



**DESIGNATING PETITION
& OPPORTUNITY TO
BALLOT PETITION
GUIDELINES
for
PRIMARY ELECTIONS**

Adopted on January 30, 2024 by the

**BOARD OF ELECTIONS
IN THE CITY OF NEW YORK**
32 Broadway, 7th Floor, New York, NY 10004

Rodney L. Pepe-Souvenir, President
Frederic M. Umane, Secretary
Jose Miguel Araujo
Michael J. Coppotelli
Carol R. Edmead
Gino A. Marmorato
Jodi Morales
Simon Shamoun
Michele A. Sileo
Keith Sullivan

COMMISSIONERS

Prepared by the Office of the General Counsel

DESIGNATING PETITION & OPPORTUNITY TO BALLOT PETITION GUIDELINES FOR PRIMARY ELECTIONS

These Guidelines are adopted by the Board of Elections in the City of New York [hereinafter "Board"] and provide guidance in accordance with New York State Election Law and applicable case law.

Everyone is urged to consult the New York State Election Law and Regulations of the New York State Board of Elections, 9 NYCRR §6215, as well as these Guidelines.

DEFINITIONS

Petition: A “petition” is one or more sheets, which may be filed with the Board in one or more volumes, together with any required cover sheet, which nominate the same candidate for a particular public office.

Petition Volume: A "petition volume" is the petition sheet or in the case of multiple sheets, the securely fastened grouping of petition sheets for one or more candidates or group of candidates.

Cover Sheet: A "cover sheet" is the form (as set forth in Section C of these Guidelines) to be filed with the Board, which summarizes what petition volume or volumes comprise the Petition for each candidate for a particular public office or party position.

Election Document: "election document" includes, but is not limited to, a petition, cover sheet, amended cover sheet, transcripts, minutes, any certificate or document required to be filed with the Board, pursuant to the Election Law, relating to qualifying a candidate to appear on the ballot.

A. GENERAL REQUIREMENTS

- A1. A designating petition shall comply with the provisions of Section 6-134 of the Election Law. An opportunity to ballot petition shall comply with the provisions of Section 6-166 of the Election Law. In the case of multiple sheets of the same volume of a petition, those sheets shall be securely fastened together in one or more petition volumes. The sheets in each petition volume shall be numbered sequentially at the bottom of each sheet.
- A2. All election documents required to be filed pursuant to Section 1-106 of the Election Law shall, unless otherwise provided, be filed between the hours of 9:00 a.m. and 5:00 p.m. at the Executive Office of the Board of Elections, 32 Broadway, 7th Floor, New York, N.Y. 10004. 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. The Board shall be open for the receipt of any document from 9:00 a.m. until Midnight on the last day to file any such document. The failure of any person or entity to deliver any such document to the Board on or before the last day to file same, by midnight, shall be a fatal defect.

Please note that the Board's offices or supplies may not be used to bind petition volumes or prepare cover sheets. Candidates (or their representative) must arrive at the Board with their petitions and any other election documents ready to file. This means that all election documents must be complete, signed, and bound, with ID number affixed (if you already have one). Candidates (or their representative) are encouraged to obtain ID numbers, pursuant to Guideline B below, prior to bringing their petitions to the Board to file.

Any petitions which are not ready to file by the filing deadline may not be accepted or may be added to the prima facie calendar as a late filing.

- A3. Candidates (or their representative) are strongly advised to review the records maintained by the Board for public inspection on a regular basis for updated and current information which may be relevant to their candidacy.

B. IDENTIFICATION NUMBERS

- B1. Any petition volume, including a single page petition, shall bear a Board issued petition identification number issued in accordance with the provisions of this Guideline.

- B2. No one is required to apply for a petition volume identification number before filing any petition volume. However, any person may apply for a petition volume identification number by submission of an Identification Number Application Form. Identification Number Application Forms are available at the Board's Candidate Records Unit, 32 Broadway, 7th Floor, New York, NY 10004. If a petition volume identification number has been assigned before the petition volume is filed, the petition volume identification number must appear prominently on the top of the petition volume. The Board requests that petition volume identification numbers not be placed on the petition volume's binding.
- B3. The Board will inscribe petition volume identification numbers on all application forms. These forms will be retained in a binder for public inspection.
- B4. A pre-assigned petition volume identification number shall be used only by the candidate(s) or applicant(s) named in the application. Volume identification numbers are not transferable or assignable.
- B5. Pre-assigned petition volume identification number shall be used only for the election event for which the application is made.
- B6. Whenever a petition volume (consisting of a single or multiple pages) is filed without a pre-assigned petition volume identification number, the Board will assign a petition volume identification number at the time the petition volume is filed.

C. COVER SHEET

- C1. A cover sheet must be filed for all petitions containing ten or more sheets in one volume or consisting of more than one volume. The cover sheet shall be filed separately from the petition volume(s). It must not be attached to any petition volume. The failure to file a cover sheet where required by the Election Law and these Guidelines is a fatal defect. *See Seawright v. Bd. of Elections in City of New York*, 35 N.Y.3d 227, 234 (N.Y. 2020); *Matter of Armwood v. McCloy*, 109 AD3d 558 (2d Dept. 2013) leave to appeal denied 21 NY3d 861 (2013).
- C2. A cover sheet shall be signed by the candidate or the candidate's representative with their name printed below or next to their signature. The Cover Sheet must contain the following information accurately and correctly stated:
 - a) the office, the political party's name and district number (where appropriate) for

- which each designation and nomination is being made;
- b) the name and complete residence address of each candidate, which includes the house number, the street name, the city, state and zip code for the address. An apartment number, if applicable, is recommended, but optional;
 - c) the total number of volumes comprising each petition;
 - d) an identification of the volumes comprising the petition; when multiple volumes are filed, a single cover sheet must be filed consistent with the Regulations of the New York State Board of Elections, 9 NYCRR §6215.2 (a) (2), with the volumes identified by listing the identification number of each volume, either individually or cumulatively;
 - e) a statement that the petition contains the number, or in excess of the number, of valid signatures, required by the Election Law or the New York City Charter (if applicable);
 - f) a place for the optional designation of a contact person to be notified to correct noncompliance with the Guidelines (a candidate may be designated as the contact person), [A cover sheet may include a fax number and/or e-mail address for the contact person to receive communications from the Board.];
 - g) when more than one candidate is designated or nominated on the same petition volumes, the candidates may be grouped together on a cover sheet so that the number of volumes comprising the petition need not be repeated;
 - h) a cover sheet may consist of more than one page;
 - i) the information contained on the cover sheet must be identical to the information printed on the petition sheet for each candidate;
 - j) pursuant to Election Law §4-123, a candidate for Member of the New York State Assembly or New York State Senate has the option to include on their cover sheet, the candidate's website address, which if submitted, will be published on the State Board of Elections website.

