

Executive

PART 6215

PREPARATION, DELIVERY AND FILING OF DESIGNATION AND NOMINATING PETITIONS

(Statutory Authority: Election Law §§ 3-102 and 6-134; and chs. 709 and 727, L. 1996)

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Section 6215.1 Rules for filing designating and nominating petitions.

(a) The sheets of a petition shall be numbered sequentially at the foot of each sheet.

(b) All petitions containing 10 or more sheets shall be accompanied by a cover sheet.

(c) Any two or more petition sheets shall be securely fastened together by any means which will hold the pages together in numerical order.

(d) Petition sheets may be fastened together to form one or more volumes.

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

(1) With respect to petitions which are filed with the Board of Elections in the City of New York, or petitions which are filed with other boards of elections containing candidates for more than one public or party office which are not coterminous, each volume of each petition shall bear an identification number, to be obtained in accordance with § 6215.3, *infra*. The assigned identification number shall be inscribed on the front of the volume. If an identification number has not been inscribed by the person or persons filing the petition, and the petition consists of multiple volumes, then each volume of the petition shall be separately numbered on the front thereof. Only one identification number may be used to identify a petition volume.

(2) Any Board of Elections outside the City of New York may adopt a petition filing system for all petitions utilizing identification numbers as provided for in Section 6215.3 of this part. The Board may adopt such system through the approval of a rule at least two months prior to the first day to circulate petitions. The rule shall be filed at the county board of elections and the State Board of Elections.

(3) With respect to all other petitions which contain 10 or more sheets, each volume of the petition shall have a cover sheet secured to the front of such volume.

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6215.2 Cover Sheets. (a) A cover sheet shall contain the following information:

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

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

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

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

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

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

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

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6215.3 Identification numbers, application, distribution and utilization.

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

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

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

(d) The State Board of Elections shall promulgate an identification number application form, which shall be used by any board of elections. The application shall set forth:

(1) the name and residence address of each applicant for the identification number;

(2) the daytime and evening telephone numbers for such applicant;

(3) the type of petition to be filed under the identification number (i.e., designating, nominating, opportunity to ballot);

(4) the date of the election;

(5) the name of the party or independent body; and

(6) the number of identification numbers requested.

Each application shall be signed by each applicant and shall be dated.

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

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

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6215.4 Multiple candidates named on a petition. (a) All the signatures appearing in a petition volume shall apply to all candidates named in that volume, unless the cover sheet specifies otherwise.

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

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6215.5 Filing of petitions. (a) Neither the application for, nor the issuance of, an identification number constitutes filing of a petition.

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

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6215.6 Construction of rules; substantial compliance. (a) Except as specifically set forth herein, these rules shall be liberally construed and technical defects shall be disregarded where there has been substantial compliance and where a strict construction is not required for the prevention of fraud.

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

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6215.7 Determinations; cures pursuant to § 6-134(2) of the Election Law. (a) Within two business days of the receipt of the petition, the board with whom such petition was filed shall review the petition to determine whether the petition complies with the cover sheet and binding requirements of these regulations. Such review shall be limited to matters apparent on the face of the documents. Such review, and such determination, shall be without prejudice to the determination by the Board of objections and specifications of objections filed pursuant to the provisions of the Election Law.

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

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

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

(e) If the petition is one for an opportunity to ballot, then the first named person on the committee to receive notices or applicant(s) for the identification number or numbers under which the petition was filed shall be deemed to be the "candidate" for purposes of subdivisions (b), (c) and (d) of this section.

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6215.8 Form of cover sheet. (a) Cover sheets shall be substantially in the form set forth below.

(1) Cover sheet for designating and independent petition filed pursuant to Section 6215.1(e)(1) or (2) of this part.

[Place Name of Party or Independent Body Here]

Name of Candidate	Residence Address (Also mailing address if different)	Public Office or Party Position
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Total Number of Volumes in Petition: _____
Identification Numbers: _____

The petition contains the number, or in excess of the number, of valid signatures, required by the 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)

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

(Candidate or Agent)

(2) Cover sheet for designating and independent petition, with respect to all other petitions filed.

Place Name of Party or Independent Body Here

Name of Candidate	Residence Address (Also mailing address if different)	Public Office or Party Position
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Volume Number _____
Total Number of Volumes in Petition: _____

The petition contains the number, or in excess of the number, of valid signatures, required by the 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)

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

Candidate or Agent