

STATE OF NEW YORK

822

2023-2024 Regular Sessions

IN SENATE

January 6, 2023

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

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

8 4. (a) Such officer or board shall give notice by overnight mail to
9 the objector and the candidate named in such petition or certificate of
10 the date or dates on which such officer or board shall consider the
11 specifications filed, and board findings, the result of and research of
12 the specifications, and shall make a determination as to the sufficiency
13 of such petition or certificate [~~and shall provide the objector and~~
14 ~~candidate or their agent or agents an opportunity to be heard as to the~~
15 ~~validity of each specific objection~~]. Copies of the board's research of
16 specifications shall accompany such notice. Such notice may be given by
17 electronic correspondence in lieu of overnight mail with the consent of
18 the objector or the candidate in accordance with subdivision seven of
19 this section. Such officer or board shall provide the objector and
20 candidate or their agent or agents an opportunity to be heard as to the
21 validity of each specific objection. Such opportunity may be by written
22 submission or oral presentation in the discretion of such officer or
23 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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1 date or their agent or agents an opportunity to be present when the
2 determination as to validity is made.

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

9 5. When any determination is made that a certificate or petition is
10 sufficient or insufficient, such officer or board shall give notice of
11 the determination forthwith by mail to each candidate named in the peti-
12 tion or certificate, and, if the determination is made upon specified
13 objections, the objector shall be notified~~[, provided that any such]~~.
14 Such notice may be given by electronic correspondence in lieu of mail
15 with the consent of the candidate or the objector in accordance with
16 subdivision seven of this section. Such candidate or objector may desig-
17 nate an attorney or agent to receive any such notice and/or determi-
18 nation on his or her behalf. Any such designation shall be in writing
19 and include the name, address, email and telephone number of any such
20 attorney or agent, and any such attorney and/or agent shall be eligible
21 to represent any such candidate or objector in any proceeding relating
22 to the specifications.

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

29 § 2. This act shall take effect on the same date and in the same
30 manner as a chapter of the laws of 2022 amending the election law relat-
31 ing to specification of objections to designating petitions, independent
32 nominating petitions, certificates of nomination or ballot access docu-
33 ments, as proposed in legislative bills numbers S. 4413 and A. 4261,
34 takes effect.