance or a certificate of declination
16 relating thereto by any voter enrolled to vote for such party position.
17 Such objections shall be filed with the officer or board with whom the
18 original petition or certificate is filed within three days after the
19 filing of the petition or certificate to which objection is made, or
20 within three days after the last day to file such a certificate, if no
21 such certificate is filed except that if any person nominated by an
22 independent nominating petition, is nominated as a party candidate for
23 the same office by a party certificate filed, or a party nomination made
24 after the filing of such petition, the written objection to such peti-
25 tion may be filed within three days after the filing of such party

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

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1 certificate or the making of such party nomination. When such an
2 objection is filed, specifications of the grounds of the objections
3 shall be filed within six days thereafter with the same officer or board
4 and if specifications are not timely filed, the objection shall be null
5 and void. [Each such officer or board is hereby empowered to make rules
6 in reference to the filing and disposition of such petition, certifi-
7 cate, objections and specifications.]

8 3. (A) ANY PERSON FILING GENERAL OBJECTIONS TO ANY DESIGNATING PETI-
9 TION, INDEPENDENT NOMINATING PETITION OR CERTIFICATE OF NOMINATION OR
10 BALLOT ACCESS DOCUMENT WHO THEREAFTER FILES SPECIFICATIONS OF HIS OR HER
11 OBJECTIONS TO ANY SUCH DOCUMENT SHALL DO SO IN ACCORDANCE WITH THE
12 PROVISIONS OF THIS SUBDIVISION. ALL SUCH SPECIFICATIONS SHALL SUBSTAN-
13 Tially COMPLY WITH THE FOLLOWING REQUIREMENTS:

14 (I) FOR SPECIFICATIONS RELATING TO ANY PETITION, THE VOLUME NUMBER,
15 PAGE NUMBER, AND LINE NUMBER OF ANY SIGNATURE OBJECTED TO ON ANY PETI-
16 TION SHALL BE SET FORTH IN DETAIL. IN ADDITION, ANY PORTION OF ANY PETI-
17 TION OR ANY SIGNATURE LINE OR WITNESS STATEMENT OBJECTED TO SHALL BE
18 SPECIFICALLY IDENTIFIED AND REASONS GIVEN FOR ANY SUCH OBJECTION;

19 (II) THE TOTAL NUMBER OF SIGNATURES OBJECTED TO SHALL BE SET FORTH AND
20 ALL OBJECTIONS RELATING TO A SINGLE SIGNATURE LINE SHOULD BE GROUPED
21 TOGETHER; AND

22 (III) SYMBOLS AND/OR ABBREVIATIONS MAY BE USED TO SET FORTH
23 OBJECTIONS, PROVIDED THAT A SHEET EXPLAINING THE MEANING OF ANY SUCH
24 SYMBOLS AND/OR ABBREVIATIONS IS ATTACHED TO THE SPECIFICATIONS.

25 (B) NO SPECIFICATIONS OF OBJECTIONS TO ANY PETITION, CERTIFICATE OF
26 NOMINATION OR BALLOT ACCESS DOCUMENT WILL BE CONSIDERED UNLESS THE
27 OBJECTOR FILING THE SPECIFICATIONS PERSONALLY DELIVERS OR MAILES BY OVER-
28 NIGHT MAIL A DUPLICATE COPY OF THE SPECIFICATION TO EACH CANDIDATE FOR
29 PUBLIC OFFICE NAMED ON THE PETITION. OBJECTIONS AND SPECIFICATIONS TO A
30 PETITION FOR AN OPPORTUNITY TO BALLOT MUST BE SERVED ON THE PERSONS
31 NAMED AS THE COMMITTEE TO RECEIVE NOTICES. IN THE CASE OF A PETITION
32 CONTAINING CANDIDATES FOR PARTY POSITIONS, SERVICE OF THE SPECIFICATIONS
33 SHALL BE MADE ON EITHER THE NAMED CANDIDATES OR THE FIRST PERSON NAMED
34 ON THE PETITION'S COMMITTEE TO FILL VACANCIES. SERVICE SHALL BE MADE ON
35 OR BEFORE THE DATE OF FILING OF ANY SPECIFICATIONS WITH THE OFFICER OR
36 BOARD. PROOF OF SERVICE SHALL ACCOMPANY THE SPECIFICATIONS OR BE
37 RECEIVED BY THE END OF TWO BUSINESS DAYS FOLLOWING THE FILING OF THE
38 SPECIFICATIONS, WHICHEVER IS LATER.

