

# Fulton County Board of Elections Designating Petition Guidelines

## **Calendar for June 25, 2019 Primary Election:**

(The State Legislature sets up Calendar)

### Designating Petitions:

First day to circulate Designating Petitions

February 26th, 2019

Last day to circulate Designating Petitions

April 4<sup>th</sup>, 2019

### Dates and Hours for filing Designating Petitions:

Monday, April 1<sup>st</sup>

9 am to 5 pm

Tuesday, April 2<sup>nd</sup>

9 am to 5 pm

Wednesday, April 3<sup>rd</sup>

9 am to 5 pm

Thursday, April 4<sup>th</sup>

9 am to 5 pm

### For Designating Petitions Filed on:

Monday, April 1<sup>st</sup>

Tuesday, April 2<sup>nd</sup>

Wednesday, April 3<sup>rd</sup>

Thursday, April 4<sup>th</sup>

### **General Objections**

#### Must be Received by:

Thursday, April 4<sup>th</sup>

Friday, April 5<sup>th</sup>

Monday, April 8<sup>th</sup>

Monday, April 8<sup>th</sup>

### For General Objections Filed on:

Thursday, April 4<sup>th</sup>

Friday, April 5<sup>th</sup>

Monday, April 8<sup>th</sup>

### **Specifications**

#### Must be Received by

Wednesday April 11<sup>th</sup>

Thursday, April 12<sup>th</sup>

Monday, April 15<sup>nd</sup>

Last day to file Authorization of petition designation

Monday, April 8<sup>th</sup>

Last day to file Acceptance or Declination of petition designation

Monday, April 8<sup>th</sup>

Last day to fill Vacancy caused by declination of petition designation

Friday, April 12<sup>th</sup>

Last day to institute Judicial Proceedings in regard to designating petition

Thursday, April 18<sup>th</sup> or (3)

business days after BOE determines petition is invalid.

\*\*\*\*\*

# Fulton County Board of Elections OTB/Independent Petition Guidelines

## **Calendar for June 25, 2019 Primary Election:**

(The State Legislature sets up Calendar)

### Petition for Opportunity to Ballot:

First day to circulate Petition for Opportunity to Ballot March 19<sup>th</sup>

Last day to file Petition for Opportunity to Ballot April 11<sup>th</sup>

Last day to file objections to Petition for Opportunity to Ballot:

Three (3) days after the filing of the petition. \*

Last day to file specification of objections to Petition for Opportunity to Ballot:

Six (6) days after filing objections. \*

\*If a Saturday or Sunday, then filed by 5pm the next business day, which is usually Monday.

\*\*\*\*\*

### Independent Petitions:

First day to circulate Independent Petitions April 16<sup>th</sup>, 2019

Last day to circulate Independent Petitions May 28<sup>th</sup>, 2019

### Dates and Hours for filing Designating Petitions:

Tuesday, May 21<sup>st</sup> 9 am to 5 pm

Wednesday, May 22<sup>nd</sup> 9 am to 5 pm

Thursday, May 23<sup>rd</sup> 9 am to 5 pm

Friday, May 24<sup>th</sup> 9 am to 5 pm

Tuesday, May 28<sup>th</sup> 9 am to 5 pm

Last day to file Acceptance or Declination of petition designation Friday, May 31<sup>st</sup>

Last day to fill Vacancy caused by declination of petition designation Monday, June 3<sup>rd</sup>

\*\*\*\*\*

## Fulton County Board of Elections Office Petitions Guidelines

These guidelines for handling filings with the Fulton County Board of Elections are made in Conjunction with New York State Election Law. Everyone is urged to consult the Election Law and Regulations of the New York State Board of Elections, 9 NYCRR Section 6215, as well as these guidelines.

### **Definitions:**

**Petition:** A “petition” is all of the sheets, which may be filed with the Board in one or more volumes, together with any required back cover sheet, which designate the same candidate(s) for a particular public office or party position.

