



## BOARD OF ELECTIONS

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### BOARD OF ELECTIONS IN THE COUNTY OF SUFFOLK

## ***DESIGNATING AND NOMINATING PETITION GUIDELINES & REQUIREMENTS***

### ***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 cover sheet, which designate the same candidate for a particular public office or party position.

**Petition Volume:** A “petition volume” is the securely fastened grouping of petition sheets for one candidate or a group of candidates.

### ***A. GENERAL REQUIREMENTS***

- A1. Sheets of a designating petition shall be securely fastened together in one or more petition volumes. The sheets in each petition volume shall be numbered sequentially at the bottom of each sheet.
- A2. All papers required to be filed pursuant to the Election Law (hereinafter “Filed Document”) shall be filed in person between the hours of 9:00 a.m. and 5:00 p.m. at the Office of the Board of Elections, Yaphank Avenue, Yaphank, New York, or postmarked prior to midnight of the last day to file said papers. 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 Filed Document to the Board of Elections or to have any such Filed Document postmarked prior to midnight of the last day for filing shall be a fatal defect.
- A3. All petitions must contain the information required by the New York State Election Law.

## ***B. IDENTIFICATION NUMBERS***

- B1. No one is required to apply for a petition volume identification number before filing any petition volume. However, any person may apply for a petition volume identification number by submission of an Identification Number Application Form. *Identification Number Application Forms* are available at the front desk of the Board or by mail. If a petition volume identification number has been assigned before the petition volume is filed, the petition volume identification number must appear prominently on the top of the petition volume, on any cover sheet, and on each copy of the lists of candidates submitted with the petition volume.
- B2. The Board will inscribe petition volume identification numbers on all application forms. These forms will be retained in a binder for public inspection.
- B3. A pre-assigned petition volume identification number shall be used only by the candidate(s) or applicant/s named in the application. In the case of joint applicants, the identification number may be used by any of the joint applicants. Petition volume identification numbers are not transferable or assignable.
- B4. A pre-assigned petition volume identification number shall be used only for the election event for which the application is made.
- B5. Whenever a petition volume is filed without a pre-assigned petition volume identification number, the Board will assign and affix a petition volume identification number at the time the petition volume is filed.

## ***C. COVER SHEET***

- C1. A cover sheet must accompany all petitions containing ten or more sheets.
- C2. A cover sheet must contain the following information:
- a) The public office or party position for which each designation or nomination is being made;
  - b) The name and complete residence address (including post office address, if different) of each candidate;
  - c) The total number of volumes comprising each petition;
  - d) An identification of the volumes comprising the petition; when multiple volumes are filed, a single cover sheet must be filed consistent with the Regulations of the New York State Board of Elections, 9 NYCRR Section 6215.2 (a) 2 with the volumes identified by listing the identification number of each volume, either individually or cumulatively;
  - e) A statement that the petition contains the number, or in excess of the number, of valid signatures, required by the Election Law;
  - f) A place for the optional designation of a contact person to be notified to correct noncompliance with the Rules and to receive copies of any specifications of

objections (a candidate may be designated as the contact person), if no person is so designated then the first candidate on the petition shall be so notified;

- g) When more than one candidate is designated or nominated on the same petition volumes, the candidates may be grouped together on a cover sheet so that the number of volumes comprising the petition need not be repeated;
- h) A cover sheet may consist of more than one page.

C3. An amended cover sheet must clearly identify the original cover sheet, which it is amending, or attach a copy of the original cover sheet it is amending. The amended cover sheet must contain all the information required of a cover sheet. Amended cover sheets must contain the following authentication: "This is to certify that I am authorized to file this amended cover sheet." Said authentication must be signed and dated and shall include the printed name, address, and may include the office telephone number and fax number of said candidate or representative.

C4. 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 within three (3) business days after the Board has made a determination of noncompliance with these 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 Board will review the petition to determine whether the petition complies with the cover sheet and binding requirements of these Rules. Such review shall be limited to matters apparent on the face of the cover sheet, the binding of each petition volume, and the number of petition volumes. Such review and determination shall be without prejudice to the Board's determination of objections and specifications of objections filed pursuant to the provisions of the Election Law and these Rules.

D2. In the event that the Board determines that a petition does not comply with these Rules, the Board shall forthwith notify the contact person to correct deficiencies or the candidate(s) named on the petition of its determination and the reasons therefore.

D3. 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 after the determination to the candidate or contact person, if designated, at the address stated on the petition. Notification shall be given by overnight delivery unless the contact person to correct deficiencies or the candidate(s) shall have filed with the Board written authorization, signed by the contact person to correct deficiencies or the candidate(s) for the Board to give notification by facsimile transmission. In the event that the contact person to correct deficiencies or the candidate(s) shall have authorized notification by facsimile transmission, the Board shall, on the day of the determination, give such notification to the number set forth by the contact person to correct deficiencies or to the candidate(s) and shall, in addition, mail a copy of the determination to the candidate.

