



Republican National Lawyers Association

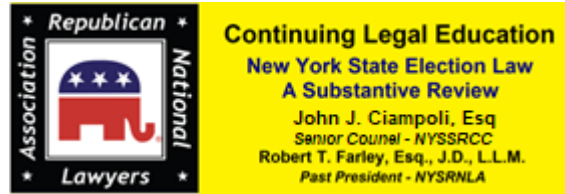
New York State Chapter

Continuing Legal Education – New York Election Law – A Substantive Review

Robert T. Farley – RNLA NYS Chapter – Past President

John Ciampoli - Senior Election Counsel – NYS Senate Republican Campaign Committee

June 18, 2018



Introduction

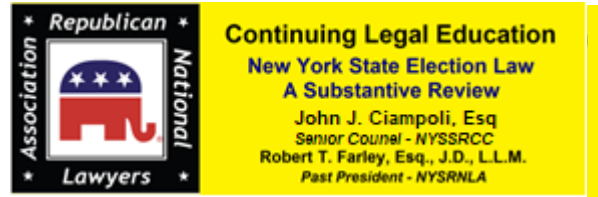
- **Instructors: Robert T. Farley / John Ciampoli**
- **What We Will Cover:**
 - ▶ **Boards of Elections**
 - ▶ **Registration/Petitions**
 - ▶ **Campaign Finance**
 - ▶ **Absentee Voting**
 - ▶ **Election Day Operations**
 - ▶ **Election Fraud**
 - ▶ **Ethics**

General Announcements

- **Sign In Sheet**
- **Membership Forms**
- **CLE Forms**

Thank You To:

- **NYSGOP:** ▶ **Chairman Ed Cox and his team**
- **Broom GOP:** ▶ **Chairman Bijoy Datta and his team**
- **NYS Senate:** ▶ **Senator John Flanagan** ▶ **Senator Cathy Young** ▶ **Senator Fred Akshar**
▶ **Counsel to the Senate Majority David Previte**
- **RNLA:** ▶ **Michael Thielen – Executive Director**



I. Overview of the New York Electoral System

- ***Applicable Election Administration Law:***

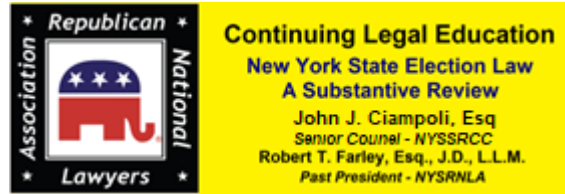
- ▶ **State Law:**

- a) The Constitution of the State of New York (Article II)
 - b) New York Election Laws (New York State Election Law - McKinneys)
 - c) New York Codes, Rules, and Regulations: **NYS Board of Elections Regulations** (9 NYCRR)
 - d) Administrative Guidance from state and local Boards
 - (e.g. *NYC Board's Poll Worker Procedures*)

- ▶ **Federal Law:**

- a) Help America Vote Act (HAVA): 52 U.S.C. §§ 20901-20906
 - b) National Voter Registration Act (NVRA): 52 U.S.C. §§ 20501-21145
 - c) Uniformed & Overseas Citizens Absentee Voting Act (UOCAVA): 52 U.S.C. §§ 20301-20311
 - d) Voting Rights Act (VRA): 52 U.S.C. §§ 10101-10702

- ▶ **Case Law (state and federal): e.g. Bush v. Gore**



I. Overview of the New York Electoral System

- **Terms to know:**

- ▶ **Election District:**

- a) **State of NY is divided into election districts.**

- It is the basic political subdivision for registration and voting. (See NYS Election Law § 4-100).

- b) **It is the smallest political unit.**

- ▶ **Polling Place or Poll Site:**

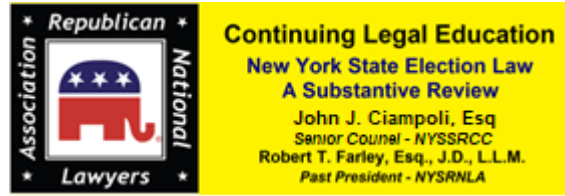
- a) **Building or other location where elections are held and votes are cast by electors (voters).**

- Can house one or more Election District Voting Sites (See NYS Election Law § 4-104).