C3. The names and addresses of candidates for county committee may be set forth by election district of candidacy on a schedule to be annexed to the cover sheet. Such cover sheet/schedule for the position of county committee shall include all the information required by Guideline C2, and in addition, a list by election district of the identification number(s) of the petition volume and page number(s) in such petition volume(s) where such signatures appear for each election district.

C4. An amended cover sheet must state on the top of the first page that it is an “Amended Cover Sheet” and shall clearly identify the original cover sheet, which it is amending, by attaching a copy of the original cover sheet or the notice of non-compliance to the amended cover sheet. The amended cover sheet must contain all the information required of a cover sheet. An amended cover sheet must also contain the following

authentication: "This is to certify I am authorized to file this amended cover sheet", unless it has been filed by the candidate themselves. Said authentication must be signed, dated and shall include the printed name, address of said candidate or representative, and may also include a telephone number, fax number and/or e-mail address.

C5. An amended cover sheet must be filed on or before the last day to file the petition unless the amended cover sheet is filed to cure a failure to comply with the Guidelines after the Board has made a determination of non-compliance with these Guidelines. In that instance, the amended cover sheet must be filed within three (3) business days of the date of the Notice of Non-Compliance, issued pursuant to Guideline D of these Guidelines.

C6. The Board shall post conspicuously at the front counter at the place of petition filing during the petition circulation and filing period a sign with the following notices.

A COVER SHEET SHALL BE FILED SEPARATELY from any petition volume; a cover sheet is not to be attached to any petition volume;

All Sheets of each Petition Volume consisting of multiple sheets are to be SECURELY FASTENED;

All sheets of each Petition Volume are to be SEQUENTIALLY NUMBERED.

Please note that the Board's offices or supplies may not be used to bind petition volumes or prepare Cover Sheets.

If your election documents are not ready to be filed (complete, signed, and bound, with ID number affixed, if you already have one), you must leave the Board's Offices.

Any petitions which are not ready to file by the filing deadline may not be accepted or may be added to the prima facie calendar as a late filing.

C7. If multiple coversheets or amended coversheets for a candidate are filed, the last coversheet (or amended coversheet) filed shall be controlling. Simultaneous filings may be invalidated. *See Murray v Simon*, 1194 AD3d 894 (2d Dept. 2021); *Ariola v Maio*, 195 AD3d 888 (2d Dept. 2021).

D. DETERMINATIONS; CURES

- D1. The Board will review the election document to determine whether the election document complies with the requirements of the Election Law and these Guidelines. Such review shall be limited to matters apparent on the face of the election document, the binding of each petition volume, and the numbering of the sheets of a petition volume. Such review and such determination shall be without prejudice to the Board's determination of objections and specifications of objections filed pursuant to the provisions of the Election Law and these Guidelines.
- D2. The Board, pursuant to the provisions of Section 3-212(5) of the Election Law, authorizes that a Commissioners' Committee composed of one Commissioner from each of the political parties represented on the Board, designated by the President and Secretary of the Board, to make determinations pursuant to this Guideline. In the absence and/or unavailability of the President and/or the Secretary, the Commissioner of the same political party with the greatest length of service on the Board, who is available, shall make such designation and act in the place of the President and/or Secretary who is absent or unavailable. Notice of the time and place of such meetings shall be posted at the Executive Office and on the Board's website. In the event that the Board or its duly constituted Committee determines that an election document does not comply with the Election Law or these Guidelines, the Board shall forthwith notify the candidate or candidates named on the election document of its determination and the reasons therefore.
- D3. Notification of a determination of non-compliance shall be provided in writing by overnight delivery to be received on the next business day after the determination is made to the contact person, if designated, or if not designated, to the candidate, at the address stated on the election document or the cover sheet, as applicable. If the candidate files a written authorization signed by the candidate, allowing the Board to provide notification via facsimile or electronic mail, the Board may, at its discretion, send such notice to the candidate or the contact person, if designated, on the day of the determination to the fax number or e-mail address reflected on the signed written authorization. The failure to send such voluntary notice via fax or email shall not void the written notice sent by mail and does not extend the deadline by which an attempted cure of a defect in the election document is due.
- D4. Within three (3) business days of the date of a determination that the election document does not comply with the Election Law, the Guidelines, and/or the Rules and Regulations of the New York State Board of Elections, a candidate (or their

representative) may cure said violation, if permitted by the Election Law. Cover sheet defects shall be corrected by the filing of an amended cover sheet or as directed in the notice of non-compliance issued pursuant to Guideline C. Such cure or correction must be received by the Board no later than the third (3rd) business day following such determination. Failure to timely file such a cure is a fatal defect. Where multiple amended coversheets and/or other documents are filed for a candidate directed in the notice of non-compliance, the last amended coversheet or other document, to be filed shall be controlling.

- D5. 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 which the petition was filed shall be deemed to be the "candidate" for purposes of these Guidelines.
- D6. Upon expiration of the (3) business days set forth in Guideline D4, the Board or a Commissioners' Committee established pursuant to Guideline D2, shall review the filed attempted cure. If the Board determines that an attempt to cure a defect does not comply with these Guidelines or the Election Law, the Board shall notify the candidate or candidates named on the election document of its determination and the reasons therefore. The Board shall give written notice of such determination and the fact that the candidate(s) will not appear on the ballot in accordance with the provisions of Section 6-154(4) of the Election Law to the candidate. For party positions, such notice may be sent to the contact person, if so designated, or the first person named on the committee to fill vacancies or the candidate, at the address stated on the election document.