### **Petition**

**Volume:** A “petition volume” is the securely fastened grouping of petition sheets for one or more candidates or group of candidates. Each volume shall have no more than 50 pages, and a back cover sheet attached.

### **A. General Requirements:**

**A1.** Sheets of a designating petition should be securely fastened together in one or more petition volumes. The sheets in each petition volume need to be numbered sequentially at the bottom of each sheet.

**A2.** All papers required to be filed pursuant to the Election Law shall unless otherwise provided, be filed between the hours of 9 am and 4 pm , last day until 5:00 pm at the Office of the Fulton County Board of Elections, 2714 St Hwy 29, Suite 1.

Unless otherwise provided, 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. Failure of any person or entity to deliver any such document to the Fulton County Board of Elections on or before the last day to file same shall be a fatal defect.

### **B. Back Cover Sheet:**

**C1.** A back cover sheet shall accompany all petitions.

**C2.** A back cover sheet shall contain the following information:

- a) the office and district number (where appropriate) for which each designation and nomination is being made;
- b) the name and complete residence address of each candidate;
- c) the total number of volumes comprising each petition;
- d) the total number of signatures, required by the Election Law;
- e) the total number of pages comprising each petition;
- f) a place for optional designation of a contact person to be notified to correct noncompliance with the Rules of the NYS Board of Elections (a candidate may be designated as the contact person);

## Fulton County Board of Elections Office Petitions Guidelines

- C3.** When multiple candidates for different offices are bound securely in one Petition, the names and addresses of candidates may be set forth by election district.
- C4.** An amended cover sheet must clearly identify the original sheet which it is amending or attach a copy of the original cover sheet which it is amending. The amended cover sheet must contain all the information required of a cover sheet.
- 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 of the NYS BOE after the Fulton County Board of Elections have made a determination of non-compliance with those Rules.

### **D. Determinations; Cures Pursuant to Section 6-134(2) of the Election Law**

- D1.** Within two (2) business days of the receipt of a petition, the Commissioners will review the petition to determine whether the petition complies with the cover sheet, sequential page numbering and binding requirements. Such review shall be limited to matters apparent on the face of the petition, the cover sheet, the binding of each petition volume, and the number of petition volumes. Such review and such determination shall be without prejudice to the Fulton County Board of Election's determination of objections and specifications of objections filed pursuant to the provisions of the Election Law and these guidelines.
- D2.** In event that the Fulton County Board of Elections determines that a Petition does not comply with the Rules of the NYS BOE, the Commissioners will forthwith notify the candidate or candidates named on the petition of its determination of non-compliance and the reasons therefore.
- D3.** Notification of a determination of noncompliance shall be given by written notice by mailing such notice on the day of such determination with an overnight delivery service, to the person or contact person, if designated, at the address stated on the petition. Notification shall be given by overnight delivery unless the candidate shall have filed with the FCBOE written authorization, signed by the candidate, for the FCBOE to give notification by fax transmission. If fax sent, also mail, US Postal First Class, a copy of the determination.

**Fulton County Board of Elections  
Office Petitions Guidelines**

- D4.** A candidate may, within three (3) business days of the date of a determination that the petition does not comply with the Rules of the NYS BOE, cure the violation of those Rules. Cover sheet deficiencies may be corrected by the filing of an amended cover sheet. Such cure or correction must be received by the FCBOE no later than the third business day following such determination. (Entire cover sheet can be corrected)
- D5.** If the petition is one for an Opportunity to Ballot, then the first named Person on the committee to receive notices under which the petition was Filed, shall be deemed to be the “candidate” for purposes of these Guidelines.