- ▶ **Definitions Section of Election Law:**

- a) **NYS Election Law § 1-104 defines certain terms, including:**

- "political unit", "unit of representation", "party", "party position", "party officer", "committee", "designation", "official ballot", "primary", "primary election", "uncontested office", "uncontested position", "nomination", "independent body", "independent nomination", "veterans' hospital", "county legislative body", "ballot proposal", "ballot", "ballot label", "write-in ballot", "protective counter", "residence", "voting machine custodian", "major political parties", "election officer", "board of elections", "personal application", "caucus", "ballot label programming", "ballot label programming data", "resident vote tabulation programming", "General village election", "Special village election", "Village primary", "election", "Name stamp", and "inactive status".



I. Overview of the New York Electoral System

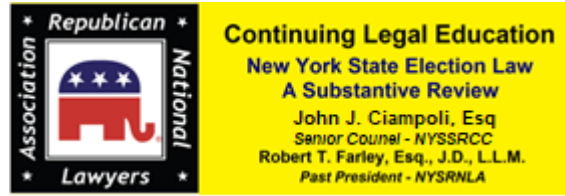
• *Hierarchy of Electoral System:*

- ▶ **State Board of Elections:** (See NYS Election Law §§ 3-100 - 3-107),
 - a) 4 Commissioners Appointed by Governor (two from each party) serving two-year terms.
 - b) Day-to Day: Board appoints two Co-Executive Directors serving a term of four years.
 - c) Duties and Operations:

Issues instructions, promulgates rules and regulations, carries out investigations, has subpoena power, several duties to promote and enforce uniformity.
 - d) New “Independent” Enforcement Unit with Counsel Appointed by the Governor (§ 3-104)
- ▶ **County/NYC Board of Elections:**
 - a) "There shall be a board of elections in each county
 - b) and ... in the city of New York for the five counties thereof." (§ 3-200).
 - c) Composition:

If county population is less than 120,000 then two commissioners; if more than 120,000 county legislature can increase number to four.

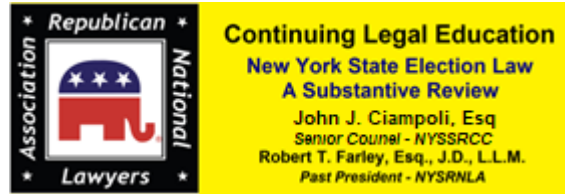
In NYC: 10 Commissioners, appointed by city council and registered in the county for which they are appointed. Also additional borough offices.



I. Overview of the New York Electoral System

• *Hierarchy of Electoral System:*

- ▶ **Board Employees:** (See NYS Election Law §§ 3-300 - 3-302),
 - a) **Board appoints staff including clerks, technicians, custodians, etc.** (§ 3-300).
 - b) **Equal partisan representation of staff.**
 - c) **Each commissioner is able to appoint a Deputy Commissioner.**
 - i) Exception NYC: Board of Elections appoints Executive Director and Deputy Executive Director to supervise operations of Board.
- ▶ **Poll Workers:** (See NYS Election Law §§ 3-400 - 3-502),
 - a) **Coordinators:**
 - i) Appointed by Boards to perform election day duties as assigned by the Board.
 - ii) In practice, supervise the polling site and work of inspectors and clerks.
 - b) **Election Inspectors**
 - i) 4 per Election District appointed by Boards of Election upon recommendations from parties.
 - ii) Elect a Chairman amongst themselves.
 - * NYC: Odd numbered districts: Chair will be the party who received most voted for Governor in last election; Even numbered districts: Chair will be the party who received the second most votes.
 - iii) Make decisions by majority vote. (§ 3-402).
 - c) **Election Poll Clerks:**
 - i) Quantity dependent on election and number of voting machines used.
 - ii) Support role within polling place.