E. PRIMA FACIE MATTERS

- E1. The Board reviews each election document to ensure compliance with the New York State Election Law and its Guidelines. On occasion, the Board determines that it appears that an election document, on its face, fails to comply with the requirements of the New York State Election Law and is not subject to a cure under Section 6-134(2) of the Election Law. In that event, the Board shall notify the candidate or designated contact person in writing, of the Board's preliminary finding of a Prima Facie defect and advise the candidate/contact person that he/she may appear at the commencement of the Board's hearings relating to said election document to contest such preliminary finding. Such review, preliminary finding and final determination shall be without prejudice to the Board's subsequent determination of objections and specifications of objections filed pursuant to the provisions of the Election Law and

these Guidelines.

F. EXAMINATION AND COPYING OF ELECTION DOCUMENTS

- F1. The Commissioners of the Board, or in their absence, the Executive Director, Deputy Executive Director, the Chief Clerks, Deputy Chief Clerks or such other staff as may be designated by the Executive Director, shall control the requisition, examination and copying of any election document filed with the Board in order to assure that candidates, objectors or potential objectors and their representatives have an equal and fair opportunity to examine or copy such election documents consistent with the needs of the Board to process petitions and specifications of objections.
- F2. Any person may obtain a copy of an election document filed with the Board upon written application and payment of 25¢ per page.
- F3. Election documents shall not be unfastened or taken apart (except by Board staff) while examining such document. If a person examining original copies of a document wishes to take notes, only an erasable red pencil shall be used. No other writing instrument is permitted.

Absolutely under no circumstances whatsoever shall a member of the public (including a candidate, an objector, or their representative) write on an original election document.

G. GENERAL OBJECTIONS

- G1. A general objection to an election document must be filed at the Executive Office of the Board, 32 Broadway, New York, N.Y. 10004, 7th Floor. The last day for filing general objections shall be three (3) days after the latest date on which any part of such election document was filed, even if said election document is subsequently not claimed by the candidate(s) appearing thereon.

NOTE: The Board reserves the right to conduct an inquiry into the facts and circumstances of the filing of any document and the application of Guideline G1.

- G2. In the event an amended cover sheet or other election document is filed to cure noncompliance with these Guidelines and/or the New York State Election Law after the last day to file an election document, the general objection and specifications filed in support of such general objection shall address only issues raised by the amended

cover sheet or other amended election document. Such a general objection and specifications are without prejudice to any other issues addressed in any timely filed general objection and supporting specifications which are addressed to the election document. In order to expedite a determination by the Board, objectors are urged to file specifications of an objection addressed to an amended cover sheet or other election document filed to cure after a determination of noncompliance at the time when the general objection is filed.

- G3. The general objection shall state the name and address of the objector and the name and address of the candidate, party name, and public office or party position as set forth on the election document to which the objection is addressed, the title and date of the election for which the election document has been filed, and must be signed by the objector. If the objection is directed to a petition for opportunity to ballot the objection shall identify the public office or party position and petition volume identification number.
- G4. The general objection shall include a place for the optional designation of a contact person to receive notice of any rulings on the objection. The general objection should include any telephone numbers, fax numbers and/or email addresses, which can be used to provide notice regarding rulings on the objection.

H. SPECIFICATIONS OF OBJECTIONS

- H1. Specifications of objections shall be filed in accordance with the provisions of Election Law §6-154. The Board recommends that objectors use the sample Specification of Objections Worksheet, which is included with the sample forms attached to these Guidelines. All such specifications shall substantially comply with the following requirements:
 - a) For specifications relating to any petition, the volume number, page number, and line number of any signature objected to shall be set forth in detail. In addition, any portion of any petition, signature line, or witness statement objected to shall be specifically identified and reasons given for any such objection;
 - b) the total number of signatures objected to shall be set forth and all objections relating to a single signature line should be grouped together and if the specifications of objections claim that there are an insufficient number of valid signatures in the petition, the specifications must state the total number of signatures contained in the petition and the total number of signatures, which the objector claims to be invalid;

- c) 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; and
- d) all text should be provided using a font size of not less than ten points and formatted for a page measuring 8 1/2 x 11 inches, provided however, the use of text and formatting not in compliance with the provisions of this subdivision shall not be a fatal defect.

H2. Examples of such symbols and/or abbreviations that objectors may use are:

AI	Address illegible or so abbreviated it cannot be identified
ALT	Alteration (date/signature)
DI	Date incomplete
DUP v. _p. _l_	Duplicate of same signature located in the petition at volume identification # ____, page ____, line ____
DSP	Date of witness statement is prior to date of signature
F	Forgery
ILLS	Illegible signature
ILLD	Illegible date
NA	No address stated
ND	No date stated
NE	Not enrolled in the party for which the petition is filed
NFN	No first name/name is so abbreviated it cannot be identified
NPN	No page numbers – petition page not sequentially numbered
NR	Not registered as stated in Board records
OD	Out of the district of the contest
P	In pencil or not in ink
PR	Signature is printed or not handwritten
SH	Similar handwriting
TE	Date of signature is prior to first day for circulating petitions
TL	Date of signature is subsequent to last day for circulating petitions or subsequent to date of witness signature
SAP v. _p. _l_	Signed another petition for the same office on same or prior date designating another as candidate, at petition volume identification # ____, page ____, line ____.
SW	Signature is that of the subscribing witness to the page
SWALT	Subscribing Witness information altered (not initialed)
SWNE	Subscribing Witness is not enrolled in the party for which the petition is filed
SWNQ	Subscribing witness not qualified
SWNR	Subscribing witness not registered, as stated

SWDI	Date incomplete in subscribing witness statement
SWA	No address or wrong address stated in subscribing witness statement
SWND	No date stated in subscribing witness statement
SWNN	Name of subscribing witness omitted from body of subscribing witness statement
SWNS	Signature of subscribing witness omitted
SWNSO	Number of signatures omitted from subscribing witness statement
SWWNS	Wrong number of signatures stated in subscribing witness statement
SWTE	Date of signature is prior to first day for circulating petitions
SWTL	Date of signature is subsequent to last day for circulating petitions
WA	Wrong address stated on petition