**E. Examination and copying of Petitions:**

- E1.** The Commissioners or Deputy Commissioners of the FCBOE, or such other staff as may be designated by both Commissioners, shall control the requisition, examination and copying of any documents filed with FCBOE in order to assure that candidates, objectors and their representatives have an equal and fair opportunity to examine or copy such documents consistent with the needs of the FCBOE to process petitions and specifications of objections.
- E2.** Any person may obtain a copy of any document filed with the FCBOE upon written application and payment of \$.25 per page.
- E3.** No document shall be unfastened or taken apart while examining the document; nor shall pen or indelible pencil be used while examining documents.
- E4.** No petition shall be unfastened or taken apart for photocopying until after the two-day review and the FCBOE petition review worksheet have been completed and the petition found to be in compliance.

Fulton County Board of Elections  
Office Petitions Guidelines

**F. General Objections:**

- F1.** A general objection to a petition must be filed with the FCBOE. The last day for filing general objections is three days after the latest date on which any part of such petition or cover sheet was filed.
- F2.** The general objection shall state the name and address of the objector; the name of the candidate/s and public office/s or party position/s; and political party; to which the objection is addressed and 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 political party.
- F3.** The general objection should include address any telephone numbers and fax numbers that can be used to provide notice regarding rulings on the objection.

**G. Specification of Objections:**

- G1.** Specifications of objections to a petition must be filed with the FCBOE within six (6) days after filing of general objections.
- G2.** Specifications of objections shall state the name and address of the Objector; the name of the candidate/s and public office/s or party position/s; and political party, to which the objection is addressed and shall be signed by the objector. The specifications of objections should include address any telephone numbers and fax numbers that can be used to provide notice regarding rulings on the objection. (We need Proof that a copy of the specs. was sent to candidate whose petition was objected to.)
- G3.** If the specifications of objections claim that there is insufficient number of valid signatures, the specifications should state the total number of signatures contained in the petition and the total number of signatures which the objector claims to be invalid.
- G4.** When an objector files an objection, which presents a factual issue which cannot be determined from documents on file with the FCBOE, the specifications must set forth the factual allegations with particulars. The objector shall submit with specifications, copies of any documents or affidavits that are required in order for the FCBOE to rule on the issue.

## Fulton County Board of Elections Office Petitions Guidelines

- G5.** Any specific objection to an individual signature or witness statement shall set forth the petition page number and line number and shall set forth with specificity the nature of each objection to that signature or witness statement. Objectors may use abbreviations or symbols as long as they are clearly defined in the specifications.
- G6.** 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 FCBOE. The FCBOE may dismiss the entire objections as frivolous if specifications include such claims.
- G7.** The FCBOE policy regarding the appropriate forum for determination of allegations of forgery or fraud to be an invalidation proceeding pursuant to NYS Election Law Section 16-102. The FCBOE does not ordinarily rule on such allegations. In the rare case where an objector seeks to obtain a ruling from the FCBOE on an issue of fraud, or on a factual issue, which cannot be determined from documents already filed with the FCBOE (such as petitions, registration records, party call, party rules, etc.), the specifications shall 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 FCBOE to rule on the issue. Notwithstanding such a submission, the FCBOE will generally decline to rule on any allegation of fraud.

### **H. Deputy's Report:**

- H1.** The Deputy Commissioners shall be assigned to examine the Specifications of objections and to prepare a report to the Commissioners on the objections.
- H2.** Upon completion of the Deputies' Report, the Commissioners shall meet to review the line by line report by the clerks and make a determination.
- H3.** The guidelines for examination and copying of petitions shall also apply to specifications of objections showing the deputy's line by line review. The use of nominating or designating petitions and specifications by the deputy's for preparation of their report shall have priority over any request for examination or copying by any objector, candidate or their representative.

**Fulton County Board of Elections  
Office Petitions Guidelines**

**I. Commissioners' Determination:**

- II.** The Commissioners shall render a determination once the deputies' report has been completed. Upon a determination of invalidity, both the objector and the candidate/s shall receive a written determination by the US Postal first class mail, unless a prior request for fax transmission was received. In that case, both fax and US Postal first class mail will be employed.