- D4 A contact person to correct deficiencies or the candidate(s) may, within three (3) business days of the date of a determination that the petition does not comply with these rules, cure the violation of these Rules. Cover sheet deficiencies may be corrected by the filing of an amended cover sheet. Such cure or correction must be filed with the Board of Elections no later than the third business day following such determination.
- D5 If the petition is one for an opportunity to ballot, then the contact person to correct deficiencies of 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 these Rules.
- D6 Petitions for county committee party positions will be reviewed to determine correct party enrollment and residence in the correct Assembly District. A candidate’s failure to meet these legal requirements shall be a fatal defect.

### ***E. EXAMINATION AND COPYING OF PETITIONS***

- E1 The Commissioners of the Board, or such other staff as may be designated by the Commissioners, shall control the requisition, examination and copying of any Filed Document filed with the Board in order to assure that candidates, objectors or potential objectors and their representatives have an equal and fair opportunity to examine or copy such documents consistent with the needs of the Board to process petitions and specifications of objections.
- E2 A person may obtain a copy of any Filed Document filed with the Board upon written application 24 hours after filing with the Board. The Board will charge \$0.25 per page for copies
- E3 A Filed Document shall not be unfastened nor taken apart (except by authorized employees of the Board of Elections) while examining the document; nor shall pen and ink or indelible pencil be used while examining documents. Red pencil only is to be used while examining any Filed Document.

### ***F. GENERAL OBJECTIONS***

- F1 A general objection to a petition must be filed at the Office of the Board of Elections, Yaphank, New York or postmarked prior to midnight on the last day to file general objections. The last day for filing general objections shall be three days after the latest date on which any part of such petition or document was filed. (Please refer to paragraph A2.)
- F2 In the event an amended cover sheet is filed to cure noncompliance with these Rules after the last day to file a petition, the general objection and specifications filed in support of such general objection shall address only issues raised by the amended cover sheet. Such

a general objection and specifications are without prejudice to any other issues addressed in any timely filed general objection and supporting specifications which are addressed to the petition. In order to expedite a determination by the Board, objectors are urged to file specifications of an objection to an amended cover sheet filed to cure after a determination of noncompliance at the time when the general objection is filed.

- F3 The general objection shall state the name and address of the objector and candidate and public office or party position on the petition 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 the party position and petition volume identification number. All general and specific objections shall include the ID number of petition(s) challenged.
- F4 The general objection may include a place for the optional designation of a contact person other than the objector to receive notice of any rulings on the objection. The general objection should include any telephone numbers and fax numbers, which can be used to provide notice regarding rulings on the objection.

### ***G. REQUIREMENTS FOR SPECIFICATIONS OF OBJECTIONS***

- G 1. Specifications of objections shall state the name and address of the objector and the candidate, party/petitionID# and public office or party position on the petition to which the objection is addressed and shall be signed by the objector. Objectors must file one original and two copies of their specifications of objections with the Board. Originals shall be marked as originals and copies as copies.
- G 2. The Board will consider no specifications of objections to any petition unless the objector filing the specifications personally delivers or mails by registered or certified mail a duplicate copy of the specifications to his/her rival candidate or rival candidates for public office or party position named on the petition whose candidacy is the subject of the objection. Service shall be made on or before the date of filing of any specifications with the Board. Proof of service shall accompany the specifications or be received no later than the day after specifications are filed. The Board will issue a receipt for proof of service upon filing.
- G 3. The specifications of objections must state the total number of signatures contained in the petition and the total number of signatures that the objector claims to be invalid.
- G 4. Any specific objection to an individual signature or witness statement shall set forth the Board assigned petition volume identification number, page number and line number and shall set forth with specificity the nature of each objection to that signature or witness statement.
- G 5. Specifications of objections must be filed within six (6) days after the filing of general objections, in person at the Board of Elections, Yaphank, New York, or postmarked prior to midnight of the sixth day after the filing of general objections. (Please refer to paragraph A2.)

### ***Guidelines:***

- A. Objectors are warned not to include in their specifications broad, non-specific or generic claims or claims which are not supported by documents filed with the Board. The Board may dismiss the objections in their entirety as frivolous if specifications include such claims.
- B. The specifications should include the name and mailing address of any contact person other than the objector to receive notice of any rulings on the specifications designated in the general objection. The specifications should include any telephone numbers and fax numbers, which can be used to provide notice regarding rulings on specifications.
- C. Because the Board believes that the appropriate forum for determination of allegations of forgery or fraud is in an invalidating proceeding commenced in the Supreme Court pursuant to Election Law Section 16-102, the Board does not rule on such allegations.
- D. Any notice and/or determination relating to a petition for which specifications of objections have been filed shall be transmitted by the Board to the objector filing the specifications, provided that any such objector may designate an attorney or agent to receive any such notice and/or determination on his/her behalf. Any such designation shall be in writing and include the name, address and telephone number of any such attorney or agent, and any such attorney and/or agent shall be eligible to represent any such objector in any proceeding conducted by the Board relating to the specifications.
- E. Matters not specifically addressed in this statement of guidelines and requirements shall be determined pursuant to Election Law, State of New York

*Wayne J. Rogers*

*Anita S. Katz*

Commissioners