STATE OF NEW YORK

985

2023-2024 Regular Sessions

IN ASSEMBLY

January 11, 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 electronic correspondence with regard to determinations on objections to designating petitions, independent nominating petitions, certificates of nomination or ballot access documents

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

Section 1. Subdivisions 4 and 5 of section 6-154 of the election law, subdivision 4 as added and subdivision 5 as amended by a chapter of the laws of 2022 amending the election law relating to specification of objections to designating petitions, independent nominating petitions, certificates of nomination or ballot access documents, as proposed in legislative bills numbers S. 4413 and A. 4261, are amended and a new subdivision 7 is added to read as follows:

4. (a) Such officer or board shall give notice by overnight mail to the objector and the candidate named in such petition or certificate of the date or dates on which such officer or board shall consider the specifications filed, and board findings, the result of and research of the specifications, and shall make a determination as to the sufficiency of such petition or certificate [~~and shall provide the objector and candidate or their agent or agents an opportunity to be heard as to the validity of each specific objection~~]. Copies of the board's research of specifications shall accompany such notice. **Such notice may be given by electronic correspondence in lieu of overnight mail with the consent of the objector or the candidate in accordance with subdivision seven of this section. Such officer or board shall provide the objector and candidate or their agent or agents an opportunity to be heard as to the validity of each specific objection.** Such opportunity may be by written submission or oral presentation in the discretion of such officer or board. Such officer or board shall not deny the objector or the candi-

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

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date or their agent or agents an opportunity to be present when the determination as to validity is made.

(b) For objections and specifications made to ballot access documents filed with the state board of elections, the provisions of paragraph (a) of this subdivision shall apply. However, the opportunity to be heard as to the validity or invalidity of such specifications shall be provided in a hearing which precedes any meeting of the state board's commissioners at which determinations will be rendered.

5. When any determination is made that a certificate or petition is sufficient or insufficient, such officer or board shall give notice of the determination forthwith by mail to each candidate named in the petition or certificate, and, if the determination is made upon specified objections, the objector shall be notified[~~; provided that any such~~]. **Such notice may be given by electronic correspondence in lieu of mail with the consent of the candidate or the objector in accordance with subdivision seven of this section. Such** candidate or objector may designate an attorney or agent to receive any such notice and/or determination on his or her behalf. Any such designation shall be in writing and include the name, address, email and telephone number of any such attorney or agent, and any such attorney and/or agent shall be eligible to represent any such candidate or objector in any proceeding relating to the specifications.

7. For the purposes of this section, a candidate or objector shall be deemed to have consented to electronic correspondence if, having been advised conspicuously that enrollment or registration is voluntary and that they may continue to receive notices by mail as provided in this section, they instead affirmatively choose to receive such notices by electronic correspondence only.

§ 2. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2022 amending the election law relating to specification of objections to designating petitions, independent nominating petitions, certificates of nomination or ballot access documents, as proposed in legislative bills numbers S. 4413 and A. 4261, takes effect.