DESIGNATING PETITION & OPPORTUNITY TO BALLOT PETITION RULES for PRIMARY ELECTIONS

Adopted on February 12, 2019

by the

BOARD OF ELECTIONS IN THE CITY OF NEW YORK

32 Broadway, 7th Floor, New York, NY 10004

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Prepared by the Office of the General Counsel

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COMMISSIONERS

BOARD OF ELECTIONS
IN
THE CITY OF NEW YORK
EXECUTIVE OFFICE, 32 BROADWAY
NEW YORK, NY 10004–1609
(212) 487–5300
www.vote.nyc.ny.us

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GENERAL COUNSEL

DESIGNATING PETITION AND *OPPORTUNITY TO BALLOT PETITION* RULES FOR PRIMARY ELECTIONS

Adopted: February 12, 2019

These Rules are adopted by the Board of Elections in the City of New York [hereinafter "Board"] pursuant to Election Law § 6-154 (2).

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 Rules.

DEFINITIONS:

Petition: A "petition" is a sheet and/or all of the sheets which may be filed with the Board in one or more volumes, together with any required cover sheet, which designate the same candidate for a particular public office or party position. It includes an "opportunity to ballot" petition as set forth in Section 6-166 of the Election Law.

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 Rule C of these Rules) 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: An "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. Pursuant to Section 1-106 of Election Law, all election documents required to be filed 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, 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 of Elections 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. Failure of any person or entity to deliver any such document to the Board on or before the last day to file same shall be a fatal defect.

A3. With respect to the format of the primary election ballot, see the Statement of the Commissioners adopted on May 14, 2013 which is appended to these Rules.

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 Rule.

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. Petition volume identification numbers are not transferable or assignable.

B5. A 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 shall not be attached to any petition volume. The failure to file a cover sheet when required by the Election Law and these Rules shall be a fatal defect. (See: Matter of Armwood v. McCloy [109 AD3d 558 (2d Dept., 2013), leave to appeal denied 21 NY 3d 861 (2013)].

C2. A cover sheet shall accurately and correctly state the following information:

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 [for these Rules, a complete residence address includes the house number, the street name, the city, state and zip code for the address (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 may 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 Rules (a candidate may be designated as the contact person), [A cover sheet may include an 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 Rule 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 its 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 which it is amending or attaching a copy of 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 contain the following authentication: "This is to certify that I am authorized to file this amended cover sheet." Said authentication must be signed and dated and shall include the printed name, address, and may include the office telephone number and fax number/e-mail address of said candidate or representative.

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 Rules after the Board has made a determination of non-compliance with these Rules. 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 Rule D of these Rules.

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.

C7. In the event of the filing of multiple cover sheets or amended Cover sheets for a candidate, the last cover sheet or amended cover sheet to be filed shall be controlling.

D. DETERMINATIONS; CURES PURSUANT TO §6-134 (2) OF THE ELECTION LAW

D1. Within two (2) business days of the receipt of an election document, the Board will review the election document to determine whether the election document complies with the requirements of the Election Law and these Rules. 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 Rules.

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, who may make such designation by telephone, to make determinations pursuant to this Rule. 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 Rules, 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 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 after the determination to either the candidate, the contact person, if designated, or the first person named on the committee to fill vacancies, at the address stated on the election document. If the candidate files with the Board written authorization, signed by the candidate, for the Board to give notification by fax or e-mail transmission, then the Board may, at its discretion, send such notice to the candidate or contact person by e-mail to the e-mail address or by fax

transmission to the number set forth on the signed written authorization on the day of the determination. The failure to send such voluntary fax or e-mail notice shall not void the written notice sent by mail or to extend the date for the cure of any defect in the election document.

D4. A candidate may, within three (3) business days of the date of a determination that the election document does not comply with the Election Law and/or these Rules, cure said violation, if permitted by the Election Law. Cover sheet deficiencies shall be corrected by the filing of an amended cover sheet and/or as directed in the notice of non-compliance. Other deficiencies shall be cured as directed in the notice of non-compliance issued pursuant to Rule C. Such cure or correction must be received by the Board no later than the third business day following such determination. Failure to timely file such a cure is a fatal defect.

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 Rules.

D6. Upon expiration of the (3) business days set forth in Rule D4, the Board or a Commissioners Committee established pursuant to Rule D2, shall review the filed attempted cure. If the Board determines that an attempt to cure a defect does not comply with these Rules 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(3) of the Election Law to the candidate, contact person, if so designated, or the first person named on the committee to fill vacancies, 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 Rules. 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 Rules.

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 any election document filed with the Board upon written application and payment of 25¢ per page.

F3. No election document shall be unfastened or taken apart (except by authorized employees of the Board of Elections) while examining the election document; nor shall pen and ink or indelible pencil be used while examining election documents. Only red pencil is to be used while examining any election document. No other writing instrument may be used while examining any filed 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 Rule G1.