I. Overview of the New York Electoral System

• *Components of Election Cycle:*

▶ **Pre-election Day**

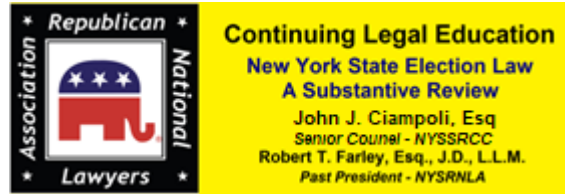
- a. **Voter Registration Process:** (See NYS Election Law §§ 5-100 - 5-712).
- b. **Absentee Voting:** (§§ 8-400 - 8-412).

▶ **Election Day**

- a. **Voting (Election Day):** (§§ 8-100 - 8-316; and 8-500 and 8-500).
- b. **Precinct Canvass and Transport of Election Materials (after polls close):** (§§ 9-100 - 9-126).

▶ **Post Election Day**

- a. **Post-Election Day (County Canvass):** (§§ 9-200 - 9-206).
- b. **Post-Election Day Redetermination(s) of Counts:**
 - i) Re-canvass of Vote (§ 9-208).
 - ii) 3% Audit: (See 9 NYCRR § 6210-18; and See also NYS Election Law § 9-211).
 - iii) Court Ordered Recanvass / Ballot Recount: (See NYS Election Law § 16-106).
 - iv) Manual Hand Counts: (See NYS Election Law § 16-113).



I. Boards of Elections – Bipartisan not NonPartisan

- **State Board of Elections (Title 1 NYS Election Law, Sections 3-100, 3-102)**

- ▶ **Commissioners**

Peter S. Kosinski / Co-Chair (Rep)

Gregory P. Peterson / Commissioner (Rep)

Douglas A. Kellner / Co-Chair (Dem)

Andrew J. Spano / Commissioner (Dem)

- ▶ **Executive Directors**

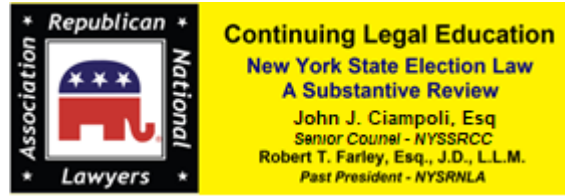
Todd D. Valentine / Co-Executive Director (Rep) Robert A. Brehm / Co-Executive Director (Dem)

- ▶ **Mission Statement**

The State Board of Elections was established in the Executive Department June 1, 1974 as a bipartisan agency vested with the responsibility for administration and enforcement of all laws relating to elections in New York State.

The Board is also responsible for regulating disclosure and limitations of a Fair Campaign Code intended to govern campaign practices. In conducting these wide-ranging responsibilities, the Board offers assistance to local election boards and investigates complaints of possible statutory violations.

In addition to the regulatory and enforcement responsibilities the board is charged with the preservation of citizen confidence in the democratic process and enhancement in voter participation in elections.



I. Boards of Elections – Bipartisan not NonPartisan

- **Local Board of Elections (Title 2 of the Election Law, Section 3-200)**

- ▶ **One in Each County Outside New York City and One in New York City**

- ▶ **Commissioners**

- a) Nominated by the Political Parties and Appointed by the County Governments (or City in NYC)

- b) Represent top two parties that received the most votes for Governor in the last election

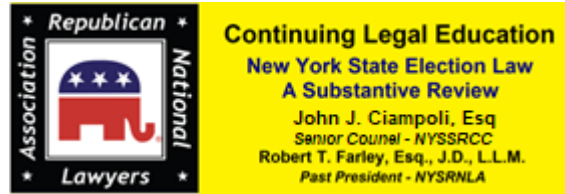
- c) As of 2014: Republican Commissioner and Democrat Commissioner (Unless four, then two from each)

- ▶ **Mission**

It is the mission and legal obligation of the local, county boards of elections to administrate and conduct the elections for national, state, and local offices within their jurisdiction, pursuant to, and accordance with, the provisions of the state election law.

