

STATE OF NEW YORK

2302

2023-2024 Regular Sessions

IN SENATE

January 19, 2023

Introduced by Sens. MYRIE, HOYLMAN-SIGAL, KRUEGER, SEPULVEDA, STAVISKY
-- 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 removing the require-
ment that party emblems be included in ballot design

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

1 Section 1. Subdivision 18 of section 1-104 of the election law, as
2 amended by chapter 181 of the laws of 2005, is amended to read as
3 follows:

4 18. The word "ballot" when referring to voting machines or systems
5 means that portion of the cardboard or paper or other material or elec-
6 tronic display within the ballot frame containing the name of the candi-
7 date and [~~the emblem of~~] the party organization by which he was nomi-
8 nated, of the form of submission of a proposed constitutional amendment,
9 proposition referendum or question as provided in this chapter, with the
10 word "yes" for voting for any question or the word "no" for voting
11 against any question except that where the question or proposition is
12 submitted only to the voters of a territory wholly within a county or
13 city, such form shall be determined by the county board of elections.
14 Such statement and the title shall be printed and/or displayed in the
15 largest type or display which it is practicable to use in the space
16 provided.

17 § 2. Subdivisions 1 and 2 of section 2-124 of the election law, subdi-
18 vision 2 as amended by chapter 671 of the laws of 2022, are amended to
19 read as follows:

20 1. The state committee of a party shall select a name [~~and emblem~~] to
21 distinguish the candidates of the party for public office in all
22 districts of the state, and shall file in the office of the state board
23 of elections, a certificate executed by its chairman and secretary,
24 setting forth the name [~~and showing the emblem so selected~~].

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

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2. The name of a party shall be in the English language and shall not include the words "American", "United States", "National", "New York State", "Independence" or "Independent", or "Empire State", or any abbreviation or plural thereof, nor the name or part of the name, or an abbreviation of the name, of an existing party. ~~[The emblem chosen may be a star, an animal, an anchor, or any other proper symbol, but may not be the same as or similar to any emblem, insignia, symbol or flag used by any political or governmental body, agency or entity nor any religious emblem, insignia, symbol or flag, nor the portrait of any person, nor the representation of a coin or of the currency of the United States.]~~ The name ~~[and emblem]~~ chosen shall not be similar to or likely to create confusion with the name ~~[or emblem]~~ of any other existing party or independent body.

§ 3. Subdivision 1 of section 6-128 of the election law, paragraph (a) as amended by chapter 619 of the laws of 2019, is amended to read as follows:

1. When an independent body becomes a party at a general election by qualifying under the requirements set by law, nominations shall, prior to and including the first general election thereafter, be made as provided by the rules of such party. A certificate of such nominations shall contain:

(a) The name of the party filing the nominations which shall not be altered or modified once submitted.

(b) The title of the office for which the nomination is made and the name and residence address of the person so nominated.

(c) The names of the members of the committee, if any, appointed to fill vacancies in nominations.

~~(d) [A description and representation of the party's emblem.]~~

~~(e)]~~ The name of the committee making the nomination.

~~(f)]~~ ~~(e)~~ A certified copy of the party rules describing the rule-making body and nomination process.

~~(g)]~~ ~~(f)~~ An affidavit containing a statement by the presiding officer and secretary of the committee that they are such officers and the statements in the certificate are true.

§ 4. Subdivision 3 of section 6-138 of the election law, as amended by chapter 305 of the laws of 1992, paragraph a as amended by chapter 619 of the laws of 2019, is amended to read as follows:

3. a. The name selected for the independent body making the nomination shall be in English characters and shall not include the name or part of the name or an abbreviation of the name or part of the name, nor shall the ~~[emblem or]~~ name be of such a configuration as to create the possibility of confusion with the ~~[emblem or]~~ name of a then existing party, or the ~~[emblem or]~~ name of an independent body selected by a previously filed independent nominating petition for the same office. Such name selected for such independent body shall continuously remain the name of such party as defined in subdivision three of section 1-104 of this chapter.

b. Notwithstanding the requirements of paragraph a of this subdivision, if the ~~[emblem or]~~ name selected for an independent body on any independent nominating petition is the same as that selected by any previously filed independent nominating petition for the same office, the board of elections with which such later petition was filed shall, not later than two days after the filing of such later filed petition, send notice of such duplicate selection of ~~[emblem or]~~ name by first-class mail, to the candidate for such office who was nominated by such later filed petition, and that the candidate to whom such notice is

1 required to be sent may file with such board of elections, not later
2 than seven days after such notice was mailed, a certificate selecting a
3 different ~~[emblem-or]~~ name.