**J. Drawing for Ballot Position:**

**Title 9, Subtitle V**

**Party 6204.3 Methods for Determining Ballot Order by Lot**

- J1.** Pursuant to the NYS Board of Elections adopting the above Rules Governing the conduct of drawing ballot position, the Commissioners Of the Fulton County Board of Elections selected Option C. Drawing For ballot position will be conducted at the office of the Fulton County Board of Elections.
- J2.** If there is a primary contest for public office or party position, the position of the candidates shall be determined by lot. The losers in the primary shall be withdrawn from the ballot and winners shall be moved to the General Election ballot. This procedure for the positioning of a candidate shall be used for the November General Election unless there is a timely request in writing to determine by lot for the ballot position.
- J3.** If there is no primary contest, names of candidates for Public Office shall appear on the ballot in the same order that they appear on designating petitions, unless there is a written request to determine by lot for the ballot position in conjunction with Section 7-116 of the NYS Election Law.
- J4.** Candidates or their designees may inspect the device to be used for the drawings prior to the drawing date. Once the inspection has occurred, the board will conduct the drawing in the following manner:

## Fulton County Board of Elections Office Petitions Guidelines

1. The candidate list will be prepared listing the public offices alphabetically by jurisdiction/offices.(The Board will utilize the existing office Order table to determine order of offices) Candidates will than be given a number by time filed(example ball #1 first candidate by time filed etc.) The proper number of balls for number of candidates will be placed in machine by a Commissioner and the other Commissioner shall turn the sphere, and announce the ball number as it appears. The first number drawn will be noted on the candidate list next to the name of the candidate with that number ball, and so on until all contested positions for that office have been drawn for.
  2. If more than one name appears on the face of the petition, the names will be typed in descending order on the candidate list. However, whenever groups of names are designated for a party position on the same petition, the order in which they shall be printed on the official primary ballot shall be determined by a single lot, absent an application pursuant to Section 7-116(3) of the NYS Election Law to demand that the order within a petition be drawn.
  3. Once the results of a particular office and political party have been completed and announce, the numbers will be returned to the drawing device. Drawing for the next contest will similarly be conducted and announced until all drawings have been completed.
- J5.** Drawing results will be compiled by the FCBOE as part of the ballot Certification and transmitted to the authorized vendor that supplies the ballot material.

## F.C.B.O.E. Petition Review Work Sheet

Date Petition Received	Candidate/Office/District	Petition ID#
<b>PARTY</b> <b>Republican</b> <b>Democratic</b> <b>Independence</b> <b>Conservative</b> <b>Working Families</b> Other: _____		

### PRIMA FACIE REVIEW:

Item	Complies	Does not Comply	Item	Complies	Does not Comply
Petition is timely filed			Candidate(s) residence		
Petition is filed at correct BOE			Office with District		
Petition contains proper number of candidate(s) for the number of offices			Committee to receive notices (OTB only)		
Candidate(s) name			Other:		
Reviewed by: _____ & _____			Date Reviewed: _____, 200__		

**RESULT: Prima Facie Review is in compliance OR is NOT in compliance**

### COVER SHEET, BINDING & PAGINATION REVIEW:

Item	Complies	Does Not Comply	Item	Complies	Does Not Comply
Cover Sheet(s) Filed			Volume Number		
Petition Bound			Total Volumes		
Candidate(s) name			Sufficient number of signatures		
Candidate(s) residence			ID Number		
Office and or District			Statement of multiple candidates Location on petition		
Name of party			Emblem for independent body		
Sequential page numbering			Other:		

**RESULT: Cover Sheet, Binding and pagination review is in compliance OR is NOT in compliance**

### COVER SHEET, BINDING & PAGINATION CORRECTIVE ACTION TAKEN:

Date Notice Sent:	Date Correction Due:	Date Correction Received:
<b>Corrected Cover Sheet: is in compliance OR is NOT in compliance</b>		
Reviewed by:		Date: