

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:

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

3 2-a. (a) When ruling on objections to designating and nominating
4 petitions, the officer or board with whom such objection is filed shall
5 construe all election laws, rules, and regulations liberally so as not
6 to deprive an individual of their right to run for office, or the voters
7 of their right to elect a candidate of their choice.

8 (b) The officer or board making a determination as to the sufficiency
9 of a petition shall abide by the following when making such determi-
10 nation:

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

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

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

23 (iv) A petition shall not be invalidated because the signature count
24 appearing on the cover sheet is misstated. Only the number of signatures
25 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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1 (v) A petition shall not be invalidated because the stated number of
2 signatures that appear in the witness statement is inaccurate. Only the
3 number of signatures actually appearing on the petition shall be count-
4 ed.

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

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

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

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

18 2-a. (a) When ruling on objections to designating and nominating
19 petitions, the court shall construe all election laws, rules, and regu-
20 lations liberally so as not to deprive an individual of their right to
21 run for office, or the voters of their right to elect a candidate of
22 their choice.

23 (b) The court shall abide by the following when making such determi-
24 nation:

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

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

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

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

40 (v) A petition shall not be invalidated because the stated number of
41 signatures that appear in the witness statement is inaccurate. Only the
42 number of signatures actually appearing on the petition shall be count-
43 ed.

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

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

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

55 § 3. This act shall take effect immediately.