G2. In the event an amended cover sheet or other election document is filed to cure noncompliance with these Rules 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 petition to which the objection is addressed, the title and date of the election for which the petition has been filed and the general objection shall 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 or e-mail addresses, which can be used to provide notice regarding rulings on the objection.

H. SPECIFICATIONS OF OBJECTIONS

H1. Specifications of objections shall state the name and address of the objector and 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 said specification shall be signed by the objector. The specifications of objections shall be prepared using ink, which includes a photocopy and/or computer generated copy as well as any other form of permanent marking that is not susceptible to fraud constitutes compliance with this Rule. The specifications of objections shall be securely fastened together in one or more volumes. The specification of objections in each and every volume shall be numbered sequentially at the bottom of each page of the specification.

H2. 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 designated in the general objection. 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. The specifications may indicate separate numbers/addresses to be used on the Saturday and Sunday prior to the date scheduled for Commissioners' hearings.

H3. When an objector files an objection which presents a factual issue which cannot be determined from documents on file with the Board, the specifications must set forth the factual allegations with particulars. The objector shall submit with the specifications, copies of any documents or affidavits that are required in order for the Board to rule on the issue.

H4. 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.

H5. Any specific objection to an individual signature or witness statement in a petition shall set forth the Board-assigned petition volume identification number, page number and line number and shall set forth with specificity the nature of each objection to that signature or witness statement.

H6. The following abbreviations are acceptable:

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 number – petition page not sequentially numbered
NR	Not registered as stated in BOE records
OD	Out of the district of the contest
P	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 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

Objectors may use other abbreviations or symbols as long as they are clearly defined in the specifications.

H7. If the objector uses abbreviations or symbols other than those set forth in Rule H6, the objection shall attach to said specifications a key or list of abbreviations or symbols used in such specification.

H8. 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.

H9. 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, party call, party rules, 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.

H10. (a) For petitions designating a candidate for public office, the objector must serve a copy of the specifications either personally, by certified mail or by a delivery service in accordance with the provisions of Section 1-106(3) of the Election Law, as amended by Chapter 255 of the Laws of 2015, upon the candidate for public office set forth in the election document objected to, before filing such specifications with the Board.

(b) For petitions designating a candidate for party position, the objector must serve a copy of the specifications either personally, by certified mail or by a delivery service in accordance with the provisions of Section 1-106(3) of the Election Law, as amended by Chapter 255 of the Laws of 2015, upon the first person listed under the committee to fill vacancies or the contact person as set forth in the election document being objected to, before filing such specifications with the Board.

(c) For petitions designating a candidate for party position for which no committee to fill vacancies or contact person has been designated, copies of the specifications, clearly labeled "copy one" and "copy two" on the face of the specifications must be filed with the Board. The Board shall be deemed the agent for service of specifications of objections for all candidates for whom neither a committee to fill vacancies appears on the petition nor a contact person appears on the cover sheet. The second copy shall be available at the Executive Office for inspection or copying.

H11. 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.

H12. Proof of service of specifications (which must identify the specification it is related to either by:

(i) including the borough and General Objection/Specification number on the proof of service; or

(ii) attaching the proof of service to a copy of the first page of the specification;

must be filed in person at the Executive Office of the Board, 32 Broadway, New York, N.Y. 10004, no later than the day after specifications are filed. The Board will make a copy of the filed proof of service which shall serve as a receipt for the filed proof of service.

H13. 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.

I. CLERKS'/COUNSEL'S REPORT

I1. 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 on the objections.

I2. As soon as the borough office has prepared the report to the Commissioners, the borough office shall fax and/or e-mail copies of the summary report (without line-by-line rulings) to the contact persons designated on the petition cover sheet and on the specifications to receive notices at the fax number or e-mail address indicated. 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.

I3. 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.

I4. 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.

I5. Rule 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.

I6. 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 who shall assign staff to examine such specifications of objections and prepare a report to the Commissioners on the legal issues raised in the specifications. The notice and inspection provisions found in Sections I2, I4 and I5 of these Rules shall apply to such Counsel's Report.

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' 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 transcribed by a professional reporter and/or tape recorded and preserved in the Board's permanent records. Any person may obtain a copy of the transcript or recording by making a written request to the Executive Director or Deputy Executive Director (or their designees) and paying the applicable fee.

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(3) 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 Rules. 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(3) 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's 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. On June 18, 2012, 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 counsels is directed to the Notice containing the foregoing which is appended to these Rules.

NOTICE TO CANDIDATES, OBJECTORS AND THEIR LEGAL COUNSELS

Filing Petitions and Other Documents with the Board of Elections in the City of New York

RE: **Orders to Show Cause under Section 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 have determined that if an Order to Show Cause is entered, without notice to the Board, that contains a contrary provision, then the Board through the New York City Law Department would 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 their legal counsels for their cooperation and understanding.

