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FAQs – RUNNING FOR OFFICE AUGUST 23, 2022 PRIMARY ELECTION

Ballot Access Questions

1. What if a candidate petitioned for Senate and Congress and filed April 7-10, 2022?

Answer: Candidates with a **valid** petition for Congress or State Senate can use that prior ballot access for the same or a new district for the August 23, 2022 Primary. The candidate must meet the residence eligibility requirements for the new district.

2. How would a candidate file the previous petitions?

Answer: Candidates who previously qualified via petition must specify how that designation will be applied to the appropriate board. This must be filed in writing between May 23-31, 2022. Candidates can use the Designation form promulgated by the State Board (See Appendix A) or submit a writing containing the following elements:

- a. Candidate's name and address
 - b. The office and district number of the previous designation.
 - c. The new office and district number.
 - d. The signature of the candidate.
 - e. An affirmation as follows: I certify that I am the above-named candidate and that the information on this form is true and correct and that this form will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.
3. What if a candidate does not file a Certificate of Designation?

Answer: If a candidate does not file the Certificate, the previous petition remains invalid and cannot be used for August ballot access.

4. Can another candidate utilize those petitions to run?

Answer: A candidate can file the Certificate Designation and subsequently decline. The Committee on Vacancies from the previous petition would then be able to substitute a candidate. There is a very tight timetable. Declinations are due (received) June 3, 2022 and

substitutions must be received by June 6, 2022. Authorizations for the substitution are due June 10, 2022.

5. Can a candidate take credit for petitions for one office and apply it to another office?

Answer: No. Valid petitions for Congress must be applied to the same or another congressional district. Valid petitions for State Senate must be applied to the same or another senate district.

6. What if a candidate did not file an earlier petition or does not have a valid petition?

Answer: There is a new petitioning period. The first day to sign a party designating or opportunity to ballot petition was May 21, 2022.

7. Are the signature requirements the same?

Answer: No. The maximum number of signatures required on any such designating petition for a State Senate District shall be 850 and for a Congressional District shall be 1,062, or 4.25% of the number of enrolled members of the party in such district, whichever is less. The requirements of valid acceptances and authorizations shall apply.

8. Do candidates file where they filed in April?

Answer: It depends. Shifting lines may have altered where an office files. See Appendix B: Where to File List for August Primary. The Designation Form or Writing MUST be submitted to the proper board and may have changed. You will submit where a new petition for the office would be submitted.

9. What if a voter signed or witnessed a previous petition?

Answer: Since these are different districts, a voter who signed a designating petition filed during April 4-7, 2022, may sign a designating petition filed during June 8-10, 2022. Similarly, a voter who witnessed a designating petition April 4-7, 2022, may witness a petition filed during June 8-10, 2022.

10. When is the filing period for new petitions?

Answer: Filing for the August Primary will be three days, not four and starts on a Wednesday, not a Monday. The dates are June 8-10, 2022.

11. Can a candidate postmark the new petition to file?

Answer: Yes and no. These are RECEIVE deadlines. Petitions cannot be postmarked on June 10, 2022, they must be received by the proper board on June 10, 2022. It is permissible to mail petitions overnight on June 8, 2022 to effectuate timely receipt at the board.

12. What about Party Positions?

Answer: State Committee Party Positions for the Conservative and Working Families Parties and based upon congressional districts. Candidates for these party offices may also utilize the same process for the public offices of Congress and State Senate for ballot access for the August 23, 2022 Primary.

13. Where can we find signature requirements for the minor parties?

Answer: We are working on signature requirements for minor parties and will post them to our website as soon as they are available.

14. May a candidate already on the ballot for the June Primary Election seek ballot access for a second office for the August Primary Election?

Answer: Yes. If a candidate currently designated for office for the June Primary is then subsequently designated for a second office for the August Primary, he or she would be able to decline the first office after they become the nominated candidate for the second office after the August primary. *D'Angelo v Maloney* 2018. Certificates of Declination for the first office would be due 3 days after the nomination for the second office. EL 6-146(5). Substitutions to fill the vacancy created by such declination for the first office would be due 10 days after the declination is filed. EL 6-158(8).

Appendix A: Certificate of Designation for August 23, 2022 Primary



Certificate of Designation for the August 23, 2022 Primary Election Ballot

1. Candidate Information

Candidate Name

Address

City

State

NY

Zip Code

Filing Instructions:

This form must be filed between May 23-31, 2022. This form must be received by the board of elections responsible for ballot access for the district you are seeking designation for at the August 23, 2022 primary by the May 31, 2022 deadline.

2. Original Petition Information as Filed for the June 28, 2022 Primary Election

Party (list all) of previously filed valid designating petition(s) for which you were either the candidate or the duly substituted candidate

Office and District of previously filed designating petition(s)

3. New Designation Information for the August 23, 2022 Primary Election

I do hereby direct that my designation by the above named parties be for the following Office and District

4. Affirmation

I certify that I am the above named candidate and that the information on this form is true and correct and that this form will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

Signature of Candidate _____

Date Signed _____

Revised 5.20.2022

Appendix B: Where to File for the August 23, 2022 Primary Election

Congressional Districts

| District | Office Where Petitions are to be Filed |
|----------------------|--|
| 1 | Suffolk County Board of Elections |
| 2 & 3 | State Board of Elections |
| 4 | Nassau County Board of Elections |
| 5 through 15 | New York City Board of Elections |
| 16 through 26 | State Board of Elections |

Senatorial Districts

| District | Office Where Petitions are to be Filed |
|----------------------|--|
| 1 through 4 | Suffolk County Board of Elections |
| 5 through 7 | Nassau County Board of Elections |
| 8 | State Board of Elections |
| 9 | Nassau County Board of Elections |
| 10 through 33 | New York City Board of Elections |
| 34 | State Board of Elections |
| 35 | Westchester County Board of Elections |
| 36 | State Board of Elections |
| 37 | Westchester County Board of Elections |
| 38 | Rockland County Board of Elections |
| 39 through 41 | State Board of Elections |
| 42 | Orange County Board of Elections |
| 43 through 46 | State Board of Elections |
| 47 | New York City Board of Elections |
| 48 through 54 | State Board of Elections |
| 55 & 56 | Monroe County Board of Elections |
| 57 & 58 | State Board of Elections |
| 59 | New York City Board of Elections |
| 60 & 61 | Erie County Board of Elections |
| 62 | State Board of Elections |
| 63 | Erie County Board of Elections |

Party Positions

Member of State Committee

- **Conservative and Working Families Parties** -State Committee petitions are filed in the same manner as those for the office of Representative in Congress (See above "Where to File" chart for *Congressional Districts*)