The local boards also oversee the tallying of vote totals as well as the administration of recounts. It is their responsibility to certify final election results. They further are responsible for the processing, verifying and maintaining voter registrations.

Both commissioners must agree for an administrative action to be taken, or for a determination or finding to be made, by the local board. They are the agency on the front lines of elections in New York State.



II. Voter Registration System in New York: (Article 5 Election Law)

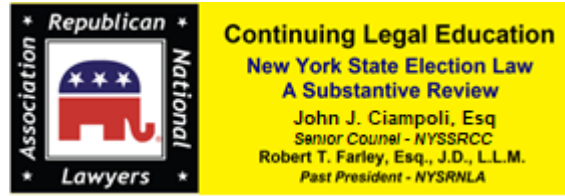
- ***Deadlines and Qualifications:***

- ▶ **Deadlines**

- a. You must be registered by the deadline to vote in New York State
- b. Registration is a threshold requirement to vote:
(NYS Election Law § 5-100 - "A person shall not be entitled to vote in any election held pursuant to this chapter unless he shall be registered.")
- c. No Same Day or Election Day Voter Registration in New York

- ▶ **Qualifications**

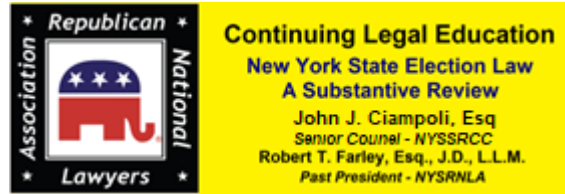
- a. Suffrage guidelines are established pursuant to Article II of the NYS Constitution
- b. NYS Election Law §§ 5-102 - 5-106 also provide additional qualifications.
- c. These qualifications include that the prospective voter must:
 - i) Be a United States citizen;
 - ii) Be 18 years old by the date of the general, primary or other election where voter is voting;
 - iii) Live at their registered address at least 30 days before an election;
 - iv) Not be in prison or on parole for a felony conviction;
 - v) Not be adjudged mentally incompetent by a court; and
 - vi) Not claim the right to vote elsewhere.



II. Voter Registration System in New York: (Article 5 Election Law)

- ***How to Register and Specific Deadlines:***

- ▶ **How to Register (or change your name, address or party):** NYS Election Law §§ 5-202-5-230
 - a. In-Person at the County Board of Elections
 - b. Motor Voter (NVRA) Locations: DMV and Other Social Service Organizations.
 - c. Mail in Application (either NYS or Federal Form)
 - d. Online Voter Registration through Department of Motor Vehicles (paper still on back-end)
 - e. Military Voters: Federal Post Card Application (FPCA)
- ▶ **Specific Deadlines to Register to Vote:** NYS Election Law § 5-210 (3)
 - a. **Mail-in Applications:**
 - i) Post-marked no later than 25th Day before General Election and arrive within 20th Day.
 - b. **In-Person: Must appear by 25th Day.** (NYS Election Law §§ 5-210 - 5-212).
 - i) Exception: If naturalized citizen or discharged from the military after 25th day, then time extended.
 - c. **For Voter Change of Address:** (NYS Election Law § 5-208 (3)).
 - i) Must be received by 20th day before election.
 - d. **Military Voter Registration Deadline:**
 - i) Must be received 10 days before the general election registration deadline: (NYS Election Law §10-106(5)).



II. Petition Process (Article 6 Election Law)

- ***The Nature of the Petition Process:***

- ▶ **Why Petitions?**

In New York State a candidate must demonstrate a threshold basis of community support within the enrolled members of their party in order to appear on the ballot to seek their party's nomination for public office. This threshold basis is achieved by having enrolled party members within the candidates district sign a petition. The number of petition signatures needed depends on the office but usually represents a number close to 5 percent of the number of enrolled party voters in the candidate's district (some offices like state offices have statutorily defined petition threshold numbers).

- ▶ **Types of Petitions:**

Designating Petitions §6-132 (state, county and town offices) and §15-108 (village offices).

