

Title 9 of the official compilation of Codes, Rules, and Regulations State of New York
Subtitle V State Board of Elections Part 6201; 6204; 6215
Additional information concerning independent nominating petitions of importance:
Election Law Section 2-124:

“The name selected for the independent body making the nomination shall be in the English language and shall not include the name or any part of the name, or an abbreviation of the name or of part of the name of an existing party. The name and emblem shown upon such petition shall conform to the requirements of this chapter, relating to party names and party emblems. If such petition shall not show an emblem, or the petition shall fail to select a name for such independent body, the village clerk shall select an emblem or name, or both to distinguish the candidates nominated thereby.”

The party name selected shall not include the words “American”, “United States”, “National”, “New York State”, “Empire State”, or any abbreviation thereof. It further states that the emblem chosen may be a star, an animal, an anchor or any other proper symbol, but shall not be the same or similar to any emblem, insignia, symbol or flag, nor the portrait of any person, nor the representation of a coin, nor the currency of the United States. Also, the name and emblem chosen shall not be similar to or likely to create confusion with the name or emblem of an existing party or independent body.

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6215.1 Rules for filing designating and nominating petitions

- a. The sheets of a petition shall be numbered sequentially at the foot of each sheet.
- b. All petitions containing ten or more sheets shall be accompanied by a cover sheet.
- c. Any two or more petition sheets shall be securely fastened together by any means which will hold the pages together in numerical order.
- d. Petition sheets may be fastened together to form one or more volumes.

e. Individual volumes of a petition shall be filed in the following manner:

(1) With respect to petitions which are filed with the Board of Elections in the City of New York, or petitions which are filed with other boards of elections containing candidates for more than one public or part office which are not coterminous, each volume of each petition shall bear an identification number, to be obtained in accordance with Section 5215.3, *infra*. The assigned identification number shall be inscribed on the front of the volume. If an identification number has not been inscribed by the person or persons filing the petition, and the petition consists of multiple volumes, then each volume of the petition shall be separately numbered on the front thereof. Only one identification number may be used to identify a petition volume.

(2) Any Board of Elections outside the City of New York may adopt a petition filing system for all petitions utilizing identification numbers as provided for in Section 5215.3. The Board may adopt such system through the approval of a rule at least two months prior to the first day to circulate petitions. The rule shall be filed at the County Board of elections and the State Board of Elections

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(3) With respect to all other petitions which contain ten or more sheets, each volume of the petition shall have a cover sheet secured to the front of such volume.

Section 6215.2 Cover Sheets

(a) A cover sheet shall contain the following information:

(1) The office and district number (where appropriate) for which each designation and nomination is being made, the name and residence address of each candidate, and the number of volumes comprising the petition. The names and addresses of candidates for the county committee may be set forth, by assembly district (or, in the City of New York, by election district) on a schedule to be annexed to the cover sheet. Cover sheets for the positions of County Committee in the City of New York shall include, in addition to such schedule a list by election district of the identification numbers (if known) or the volume number, and page number where such signatures appear for each election district.

(2) an identification of the volumes comprising the petition, When multiple volumes are filed pursuant to Section 6215.1(e)(1) or (2) of these rules, a single cover sheet may be filed with volumes identified by listing the identification number of each volume either individually or cumulatively, and the total number of volumes in the petition. With respect to all other petitions filed in multiple volumes, each volume shall have a cover sheet which shall indicate the volume number; such volumes shall be numbered sequentially and the cover sheet from the first volume shall set forth the total number of volumes comprising petition.

(3) a statement that the petition contains the number, or in excess of the number, of valid signatures, required by the Election Law.

(4) A place for the optional designation of a contact person other than the candidate(s) to be notified to correct noncompliance with these regulations.

(b) Cover sheets shall be substantially in the form set forth in Section 6215.8, *infra*.