4 c. A person who has been nominated or who expects to be nominated as
5 the candidate of an independent body for the office of President of the
6 United States at any election for such office may, not later than three
7 days after the last day to file nominating petitions, file with the
8 state board of elections, a special certificate which shall be irrev-
9 ovable, stating that such person does not wish to permit candidates for
10 any other office, except the office of Vice-President of the United
11 States, to appear on the ballot with the same name ~~[and-emblem]~~ as the
12 independent body which has nominated or will nominate such candidate for
13 the office of President.

14 d. Not later than seven days after the last day to file nominating
15 petitions, the state board of elections shall notify each local board of
16 elections of the name of each candidate for President of the United
17 States who has filed such a special certificate, together with the name
18 ~~[and-emblem]~~ of the independent body selected on the petition which
19 nominated such candidate.

20 e. If any candidate has been nominated for any other office by a peti-
21 tion which selected the same name ~~[or-emblem]~~ for an independent body as
22 the name ~~[or-emblem]~~ selected on the petition which nominated a candi-
23 date for President of the United States who has filed a special certif-
24 icate pursuant to paragraph c of this subdivision, the board of
25 elections with which the petition nominating such candidate for such
26 other office was filed shall, not later than ten days after the last day
27 to file nominating petitions, send to each such candidate, by first
28 class mail, notice that a special certificate pursuant to paragraph c of
29 this subdivision has been filed and that the candidate to whom such
30 notice is sent may file with such board of elections, not later than
31 seven days after such notice was mailed, a certificate selecting a
32 different name ~~[and-emblem]~~.

33 f. If ~~[such a petition shall not show an emblem, or if]~~ the petition
34 shall fail to select a name for such independent body, or if pursuant to
35 the provisions of paragraph b or paragraph e of this subdivision, a
36 candidate shall fail to select another ~~[emblem-or]~~ name for such inde-
37 pendent body, the officer or board in whose office the petition is filed
38 shall select ~~[an-emblem-or]~~ a name ~~[or-both]~~ to distinguish the candi-
39 dates nominated thereby. The name ~~[and-emblem]~~ shown upon such petition
40 or selected by a candidate authorized to make such selection by para-
41 graph b or paragraph e of this subdivision, or selected by an officer or
42 board shall also conform to the requirements of this chapter with
43 respect to names ~~[or-emblems]~~ permitted to be selected by a party.

44 g. Nothing contained in this subdivision shall preclude a court of
45 competent jurisdiction from rejecting an independent nominating petition
46 if the court determines that fraud was involved in the selection of a
47 name ~~[or-emblem]~~.

48 § 5. Paragraph a of subdivision 1 of section 6-140 of the election
49 law, as amended by chapter 176 of the laws of 2017, is amended to read
50 as follows:

51 a. Each sheet of an independent nominating petition shall be signed in
52 ink, shall contain the following information and shall be in substan-
53 tially the following form:

54 I, the undersigned, do hereby state that I am a registered voter of
55 the political unit for which a nomination for public office is hereby
56 being made, that my present place of residence is truly stated opposite

1 my signature hereto, and that I do hereby nominate the following named
 2 person (or persons) as a candidate (or as candidates) for election to
 3 public office (or public offices) to be voted for at the election to be
 4 held on the day of, 20...., and that I
 5 select the name (fill in name) as the name
 6 of the independent body making the nomination (or nominations) [~~and~~
 7 ~~..... (fill in emblem) as the emblem of such body~~].

8		Public	Place of residence
9		Office	(also post office
10	Name of	(include district	address
11	Candidate	number, if applicable)	if not identical)
12	.....	.....	.....
13	.....	.....	.....
14	I do hereby appoint (here insert the names		
15	and addresses of at least three persons, all of whom shall be registered		
16	voters within such political unit), as a committee to fill vacancies in		
17	accordance with the provisions of the election law.		
18	In witness whereof, I have hereunto set my hand, the day and year		
19	placed opposite my signature.		

20	Date	Name of Signer	Residence
21	.....	.....	.....
22	.....	.....	.....
23			Town or city (except
24			in the city of New
25			York, the county)
			
			

26 § 6. Subdivisions 1 and 3 of section 6-206 of the election law, subdivi-
 27 sion 1 as separately amended by chapters 106 and 176 of the laws of
 28 2017, and subdivision 3 as added by chapter 359 of the laws of 1989, are
 29 amended to read as follows:

30 1. Independent nominations for elective village offices shall be made
 31 by a petition containing the signatures in ink of residents of the
 32 village who are registered with the appropriate county board of
 33 elections at the time of signing. The sheets of such a petition shall be
 34 numbered. A signer need not himself or herself fill in the date or resi-
 35 dence. Each sheet of such petition must be in substantially the follow-
 36 ing form and shall contain all the information required therein:

37 VILLAGE INDEPENDENT NOMINATING PETITION

38 I, the undersigned, do hereby state that I am a registered voter of
 39 the Village of....., that my present place of residence is truly stat-
 40 ed opposite my signature, and I do hereby nominate the following named
 41 person (or persons) as a candidate (or as candidates) for election to
 42 public office (or public offices) to be voted for at the election to be
 43 held on the....day of....., 20....., and that I select the
 44 name..... (fill in name) as the name of the independent body
 45 making the nomination (or nominations) [~~and.....(fill in emblem) as the~~
 46 ~~emblem of such body~~].

