STATE OF NEW YORK

4258

2023-2024 Regular Sessions

IN ASSEMBLY

February 14, 2023

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 removing provisions relating 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:

Section 1. Sections 6-164 and 6-166 of the election law are REPEALED.

§ 2. Subdivision 4 of section 6-158 of the election law is REPEALED.

§ 3. Subdivisions 2 and 3 of section 6-154 of the election law, as amended by chapter 744 of the laws of 2022, are amended to read as follows:

2. Written objections to any certificate of designation or nomination or to a nominating or designating petition [~~or a petition for opportunity to ballot for public office~~] or to a certificate of acceptance, a 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

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

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objection is filed, specifications of the grounds of the objections shall be filed within six days thereafter with the same officer or board and if specifications are not timely filed, the objection shall be null and void.

[~~3.~~] **3-a.** (a) Any person filing general objections to any designating petition, independent nominating petition or certificate of nomination or ballot access document who thereafter files specifications of his or her objections to any such document shall do so in accordance with the provisions of this subdivision. All such specifications shall substantially comply with the following requirements:

(i) for specifications relating to any petition, the volume number, page number, and line number of any signature objected to on any petition shall be set forth in detail. In addition, any portion of any petition or any signature line or witness statement objected to shall be specifically identified and reasons given for any such objection;

(ii) the total number of signatures objected to shall be set forth and all objections relating to a single signature line should be grouped together; and

(iii) symbols and/or abbreviations may be used to set forth objections, provided that a sheet explaining the meaning of any such symbols and/or abbreviations is attached to the specifications.

(b) No specifications of objections to any petition, certificate of nomination or ballot access document will be considered unless the objector filing the specifications personally delivers or mails by overnight mail a duplicate copy of the specification to each candidate for public office named on the petition. [~~Objections and specifications to a petition for an opportunity to ballot must be served on the persons named as the committee to receive notices.~~] In the case of a petition containing candidates for party positions, service of the specifications shall be made on either the named candidates or the first person named on the petition's committee to fill vacancies. Service shall be made on or before the date of filing of any specifications with the officer or board. Proof of service shall accompany the specifications or be received by the end of two business days following the filing of the specifications, whichever is later.

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

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

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

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

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

1. The nomination or designation of any candidate for any public office or party position or any independent nomination[~~, or the holding of an uncontested primary election, by reason of a petition for an~~

~~opportunity to ballot having been filed~~], or the election of any person to any party position may be contested in a proceeding instituted in the supreme court by any aggrieved candidate, or by the chairman of any party committee or by a person who shall have filed objections, as provided in this chapter, except that the chairman of a party committee may not bring a proceeding with respect to a designation or the holding of an otherwise uncontested primary.

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

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

1. Pays, lends, contributes or promises to pay, lend or contribute any money or other valuable consideration to or for any voter, or to or for any other person, to induce such voter to sign a petition for the designation of a candidate for party nomination or for election to a party position to be voted for at a primary election[~~, or to induce such voter to sign a petition for opportunity to ballot at a primary election~~] or to induce such voter to sign an independent nominating petition for public office; or

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

3. Receives, agrees or contracts for any money, gift, loan or other valuable consideration, office, place or employment for himself or any other person, for signing a petition for the designation of a candidate for party nomination or for election to a party position to be voted for at a primary election[~~, or for signing a petition for opportunity to ballot at a primary election~~] or for signing an independent nominating petition for public office; or

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

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

6. Being a signer of a petition, provided for in the election law, for the designation or nomination of a candidate, [~~or a petition for opportunity to ballot at a primary election,~~] thereby makes a false statement or makes a false affidavit thereon, or a false statement to the witness who authenticates the petition; or

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

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

§ 8. This act shall take effect on the same date and in the same manner as chapter 744 of the laws of 2022, takes effect.