(c) Where a designating petition involves an office to be filled by the voters of the entire state, the petition shall be accompanied by a schedule which sets forth the volume and page number of each sheet on which signatures appear of at least 100 or 5 per centum, which ever is less, of properly enrolled voters in each of a least one-half of the Congressional Districts of the state.

(d) Where a nominating petition involves an office to be filled by the voters of the entire state, the petition shall be accompanied by a schedule which sets forth the volume and page number of each sheet on which signatures appear of at least 100 voters in each of at least one-half of the Congressional Districts of the state.

Section 6215.3 Identification Numbers, application, distribution and utilization

(a) Identification numbers shall be issued by the State and County Board of Elections, without charge, for the purpose of identifying petition volumes.

(b) The State Board shall assign a series of identification codes to each County Board.

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(c) Any person or persons, individually or jointly, may obtain one or more identification numbers, upon written application, from the Board of Elections. Individuals who do not wish to apply for these numbers in advance will have them assigned to their petitions when they are submitted to the Board of Elections in accordance with section 6215.6(b) of these rules. Identification numbers may be used only within the calendar year for which issued.

(d) The State Board of Elections shall promulgate an identification number application form, which shall be used by any board of elections. The application shall set forth: (1) the name and residence address of each applicant for the identification number; (2) the daytime and evening telephone numbers for such applicant; (3) the type of petition to be filed under the identification number (i.e. Designating, Nominating, Opportunity to Ballot); (4) the date of the election; (5) the Name of the Party or Independent Body; and (6) the number of identification numbers requested. Each application shall be signed by each applicant and shall be dated.

(e) Upon receipt of an application for an identification number, the Board shall forthwith issue the quantity of identification numbers requested, inscribe such numbers on the original application, and record the numbers issued with the name and address of the applicant in a book which shall be available for public inspection. In the event that an application is filed by multiple applicants, the Board shall record in the book only the name and address of the first-named applicant.

(f) An assigned identification number may be used for the filing of petition sheets only by the person to whom the identification number was issued. In the case of multiple applicants, the identification number may be used by any of the applicants.

Section 6215.4 Multiple Candidates Named On A Petition

(a) All the signatures appearing in a petition volume shall apply to all candidates named in that volume, unless the cover sheet specifies otherwise.

(b) In the event that the same candidates do not appear on each and every sheet of the petition, then the cover sheet shall indicate which signatures apply to which candidate, by indicating the name of the candidate, the identification number or the volume number, and the page number if the applicable signatures. Signatures on such pages may be identified by specified numerical ranges (e.g., pages 1 through 15, pages 15-45)

Section 6215.5 Filing of petitions

(a) Neither the application for, nor the issuance of, an identification number constitutes filing of a petition.

(b) Petitions shall be filed with the applicable Board of Elections as set forth in the Election Law. The officer of Board shall endorse the day, hour and minute of receipt on such petitions, Such officer or Board shall keep a book, which shall be open to public inspection, in which shall be entered the name of the candidate, and volume or identification numbers of the petitions which have been filed and the time of their filing.

Section 6215.5 Construction of rules; substantial compliance

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(a) Except as specifically set forth herein, these rules shall be liberally construed and technical defects shall be disregarded where there has been substantial compliance and where a strict construction is not required for the prevention of fraud.

(b) The failure to obtain an identification number or inscribe an identification number on one or more petitions or petition volumes shall not render any such petition or petition volume invalid. The officer or Board receiving such petition or petition volume shall assign identification numbers to such petition or petition volumes, shall inscribe the identification number upon the petition or volume, and shall record the identification number of such petition or volume. In such instances, the person or persons submitting the petition or petition volume for filing shall be deemed to be the applicant for the identification number, or in the event the persons submitting the petition or petition volume, cannot be identified, the candidates named on the petition or petition volume shall be deemed to be the applicant or applicants.

