STATE OF NEW YORK

6740

2023-2024 Regular Sessions

IN SENATE

May 8, 2023

Introduced by Sen. MAY -- 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 objections to designating and nominating petitions

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

Section 1. Section 6-154 of the election law is amended by adding a new subdivision 2-a to read as follows:

2-a. (a) When ruling on objections to designating and nominating petitions, the officer or board with whom such objection is filed shall construe all election laws, rules, and regulations liberally so as not to deprive an individual of their right to run for office, or the voters of their right to elect a candidate of their choice.

(b) The officer or board making a determination as to the sufficiency of a petition shall abide by the following when making such determination:

(i) Objections related to a voter or witness statement address shall not be valid if the voter or witness and the address are reasonably ascertainable by the officer or board making a determination.

(ii) Objections shall not be valid simply because a voter or witness writes in the name of the village, hamlet, or census designated place in which such voter or witness lives rather than the city or town in which such voter or witness lives. In the city of New York, an objection shall not be valid simply because a voter or witness writes in the name of the borough in which such voter or witness lives rather than the county in which such voter or witness lives.

(iii) Objections related to pagination errors shall not be a basis for invalidating a petition.

(iv) A petition shall not be invalidated because the signature count appearing on the cover sheet is misstated. Only the number of signatures actually appearing on the petition shall be counted.

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

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(v) A petition shall not be invalidated because the stated number of signatures that appear in the witness statement is inaccurate. Only the number of signatures actually appearing on the petition shall be counted.

(vi) An objection to a petition premised on the public office for which a candidate was designated for nomination being inaccurately stated shall be valid only if a reasonable voter would be confused by the description of such misstated office.

(vii) When the date appearing on the witness statement is earlier than the stated date of some voter signatures, only the voter signatures that bear a date that is later than the date borne by the witness statement shall be invalid.

(viii) A petition may be rejected by the board of elections if such petition does not meet the minimum number of signatures required pursuant to section 6-136 of this article.

§ 2. Section 16-102 of the election law is amended by adding a new subdivision 2-a to read as follows:

2-a. (a) When ruling on objections to designating and nominating petitions, the court shall construe all election laws, rules, and regulations liberally so as not to deprive an individual of their right to run for office, or the voters of their right to elect a candidate of their choice.

(b) The court shall abide by the following when making such determination:

(i) Objections related to a voter or witness statement address shall not be valid if the voter or witness and the address are reasonably ascertainable by the officer or board making a determination.

(ii) Objections shall not be valid simply because a voter or witness writes in the name of the village, hamlet, or census designated in which such voter or witness lives rather than the city or town in which such voter or witness lives. In the city of New York, an objection shall not be valid simply because a voter or witness writes in the name of the borough in which such voter or witness lives rather than the county in which such voter or witness lives.

(iii) Objections related to pagination errors shall not be a basis for invalidating a petition.

(iv) A petition shall not be invalidated because the signature count appearing on the cover sheet is misstated. Only the number of signatures actually appearing on the petition shall be counted.

(v) A petition shall not be invalidated because the stated number of signatures that appear in the witness statement is inaccurate. Only the number of signatures actually appearing on the petition shall be counted.

(vi) An objection to a petition premised on the public office for which a candidate was designated for nomination being inaccurately stated shall be valid only if a reasonable voter would be confused by the description of such misstated office.

(vii) When the date appearing on the witness statement is earlier than the stated date of some voter signatures, only the voter signatures that bear a date that is later than the date borne by the witness statement shall be invalid.

(viii) A petition may be rejected by the board of elections if such petition does not meet the minimum number of signatures required pursuant to section 6-136 of this chapter.

§ 3. This act shall take effect immediately.