



JUDICIAL DEPARTMENTS AND JUDICIAL DISTRICTS

- 1st JUDICIAL DEPARTMENT INCLUDES JUDICIAL DISTRICT 1, 12
- 2nd JUDICIAL DEPARTMENT INCLUDES JUDICIAL DISTRICT 2, 9, 10, 11
- 3rd JUDICIAL DEPARTMENT INCLUDES JUDICIAL DISTRICT 3, 4, 6
- 4th JUDICIAL DEPARTMENT INCLUDES JUDICIAL DISTRICT 5, 7, 8

12 BRONX
1 NEW YORK
 11th QUEENS
2 RICHMOND & KINGS
9 ORANGE
11 WESTCHESTER
10 SUFFOLK
 LONG ISLAND SOUND
 ATLANTIC OCEAN

LIST OF COUNTIES

within each appellate division

Judicial Departments			
<u>First</u>	<u>Second</u>	<u>Third</u>	<u>Fourth</u>
Bronx NY County	Dutchess Kings Nassau Orange Putnam Queens Richmond Rockland Suffolk Westchester	Albany Broome Chemung Chenango Clinton Columbia Cortland Delaware Essex Franklin Fulton Greene Hamilton Madison Montgomery Otsego Rensselaer St. Lawrence Saratoga Schenectady Schoharie Schuyler Sullivan Tioga Tompkins Ulster Warren Washington	Allegany Cattaraugus Cayuga Chautauqua Erie Genesee Herkimer Jefferson Lewis Livingston Monroe Niagara Oneida Onondaga Ontario Orleans Oswego Seneca Steuben Wayne Wyoming Yates

Question:

Why is it important to know which appellate division your county falls within?

Prima Facie Review
of Petitions

Prima Facie Review of Petitions (cont.)

b. Prima facie review sheet

PETITION REVIEW WORK SHEET					
Reviewed by: _____ & _____ Date: _____					
Date Petition Received	Candidate/Office/District			Party	Petition ID #
PRIMA FACIE REVIEW					
ITEM	COMPLIES W/STATUTE	DOES NOT COMPLY W/STATUTE (EXPLAIN)	ITEM	COMPLIES W/STATUTE	DOES NOT COMPLY W/STATUTE (EXPLAIN)
Petition is timely filed			Candidate(s) residence		
Petition is filed at correct BOE			Office with district		
Petition contains proper number of candidates for the number of offices			Committee to receive notice (OTS petition only)		
Candidate(s) name			Other		
RESULT: Prima Facie Review ____ in compliance ____ not in compliance					
COVER SHEET AND BINDING REVIEW					
ITEM	COMPLIES W/REGS.	DOES NOT COMPLY W/REGS.(EXPLAIN)	ITEM	COMPLIES W/REGS.	DOES NOT COMPLY W/REGS. (EXPLAIN)
Cover sheet(s) filed			Volume number		
Sheets of volume fastened			Total number of volumes		
Name of party or independent body			Sufficient signature statement		
Emblem for independent body			Distribution schedule for statewide petitions		
Candidate(s) name			Identification numbers		
Candidate(s) residence			Statement of location in petition of multiple candidates		
Office and/or district			Other		
RESULT: Cover Sheet & Binding ____ in compliance ____ not in compliance					
COVER SHEET/ BINDING CORRECTIVE ACTION TAKEN					
Date Notice Sent:		Date Correction Due:		Date Correction Received:	
Corrected Cover Sheet		Complies	Does not comply		
Reviewed by:				Date:	
Petition proofed by: _____					
Petition scanned by: _____					
Rev: 8/03					

c. What invalidates a petition during prima facie review? A few examples:

- i. No cover sheet if one is required
- ii. Petitions are not bound
- iii. Insufficient number of signatures
- iv. Failure to indicate district of office
- v. Incorrect primary date

What can be cured by 3-day Notice to Cure?

a. Cover Sheet

- i. Party
- ii. Candidate
- iii. Office –including district
- iv. Candidate' s residence
- v. Statement of compliance
- vi Person to receive notice

b. Page Numbers

2nd, 3rd, and 4th Depts. concur may add if within the cure period.

1).

General Objections

- a. How to calculate timeliness of general objections?
- b. Must accept and file general objections, even if untimely.
- c. Assume candidate files petitions on
Monday, July 3, 2017
 - General Objection must be filed by July 6.
- d. But if the 3rd day falls on a weekend, the time period is extended to the next business day.

General Objections (cont.)

e. General & Specific Objection worksheet

Candidate Name: _____	
Objector Name: _____	
Office/District: _____	
Party: _____	
Petition ID #: _____	
<hr/>	
GENERAL OBJECTIONS:	SPECIFICATIONS:
Date Petition Filed: _____	Date Specs Due: _____
Date Objection Due: _____	Date Specs Filed: _____
Date Objection Filed: _____	Date Specs Postmarked: _____
Date Objection Postmarked: _____	Specs Timely: _____
# of Signatures on Petition: _____	Specs Match Objector: _____
	Proof of Service: _____ YES _____ NO
<hr/>	<hr/>
Initials: _____	Initials: _____
Date: _____	Date: _____

Specific Objections

a. Specificity is very important

i. Objector must identify each challenge by sheet number & line number – a mistake here will result in the challenge being overruled.

ii. Objector must state precisely what they are challenging (i.e., if you challenge the signature on a Republican petition because “voter is not registered to vote”, but they are registered as a member of a different party the objection would be overruled because the challenge does not specifically challenge the voter’s affiliation).

Specific Objections (cont.)

b. What can the Board of Elections rule on? (limited to 4 corners of the document)

- i. Whether the voter previously signed another petition
- ii. Uninitialed material alteration

“Material” portion of the signature line include only date & voter’s signature – Thus, only those two areas require initials if altered.

Specific Objections (cont.)

b. What can the Board of Elections rule on? *(cont.)*

- iii. Enrollment of the voter as a member of a party
- iv. Registration of voter
- v. Witness Statement
 - 1. Party affiliation
 - 2. Witness signature and date
 - 3. Total number of signatures – overstatements & understatements
 - 4. Notary or Commissioner of Deeds – must state which one the witness is

Specific Objections (cont.)

b. What can the Board of Elections rule on? *(cont.)*

- vi. Residency of candidate (voter registration address)
- vii. Party of the candidate
- viii. Total number of signatures
- ix. Title of Officer administering the oath
- x. Witness corrected the correct portion of witness statement

Specific Objections (cont.)

b. What can the Board of Elections rule on? *(cont.)*

xi. Sheet numbers

xii. Customary Abbreviations (i.e., address)

Specific Objections (cont.)

c. What the Board of Elections has **no authority** to rule on FRAUD:

Examples of Fraud Objections:

- i. Claim that the witness did not witness every signature
- ii. Claim that a Notary did not carry the petition
- iii. Claim that a Notary did not give the Oath to signers
- iv. Claim that the heading of the petition was not on the petition when a voter signed
- v. Claim that a heading on a petition was altered after it was signed

Procedure – Decisions by the Board of Elections

a. Hearing or No-Hearing

b. Hearing

- i. Procedures
- ii. Notice to candidates
- iii. Opportunity to be heard?
- iv. Open Meeting –vs– Hearing

c. No-Hearing

- i. Do decisions have to be made before the statute of limitations expires for an Article 16 lawsuit?
- ii. Fraud

A few issues that have been resolved

- a. White-out on a petition is not acceptable
- b. Signatures in pencil are never acceptable
- c. But, pizza stains and coffee stains are OK