

STATE OF NEW YORK

6856

2021-2022 Regular Sessions

IN SENATE

May 19, 2021

Introduced by Sen. MYRIE -- 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 the representation of newly formed political parties

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

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

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

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

13 § 6-124. Conventions; judicial. A judicial district convention shall
14 be constituted by the election at the preceding primary of delegates and
15 alternate delegates, if any, from each assembly district or, if an
16 assembly district shall contain all or part of two or more counties and
17 if the rules of the party shall so provide, separately from the part of
18 such assembly district contained within each such county. The number of
19 delegates and alternates, if any, shall be determined by party rules,
20 but the number of delegates shall be substantially in accordance with
21 the ratio, which the number of votes cast for the party candidate for
22 the office of governor, on the line or column of the party at the last
23 preceding election for such office, in any unit of representation, bears
24 to the total vote cast at such election for such candidate on such line
25 or column in the entire state; provided, however, for a new party formed

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

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1 at a presidential election, for such party's judicial district conven-
2 tion held in the second year after the presidential election, such ratio
3 shall be based on such party's vote for presidential electors, as other-
4 wise as provided by this section, and thereafter based on such party's
5 vote for the office of governor. The number of alternates from any
6 district shall not exceed the number of delegates therefrom. The deleg-
7 ates certified to have been elected as such, in the manner provided in
8 this chapter, shall be conclusively entitled to their seats, rights and
9 votes as delegates to such convention. When a duly elected delegate does
10 not attend the convention, his place shall be taken by one of the alter-
11 nates, if any, to be substituted in his place, in the order of the vote
12 received by each such alternate as such vote appears upon the certified
13 list and if an equal number of votes were cast for two or more such
14 alternates; the order in which such alternates shall be substituted
15 shall be determined by lot forthwith upon the convening of the conven-
16 tion. If there shall have been no contested election for alternate,
17 substitution shall be in the order in which the name of such alternate
18 appears upon the certified list, and if no alternates shall have been
19 elected or if no alternates appear at such convention, then the deleg-
20 ates present from the same district shall elect a person to fill the
21 vacancy.

22 § 3. Subdivision 1 of section 2-104 of the election law, as amended by
23 chapter 659 of the laws of 1994, is amended to read as follows:

24 1. The county committee of each party shall be constituted by the
25 election in each election district within such county of at least two
26 members and of such additional members, not in excess of two, as the
27 rules of the county committee of the party within the county or the
28 statement filed pursuant hereto may provide for such district, propor-
29 tional to the party vote in the district for governor at the last
30 preceding gubernatorial election, or in the case of a new party formed
31 at a presidential election when first electing members of a county
32 committee, proportional to the party vote in the district for presiden-
33 tial electors at the last preceding presidential election, or in case
34 the boundaries of such district have been changed or a new district has
35 been created since the last preceding gubernatorial election used to
36 apportion members, proportional to the party vote cast for member of
37 assembly or in the event there was no election for member of assembly,
38 then proportional to the number of enrolled voters of such party in such
39 district on the list of enrolled voters last published by the board of
40 elections, excluding voters in inactive status. In a county in which no
41 additional members are provided for by the rules of the county committee
42 or the statement filed pursuant hereto the voting power of each member
43 shall be in proportion to such party vote or, if the election district
44 which such member represents was created or changed since the last
45 election for member of assembly, proportional to such party enrollment.
46 In a county in which additional members are so provided for, on the
47 basis of the party vote or enrollment in election districts within such
48 county, each member shall have one vote. Each member of a county commit-
49 tee shall be an enrolled voter of the party residing in the county and
50 the assembly district from which or in the assembly district containing
51 the election district in which such member is elected except that a
52 member of a county committee who, as a result of an alteration of assem-
53 bly district lines, no longer resides within such assembly district may
54 continue to serve for the balance of the term to which he was elected.

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

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

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

9 4. Upon the vote for such designation, each member of the state
10 committee shall be entitled to cast a number of votes which shall be in
11 accordance with the ratio which the number of votes cast for the party
12 candidate for governor on the line or column of the party at the last
13 preceding general state election in the unit of representation of such
14 member bears to the total vote cast on such line or column at such
15 election for such candidate in the entire state, or in the case of a new
16 party formed at a presidential election, each member of the state
17 committee shall be entitled to cast a number of votes which shall be in
18 accordance with the ratio which the number of votes cast for the party's
19 presidential electors at the last preceding presidential election in the
20 unit of representation of such member bears to the total vote cast on
21 such line or column at such election for such electors in the entire
22 state, until such time as such new party has a party vote for its candi-
23 date for governor. The apportionment of such votes as so prescribed
24 shall be determined by the rules of the party.

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

27 The board of elections shall transmit to the state board, on or before
28 the tenth day of December following an election for governor or presi-
29 dential electors, a certified tabulated statement, by election
30 districts, of the official canvass of the votes cast for candidates for
31 governor or presidential electors, to include, in the case of a candi-
32 date who was nominated by two or more parties or independent bodies, a
33 separate statement of the number of votes cast for [~~him~~] such candidate
34 as the candidate of each party or independent body by which [~~he~~] such
35 candidate was nominated and if the county contains more than one assem-
36 bly district or parts of more than one assembly district, a statement of
37 the number of votes cast for governor or presidential electors by assem-
38 bly district.

39 § 7. This act shall take effect immediately.