



State of New York
STATE BOARD OF ELECTIONS

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

Primary Date: April 24, 2012

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 Chapter 147 of the Laws of 2011.

DEMOCRATIC PLAN

The Democratic Presidential Primary is really a “dual primary.” Candidates for president run against each other in a statewide primary, and delegates and alternate delegates run in each congressional district. Delegates and alternates 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	
<p>Presidential candidates shall be eligible to appear on the primary election ballot by any of the following three manners:</p>	
<p>Matching Funds Eligible 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 31, 2012 and February 21, 2012.</p>
<p>Nationally Known 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 31, 2012 and February 21, 2012.</p>
<p>Designating Petition 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 January 3, 2012. Petitions must be filed with the State Board of Elections from February 6, 2012 to February 9, 2012.</p>

DEMOCRATIC PLAN	
<p>Presidential Candidates EL § 2-122-a (2)(3)(4)(5).</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 January 3, 2012. Petitions must be filed with the State Board of Elections from February 6, 2012 to February 9, 2012.</p>
<p>District Delegates and Alternate Delegates EL § 2-122-a (6)(7)</p>	<p>Delegates (and alternates if any) 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 (and alternates if any) 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 (or alternate if any) 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 January 3, 2012. Petitions must be filed with the State Board of Elections or the local board, whichever applies, from February 6, 2012 to February 9, 2012.</p>
<p>Delegate Certificate of Candidacy 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>Over Designations EL § 2-122-a (7)(c)</p>	<p>If the number of delegates designated exceeds the number allowed for the district, 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 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	
<p>Number of Delegates EL § 2-122-b (2)</p>	<p>81 delegates and 81 alternate delegates will be elected based upon the state’s newly apportioned 27 congressional districts (3 per congressional district). Additional at-large delegates will be elected by the New York Republican State Committee.</p> <p>The Republican Party shall certify to the State Board of Elections, at least 12 weeks (January 31, 2012) prior to the presidential primary election, the number of delegates to which such party is entitled to.</p>
<p>Slate of Delegates EL § 2-122-b (3)(d)</p>	<p>A presidential candidate must file a complete slate of congressional district delegates with the State Board of Elections no sooner than twelve weeks and not later than nine weeks prior to the date of the presidential primary. Congressional district delegates and alternate delegates must be enrolled members of the political party and reside within the respective congressional district. The State Board of Elections shall review each such slate, and if it determines that such slate is not complete or is not otherwise in compliance, it shall notify the candidate of any defects and provide such candidate with no less than five business days to cure any defects.</p> <p>Requests must be filed between January 31, 2012 and February 21, 2012.</p>
<p>Awarding of Delegates 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>

DEMOCRATIC PLAN	
<p>Number of Delegates</p>	<p>There will be a total of 226 pledged delegates elected from Congressional Districts in the Primary.</p>
<p>The 2012 Delegate Selection Plan of the NYS Democratic Party</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 22 Democratic Members of Congress, one Democratic Governor and two Distinguished Party Leaders shall be automatic unpledged delegates; - the state convention shall elect 36 pledged delegates who qualify as party leaders or elected officials; - the state convention shall elect 75 pledged-at-large delegates and 28 pledged alternate delegates.
<p>Part III Section A3</p>	
<p>Awarding of Delegates</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 and alternates in the Congressional District.</p>
<p>The 2012 Delegate Selection Plan of the NYS Democratic Party</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 for the next highest vote-getting presidential preferences in descending order until all positions are assigned.</p>
<p>Part III Section B 8 & 9</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 advantaged in that District, in which event the candidate for delegate of the disadvantaged 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.

