

GENERAL INFORMATION ON PETITIONS

(<http://www.elections.ny.gov/RunningOffice.html>)

NOTE: The information contained here is intended to provide general guidance for those who are preparing to circulate petitions, and is not to be used as a substitute for consulting the Election Law for specific petition requirements.

Persons wishing to run for elective office may be nominated either by a political party or through the filing of an independent nominating petition. Party members may also circulate petitions to create the opportunity to write in the name of an unspecified person for an office in which there is no contest for the party endorsement. The current political parties are the Democratic, Republican, Conservative, Working Families, Independence, Green, Women's Equality and Reform parties. Any person who is not nominated by one of these parties must file an independent nominating petition. The requirements for all petitions are contained in Article 6 of the Election Law. The provisions for village elections vary slightly, and the reader is directed to Article 15 of the Election Law for specifics.

Running for Office

Party Nominations

Party nomination of candidates for elective office is made at either a party caucus or at a primary election.

Caucuses

A caucus is an open meeting of a town or village's political party at which candidates are nominated for elective office. Only residents of the town or village who are enrolled members of the party may participate in the caucus. For further information on caucuses see, Election Law §6-108 (towns) and §15-108 (villages).

Designating Petitions

If a party nominates its candidates through the primary election process, party designations for this primary are made on a designating petition. The Election Law sets forth the form of this petition; §6-132 (state, county and town offices) and §15-108 (village offices). Only enrolled members of a party qualified to vote for an office may sign designating petitions of the party.

Nomination of Non-Party Member

Political parties may nominate a candidate who is not an enrolled member of the political party. Such parties must file a certificate of authorization, signed and acknowledged by the presiding officer and the secretary of the meeting at which such authorization is given. A certificate of authorization is not needed for nominations resulting from a caucus or for a candidate for a judicial office.

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Independent Nominations

To run for office on a line other than an official party line, one must file an independent nominating petition. The Election Law sets forth the form of this petition; §6-140 (state, county and town offices) and §15-108 (village offices). Any registered voter who has not already signed a designating petition, and who is qualified to vote for an office, may sign an independent nominating petition for that office. For Village offices if you participated in a caucus, you cannot sign an independent nominating petition.

Form of Petitions

The statute requires that all petitions be **substantially** in the form set forth in the law. See, Election Law §6-132 (party designating petitions), §6-140 (independent nominating petitions) and §15-108 (village designating and independent petitions). Deviations or slight rearrangements of the form of petition are not fatal defects, provided that the petition contains all of the required information.

Each sheet of the petition must correctly set forth:

- the date of the election;
- the name of the candidate and the office or position sought;
- the candidate's residence, and if different, their mailing or post office address;
- information about the signer: date of signing, voter's residence address, town or city and
- information relating to the person who witnesses the signatures.

A petition may include a committee on vacancies. Failure to provide such a committee, or naming a committee of fewer than three persons, will not invalidate the petition.

The voter need only sign the appropriate line on the petition sheet. All other information may be filled in by someone else. Corrections may be made to any information on the signature line. However, corrections or alterations in the date or the signature **MUST** be initialed by the person making the correction.

Voters may not sign a petition for more candidates than there are openings for an office. For example, if there is one council seat open, then the voter may only sign one petition for a candidate for that office. If there are 2 seats open, the voter may sign petitions for 2 candidates.

The pages of a petition must be sequentially numbered and securely fastened.

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Witnesses to a Petition

The information required for the witness statement is mandatory. Omissions, errors, or unexplained alterations/corrections, may invalidate the entire page. When the witness signs the statement of witness, they are making an oath that subjects them to the penalties for perjury if any of the information preceding their signature is false. The information preceding the signature includes the name and residence of the witness; the number of signatures on the page; a statement that each person signed in their presence; and the date they are signing the statement. Witness identification information, which follows the witness's signature, may be provided by anyone, at any time before the petition is filed. This information includes the town or city; and the county of the witness's registration.

Witness to Party Designating Petitions

A person is eligible to be a witness to a designating petition if the person is:

- a qualified voter of the state, and
- enrolled in the same party as the persons qualified to sign the designating petition, and
- has not previously signed any petition for another candidate for the same office.
- a Notary Public or Commissioner of Deeds.

Witness to Independent Nominating Petition

A person is eligible to be a witness to an independent nominating petition if the person is:

- a duly qualified voter of the state, and
- has not previously signed any petition for another candidate for the same office.
- a Notary Public or Commissioner of Deeds.

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Cover Sheets

If there are 10 or more pages in a petition, there must be a cover sheet. In New York City, and in other counties where identification numbers are used, only one cover sheet is required, regardless of the number of volumes in the petition. In all other instances, a multi-volume petition requires a cover sheet for each volume.

Cover sheets **must** contain the following information:

- Name, residence address, and mailing address if different, of the candidate.
- The public office or party position sought.
- The name of the party or independent body making the nomination.
- A statement that the petition contains a number of signatures equal to or in excess of the number required by statute.
- The volume number OR identification number of that volume.
- The total number of volumes in each petition OR the identification number for each volume of the petition.

The following information is **optional**:

- The name, residence address, (and mailing address if different) telephone number, and facsimile number of the person designated to receive notice of deficiencies in binding or cover sheet requirements.

There are additional requirements if the petition contains candidates for county committee, and if there are different candidates on the several pages of the petition. Those requirements are contained in Part 6215 of the rules and regulations of the State Board of Elections.

Pursuant to Part 6215 of the rules and regulations of the State Board of Elections, the Board will provide notice of any correctable errors in cover sheet(s) and binding.

Filing of Petitions, Acceptances, Authorizations and Declinations

All filings must be filed timely (See the Political Calendar) and in the proper manner at the appropriate board of elections. Pursuant to section 1-106(1) of the New York State Election Law, all papers are required to be filed between the hours of nine A.M. and five P.M. If the last day for filing shall fall on a Saturday, Sunday or legal holiday, the next business day shall become the last day for filing. All papers sent by mail in an envelope postmarked prior to midnight of the last day of filing shall be deemed timely filed and accepted for filing when received, **except** any documents that are required to be filed with the board of elections of the city of New York must be actually received by such city board of elections on or before midnight of the last day to file any such document. Failure to do so shall be a fatal defect.

No filings will be accepted by facsimile or e-mail.

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Candidates must file a certificate of acceptance for nominations made by independent nominating petitions, or if they are named in a designating petition but are not enrolled members of that party. Neither an authorization nor an acceptance is required if the individual is a candidate for a judicial office. A declination must be filed should the candidate decide not to accept the designation or nomination.

Objections

Every petition is presumed to be valid when filed, if, on its face, it appears to be in proper form and to contain enough signatures. However, a registered voter may challenge the validity of a petition. Written objections must be filed within 3 days after the petition is filed (1 day in a village election). Specifications of objections must be filed within 6 days of filing the general objections (2 days in a village election). Objectors must hand deliver or overnight/NEXT DAY mail a copy of the specifications of objections to the candidate and file proof of such delivery with the Board. For further details see Election Law §6-154 and §15-108 and Part 6204 of the rules and regulations of the State Board of Elections.