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THE PRESIDENTIAL PRIMARY ELECTION IN NEW YORK STATE: SUMMARY OF THE BALLOT ACCESS REQUIREMENTS

Primary Date: April 19, 2016

The purpose of the presidential primary is to select delegates to a national convention of a political party. The provisions for the delegate selection process are found in the Election Law, the rules of the party and Chapters 87 and 88 of the Laws of 2015.

DEMOCRATIC PLAN

The Democratic Presidential Primary is really a “dual primary.” Candidates for president run against each other in a statewide primary, and delegates run in each congressional district. Delegates are either committed to a particular presidential candidate or uncommitted. EL § 2-122-a.

REPUBLICAN PLAN

The selection of congressional district delegates and alternate delegates to the Republican Party’s national convention is determined by a congressional district level primary election of candidates for the office of President of the United States. The names of delegates and alternate delegates do not appear on the ballot. Additional at-large delegates are elected by the state committee and apportioned to presidential candidates based upon the statewide results of the presidential primary. EL § 2-122-b.

BALLOT ACCESS REQUIREMENTS

REPUBLICAN PLAN	
Presidential candidates shall be eligible to appear on the primary election ballot by any of the following three manners:	
<p>Matching Funds Eligible</p> <p>EL §2-122-b (3)(a)</p>	<p>Any candidate who has been certified as eligible to receive presidential primary matching fund payments pursuant to the provisions of 11 Code of Federal Regulations Part 9033, or any candidate who meets the eligibility criteria regarding matchable contributions established in 11 Code of Federal Regulations Part 9033.2(b)(3) regardless of whether such candidate actually applied for such matching fund payments, may request, by certificate filed and received by the state board of elections no sooner than twelve weeks and not later than nine weeks prior to the date of the presidential primary, that the name of such candidate appear on the ballot at the primary of such party in the state of New York for that year.</p> <p>Requests must be filed between January 26, 2016 and February 16, 2016.</p>
<p>Nationally Known</p> <p>EL §2 -122-b (3) (b)</p>	<p>Such candidate shall be eligible to appear on the ballot only if the Republican commissioners of the State Board of Elections, determines that the person is a nationally known and recognized candidate and the candidacy of such person for the party nomination for president is generally and seriously advocated or recognized according to reports in the national or state news media.</p> <p>Requests must be filed between January 26, 2016 and February 16, 2016.</p>
<p>Designating Petition</p> <p>EL § 2-122-b (3)(c)</p>	<p>Presidential candidates may file a designating petition with signatures of 5000 or five percent, whichever is less, of the enrolled Republicans to appear on the primary election ballot.</p> <p>There is no geographic distribution requirement for signatures as with other statewide petitions.</p> <p>The first date to sign petitions is December 29, 20015. Petitions must be filed with the State Board of Elections from February 1, 2016 to February 4, 2016.</p>

DEMOCRATIC PLAN	
<p>Presidential Candidates</p> <p>EL § 2-122-a (3)(4).</p>	<p>Candidates must file petitions with 5,000 signatures of enrolled Democrats</p> <p>There is no geographic distribution requirement for signatures as with other statewide petitions.</p> <p>A statewide “uncommitted petition” with 5,000 signatures will create the opportunity for congressional district delegates to appear on the ballot as uncommitted to any presidential candidate.</p> <p>The first date to sign petitions is December 29, 2015. Petitions must be filed with the State Board of Elections from February 1, 2016 to February 4, 2016.</p>
<p>District Delegates</p> <p>EL § 2-122-a (6)(7)</p>	<p>Delegates must file petitions signed by either 500 enrolled Democrats within the congressional district or signed by 0.5% of the enrolled Democrats in the congressional district, whichever is less. All of the delegates on a petition must be pledged to the same presidential candidate or they must all be uncommitted. The petition must indicate the name of the presidential candidate the delegate is supporting, or that he or she is running as uncommitted. Petitions containing the names of more than one delegate or alternate must be equally divided between the sexes.</p> <p>The first date to sign petitions is December 29, 2015. Petitions must be filed with the State Board of Elections or the local board, whichever applies, from February 1, 2016 to February 4, 2016.</p>
<p>Delegate Certificate of Candidacy</p> <p>EL § 2-122-a (7)(a)</p>	<p>Delegates must also file a certificate of candidacy with the Democratic State Committee, giving their name, address, gender, presidential candidate preference and district.</p>
<p>Presidential Preference</p> <p>EL § 2-122-a (7)(c)</p>	<p>Presidential candidates may choose those delegates they wish to appear on the ballot as supporting them. Delegates rejected by the presidential candidate will not appear on the ballot.</p>
<p>Withdrawal of Presidential Candidate</p> <p>EL § 2-122-a (6)(g) (7)(c)</p>	<p>If a candidate for president withdraws, or elects not to have his or her name appear next to any delegate, the delegates pledged to that candidate will not appear on the ballot.</p>