39 4. (A) SUCH OFFICER OR BOARD SHALL GIVE NOTICE BY OVERNIGHT MAIL TO
40 THE OBJECTOR AND THE CANDIDATE NAMED IN SUCH PETITION OR CERTIFICATE OF
41 THE DATE OR DATES ON WHICH SUCH OFFICER OR BOARD SHALL CONSIDER THE
42 SPECIFICATIONS FILED, AND BOARD FINDINGS, THE RESULT OF AND RESEARCH OF
43 THE SPECIFICATIONS, AND SHALL MAKE A DETERMINATION AS TO THE SUFFICIENCY
44 OF SUCH PETITION OR CERTIFICATE AND SHALL PROVIDE THE OBJECTOR AND
45 CANDIDATE OR THEIR AGENT(S) AN OPPORTUNITY TO BE HEARD AS TO THE VALIDI-
46 TY OF EACH SPECIFIC OBJECTION. COPIES OF THE BOARD'S RESEARCH OF SPEC-
47 IFICATIONS SHALL ACCOMPANY SUCH NOTICE. SUCH OPPORTUNITY MAY BE BY
48 WRITTEN SUBMISSION OR ORAL PRESENTATION IN THE DISCRETION OF SUCH OFFI-
49 CER OR BOARD. SUCH OFFICER OR BOARD SHALL NOT DENY THE OBJECTOR OR THE
50 CANDIDATE OR THEIR AGENT(S) AN OPPORTUNITY TO BE PRESENT WHEN THE DETER-
51 MINATION AS TO VALIDITY IS MADE.

52 (B) FOR OBJECTIONS AND SPECIFICATIONS MADE TO BALLOT ACCESS DOCUMENTS
53 FILED WITH THE STATE BOARD OF ELECTIONS, THE PROVISIONS OF PARAGRAPH (A)
54 OF THIS SUBDIVISION SHALL APPLY. HOWEVER, THE OPPORTUNITY TO BE HEARD AS
55 TO THE VALIDITY OR INVALIDITY OF SUCH SPECIFICATIONS SHALL BE PROVIDED

1 IN A HEARING WHICH PRECEDES ANY MEETING OF THE STATE BOARD'S COMMISSION-
2 ERS AT WHICH DETERMINATIONS WILL BE RENDERED.

3 5. When [a] ANY determination is made that a certificate or petition
4 is SUFFICIENT OR insufficient, such officer or board shall give notice
5 of the determination forthwith by mail to each candidate named in the
6 petition or certificate, and, if the determination is made upon speci-
7 fied objections, the objector shall be notified; PROVIDED THAT ANY SUCH
8 CANDIDATE OR OBJECTOR MAY DESIGNATE AN ATTORNEY OR AGENT TO RECEIVE ANY
9 SUCH NOTICE AND/OR DETERMINATION ON HIS OR HER BEHALF. ANY SUCH DESIG-
10 NATION SHALL BE IN WRITING AND INCLUDE THE NAME, ADDRESS, EMAIL AND
11 TELEPHONE NUMBER OF ANY SUCH ATTORNEY OR AGENT, AND ANY SUCH ATTORNEY
12 AND/OR AGENT SHALL BE ELIGIBLE TO REPRESENT ANY SUCH CANDIDATE OR OBJEC-
13 TOR IN ANY PROCEEDING RELATING TO THE SPECIFICATIONS.

14 6. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE AN OBJECTION
15 OR HEARING IF THE BOARD OF ELECTIONS BY MAJORITY VOTE DETERMINES THAT A
16 FILING DOES NOT MEET THE CRITERIA OF SUBDIVISION ONE OF THIS SECTION TO
17 BE PRESUMPTIVELY VALID.

18 S 2. This act shall take effect on the ninetieth day after it shall
19 have become a law. Effective immediately, the addition, amendment
20 and/or repeal of any rules or regulations necessary for the implementa-
21 tion of this act on its effective date are authorized to be made on or
22 before such date.