STATE OF NEW YORK

1649--A

2025-2026 Regular Sessions

IN SENATE

January 13, 2025

Introduced by Sen. LIU -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to primary election voting ballots in cities with a population of one million or more as of the latest federal decennial census

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

Section 1. Section 7-116 of the election law is amended by adding a new subdivision 6-a to read as follows:

6-a. Notwithstanding the provisions of subdivision six of this section, in cities with a population of one million or more as of the latest federal decennial census, the ballot on the voting machine for primary elections shall conform to the following additional provisions:

The names of the candidates designated for such public office or party position in the primary of a party shall be placed under the title of the office or position in the alphabetical order of their surnames, in the first or lowest numbered assembly district and election district of any political unit or subdivision within a county. If candidates' surnames are identical, their given or first name shall determine their order. Thereafter the names shall be rotated by election districts by transposing the first named candidate to the bottom of the order at each succeeding election district, so that each name shall appear first and in each other position in an equal number, as nearly as possible, of the election districts and except, further, that where two or more candidates are to be elected to the same party position, the names of candidates for such a position which appear on the same designating petition shall be grouped together on the ballot in the order in which their names appear on the designating petition and the group rotated alphabetically in relation to other groups or individual candidates according to

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

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the surname of the first person on the designating petition of such group. Groups of candidates for delegate and alternate delegate, and groups of candidates for male and female delegate and male and female alternate delegate to the same convention designated on the same petition shall be rotated together alphabetically in relation to other groups or individual candidates according to the surname of the first person listed on such designating petition in the group of candidates for whichever of such delegate or alternate delegate positions will appear first on the voting machine. If the rules of a party committee provide for equal representation of the sexes among the members of a state committee elected from each unit of representation, elections for male and female members of such a committee from a single unit of representation shall be conducted as elections for two different party positions. Notwithstanding the provisions of this paragraph, if the board of elections has assigned numbers to the candidates for an office or position because of identical or similar names among such candidates, the names of such candidates shall be placed under the title of such office or position in the order of such numbers in such first or lowest numbered district, and the names shall not be rotated by election district. Such names shall appear in the identical order on each ballot in each election district.

County committee candidates or groups of candidates shall be printed within the first election district of each assembly district or part thereof, according to the priority of filing of designating petitions and they shall then be rotated by election district by placing the candidate or group of candidates designated in the same petition as the candidate or group of candidates which was printed first in an election district at the bottom of the order in the next succeeding election district in which a candidate or group of candidates designated in such petition appears on the ballot.

In cases where a name is added to or removed from the ballot by court order too late to make a complete adjustment to these requirements feasible, the name may be added at the bottom of the list of candidates in all election districts, or removed from the ballot in all election districts without changing the previously arranged order of other names and without invalidating the election. Any inadvertent error in the order of names discovered too late to correct the order of the names on the ballots concerned shall not invalidate an election.

Except where a contest or candidate is removed from the ballot by court order too late to make complete compliance with this paragraph feasible, the title of each public office or party position and the names of the candidates for such office or position appearing on any voting machine used for primary elections in cities with a population of one million or more as of the latest federal decennial census shall appear on such machine immediately adjacent to one another, either horizontally or vertically; and no blank spaces shall separate the names of candidates actually running for an office or party position on such voting machine, and no blank spaces shall separate any two such offices or positions which appear on such voting machine in the same column or row.

§ 2. Subdivision 3 of section 7-118 of the election law, as separately amended by chapters 410 and 411 of the laws of 2019, is amended to read as follows:

3. Sample ballots may be mailed by the board of elections to each eligible voter at least three days before the election, or in lieu thereof, a copy of such sample ballot may be published at least once within

one week preceding the election in newspapers or on a website maintained by the board of elections. **In cities with a population of one million or more as of the latest federal decennial census, for primary elections, the board of elections shall, not later than fifteen days prior to the first day of early voting for such primary election, notify each candidate for whom a designation has been filed with such board for an office or position to be voted on at such primary, by mail or electronic correspondence, of the availability on the board's website of all versions of sample ballots applicable to the office or position sought by such candidate. Such sample ballots shall reflect the order of names as determined pursuant to section 7-116 of this title. This notification shall also state that a complete set of printed sample ballots reflecting all applicable versions for that candidate will be provided by the board upon request. The board of elections shall ensure that all such versions of sample ballots are accessible on its website.** Each county board of elections shall transmit electronically in a format to be determined by the state board of elections, as it is available, a copy of the candidate and contest information contained on each of its ballot styles to the state board of elections. The state board shall create a system to allow such information to be made publicly available via its website, as well as the website of any county board of elections, and in such a way as to be accessible with a computer screen-reading program.

§ 3. This act shall take effect on the thirtieth day after it shall have become a law and shall apply to elections occurring on and after such date.