Section 6215.7 Determinations; cures pursuant to Section 6-134(2) of the Election Law

(a) Within two (2) business days of the receipt of the petition, the Board with whom such petition was filed shall review the petition to determine whether the petition complies with the cover sheet and binding requirements of these regulations. Such review shall be limited to matters apparent on the face of the documents. Such review, and such determination, shall be without prejudice to the determination by the Board of objections and specifications of objections filed pursuant to the provisions of the Election Law.

(b) In the event that, upon the review conducted pursuant to paragraph (a) above, the Board determines that a petition does not comply with these regulations, the Board shall forthwith notify the candidate or candidates names on the petition of its determination and the reasons therefor.

(c) Notification of a determination of noncompliance shall be given by written notice by depositing such notice on the day of such determination with an overnight delivery service, for overnight delivery, on the next business day, or by personal delivery by the day after the determination to the candidate or the contact person, if designated, at the address stated on the petition. Notification shall be given by overnight delivery or personal delivery only, unless the candidate shall have filed with the Board written authorization, signed by the candidate, for the Board to give notification by facsimile transmission. In the event that the candidate shall have authorized notification by facsimile transmission, then the Board shall notify the candidate or the contact person, if designated, by facsimile transmission on the day of the determination to the number set forth by the candidate and shall, in addition, mail a copy of the determination to the candidate.

(d) A candidate may, within three (3) business days of the date of a determination that the petition does not comply with these regulations, cure the violation of these regulations. Cover sheet deficiencies may be corrected by the filing of an amended cover sheet. Such cure or correction must be received by the Board of Elections no later than the third business day following such determination.

(e) If the petition is one for an opportunity to ballot, then the first named person on the committee to receive notices or applicant(s) for the identification number or numbers under

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which the petition was filed shall be deemed to be the "candidate" for purposes of subparagraphs (b), (c), and (d) above.

Instructions for Collecting Signatures on the Petition

Circulator Must:

- Be a U.S. Citizen (may reside anywhere, including out of state & do not have to be registered voter) and 18 years or older.
- ONLY VOTERS FROM THE SAME **JURISDICTION** MAY SIGN A SINGLE SHEET.
- Personally witness each petitioner signing. You may sign your own petition. Exception for handicapped voters: if a signature is not legible or an X, please fill in the address and write in small letters, "I witnessed this handicapped voter's signature."
- Ensure each petitioner has printed his/her name and added their street address (NO P.O. Boxes!), including city. Note: Circulator may write in just the name and address of petitioner.
- Carefully fill out the affidavit section on the bottom of each petition.
- Note: A Witness statement must be completed. The witness cannot sign as a petitioner on the same petition they are witnessing.
- If petitioner makes a mistake, just cross out, signer initials mistake & then write/sign on next line. Do not use White Out.
- If you copy and share petitions with friends, please be sure to include a copy of the instructions.

Petition Signer Must:

- Be a REGISTERED VOTER. Circulator: Please ask this first – and ask if they've signed it elsewhere – one time only!
- Print name and address including municipality. (Circulator may print the name and address only, if needed.)
- Each voter/petitioner MUST SIGN THEIR OWN PETITION.

A Clerk can disqualify a signature that looks like a spouse signed for both.

ALL information must be the same as on their current registration at their county courthouse. Signatures can be thrown out due to petitioners signing their nicknames/middle names or the address did not match the one on their registration!! If a nickname is signed, the Clerk may ask us to go back and identify the voter!

Some signers also don't realize their names have been purged from the registration rolls if they haven't voted in several years, so encourage all petitioners to verify current information with their County Clerk & reregister if needed.

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Public Officers Law § 3

GENERAL INFORMATION ON PETITIONS

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 Republican, Democratic, Independence, Conservative and Working Families 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.

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.

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

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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.

Witnesses to a Petition

Anyone who is qualified to sign a petition may witness 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.

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.

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- * 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.

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). For petitions filed with the State Board of Elections, objectors must deliver a copy of the specifications of objections to the candidate and file proof of such delivery with the State 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.