- H3. Specifications of objections shall state the name and address of the objector, the name and address of the candidate, and the public office or party position as set forth on the election document to which the objection is addressed and shall be signed by the objector using ink. The specifications of objections must be prepared using a form of permanent marking that is not susceptible to fraud (such a permanent marking shall include a photocopy and/or computer generated copy of said specifications provided that the signature on such copy is in ink). The specifications of objections shall be securely fastened together in one or more volumes. Each sheet of the specifications of objections shall be numbered sequentially at the bottom of each page. The specifications shall include the name and mailing address of any contact person, other than the objector, to receive notice of any rulings on the specifications. The specifications should also include any telephone numbers, fax numbers and/or e mail addresses, which can be used to provide notice regarding rulings on specifications.
- H4. When an objection is filed that presents a factual issue, which cannot be determined from documents on file with the Board, the specifications should set forth the factual allegations with particulars. The objector should also submit copies of any documents or affidavits with the specifications that are required in order for the Board to rule on the issue.
- H5. Objectors are warned not to include in the specifications broad, non-specific or generic claims or claims which are not supported by documents filed with the Board. The Board may dismiss the entire objections as frivolous if specifications include such claims.
- H6. No specifications of objections will be considered unless the objector filing the specifications personally delivers or mails by overnight mail a duplicate copy of the specification to each candidate for public office named on the petition or certificate.

Objections and specifications to a petition for an opportunity to ballot must be served on the persons named as the committee to receive notices. In the case of a petition or certificate containing candidates for party positions, 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 two business days following the filing of the specifications, whichever is later.

According to the Rules and Regulations of the NYS Board of Elections, a petition or certificate shall be considered a separate instrument as to each candidate named therein. For purposes of making an objection, an objection may be made against specific candidates named on a petition or certificate and not others also named, and in which case service of specifications shall only be required upon the candidate or candidates against whom objections are made.

H7. Acceptable proof of service includes either:

- i. An affidavit duly notarized from the person who either personally served the specifications or who duly mailed the specifications by overnight mail (stating who was served, when they were served, what was served, and by what means); or
- ii. An overnight mailing receipt (including date and time) from the delivery service showing the name and address of the overnight mail recipient.

H8. Proof of service of specifications must identify the specification it is related by either:

- i. Including the borough and General Objection/Specification number on the proof of service; or by
- ii. Attaching the proof of service to a copy of the first page of the specification). Such proof of service must be filed in person at the Executive Office of the Board, 32 Broadway, 7th Floor, New York, N.Y. 10004.

It is recommended that the original proof of service be filed with the Board. If a copy of the proof of service is filed with the Board instead, the copy must contain the following authentication: “On _____ (date), I certify that the attached Proof of Service, is a true, exact, complete, and unaltered copy of the front and back of the original, which I reviewed or is in my possession. _____ (sign and print name).”

The Board will issue a time stamped copy of the filed proof of service which shall serve as a receipt for the filed proof of service.

- H9. The Board will give notice by overnight mail to the objector and the candidate named in such petition or certificate of the date(s) on which the Board will consider the specifications filed. This notice will be accompanied by a copy of the Clerks' Report, which contains the Board's findings and research of specifications. Such notice may be given by electronic correspondence in lieu of overnight mail with the consent of the objector or the candidate in accordance with section H13 of these Guidelines. The Board will provide the objector and candidate or their agent(s) an opportunity to be heard, at public hearings held at the Board's offices, as to the validity of each specific objection.
- H10. Upon receipt of Specifications of Objection in a borough office, the Chief Clerk and Deputy Chief Clerk (or their designees) shall review said specifications of objections on their face and determine if said specifications appear to be frivolous or if the objectors lack standing to file such specifications. Upon such a preliminary determination by the Chief Clerk and Deputy Chief Clerk, they shall refer their preliminary determination to the appropriate Borough's Commissioners' Committee (consisting of the Commissioners for those Boroughs which contain part of a specific district or for Citywide offices, the Commissioners' Executive Committee) for specifications of objections relating to election documents for all offices and/or positions for review. If the appropriate Commissioners' Committee confirms that the specifications of objection appear to be frivolous or that the objector(s) lack standing to file such specifications, they shall confirm the preliminary determination of the Chief Clerk and Deputy Chief Clerk and direct that the specifications of objections not be worked on/considered by the borough office staff. Such findings and confirmation thereof shall be reported to the Commissioners at the commencement of the hearings for their review.
- H11. When any determination is made that a certificate or petition is sufficient or insufficient, the Board will provide notice of the determination by mail to each candidate named in the petition or certificate, and, if the determination is made upon specified objections, the objector shall be notified. Such notice may be given by electronic correspondence in lieu of mail with the consent of the candidate or the objector in accordance with section H13 of these Guidelines. A candidate or objector may designate an attorney or agent to receive such notice and/or determination on his or her behalf.
- H12. A candidate or objector who wishes to designate an attorney or agent to receive notices on their behalf must do so in writing and include the name, address, email and telephone

number of any such attorney or agent. Any such attorney and/or agent shall be eligible to represent any such candidate or objector in any proceeding relating to the specifications.

- H13. Pertaining to Sections H9 and H11 of these Guidelines, candidates or objectors who would prefer to receive such notices electronically, must inform the Board of their consent to receive notices by electronic correspondence only. It is recommended that candidates or objectors provide such consent on the Cover Sheet or General Objection form they file with the Board. A sample of each form is enclosed with these Guidelines. Candidates or objectors who would like to continue to receive such notices by mail, need not take any further action.
- H14. The Board believes that the appropriate forum for determination of allegations of forgery or fraud is in an invalidating proceeding commenced in the Supreme Court pursuant to Election Law §16-102. Therefore, the Board does not ordinarily rule on such allegations. In the rare case where an objector seeks to obtain a ruling from the Board on an issue of fraud, or on a factual issue which cannot be determined from documents already filed with the Board (such as election documents, registration records, etc.), the specifications must set forth the factual allegations with particularity. The objector should submit with the specifications copies of any documents or affidavits that are required in order for the Board to rule on the issue. Notwithstanding such a submission, the Board will generally decline to rule on any allegation of fraud.
- H15. Specifications of objections must be filed within six (6) days after the filing of general objections, in person, at the Executive Office of the Board, 32 Broadway, 7th Floor, New York, N.Y. 10004. The Executive Office will be open during the period for filing objections and specifications until midnight of each day (except Saturday and Sunday) to permit the filing of such papers in person. The Election Law does not authorize the extension of time for filing objections or specifications.

