STATE OF NEW YORK

7480--A

Cal. No. 244

2021-2022 Regular Sessions

IN ASSEMBLY

May 10, 2021

Introduced by M. of A. WALKER -- read once and referred to the Committee on Election Law -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the election law, in relation to the representation of newly formed political parties

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

Section 1. Subdivision 1 of section 7-116 of the election law is amended to read as follows:

1. In printing the names of candidates on the ballot, the candidate or candidates of the party which polled [~~for its candidate for the office of governor at the last preceding election for such office~~] the highest number of votes **for its candidate for governor or for its slate of president electors at the most recent general election in an even numbered year**, shall be [~~row or~~] column A or one and the candidates of the other parties shall be placed on such ballot in descending order of such votes.

§ 2. Section 6-124 of the election law, as amended by chapter 876 of the laws of 1977, is amended to read as follows:

§ 6-124. Conventions; judicial. A judicial district convention shall be constituted by the election at the preceding primary of delegates and alternate delegates, if any, from each assembly district or, if an assembly district shall contain all or part of two or more counties and if the rules of the party shall so provide, separately from the part of such assembly district contained within each such county. The number of delegates and alternates, if any, shall be determined by party rules, but the number of delegates shall be substantially in accordance with the ratio, which the number of votes cast for the party candidate for the office of governor, on the line or column of the party at the last preceding election for such office, in any unit of representation, bears to the total vote cast at such election for such candidate on such line

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

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or column in the entire state**; provided, however, for a new party formed at a presidential election, for such party's judicial district convention held in the second year after the presidential election, such ratio shall be based on such party's vote for presidential electors, as otherwise as provided by this section, and thereafter based on such party's vote for the office of governor**. The number of alternates from any district shall not exceed the number of delegates therefrom. The delegates certified to have been elected as such, in the manner provided in this chapter, shall be conclusively entitled to their seats, rights and votes as delegates to such convention. When a duly elected delegate does not attend the convention, his place shall be taken by one of the alternates, if any, to be substituted in his place, in the order of the vote received by each such alternate as such vote appears upon the certified list and if an equal number of votes were cast for two or more such alternates; the order in which such alternates shall be substituted shall be determined by lot forthwith upon the convening of the convention. If there shall have been no contested election for alternate, substitution shall be in the order in which the name of such alternate appears upon the certified list, and if no alternates shall have been elected or if no alternates appear at such convention, then the delegates present from the same district shall elect a person to fill the vacancy.

§ 3. Subdivision 1 of section 2-104 of the election law, as amended by chapter 260 of the laws of 2021, is amended to read as follows:

1. The county committee of each party shall be constituted by the election in each election district within such county of at least two members and of such additional members as the rules of the county committee of the party within the county or the statement filed pursuant hereto may provide for such district, proportional to the party vote in the district for governor at the last preceding gubernatorial election, **or in the case of a new party formed at a presidential election when first electing members of a county committee, proportional to the party vote in the district for presidential electors at the last preceding presidential election,** or in case the boundaries of such district have been changed or a new district has been created since the last preceding gubernatorial election **used to apportion members**, proportional to the party vote cast for member of assembly or in the event there was no election for member of assembly, then proportional to the number of enrolled voters of such party in such district on the list of enrolled voters last published by the board of elections, excluding voters in inactive status. In a county in which no additional members are provided for by the rules of the county committee or the statement filed pursuant hereto the voting power of each member shall be in proportion to such party vote or, if the election district which such member represents was created or changed since the last election for member of assembly, proportional to such party enrollment. In a county in which additional members are so provided for, on the basis of the party vote or enrollment in election districts within such county, each member shall have one vote. Each member of a county committee shall be an enrolled voter of the party residing in the county and the assembly district from which or in the assembly district containing the election district in which such member is elected except that a member of a county committee who, as a result of an alteration of assembly district lines, no longer resides within such assembly district may continue to serve for the balance of the term to which he was elected.

§ 4. Subdivision 5 of section 7-104 of the election law, as amended by chapter 411 of the laws of 2019, is amended to read as follows:

5. Notwithstanding the provisions of subdivision four of this section, the name of a person who is nominated for the office of **president of the United States (electors for),** governor, or state senator, or member of assembly, shall appear on the ballot as many times as there are parties or independent bodies nominating him or her, and there shall be a separate voting position at each place in which such name shall appear.

§ 5. Subdivision 4 of section 6-104 of the election law is amended to read as follows:

4. Upon the vote for such designation, each member of the state committee shall be entitled to cast a number of votes which shall be in accordance with the ratio which the number of votes cast for the party candidate for governor on the line or column of the party at the last preceding general state election in the unit of representation of such member bears to the total vote cast on such line or column at such election for such candidate in the entire state**, or in the case of a new party formed at a presidential election, each member of the state committee shall be entitled to cast a number of votes which shall be in accordance with the ratio which the number of votes cast for the party's presidential electors at the last preceding presidential election in the unit of representation of such member bears to the total vote cast on such line or column at such election for such electors in the entire state, until such time as such new party has a party vote for its candidate for governor**. The apportionment of such votes as so prescribed shall be determined by the rules of the party.

§ 6. The third undesignated paragraph of section 9-214 of the election law is amended to read as follows:

The board of elections shall transmit to the state board, on or before the tenth day of December following an election for governor **or presidential electors**, a certified tabulated statement, by election districts, of the official canvass of the votes cast for candidates for governor **or presidential electors**, to include, in the case of a candidate who was nominated by two or more parties or independent bodies, a separate statement of the number of votes cast for [~~him~~] **such candidate** as the candidate of each party or independent body by which [~~he~~] **such candidate** was nominated and if the county contains more than one assembly district or parts of more than one assembly district, a statement of the number of votes cast for governor **or presidential electors** by assembly district.

§ 7. This act shall take effect immediately.