PETITION SIGNATURE REQUIREMENTS

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Refer to the Official Political Calendar for petition signature requirements
Electronic signatures are not acceptable.

Title 9 NYSCRR Subtitle V Part 6201

§ 6201.2 Use of Public Opinion Polls

No candidate, political party or committee shall attempt to promote the success or defeat of a candidate by directly or indirectly disclosing or causing to be disclosed the results of a poll relating to a candidate for such an office or position, unless within 48 hours after such disclosure, they provide the following information concerning the poll to the board or officer with whom statements or copies of statements of campaign receipts and expenditures are required to be filed by the candidate to whom such poll relates:

- (a) The name of the person, party or organization that contracted for or who commissioned the poll and/or paid for it.
- (b) The name and address of the organization that conducted the poll.
- (c) The numerical size of the total poll sample, the geographic area covered by the poll and any special characteristics of the population included in the poll sample.
- (d) The exact wording of the questions asked in the poll and the sequence of such questions.
- (e) The method of polling—whether by personal interview, telephone, mail or other.
- (f) The time period during which the poll was conducted.
- (g) The number of persons in the poll sample: the number contacted who responded to each specific poll question; the number of persons contacted who did not so respond.
- (h) The results of the poll.

State Board of Elections

Part 6204

Designating and Independent Nominating Petitions

§ 6204.1 Specification of objections to designating and independent nominating petitions.

(a) Any person filing general objections to any designating or independent nominating petition filed with the State Board of Elections who thereafter files specifications of his objections to any such petition with such board shall do so in accordance with the provisions of Section 6-154 of the Election Law. All such specifications shall substantially comply with the following requirements:

- (1) The volume number, page number, and line number of any signature objected to on any petition shall be set forth in detail. In addition, any portion of any petition or any signature line or witness statement objected to shall be specifically identified and reasons given for any such objection;
- (2) The total number of signatures objected to shall be set forth and all objections relating to a single signature line should be grouped together;
- (3) Symbols and/or abbreviations may be used to set forth objections, provided that a sheet explaining the meaning of any such symbols and/or abbreviations is attached to the specifications.

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(b) No specifications of objections to any petition will be considered by the Board unless the objector filing the specifications personally delivers or mails by registered or certified mail a duplicate copy of the specifications to each candidate for public office named on the petition. In the case of a petition containing candidates for party position, service of the specifications shall be made on either the named candidates or the first person named on the petition's committee to fill vacancies. Service shall be made on or before the date of filing of any specifications with the Board. Proof of service shall accompany the specifications or be received by the end of business two days following the filing of the specifications, whichever is later.

(c) Any notice and/or determination relating to a petition for which specifications of objections have been filed shall be transmitted by the Board to the objector filing the specifications, provided that any such objector may designate an attorney or agent to receive any such notice and/or determination on his behalf. Any such designation shall be in writing and include the name, address and telephone number of any such attorney or agent, and any such attorney and/or agent shall be eligible to represent any such objector in any proceeding conducted by the Board relating to the specifications.

FURTHER PROVISIONS

Please be aware that there may be other requirements which may apply to running for any particular office. These may include but not be limited to:

FINANCIAL DISCLOSURE REQUIREMENTS:

The New York State Election Law requires candidates and political committees to file statements disclosing information about contributions received and expenditures made in connection with an election.

The forms required to register a committee and to report receipts and disbursements, as well as a comprehensive handbook of instructions, are available at the State Board of Elections and your county Board of Elections.

For more information on financial disclosure requirements contact the State Board of Elections at 1-800-458-3453 or 518-474-8200 or contact your county board of elections.

Hatch Act:

Call 1-800-85 HATCH - Website www.osc.gov

Judicial Code of Ethics:

Call (212) 949-8860 - Main Office

(518) 474-5617 - Albany

(716) 232-5756 - Rochester

State Ethics Commission:

Call 1-800-873-8442

Legislative Ethics Committee:

Call (518) 432-7837