I. CLERKS'/COUNSEL'S REPORT

- I(1). The Chief Clerk and Deputy Chief Clerk of each borough shall assign staff to examine the specifications of objections and to prepare a report to the Commissioners ("Clerks' Report").
- I(2). As soon as the borough office has prepared the Clerks' Report, the borough office shall fax and/or e-mail copies of the Clerks' Report to the objectors, candidates,

and/or contact persons designated. Candidates or objectors who are unable to receive faxes or e-mails must check with the Chief Clerk or Deputy Chief Clerk of the respective borough office if the candidate or objector wishes to review the Clerks' Report prior to the Commissioners' hearing.

- I(3). At least twenty-four hours before each date for Commissioners' hearings, each borough office shall prepare a list of Clerks' Reports, which have not been completed and shall immediately transmit a copy to the Executive Office and shall make the list available to the public. The Commissioners' hearing on Clerks' Reports included on the list will be automatically postponed from the immediate hearing date to the next hearing date scheduled by the Commissioners unless there is consent from the objector and the candidate to rule on the Clerks' Report as scheduled.
- I(4). Once the borough office has prepared the report to the Commissioners, the original specifications of objections with the line by line rulings of the clerks will be made available for examination or copying by the objector, candidate or representative, provided that the specification is not being used by the clerks for the review of any other specifications of objections.
- I(5). Guideline F regarding examination and copying of petitions shall also apply to specifications of objections showing the clerks' line by line rulings. The use of designating or OTB petitions and specifications by the clerks for the preparation of their report shall have priority over any request for examination or copying by any objector, candidate or their representative.
- I(6). In the event that the specifications of objection present legal rather than or in addition to factual issues, said specifications of objections shall be referred to the Office of the General Counsel of the Board to prepare a report to the Commissioners on the legal issues raised in the specifications. The Office of the General Counsel shall provide a copy of the Counsel's Report via email to the objector/contact person and candidate/contact person no later than twenty-four hours prior to the Commissioners' hearing.

J. HEARINGS

- J1. The Commissioners shall render a ruling on specifications of objections after they receive the Clerks' or Counsel's Report. Candidates or objectors who wish to be heard by the Commissioners should review the Clerks'/Counsel's Report and individual line-by-line rulings prior to the Commissioners' hearing. Candidates or

objectors shall present to the Commissioners at the commencement of the hearing for that objection, a list of exceptions which identifies with specificity each ruling by the clerks or recommendation of the Board's Counsel, which is claimed to be erroneous. In view of the short deadlines and urgency of obtaining final rulings by the Board, the Board may reject any application for an extension of time to review the Clerks'/Counsel's Report when the candidate or objector received notice of the Clerks'/Counsel's Report at least twenty-four (24) hours prior to the hearing (*including* weekends and holidays), or the candidate or objector failed to designate a fax number or e-mail address for the receipt of notice.

- J2. Attorneys appearing on behalf of a candidate or objector must file a Notice of Appearance on the Board prepared form, which shall include the current address, telephone number, fax number and e-mail address of the attorney.
- J3. An individual, other than an attorney (including a candidate or objector), representing a candidate or an objector must file a Notice of Authorization that must be signed by said candidate or objector. Notices of Appearance and/or Authorization can be obtained from the Candidate Records Unit as well as the front counter in the Commissioners' Hearing Room on hearing days.
- J4. The hearings held by the Board and its designated committees shall be recorded and publicly available on the Board's website.
- J5. Whenever there is not a quorum of Commissioners present on any day scheduled for Commissioners' hearings, a committee of the Commissioners shall rule on the Clerks' or Counsel's Reports. The committee is constituted pursuant to Election Law §3-212 (5). The committee shall consist of the largest equal number of Commissioners from each of the political parties represented on the Board who are available and designated by the President and Secretary of the Board, who may make such designation by telephone. In the absence of the President or the Secretary, the Commissioner of the same political party with the greatest length of service on the Board who is available shall make such designation. The President and Secretary, or senior Commissioners present shall attempt to confer with the other Commissioners of the same political party before making such designation. The committee shall serve only for that hearing date, or until a quorum of the full Board is present, whichever is shorter, unless the full Board shall provide otherwise.
- J6. Pursuant to the provisions of Section 6-154(4) of the Election Law, the Board shall give written notice to each candidate the Board determines will not appear on the ballot for the failure to comply with the requirements of the Election Law and/or

these Guidelines. If that determination is made upon specific objections, the objector shall be given written notice that the candidate(s) will not appear on the ballot. The Board shall give such written notice in accordance with the provisions of Section 6-154(4) of the Election Law to the candidate named in the election document at the address stated on the election document and the objector at the address stated on the objection.

- J7. Prior to the commencement of each session of the petition hearings, a copy of the Prima Facie Calendar(s) (compiled by the Candidate Records Unit and/or the Office of General Counsel) and the Specifications of Objections Calendar(s) for that session shall be posted at or near the entrance of the hearing room for public inspection.

K. JUDICIAL PROCEEDINGS

- K1. Judicial proceedings are governed by Article 16 of the New York State Election Law. The Commissioners adopted a policy statement and recommended provision for inclusion in any proposed Order to Show Cause sought pursuant to §16-102 of the Election Law. The attention of all candidates, objectors and their legal counsel is directed to the following:

NOTICE TO CANDIDATES, OBJECTORS AND THEIR LEGAL COUNSEL

Orders to Show Cause under § 16-102 of the New York State Election Law

The Commissioners of Elections in the City of New York at their public meeting held on Tuesday, June 18, 2012 adopted the following policy statement and recommended provision for inclusion in any proposed Orders to Show Cause sought pursuant to Section 16-102 of the New York State Election Law.

In the past, the Orders to Show Cause brought under §16-102 often imposed mandates and obligations on the Board, that interfered with the activities of the Board and its staff and at a cost to the Board and the City's taxpayers. These Orders to Show Cause which have often been obtained on an ex-parte basis naming the Board of Elections, a governmental entity without notice or the opportunity to be heard.

By way of background, in prior years, on the initial return date for an Order to Show Cause in a special proceeding commenced under §16-102, usually no action is taken since the Board may not have yet completed its administrative hearings on Specification of Objections and Prima Facie findings. Under this proposed provision, when included by the Supreme Court in an Order to Show Cause, at a later stage in the litigation, when documents may actually be needed, the Court may direct the Board to produce the necessary documents and only the necessary documents. In addition, most of the Supreme Court's Election Parts conduct their line-by-line reviews of petitions at the Board's borough offices; adoption of this proposed provision would not result in a drastic change in the Supreme Court's practice.