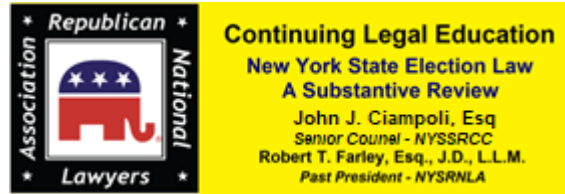
If a party nominates its candidates through the primary election process, party designations for this primary are made on a designating petition. The Election Law sets forth the form of this petition. Only enrolled members of a party qualified to vote for an office may sign designating petitions of the party.

Nomination of Non-Party Member

Political parties may nominate a candidate who is not an enrolled member of the political party. Such parties must file a certificate of authorization, signed and acknowledged by the presiding officer and the secretary of the party.

Independent Nominations §6-140 (state, county and town offices) and §15-108 (village offices).

To run for office on a line other than an official party line, one must file an independent nominating petition. The Election Law sets forth the form of this petition. Any registered voter who has not already signed a designating petition, and who is qualified to vote for an office, may sign an independent nominating petition for that office.



II. Petition Process (Article 6 Election Law)

- ***The Nature of the Petition Process Continued:***

- ▶ **Who May Circulate Petitions For Signatures:**

Witnesses:

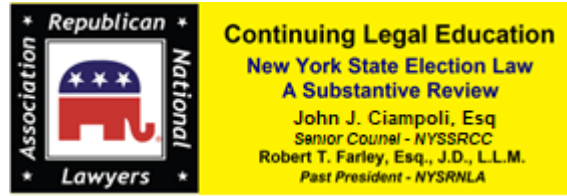
The bottom of the petition form contains a witness statement. A petition witness is the person in the political party that asks other persons in the party to sign the candidate's designating petition. They must "witness the signature and sign an oath at the bottom of the petition saying that they did. The information required for the witness statement is mandatory. Omissions, errors, or unexplained alterations/corrections, may invalidate the entire page of the petition. When the witness signs the statement of witness, they are making an oath that subjects them to the penalties for perjury if any of the information preceding their signature is false. The information preceding the signature includes the name and residence of the witness; the number of signatures on the page; a statement that each person signed in their presence; and the date they are signing the statement. Witness identification information, which follows the witness's signature, may be provided by anyone, at any time before the petition is filed. This information includes the town or city; and the county of the witness's registration.

Who May Serve As A Witness to Party Designating Petition:

- **A qualified voter of the state;**
- **Who is enrolled in the same party as the persons qualified to sign the designating petition, and**
- **Who has not previously signed any petition for another candidate for the same office.**

Notaries and Commissioners of Deeds:

A person who is an active notary or commissioner of deeds, and thereby authorized by state law to take an oath may circulate a petition for any party, even if they are not an enrolled member of such party. Notaries and Commissioners of Deeds must swear the subscribing party signing the petition for such signature to be deemed valid. They must also provide all their notary or commissioner of deed registration information on the bottom of the petition.



II. Petition Process (Article 6 Election Law)

• *The Nature of the Petition Process Continued:*

▶ **Form of the Petition:**

Form Established by Statute: Election Law §6-132 (party designating petitions), §6-140 (independent nominating petitions)
The Election Law requires that all petitions be **substantially** in the form set forth in the law.

Although Case Law has held that deviations or slight rearrangements of the form of petition are not fatal defects, the petition must contain all of the information required by statute. Each sheet of the petition must correctly set forth:

- **The date of the election;**
- **The name of the candidate and the office or position sought;**
- **The candidate's residence, and if different, their mailing or post office address;**
- **Information about the signer: date of signing, voter's residence address, town or city; and**
- **Information relating to the person who witnesses the signatures.**

A petition may include a committee on vacancies. Failure to provide such a committee, or naming a committee of fewer than three persons, will not invalidate the petition (it used to).

The voter need only sign the appropriate line on the petition sheet. All other information may be filled in by someone else. Corrections may be made to any information on the signature line. However, corrections or alterations in the date or the signature **MUST** be initialed by the person making the correction.

