

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:

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 Sections 6-164 and 6-166 of the election law are REPEALED.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 Subdivision 4 of section 6-158 of the election law is REPEALED.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. Subdivisions 2 and 3 of section 6-154 of the election law, as
4 amended by chapter 744 of the laws of 2022, are amended to read as
5 follows:
6 2. Written objections to any certificate of designation or nomination
7 or to a nominating or designating petition [~~or a petition for opportu-~~
8 ~~nity to ballot for public office~~] or to a certificate of acceptance, a
9 certificate of authorization, a certificate of declination or a certif-
10 icate of substitution relating thereto may be filed by any voter regis-
11 tered to vote for such public office and to a designating petition [~~or a~~
12 ~~petition for opportunity to ballot for party position~~] or a certificate
13 of substitution, a certificate of acceptance or a certificate of decli-
14 nation relating thereto by any voter enrolled to vote for such party
15 position. Such objections shall be filed with the officer or board with
16 whom the original petition or certificate is filed within three days
17 after the filing of the petition or certificate to which objection is
18 made, or within three days after the last day to file such a certif-
19 icate, if no such certificate is filed except that if any person nomi-
20 nated by an independent nominating petition, is nominated as a party
21 candidate for the same office by a party certificate filed, or a party
22 nomination made after the filing of such petition, the written objection
23 to such petition may be filed within three days after the filing of such
24 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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1 objection is filed, specifications of the grounds of the objections
2 shall be filed within six days thereafter with the same officer or board
3 and if specifications are not timely filed, the objection shall be null
4 and void.

5 ~~[3-]~~ 3-a. (a) Any person filing general objections to any designating
6 petition, independent nominating petition or certificate of nomination
7 or ballot access document who thereafter files specifications of his or
8 her objections to any such document shall do so in accordance with the
9 provisions of this subdivision. All such specifications shall substan-
10 tially comply with the following requirements:

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

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

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

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

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

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

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

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

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

54 1. The nomination or designation of any candidate for any public
55 office or party position or any independent nomination~~[, or the holding~~
56 ~~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

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

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

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