Please note that the Commissioners directed that this attached recommended provision be made widely available by:

1. posting this Notice on the Board's website;
2. distributing copies of this Notice during petition filing weeks to each candidate, representative and objector;
3. transmitting a copy to each Administrative Judge of the Civil Terms of State Supreme Court within the City of New York requesting that they distribute the same to the Justices assigned to the Special Election Matters Part(s) and the Ex-Parte or Motion Support Office staff.

This policy and the recommended provision for inclusion in an Order to Show Cause are applicable to all §16-102 matters, be they for a Primary, General and/or Special Election.

In addition, the Commissioners at their public meeting held on Tuesday, April 6, 2021, further adopted Recommended Provisions for Inclusion in Orders to Show Cause pertaining to Primary Elections and Municipal Special Elections conducted using Ranked Choice Voting.

Be advised, the Office of the General Counsel (herein "OGC") must be notified of the date and time a litigant intends to appear before the court to request that an Order to Show be signed. If an Order to Show Cause is entered that contains contrary provisions, through the New York City Law Department, the OGC will appear and oppose the inclusion of such a provision in the Order to Show Cause or seek its modification to include the recommended provision set forth below.

The Board of Elections in the City of New York thanks each candidate and/or their legal counsel for their cooperation and understanding.

BOARD OF ELECTIONS IN THE CITY OF NEW YORK

**RECOMMENDED PROVISION FOR INCLUSION IN
ORDERS TO SHOW CAUSE
RELATING TO THE PRODUCTION OF
DOCUMENTS AND RECORDS IN
SPECIAL PROCEEDINGS COMMENCED
UNDER §16-102 AND RELATED PROVISIONS**

**Adopted by the Commissioners of Elections in the City of New York
on June 18, 2012. (Amended February 14, 2023)**

ORDERED, that Respondent Board of Elections, in accordance with Section 3-220 (6) of the New York State Election Law and the duly adopted Guidelines of the Board of Elections in the City of New York, shall make available at the office of the Board where such records are maintained in the ordinary course of business during normal business hours, the aforesaid designating/independent nominating petition, cover sheet, and any amended cover sheet(s), identification number application form(s), and any other documents in support of or related to designation and/or nomination of the Candidate; together with the Objections and Specifications of Objections relating to the aforesaid petition; any written notification of a determination of non-compliance together with proof of service upon the Candidate; any writing purporting to cure or correct said determination of non-compliance as well as the determination of said Board on any Specifications of Objections. Any party seeking copies of the aforesaid documents shall, upon payment of the applicable fee as established by law and/or regulation, receive the same in the ordinary course of business.

NOTICE:

For the form of a Designating Petition and an Opportunity to Ballot Petition, see Sections 6-132 and 6-166 respectively of the New York State Election Law.

The sample forms listed below (prepared by the New York State and/or City Board of Elections) follows:

- ❑ Designating Petition;
- ❑ Opportunity to Ballot Petition;
- ❑ Cover Sheet;
- ❑ Amended Cover Sheet;
- ❑ Certificate Of Acceptance By Candidates;
- ❑ Certificate of Acceptance By Member of Committee To Receive Notices on OTB Petition;
- ❑ Certificate of Authorization;
- ❑ Certificate Of Declination;
- ❑ Certificate Of Substitution By Committee To Fill Vacancies After Declination, Death Or Disqualification;
- ❑ Certificate Of Substitution By Party Committee After Declination, Death, Or Disqualification;
- ❑ General Objection;
- ❑ Specifications Of Objection;
- ❑ Notice of Appearance and/or Authorization for Petition Hearings;
- ❑ “Specification of Objections” Worksheet.

The Election Law and State Board Rules and Regulations as well as the State Board’s Sample Forms can be viewed and downloaded from the State Board of Elections website:

<http://www.elections.ny.gov>

Designating Petition Sec. 6-132, Election Law

I, the undersigned, do hereby state that I am a duly enrolled voter of the _____ Party and entitled to vote at the next primary election of such party, to be held on _____, 20____; that my place of residence is truly stated opposite my signature hereto, and I do hereby designate the following named person (or persons) as a candidate (or candidates) for the nomination of such party for public office or for election to a party position of such party.

Name(s) of Candidate(s)	Public Office or Party Position <i>(Include district number, if applicable)</i>	Residence Address <i>(Also post office address if not identical)</i>

I do hereby appoint as a committee to fill vacancies in accordance with the provisions of the election law *(here insert the names and addresses of at least three persons, all of whom shall be enrolled voters of said party):*

In witness whereof, I have hereunto set my hand, the day and year placed opposite my signature.

Date	Name of Signer <i>(Signature required. Printed name may be added)</i>	Residence	Enter Town or City <i>(Except in NYC enter county)</i>
1. / / 20__			
	Printed Name →		
2. / / 20__			
	Printed Name →		
3. / / 20__			
	Printed Name →		
4. / / 20__			
	Printed Name →		
5. / / 20__			
	Printed Name →		

(You may use fewer or more signature lines - this is only to show format.)

Complete ONE of the following

1. Statement of Witness: I (name of witness) _____ state: I am a duly qualified voter of the State of New York and am an enrolled voter of the _____ Party.

I now reside at (residence address) _____.

Each of the individuals whose names are subscribed to this petition sheet containing (fill in number) _____ signatures, subscribed the same in my presence on the dates above indicated and identified himself or herself to be the individual who signed this sheet.

I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

DateSignature of Witness

Witness Identification Information: The following information for the witness named above must be completed prior to filing with the board of elections in order for this petition to be valid.

Town or City Where Witness ResidesCounty Where Witness Resides

2. Notary Public or Commissioner of Deeds: On the dates above indicated before me personally came each of the voters whose signatures appear on this petition sheet containing (fill in number) _____ signatures, who signed same in my presence and who, being by me duly sworn, each for himself or herself, said that the foregoing statement made and subscribed by him or her was true.

