

# TABLE OF CONTENTS

<b>Introduction</b> .....	v
<b>Table of Contents</b> .....	vii

---

<b>Chapter 1 Getting on the Ballot—Introduction</b> .....	1
<b>Chapter 2 Is the Candidate Eligible to Run?—The Residency Issue</b> .....	7
<b>Chapter 3 Getting on the Ballot: The Petitioning Process</b> .....	15
A. Timing is Everything.....	15
B. The Petition as a Legal Document.....	17
C. Requirements.....	18
1. Party and Symbol.....	18
2. The Candidate’s Name.....	18
3. Public Office or Party Position.....	20
4. Residence.....	22
5. The Committee to Fill Vacancies.....	22
6. The “Signature Section” of the Petition.....	24
7. Statement of Witness.....	26
D. Rules for Petitioning.....	28
1. When Petitions May Be Circulated.....	28
2. The Signer Must Sign Her Own Name.....	29
3. The Signer Must Sign Her Name in the Presence of the Subscribing Witness.....	30
4. Dates and Addresses of the Signers.....	33
5. Correcting Errors.....	34
6. The Subscribing Witness Statement Must Be Fully and Accurately Completed.....	35
7. Duplicate Signatures.....	38
8. The Role of the Candidate.....	39
9. The Cover Sheet.....	40
10. Filing an Acceptance.....	42
<b>Chapter 4 Staying on the Ballot: Objections, Board Hearings     and the Judicial Process</b> .....	45
A. The General Objection.....	46
B. Specifications of Objections.....	47
C. The Administrative Hearing at the Board of Elections.....	48
D. Supreme Court.....	49
1. Disqualifying a Candidate.....	49
2. Protecting One’s Candidacy.....	52
3. Proper Procedure.....	54

## TABLE OF CONTENTS

	PAGE
E. The Trial.....	58
F. Appeals.....	61
<b>Chapter 5 Getting on the Ballot: Alternative Methods .....</b>	<b>63</b>
<b>Chapter 6 Sudden Death, Convictions, Disqualifications and Other Extraordinary Situations .....</b>	<b>67</b>
A. Governor or Lt. Governor .....	69
B. Attorney General or Comptroller .....	70
C. Assembly Member or State Senator .....	71
D. Member of Congress .....	73
E. United States Senator.....	73
F. District Attorney.....	74
G. Other Offices.....	74
H. Vacancy in Designations or Nominations.....	75
<b>Chapter 7 Election Day .....</b>	<b>79</b>
A. Pre-Election Day Protection .....	80
B. Election Day Protection.....	84
1. The Polling Site: Personnel .....	84
a. The Election Inspector .....	84
b. Chairperson of the Election Inspectors.....	85
c. The Polling Site Coordinator.....	85
d. The Poll Clerk.....	85
e. Interpreter .....	86
f. Additional Personnel .....	86
g. The Police .....	86
2. The Polling Site: Prescriptions and Proscriptions .....	86
a. Hours .....	86
b. Campaigning .....	87
c. Election Materials.....	87
d. The “Guard Rail” .....	87
3. The Poll Watcher .....	87
a. Her Role.....	87
b. Eligibility.....	88
c. Come Early: Stay Late: The Poll Watcher’s Job.....	89
(i) 5:45 am/11:45 am .....	89
(ii) Where is Everybody?.....	89
(iii) Okay! Time to Vote! .....	89
(a) Verifying Voter Registration .....	89
(b) What Happens if the Voter’s Name is Not in the Voter Registration Book? .....	90
(c) Is an ID Required?.....	92
(d) Challenged Voters.....	93
(e) Voters Needing Assistance.....	93
(f) Machine Breakdowns .....	94

TABLE OF CONTENTS

	PAGE
(g) Voting Property .....	94
(h) Voter Intimidation and Improper Campaigning .....	95
(i) Closing the Polls .....	96
(j) Keep in Touch! .....	96
C. Post-Election Day.....	97
<b>Chapter 8 Post-Election Day Proceedings.....</b>	<b>101</b>
A. Automatic Post-Election Procedures at the Board of Elections.....	103
1. The Canvass .....	103
2. The Recanvass .....	104
3. The Post-Election Audit of Voting Machines .....	105
a. Conducting the Audit.....	106
b. The Elevated Audit .....	108
c. What Does the Board of Elections Do With Audit Results?.....	109
B. Proceedings Under Article 16 of the Election Law .....	110
1. The Audit vs. A Manual Hand Count .....	111
2. The Section 16-113 Application.....	111
C. Quo Warranto Proceedings .....	112
<b>Chapter 9 Party Time in New York .....</b>	<b>115</b>
A. Welcome to the Party .....	116
B. All Politics Isn't Local Anymore (Again).....	116
C. No Boundaries.....	117
D. Party Organization .....	117
E. Party Nominations .....	119
F. Opportunity to Ballot .....	120
G. Supporting the Party.....	121
H. Bucking the Party .....	122
<b>Chapter 10 Initiative and Referendum .....</b>	<b>127</b>
A. Amending the State Constitution .....	128
B. Local Referendum .....	129
1. Mandatory Referendum Under the Municipal Home Rule Law .....	129
2. Referendum by Petition Under the Municipal Home Rule Law.....	130
3. Referendum Under Village, County and Town Laws.....	132
C. Amendment of City Charters by Initiative.....	134
1. Initiative Process .....	134
2. Charter Amendment Originally Enacted by Referendum May Be Changed by City Legislature.....	135
D. Consolidation, Dissolution, and Secession of Local Government Entities.....	136
1. Consolidation by Joint Resolution .....	137
2. Consolidation by Voter Initiative .....	137
3. Dissolution .....	138
4. Secession .....	139
E. Legal challenges to Initiatives and Referenda.....	140

## TABLE OF CONTENTS

	PAGE
<b>Table of Cases</b> .....	143
<b>Table of Names</b> .....	161
<b>NYS Election Law</b> .....	165
<b>NYS Rules and Regulations</b> .....	531
<b>About the Author</b> .....	653
<b>Additional Contributors</b> .....	654