SELECTION OF DELEGATES

REPUBLICAN PLAN		DEMOCRATIC PLAN	
<p>Number of Delegates</p> <p>EL § 2-122-b (2)</p>	<p>81 delegates and 81 alternate delegates will be elected based upon the state's 27 congressional districts (3 per congressional district). Additional at-large delegates will be elected by the New York Republican State Committee.</p>	<p>Number of Delegates</p>	<p>There will be a total of 163 pledged delegates elected from Congressional Districts in the Primary.</p>
		<p>The 2016 Delegate Selection Plan of the NYS Democratic Party</p> <p>Part III Section A3</p>	<p>Additional pledged, pledged-at-large and unpledged delegates and alternates will be selected as outlined below:</p> <ul style="list-style-type: none"> - the 22 members of the Democratic National Committee from New York, and 19 Democratic Members of Congress, one Democratic Governor and two Distinguished Party Leaders shall be automatic unpledged delegates; - the state convention shall elect 30 pledged delegates who qualify as party leaders or elected officials; - the state convention shall elect 54 pledged-at-large delegates and 21 pledged alternate delegates.
<p>Awarding of Delegates</p> <p>EL § 2-122-b (4)</p>	<p>(1) Congressional district delegates and alternate delegates are awarded based upon the results of separate and distinct congressional district elections.</p> <p>All 3 delegates and alternates from a congressional district shall be awarded to a presidential candidate who receives a majority of the total votes cast for presidential candidates in such congressional district. If no presidential candidate gets a majority of the votes in a congressional district, the presidential candidate receiving the most votes in the congressional district shall be awarded 2 delegates and alternates and the presidential candidate who receives the second most votes in the congressional district shall be awarded 1 delegate and alternate, provided however, that a presidential candidate must receive at least 20% of the total votes cast for presidential candidates in the congressional district in order to be awarded any delegates and alternate delegates from that congressional district. If only one presidential candidate receives 20% or more of the total votes cast for presidential candidates in a congressional district, such presidential candidate shall be awarded all 3 delegates and alternates. If no presidential candidate receives 20% or more of the total votes cast for presidential candidates in a congressional district, the 3 delegate and alternates from such district shall be deemed vacant and filled pursuant to the rules of the national Republican party.</p> <p>(2) At-large delegates and at-large alternate delegates are elected by the state committee and apportioned to presidential candidates based upon the statewide results of the presidential primary.</p>	<p>Awarding of Delegates</p> <p>The 2016 Delegate Selection Plan of the NYS Democratic Party</p> <p>Part III Section B 6 & 7</p>	<p>In the Presidential candidate contest, a Presidential candidate must receive a threshold percentage of at least fifteen (15%) of the votes cast for all Presidential candidates according to the vote they receive in a Congressional District. If only one Presidential candidate reaches the threshold percent in a Congressional District, then that candidate shall be entitled to all district delegates in the Congressional District.</p> <p>In order to ensure equal division within each District, delegate positions will be assigned in Congressional Districts with an even number of delegates (A) first to the candidate for delegate who receives the highest vote total among those pledged to the Presidential candidate who receives the highest vote total in the district and (B) thereafter, alternating by gender, first to the next highest vote-getter among delegate candidates pledged to the highest vote-getting presidential candidate and then to the top vote-getters among delegate candidates for the next highest vote-getting presidential preferences in descending order until all positions are assigned.</p> <p>In Congressional Districts with an odd number of delegates (A) first to the candidate for delegate who receives the highest vote total among those pledged to the Presidential Candidate who receives the highest vote total in the District unless such candidate for delegate is of a gender disadvantaged in that District, in which event the candidate for delegate of the advantaged gender with the highest total among those pledged to the Presidential Candidate who receives the highest vote total in the District and (B) thereafter, alternating by gender, first to the highest vote-getter among delegate candidates pledged to the highest vote-getting Presidential Candidate and then to the top vote-getters among delegate candidates for the next highest vote-getting presidential preferences in descending order until all positions are assigned.</p>

OTHER POLITICAL PARTIES IN NEW YORK STATE

Any political party in New York State may nominate a candidate for the offices of President and Vice-President. They may either nominate delegates to a national convention pursuant to either the Republican Plan or the Democratic Plan. They may also nominate candidates at a statewide convention or by filing designating petitions.

INDEPENDENT CANDIDATES

An independent candidate for president is someone who is running on a line other than an official party line. Petitions for independent candidates must include the names of the presidential and vice-presidential candidates, as well as the names of person(s) running for the electoral college. The petition for president must contain the names of at least one but not more than 29 candidates for electors.

Independent petitions for president must contain 15,000 signatures. At least 100 signatures must come from each of 15 congressional districts. Election Law §6-142(1). Each candidate named in an independent petition for president is required to file an acknowledged acceptance of the nomination no later than the third day after the last day to file the petition. Election Law §6-146(1).

If there are 10 or more pages in a petition, there must be a cover sheet. A multi-volume petition requires a cover sheet for each volume. 5 NYCRR §6215.

WRITE-IN CANDIDATES

To run as a write-in candidate for president, you are required to file a certificate of candidacy with the State Board of Elections no later than the third Tuesday prior to the general election. The certificate must be signed by the presidential candidate and must contain the name and address of the presidential candidate; the name and address of any vice-presidential candidate, and a signed certificate of acceptance from such candidate; and the name and address of at least one, but not more than 29 candidates for elector, with an acceptance certificate and pledge of support signed by each such candidate for elector. Election Law §6-153.