

# STATE OF NEW YORK

5382

2021-2022 Regular Sessions

## IN ASSEMBLY

February 16, 2021

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

AN ACT to amend the election law, in relation to the opportunity to ballot; and to repeal certain provisions of such law relating thereto

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

1 Section 1. Sections 6-164 and 6-166 of the election law are REPEALED.  
2 § 2. Subdivision 4 of section 6-158 of the election law is REPEALED.  
3 § 3. Subdivision 2 of section 6-154 of the election law, as amended by  
4 chapter 248 of the laws of 1981, is amended to read as follows:  
5 2. Written objections to any certificate of designation or nomination  
6 or to a nominating or designating petition [~~or a petition for opportunity to ballot for public office~~] or to a certificate of acceptance, a  
7 certificate of authorization, a certificate of declination or a certificate of substitution relating thereto may be filed by any voter registered to vote for such public office and to a designating petition [~~or a petition for opportunity to ballot for party position~~] or a certificate of substitution, a certificate of acceptance or a certificate of declination relating thereto by any voter enrolled to vote for such party position. Such objections shall be filed with the officer or board with whom the original petition or certificate is filed within three days after the filing of the petition or certificate to which objection is made, or within three days after the last day to file such a certificate, if no such certificate is filed except that if any person nominated by an independent nominating petition, is nominated as a party candidate for the same office by a party certificate filed, or a party nomination made after the filing of such petition, the written objection to such petition may be filed within three days after the filing of such party certificate or the making of such party nomination. When such an objection is filed, specifications of the grounds of the objections shall be filed within six days thereafter with the same officer or board

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

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1 and if specifications are not timely filed, the objection shall be null  
2 and void. Each such officer or board is hereby empowered to make rules  
3 in reference to the filing and disposition of such petition, certifi-  
4 cate, objections and specifications.

5 § 4. Subdivision 3 of section 6-168 of the election law, as added by  
6 chapter 143 of the laws of 1979, is amended to read as follows:

7 3. If, at any primary election in which more than one nomination is to  
8 be made for the office of judge of the civil court of the city of New  
9 York in any borough of such city or in any civil court district within  
10 any such borough, only one candidate is designated for any such vacancy,  
11 such candidate shall be deemed nominated and his name shall not appear  
12 upon the primary ballot [~~unless a petition for opportunity to ballot for~~  
13 ~~such vacancy is filed pursuant to the provisions of this chapter~~].

14 § 5. Paragraph (c) of subdivision 1 of section 7-114 of the election  
15 law, as amended by chapter 411 of the laws of 2019, is amended to read  
16 as follows:

17 (c) The ballot shall not contain a space for voting for candidates for  
18 uncontested offices and positions, and no ballot shall be printed for a  
19 party for which there is no contested office or position [~~unless a peti-~~  
20 ~~tion for opportunity to ballot has been filed~~].

21 § 6. Subdivision 1 of section 16-102 of the election law, as amended  
22 by chapter 373 of the laws of 1978, is amended to read as follows:

23 1. The nomination or designation of any candidate for any public  
24 office or party position or any independent nomination[, ~~or the holding~~  
25 ~~of an uncontested primary election, by reason of a petition for an~~  
26 ~~opportunity to ballot having been filed~~], or the election of any person  
27 to any party position may be contested in a proceeding instituted in the  
28 supreme court by any aggrieved candidate, or by the chairman of any  
29 party committee or by a person who shall have filed objections, as  
30 provided in this chapter, except that the chairman of a party committee  
31 may not bring a proceeding with respect to a designation or the holding  
32 of an otherwise uncontested primary.

33 § 7. Section 17-122 of the election law, as amended by chapter 373 of  
34 the laws of 1978 and subdivision 7 as amended by chapter 129 of the laws  
35 of 1997, is amended to read as follows:

36 § 17-122. Misconduct in relation to petitions. Any person who:

37 1. Pays, lends, contributes or promises to pay, lend or contribute any  
38 money or other valuable consideration to or for any voter, or to or for  
39 any other person, to induce such voter to sign a petition for the desig-  
40 nation of a candidate for party nomination or for election to a party  
41 position to be voted for at a primary election[, ~~or to induce such voter~~  
42 ~~to sign a petition for opportunity to ballot at a primary election~~] or  
43 to induce such voter to sign an independent nominating petition for  
44 public office; or

45 2. Gives, offers or promises any office, place or employment, or prom-  
46 ises to procure or endeavor to procure any office, place or employment  
47 to or for any voter, or to or for any other person, in order to induce  
48 such voter to sign a petition for the designation of a candidate for  
49 party nomination or for election to a party position to be voted for at  
50 a primary election[, ~~or to induce such voter to sign a petition for~~  
51 ~~opportunity to ballot at a primary election~~] or to induce such voter to  
52 sign an independent nominating petition for public office; or

53 3. Receives, agrees or contracts for any money, gift, loan or other  
54 valuable consideration, office, place or employment for himself or any  
55 other person, for signing a petition for the designation of a candidate  
56 for party nomination or for election to a party position to be voted for

1 at a primary election[~~, or for signing a petition for opportunity to~~  
2 ~~ballet at a primary election~~] or for signing an independent nominating  
3 petition for public office; or

4 4. Pays or agrees to pay money or other valuable consideration, to any  
5 person for his services in canvassing for or otherwise procuring the  
6 signatures of voters to a petition for the designation of a candidate or  
7 candidates for party nomination or for election to a party position to  
8 be voted for at a primary election[~~, or to a petition for opportunity to~~  
9 ~~ballet at a primary election,~~] or to an independent nominating petition  
10 for public office, upon the basis of the number of names to such peti-  
11 tion procured by such person, or at a fixed amount per name; or,

12 5. Represents to any person as an inducement for signing a petition  
13 for the designation of a candidate for party nomination or for election  
14 to a party position to be voted for at a primary election, [~~or for sign-~~  
15 ~~ing a petition for opportunity to ballot at a primary election,~~] or for  
16 signing an independent nominating petition for public office, that the  
17 person soliciting such signature is to be compensated upon the basis of  
18 the number of names procured by such a person, or at a fixed amount per  
19 name; or

20 6. Being a signer of a petition, provided for in the election law, for  
21 the designation or nomination of a candidate, [~~or a petition for oppor-~~  
22 ~~tunity to ballot at a primary election,~~] thereby makes a false statement  
23 or makes a false affidavit thereon, or a false statement to the witness  
24 who authenticates the petition; or

25 7. Being a notary public, commissioner of deeds or a subscribing  
26 witness to a petition, provided for in this chapter, for the designation  
27 or nomination of a candidate, [~~or a petition for opportunity to ballot~~  
28 ~~at a primary election,~~] thereby makes a false statement or makes a false  
29 affidavit thereon; or

30 8. Alters a petition, provided for in the election law, for the desig-  
31 nation or nomination of a candidate, [~~or a petition for opportunity to~~  
32 ~~ballet at a primary election,~~] by inserting, adding or changing therein  
33 the name of a candidate, or the title or designation of an office or  
34 position by any means whatsoever, after such petition has been signed by  
35 one or more persons, is guilty of a misdemeanor.

36 § 8. This act shall take effect immediately.