DateSignature and Official Title of Officer Administering Oath

Sample Cover Sheet

Designating and Independent Petitions

(Place Name of Party or Independent Body Here)

Name of Candidate	Residence Address <i>(Also mailing address if different)</i>	Public Office or Party Position <i>(Include district number where appropriate)</i>

Total Number of Volumes in Petition	
Identification Numbers	

The petition contains the number, or in excess of the number, of valid signatures required by Election Law and/or the NYC Charter.

Contact Person to Correct Deficiencies:

(Note: Candidate may name themselves as the contact person. Please print in all fields.)

Name _____

Residence Address _____
(Also mailing address if different)

Phone _____ **Fax** _____
(Include if notice by fax desired)

Email _____
(Include if notice by email desired)

I hereby authorize that any notice of a determination made by the Board of Elections with respect to this Cover Sheet or any other election documents submitted shall be transmitted to the person named above.

Optional: For candidates for statewide office, Member of Assembly or State Senator only

The following website address is submitted to be published on the state board of elections website pursuant to Election Law § 4-123 for the candidate listed opposite:

Name of Candidate	Website Address

Candidate Or Agent Filing Cover Sheet:

Printed Name

Signature

CONSENT BY CANDIDATE OR AUTHORIZED AGENT TO RECEIVE NOTICES BY ELECTRONIC CORRESPONDENCE

(Voluntary, but recommended)

I consent to the Board of Elections sending notice of the date of any hearings, a copy of the Clerks' Report, and notice of determinations that any certificate or petition bearing my name is sufficient or insufficient by electronic correspondence only at the email address stated above. If an email address is provided, all notices or determinations shall be sent by email only.

Printed Name

Signature

Sample Amended Cover Sheet

Designating and Independent Petitions

[Place Name of Party or Independent Body Here]

Name of Candidate	Residence Address <i>(Also mailing address if different)</i>	Public Office or Party Position <i>(Include district number where appropriate)</i>

Total Number of Volumes in Petition	
Identification Numbers	

The petition contains the number, or in excess of the number, of valid signatures required by Election Law and/or the NYC Charter.
Contact Person to Correct Deficiencies:

Name _____
(Please print)

Residence Address _____
(Also mailing address if different)

Phone _____ **Fax** _____
(Include if notice by fax desired)

Email _____
(Include if notice by email desired)

I hereby authorize that any notice of any determination made by the Board of Elections be transmitted to the person named above.

Optional: For candidates for statewide office, Member of Assembly or State Senator only
 The following website address is submitted to be published on the state board of elections website pursuant to Election Law § 4-123 for the candidate listed opposite:

Name of Candidate	Website Address

"This is to certify that I am authorized to file this amended cover sheet."

Signature of Candidate or Agent

Printed Name of Candidate or Agent

3.28.23

INSTRUCTIONS:

Clearly identify the original cover sheet being amended by attaching a copy of the original cover sheet or the notice of non-compliance to the amended cover sheet.

Certificate Of Acceptance By Candidates
(Sections 6-146, Election Law)

Name of Candidate/Designee/Nominee: _____

Title of Office: _____

Political Subdivision
and District (if any): _____

Party or Independent Body Making
Designation/Nomination: _____

Address of Candidate/Designee/Nominee: _____

Election Type: (select One) Primary General Special

Date of Election: _____

I, the above named Candidate/Designee/Nominee for the office identified, do ACCEPT and CONSENT to the designation/nomination, for the party or independent body identified above, at the election stated above.

Date: _____ Signature: _____

State of New York:

County of: _____ ss:

On this _____ day of _____, 20____, before me personally appeared _____, to me known and known to me to be the individual described therein, and who executed the foregoing instrument, and acknowledged to me that he/she executed the same.

Notary Public

CERTIFICATE OF ACCEPTANCE
BY MEMBER OF COMMITTEE TO RECEIVE NOTICES ON
OPPORTUNITY TO BALLOT PETITION
(Sections 6-166 (3), Election Law)

Name of Member of Committee
to Receive Notices: _____

Title of Office/Party Position: _____

Political Subdivision
and District (if any): _____

Party of OTB Petition: _____

Address of Member of Committee: _____

Date of Primary Election: _____

I, the above named Member of the Committee to Receive Notices, do ACCEPT and CONSENT to such appointment by the Opportunity to Ballot Petition of the above stated Party for the office or position identified for the Primary Election above stated.

Date: _____ Signature: _____

State of New York:

County of: _____ ss:

On this _____ day of _____, 20____, before me personally appeared _____, to me known and known to me to be the individual described therein, and who executed the foregoing instrument, and acknowledged to me that he/she executed the same.

Notary Public

CERTIFICATE OF AUTHORIZATION

(Section 6-120, Election Law)

We, _____ and _____
(Presiding Officer) (Secretary)

Presiding Officer and Secretary of the meeting of the _____ Party

of _____, DO HEREBY CERTIFY THAT: at a meeting of the
(Political Subdivision)

_____ Committee of the _____, Party
(Political Subdivision)

held on the _____ day of _____, 20____, a quorum being present, said committee, by majority vote of the members present, did consent and authorize the nomination/designation of

_____ residing at _____
(Name of Candidate) (Place of Residence)

_____ for the office of _____ as

a candidate of the _____ Party for public office indicated, at the

_____ Election to be held on _____
(Special/Primary/General) (Date of Election)

Said nomination/designation is authorized pursuant to the provisions of Section 6-120 of the New York State Election Law.

IN WITNESS WHERE OF, we have set our hands this _____ day of _____, 20____.

Presiding Officer

Secretary

On this _____ day of _____, 20____ before me personally came

_____ and _____
to me known and known to me to be the persons described in and who executed the foregoing instrument and he/she duly acknowledged to me that he/she executed the same.

CERTIFICATE OF DECLINATION

(Section 6-146, Election Law)

I, _____, residing at
(Candidate's Name)

(Address)

having been designated/nominated by the _____
(Name of Party)

Party, as a candidate for the office of _____
(Title of Office and Political Subdivision)

_____ district, at a _____
(District Number if any) (Special/Primary/General)

election to be held on _____, 20____,

do hereby DECLINE such designation/nomination.

(Date)

(Signature of Candidate)

State of New York :

County of _____ : ss:

On this _____ day of _____, 20____, before me personally appeared _____, to me known and known to me to be the individual described therein, and who executed the foregoing instrument, and acknowledged to me that he/she executed the same.