PRESIDENTIAL PRIMARY ELECTION CALENDAR *

* All dates are subject to change

EVENT	SECTION OF LAW	TEXT (<u>Emphasis added</u>)	DATE
DATE OF PRIMARY ELECTION			
Presidential Primary Election	§8-100 (1) (a)	the <u>presidential</u> primary, shall be held on <u>April twenty-fourth, two thousand twelve,</u>	4/24/12
DELEGATE SELECTION PLAN			
Last day for a party to select the delegate selection method	§ 2 of Ch.147 of 2011	Notwithstanding any inconsistent provisions of the election law, a rule or resolution of a state committee providing for the selection of delegates and alternate delegates to a national party convention or national party conference in the year 2012 shall select either section three or section four of this act in order to conform to the rules of a national committee. A certified copy of such rule or resolution shall be filed with the state board of elections no later than the <u>first day of November, 2011.</u>	11/1/11
DEMOCRATIC DELEGATE SELECTION PLAN FILING DATES			
Last day for candidates to decline designations	§2-122-a (2)	"such candidates may decline such designations not later than <u>February thirteenth, two thousand twelve</u> "	2/13/12
Last day for CBOE to notify SBOE candidates which filed at CBOE	§2-122-a (6)(h)	Every board of elections with which designating petitions are filed pursuant to the provisions of this section shall, <u>not later than four days after the last day to file such petitions,</u> file with the state board of elections by express mail or by electronic transmission, a complete list of all candidates for delegate and alternate delegate together with their residence addresses, the districts in which they are candidates and the name of the presidential candidate whom they are pledged to support or that they are uncommitted. Such boards of elections shall, <u>not later than the day after a certificate of declination or substitution is filed</u> with respect to any such candidate, file such information with respect to such candidate with the state board of elections by electronic transmission.	2/13/12
Last day for party committee to file certificate of candidacies for delegate and alternate delegate candidates	§2-122-a (7)(a-b)	The rules of a state committee adopted pursuant to the provisions of this section may provide that no candidate for the positions of delegate and alternate delegate may appear on the ballot as pledged to support a particular presidential candidate, or as uncommitted, unless the name of such candidate for such position appears on a certificate listing the names of those candidates for such positions who have filed statements of candidacy for such positions with the secretary of the state committee within the time prescribed by such rules and who, if their statements of candidacy contained a pledge of support of a presidential candidate, were not rejected by such presidential candidate. Such certificate shall be filed by the secretary of such state committee, with the board of elections with which the designating petitions for such candidates for such positions are required to be filed, <u>February twenty-first, two thousand twelve.</u>	2/21/12
Last day for boards of election to notify party committee of candidates who will appear on ballot	§2-122-a (7)(d)	The state board of elections shall send a copy of the certificate required by section 4-110 of this chapter to the secretary of the state committee of each party conducting a primary pursuant to the provisions of this section. Every other board of elections with which designating petitions for delegate and alternate delegate were filed pursuant to the provisions of this section shall, <u>not later than March second, two thousand twelve,</u> send a list of the names and addresses of those candidates who will appear on the ballot to the secretary of each such state committee.	3/2/12
REPUBLICAN DELEGATE SELECTION PLAN FILING DATES			
Last day for other political parties to choose Republican plan	§ 2-122-b (1)	The state committee of any other political party may, by rule or resolution, opt to conduct the selection of delegates and alternate delegates in any such year in accordance with the provisions of this section. A certified copy of such rule or resolution shall be filed with the state board of elections no later than <u>twenty weeks prior to the date of such election.</u>	12/6/11

Last day for party to certify the number of delegates for the convention	§2-122-b(2)	A political party shall certify to the state board of elections, <u>at least twelve weeks prior to the date of the presidential primary</u> , the number of delegates to which such party is entitled pursuant to its rules.	1/31/12
Dates for matching funds candidate to file certificate with State Boards requesting ballot access	§2-122-b (3)(a)	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 <u>no sooner than twelve weeks and not later than nine weeks prior to the date of the presidential primary</u> , 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.	1/31/12- 2/21/12
Dates for nationally known candidate to file certificate with State Board requesting to appear on ballot	§2 -122-b (3) (b)	Any candidate may request, by certificate filed and received by the state board of elections <u>no sooner than twelve weeks and not later than nine weeks prior to the date of the presidential primary</u> , that the name of such candidate appear on the ballot at the primary of such party in the state of New York for the office of president of the United States.	1/31/12- 2/21/12
Dates for presidential candidate to certify slate of delegates and alternate delegates	§2 -122-b (3) (d)	Any candidate meeting the requirements of paragraph a, b or c of this subdivision, shall file a certificate with and have such certificate <u>received by the state board of elections no sooner than twelve weeks and no later than nine weeks prior to the date of the primary election</u> on which their name will appear, providing a complete election prioritized list of proposed congressional district delegates and congressional district alternate delegates supporting and committed to their presidential candidacy for each such position from the congressional districts to be elected at the primary election.	1/31/12- 2/21/12
Last day for presidential candidate to invalidate their candidacy.	§2 -122-b (3) (e)	Presidential candidates determined eligible to appear on the primary ballot may, by filing a certificate with the state board of elections <u>received no later than seven days before such primary election</u> , invalidate their candidacy thereby rendering any votes cast for such candidates null and void and such votes shall not be counted toward statewide or congressional district vote totals for purposes of allocating delegates and alternate delegates pursuant to subdivisions four and five of this section.	4/17/12
DESIGNATING PETITIONS			
First day for signing designating petitions.	§ 6-134 (4)	Signature made earlier than <u>37 days before the last day to file designating petitions</u> for the Primary Election shall not be counted.	1/3/12
Dates for filing designating petitions.	§ 6-158 (1-a)	A designating petition filed for a presidential primary election shall be filed not earlier than the <u>twelfth Monday before, and not later than the eleventh Thursday preceding the presidential primary election</u> .	2/6/12- 2/9/12
Last day to accept/decline a designation.	§ 6-158 (2)	Certificate of acceptance or declination of a designation <u>shall be filed not later than the fourth day after the last day to file such designation</u> .	2/13/12
Last day to fill vacancy after declination	§ 6-158 (3)	Certificate to fill a vacancy in a designation caused by a declination shall be <u>filed not later than the 4th day after the last day to decline</u> . Certificate to fill a vacancy in a designation caused by death or qualification <u>shall be filed not later than 10 days after such death/disqualification, or 4 days before the primary election, whichever is earlier</u> .	2/17/12 4/20/12
CERTIFICATION			
Certification of Primary ballot by SBOE of designations filed in it's office.	§ 4-110	The SBOE <u>not later than 54 days before a presidential primary election</u> , shall certify to each county board of elections: 1. the name and residence of each candidate to be voted for within the political subdivision of such board for whom a designation has been filed with the state board. 2. The title of the office or position for which the candidate is designated. 3. The name of the party upon whose primary ballot his name is to be placed. 4. The order in which the names of the candidates are to be printed as determined by the state board.	3/1/12