Attachment

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 SECTION 16-102 AND RELATED PROVISIONS

Adopted by the Commissioners of Elections in the City of New York on June 18, 2012.

ORDERED, that Respondent Board of Elections, in accordance with Section 3-220 (6) of the New York State Election Law and the duly adopted Rules 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.

STATEMENT

of the
COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK

The Commissioners of Elections in the City of New York, at their public meeting held on Tuesday, May 14, 2013 unanimously adopted the following statement providing their interpretation and opinion of the applicability of particular provisions of the New York State Election Law with respect to the form of the ballot for primary, general and special elections conducted entirely within the City of New York and directed that it be included in all future Calendar and Rules booklets distributed by the Board and that it be posted on the Board's website. Please note that this Statement and the interpretation and opinion expressed herein are consistent with the policies and practices that have been observed by this Board since 2011.

The Commissioners of Elections in the City of New York determined that with respect to the form of Election Day Paper Ballots used with the poll site optical scanning voting system, Section 7-106 of the New York State Election Law, which is captioned "Election day paper ballots; form of" is the applicable and controlling statutory provision for all such ballots. This Board will be guided by and act in accordance with such provision.

In addition, the Commissioners determined that those provisions of the Election Law relating to the form of the ballot for voting machines [including, but not limited to Sections 7-104 and 7-116(6) of the Election Law] are not applicable to any Election Day Paper Ballot used with the poll site optical scanning voting system.

Prepared by the Office of the General Counsel of the Board of Elections in the City of New York, May 14, 2013.

NOTICE:

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

- Cover Sheet;
- Amended Cover Sheet;
- General Objection;
- Specifications Of Objection;
- Certificate Of Acceptance by candidates;
- Certificate Of Acceptance by member of committee to receive notices on an OTB petition;
- Certificate Of Declination;
- Certification Of Authorization;
- Certificate Of Substitution By Committee To Fill Vacancies After Declination, Death Or Disqualification;
- Certificate of Substitution by Party Committee after Declination, Death or Disqualification;
- Notice of Appearance and/or Authorization for Petition Hearings;
- Sample Specification of Objection Worksheet.

The Election Law of the State of New York, the Rules and Regulations of The State Board of Elections and Sample Forms can be viewed and downloaded from the State Board of Elections website:

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

Please note that these Rules were adopted unanimously by the Commissioners of Elections in the City of New York, at their public meeting held on February 12, 2019.

Sample Cover Sheet

Designating and Independent Petitions
Filed In New York City and Counties Which Utilize
Petition Identification Numbering Systems

[Place Name of Party or Independent Body Here]

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

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.

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

_____
Signature of Candidate or Agent

Sample Amended Cover Sheet

Designating and Independent Petitions
Filed In New York City and Counties Which Utilize
Petition Identification Numbering Systems

[Place Name of Party or Independent Body Here]

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

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.

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

INSTRUCTIONS: **Clearly identify the original cover sheet being amended or attach a copy of the original cover sheet being amended.**

GENERAL OBJECTION FORM

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

OBJECTOR: Name: _____

Residence Address: _____

_____

OBJECTOR'S CONTACT PERSON:
(Note: The Objector may name himself or herself as the contact person)

Name: _____

Mailing Address: _____
(May be a business address)

_____

Telephone Numbers: _____

Fax Number: _____

Email Address: _____

The objector hereby objects to the _____ petition which was filed
(Designating/Independent Nominating)

with the Board of Elections which purports to name the following as a candidate in the

_____ Election to be held on _____, 20____
(Primary/General/Special)

for the office indicated:

Name: _____

Residence Address: _____

_____

Public Office or
Party Position: _____

District: _____

Political Party: _____

_____
Objector'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

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 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 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.

_____
Notary Public

(11/99)f:\files\forms\author

(Sample prepared by the 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

(11/99)f:\files\forms\vacancy.sub SAMPLE PREPARED BY STATE BOARD OF ELECTIONS

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

f:\files\forms\vacancy2.sub(11/99)

(Sample prepared by State Board of Elections)

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

PART A

	SPECIFICATION OF OBJECTIONS TO SIGNATURES
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	

Specifications of Objections to Witness Statement and Witness Identification information

Number of Signatures CLAIMED	
Number of INVALID Signatures	
Number of VALID Signatures	

SUBSTITUTION #	SHEET #

PART B

AS	NAS	NJ	RTB	COMMENT
				WITNESS RULINGS ONLY

Number of Signatures Filed	
Invalid in Signature Area	
Invalid Witness Statement	
Total VALID Signatures	
NJ	
RTB	

PART C

AFF	OVR	AS	NAS/NJ RTB	REASON OR COMMENT	EXC
		AS	NAS/NJ RTB	[ ]ASs [ ]NASs, NJs & RTBs [ ]Denove [ ]ASs, NASs, NJs & RTBs Simultaneously	
				NAME(S) OF CANDIDATE(S)	

REFEREE DATE

PART D

IN	OUT

PART E