Notary Public

(Sample Prepared by State Board of Elections)

CERTIFICATE OF SUBSTITUTION BY COMMITTEE TO FILL VACANCIES AFTER DECLINATION, DEATH OR DISQUALIFICATION

(Section 6-148, Election Law)

WHEREAS, there exists a vacancy in the designation/nomination for the office of _____
(title of office and political subdivision)
in the _____ district by the _____ Party caused by the
(district number if any) (name of party)
declination/death/disqualification of _____
(name of original candidate)

THEREFORE, WE, the undersigned, constituting a majority of the duly authorized Committee to Fill Vacancies, do hereby certify that we have designated/nominated the following person to fill the above mentioned vacancy:

Name of new candidate: _____

Place of residence: _____

DATE: _____

Signature of vacancy committee member

Signature of vacancy committee member

Signature of vacancy committee member

Signature of vacancy committee member

AFFIDAVIT

We, the undersigned, hereby affirm that we constituted a majority of the vacancy committee referred to in the above certificate and that the statements in such certificate are true.

Sworn to before me this _____ day of _____, 20____

Notary Public

CONSENT BY SUBSTITUTED CANDIDATE

I, _____ hereby accept the above designation/nomination of the
(Name of Substituted Candidate)

_____ Party, for the office of _____
(Name of Party) (Title of Office & Political Subdivision) (district # if any)

Signature of Candidate

On this _____ day of _____, 20____, before me personally appeared _____ to me known and known to me to be the individual described in, and who executed the foregoing instrument, and acknowledge to me that he/she executed the same.

Notary Public

CERTIFICATE OF SUBSTITUTION BY PARTY COMMITTEE AFTER DECLINATION, DEATH OR DISQUALIFICATION

(Section 6-148, Election Law)

WHEREAS, there exists a vacancy in the nomination for the office of _____
(title of office and political subdivision)
in the _____ district by the _____ Party caused by the
(district number if any) (name of party)
declination/death/disqualification of _____
(name of original candidate)

THEREFORE, WE, the undersigned, Presiding Officer and Secretary at a meeting at which there was a quorum of the _____ Party committee members last elected in the _____ (or members of such other
(name of party) (political subdivision)
committee as the rules of the Party may provide), do hereby certify that the following named individual was nominated to fill the above mentioned vacancy by a majority of the committee members present at said meeting:

Name of new candidate: _____

Place of residence: _____

DATE: _____

Signature of Presiding Officer

Signature of Secretary

AFFIDAVIT

We, the undersigned, hereby affirm that we were the Presiding Officer and Secretary at the committee meeting referred to in the above certificate and that the statements in such certificate are true:

Presiding Officer

Secretary

Sworn to before me this _____
day of _____, 20____

Notary Public

CONSENT BY SUBSTITUTED CANDIDATE

I, _____ hereby accept the above nomination of the
(Name of Substituted Candidate)

_____ Party, for the office of _____
(Name of Party) ((Title of Office & Political Subdivision) (district # if any)

Signature of Candidate

On this _____ day of _____, 20____, before me personally appeared _____
to me known and known to me to be the individual described in, and who executed the foregoing instrument,
and acknowledge to me that he/she executed the same.

Notary Public

GENERAL OBJECTION FORM

To: The Board of Elections in the City of New York

OBJECTOR:

Name: _____

Residence Address: _____
_____**OBJECTOR'S CONTACT PERSON:**

(Note: Objectors may name themselves as the contact person)

Name: _____

Mailing Address: _____
(May be a business address) _____

Telephone Number: _____

Email Address: _____

Fax Number: _____

The objector hereby objects to the _____ petition which was filed with the
(Designating/Independent Nominating)Board of Elections which purports to name the following as a candidate in the _____
(Primary/General/Special)

Election to be held on _____, 20 ____ for the office indicated:

Name: _____

Residence Address: _____

Public Office or Party Position: _____

District: _____

Political Party: _____
_____**Objector's Signature****CONSENT BY OBJECTOR OR CONTACT PERSON TO RECEIVE NOTICES BY ELECTRONIC CORRESPONDENCE***(Voluntary, but recommended)*

I consent to the Board of Elections sending notice of the date of any hearings, a copy of the Clerks' Report, and notice of determinations that any certificate or petition to which I file an objection is sufficient or insufficient by electronic correspondence only at the email address stated above. If an email address is provided, all notices or determinations shall be sent by email only.

Objector's/Contact Person's Signature

Specifications of Objection Form

TO: The Board of Elections in the City of New York

OBJECTOR: Name: _____
Residence Address: _____

OBJECTOR'S CONTACT PERSON:

Name: _____
Mailing Address: _____
(May be a business address)

Telephone Numbers: _____
Fax Number: _____
(Indicate if there is a different fax number used on Saturday or Sunday)
Email Address: _____

The objector submits the following specifications in support of the General Objection to the designating/nominating petition for:

CANDIDATE: Name: _____
Residence Address: _____

Public Office or Party Position: _____
District: _____

PETITION VOLUME IDENTIFICATION NUMBERS: _____

CANDIDATE'S CONTACT PERSON (from the petition cover sheet):

Name: _____
Mailing Address: _____

Telephone Numbers: _____
Fax Number: _____
Email Address: _____

TOTAL NUMBER OF SIGNATURES ON PETITION: _____

NUMBER OF INVALID SIGNATURES ON PETITION: _____

The line-by-line and any other specific objections are attached.

OBJECTOR'S SIGNATURE



BOARD OF ELECTIONS
IN
THE CITY OF NEW YORK

PETITION HEARINGS
NOTICE OF APPEARANCE

Date: _____
County: _____
Specification No(s): _____
Petition No(s): _____
Objector: _____
Candidate: _____

I hereby appear in the proceedings before the Board of Elections in the City of New York with respect to the specification of objections indicated above.

I appear as the _____ representative of the _____ Objector
(check if applicable) _____ Candidate

Name: _____
Firm (if any): _____
Address: _____

Tel. No.: _____ Fax No.: _____

If the representative is not an attorney, a notice of authorization signed by the candidate or objector must also be filed with this notice of appearance.

NOTICE OF AUTHORIZATION

I hereby authorize the person listed above to represent me at hearings at the Board of Elections.

Signature of Candidate or Objector

Date