47	Name of			
48	Candidate	Public Office	Term	Residence
49		(include district		

1 number, if applicable)
 2
 3

4 I do hereby appoint (insert names and addresses of at least three
 5 persons, all of whom shall be registered voters within such village) as
 6 a committee to fill vacancies in accordance with the provisions of the
 7 election law.

8 In witness whereof, I have signed this petition on the day and year
 9 stated before my signature.

10	Date	Signature	Residence
11			
12			

13 STATEMENT OF WITNESS

14 I, state that I am a duly qualified voter of the
 15 State of New York. I now reside at (residence address).
 16 Each of the voters whose names are subscribed to this petition sheet
 17 containing (fill in number) signatures, subscribed his
 18 or her name in my presence.

19 I understand that this statement will be accepted for all purposes as
 20 the equivalent of an affidavit and, if it contains a material false
 21 statement, shall subject me to the same penalties as if I had been duly
 22 sworn.

23	.....	.....
24	Date	Signature of witness

25 3. The name selected for the independent body making the nomination
 26 shall be in the English language and shall not include the name or part
 27 of the name, or an abbreviation of the name or of part of the name, of a
 28 then existing party. The name [~~and emblem~~] shown upon such petition
 29 shall conform to the requirements of this chapter, relating to party
 30 names [~~and party emblems~~]. If [~~such a petition shall not show an emblem,~~
 31 ~~or~~] the petition shall fail to select a name for such independent body,
 32 the board of elections shall select [~~an emblem or~~] a name, [~~or both~~] to
 33 distinguish the candidates nominated thereby.

34 § 7. Subdivision 4 of section 15-108 of the election law, as separate-
 35 ly amended by chapters 106 and 176 of the laws of 2017, is amended to
 36 read as follows:

37 4. Independent nominations for elective village offices shall be made
 38 by a petition containing the signatures in ink of residents of the
 39 village who are registered with the appropriate county board of
 40 elections at the time of signing or who are residents of the village who
 41 were on the list of registered voters for the last village election in
 42 such village. The sheets of such a petition shall be numbered. Such
 43 petition must set forth in each instance the correct date of signing,
 44 the name of the signer and his or her present address, and may set forth
 45 a committee to fill vacancies consisting of at least three persons qual-
 46 ified to vote in the village election and their residence within the
 47 village. A signer need not himself or herself fill in the date or resi-
 48 dence. Each sheet of such petition must be in substantially the follow-
 49 ing form and shall contain all the information required therein except
 50 as may otherwise be permitted by law.

1 I, the undersigned, do hereby state that I am a registered voter of
 2 the Village of, that my present place of residence is truly
 3 stated opposite my signature, and I do hereby nominate the following
 4 named person (or persons) as a candidate (or as candidates) for election
 5 to public office (or public offices) to be voted for at the election to
 6 be held on the day of, 20....., and that I select the
 7 name (fill in name) as the name of the independent body
 8 making the nomination (or nominations) [~~and (fill in emblem) as~~
 9 ~~the emblem of such body~~].

10		Public Office		
11		(include district		
12		number, if		
13	Name of Candidate	applicable)	Term	Residence
14	.....	.....	.....	.....
15	.....	.....	.....	.....

16 I do hereby appoint _ _ _ _
 17 Name

Residence

18
 19
 20 as a committee to fill vacancies in accordance with the provisions of
 21 the election law.

22 IN WITNESS WHEREOF, I have signed this petition on the day and year
 23 stated before my signature.

24	Date	Signature	Residence
25	.....	.....	.....
26	.....	.....	.....

27 STATEMENT OF WITNESS

28 I, state that I am a duly qualified voter of the State
 29 of New York. I now reside at (residence address). Each of the
 30 voters whose names are subscribed to this petition sheet,
 31 containing (fill in number) signatures, subscribed his or her
 32 name in my presence.

33 I understand that this statement will be accepted for all purposes as
 34 the equivalent of an affidavit and, if it contains a material false
 35 statement, shall subject me to the same penalties as if I had been duly
 36 sworn.

37 Date
 38 Signature of Witness

39 § 8. Subdivision 1 of section 16-104 of the election law, as amended
 40 by chapter 66 of the laws of 2019, is amended to read as follows:

41 1. The form and content of any ballot, or portion thereof, to be used
 42 in an election, and the right to use any [~~emblem design,~~] party or inde-
 43 pendent body name, may be contested in a proceeding instituted in the
 44 supreme court by any aggrieved candidate or by the chairman of any party
 45 committee or independent body.

46 § 9. This act shall take effect immediately.