VOTER REGISTRATION FOR WINTER PRIMARY ELECTION			
Mail registration: Last day to postmark application and last day it must be received by board of elections.	§ 5-210 (3)	Completed application forms showing a dated cancellation mark of the United States Postal Service or contained in an envelope showing such a dated cancellation mark which is <u>not later than the twenty-fifth day before the election, and received no later than the twentieth day before such election</u> shall entitle the applicant to vote in such election, if he is otherwise qualified.	3/30/12 4/4/12
In person registration: Last day application must be received by board of elections to be eligible to vote in primary election.	§§ 5-210, 5-211, 5-212	Completed application forms must be received <u>no later than the twenty-fifth day before the election.</u>	3/30/12
Change of Address	§ 5-208 (3)	If such a notice is received at least <u>20 days before a primary, special or general election, such change of address must be completed before such election.</u>	4/4/12
ABSENTEE VOTING FOR PRIMARY ELECTION			
Last day to postmark application for ballot.	§8-400(2)(c)	All applications must be mailed to the board of elections <u>not later than the seventh day before the election</u> for which a ballot is first requested.	4/17/12
Last day to apply in person for a ballot.	§8-400(2)(c)	Applications must be mailed delivered to such board <u>not later than the day before such election.</u>	4/23/12
Last day to postmark ballot and date it must be received by the board of elections.	§8-412(1)	All ballots contained in envelopes showing a cancellation mark of the United States Postal Service or a foreign country's postal service, or showing a dated endorsement of receipt by another agency of the United States government, with a <u>date which is ascertained to be not later than the day before election and received by such board of elections not later than seven days following the day of the election</u> to be cast and counted.	4/23/12- 5/1/12
Last day to deliver ballot in person to the county board.	§8-412(1)	<u>Before the close of the polls on election day.</u>	4/24/12
MILITARY/SPECIAL FEDERAL VOTERS FOR PRIMARY ELECTION			
Last day for a BOE to receive application for ballot if not previously registered.	§ 10-106(5) §11-202(1)(a)	Application from a military or special federal voter not previously registered must be received by appropriate BOE <u>not later than 25 days before a primary election.</u>	3/30/12
Last day for a BOE to receive application if previously registered.	§ 10-106(5) §11-202(1)(b)	An application from a military or special federal voter who is already registered must be <u>received at least seven days before an election</u>	4/17/12
Last day to apply personally if previously registered.	§ 10-106(5)	An application from such a military voter who delivers his application to the BOE in person, <u>must be received not later than the day before election.</u>	4/23/12
Date for county boards to send out Military /Special Federal ballots	§10-108(1) §11-204(4)	45 days before election	3/9/12
Last day to postmark ballot and date it must be received by the board of elections.	§10-114(1) §11-212	All ballots contained in envelopes showing a cancellation mark of the United States Postal Service or a foreign country's postal service, or showing a dated endorsement of receipt by another agency of the United States government, with a <u>date which is ascertained to be not later than the day before election and received by such board of elections not later than seven days following the day of the election</u> to be cast and counted.	4/23/12- 5/1/12