

STATE OF NEW YORK

8465

IN SENATE

June 3, 2020

Introduced by Sen. LIU -- 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 directing that the use of a candidate's alternate, familiar or anglicized name is permissible on electoral nominating petitions and ballots

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative intent. Recently, two Muslim women running for
2 elected office in the borough of Queens, city of New York, were removed
3 from the ballot by the Board of Elections because the names they used on
4 their designating petitions did not match their registered voter name.
5 Furthermore, the board argued that the candidate's names were invalid,
6 as they were not a diminutive or familiar derivative of their registered
7 names.

8 This decision by the Board of Elections does not give due consider-
9 ation to cultural and ethnic practices surrounding naming and name
10 usage. Many people with ethnically traditional names unfamiliar to the
11 general population adopt an alternate or anglicized name which is easier
12 to remember or pronounce. They should not be penalized for doing so,
13 even when the alternate name is not easily perceived to be or is not
14 derived from the person's legal name.

15 The New York courts have repeatedly found that the use of alternate
16 names acceptable, so long as the name has been established in that
17 community and the voters are not misled by the use of the name. As is
18 noted in the New York State Board of Elections Election Law Update Manu-
19 al of 2019, wherein it is written "The name that a candidate uses on his
20 or her petition is the name that will appear on the ballot (Election Law
21 § 7-102). A candidate may be put on the petition and ballot under a name
22 he or she has adopted in good faith and by which he or she is recognized
23 in the community (In re Steel, 186 Misc 98 (Sup Ct New York County
24 1946), aff'd 270 AD 806 [~~1946~~])".

25 The legislature finds and declares that it is in the best interests of
26 the people of the state to clarify that the use of alternate, anglicized
27 or familiar names on election petitions and ballots is acceptable

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

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1 provided that such name is demonstrated to be commonly used to identify
2 that person in the person's community and that the use of such name is
3 not intended to mislead voters or petition signers.

4 § 2. The election law is amended by adding a new section 6-112 to read
5 as follows:

6 § 6-112. Definition. For the purposes of designation and nomination of
7 candidates pursuant to this article and the inclusion of names of candi-
8 dates on ballots pursuant to article seven of this chapter, "name"
9 includes a candidate's alternate, anglicized or familiar name, provided
10 that such name is demonstrated to be commonly used to identify the
11 candidate in the candidate's community and that the use of such name is
12 not intended to mislead voters or petition signers.

13 § 3. This act shall take effect immediately.