Voters may not sign a petition for more candidates than there are openings for an office. For example, if there is one council seat open, then the voter may only sign one petition for a candidate for that office. If there are 2 seats open, the voter may sign petitions for 2 candidates.

The pages of a petition must be sequentially numbered and securely fastened, and a cover sheet must be attached if there are 10 or more pages.

The filing of petition must be performed pursuant to New York's political calendar. A sample petition and NYS political calendar are on the next three pages.

Designating Petition Sec. 6-132, Election Law

I, the undersigned, do hereby state that I am a duly enrolled voter of the _____ Party and entitled to vote at the next primary election of such party, to be held on _____, 20____; that my place of residence is truly stated opposite my signature hereto, and I do hereby designate the following named person (or persons) as a candidate (or candidates) for the nomination of such party for public office or for election to a party position of such party.

Name(s) of Candidate(s)	Public Office or Party Position <small>(Include district number, if applicable)</small>	Residence Address <small>(Also post office address if not identical)</small>

I do hereby appoint as a committee to fill vacancies in accordance with the provisions of the election law (here insert the names and addresses of at least three persons, all of whom shall be enrolled voters of said party):

In witness whereof, I have hereunto set my hand, the day and year placed opposite my signature.

Date	Name of Signer <small>(Signature required. Printed name may be added)</small>	Residence	Enter Town or City <small>(Except in NYC enter county)</small>
1. / / 20____			
	Printed Name →		
2. / / 20____			
	Printed Name →		
3. / / 20____			
	Printed Name →		
4. / / 20____			
	Printed Name →		
5. / / 20____			
	Printed Name →		

(You may use fewer or more signature lines - this is only to show format.)

Complete ONE of the following

1. Statement of Witness: I (name of witness) _____ state: I am a duly qualified voter of the State of New York and am an enrolled voter of the _____ Party.

I now reside at (residence address) _____.

Each of the individuals whose names are subscribed to this petition sheet containing (fill in number) _____ signatures, subscribed the same in my presence on the dates above indicated and identified himself or herself to be the individual who signed this sheet.

I understand that this statement 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.

Date

Signature of Witness

Witness Identification Information: The following information for the witness named above must be completed prior to filing with the board of elections in order for this petition to be valid.

Town or City Where Witness Resides

County Where Witness Resides

2. Notary Public or Commissioner of Deeds: On the dates above indicated before me personally came each of the voters whose signatures appear on this petition sheet containing (fill in number) _____ signatures, who signed same in my presence and who, being by me duly sworn, each for himself or herself, said that the foregoing statement made and subscribed by him or her was true.

Date

Signature and Official Title of Officer Administering Oath

2018
POLITICAL CALENDAR
Published: March 13, 2018



Federal Primary Election
June 26

State/Local Primary Election
September 13*
*(*Pursuant to Chapter 3, Laws of 2018)*
General Election
November 6

This political calendar is a ready reference to the significant dates pertaining to elections to be held in this state. For complete information be sure to consult the State's Election Law and Regulations and any relevant court orders.

All dates are based on court-ordered and statutory provisions in effect on the date of publication and may be subject to change. Final confirmation should be obtained from your county board of elections or the State Board.

NEW YORK STATE
BOARD OF ELECTIONS
40 NORTH PEARL STREET – SUITE 5,
ALBANY, NEW YORK 12207
(518) 474-6220
For TDD/TTY, call the NY State Relay 711
www.elections.ny.gov

PRIMARY ELECTION HOURS:

In New York City and the counties of Dutchess, Erie, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester, POLLS OPEN at 6 AM and CLOSE at 9 PM. In all other counties POLLS OPEN at 12 NOON and CLOSE at 9 PM.

GENERAL ELECTION HOURS:

All Polls OPEN at 6 AM and CLOSE at 9 PM

FILING REQUIREMENTS
FEDERAL COURT ORDER

For the **2018 Federal Primary Election and General Elections**, all certificates and petitions of designation or nomination, certificates of acceptance or declination of such designations and nominations, certificates of authorization for such designations, certificates of disqualification, certificates of substitution for such designations or nominations and objections and specifications of objections to such certificates and petitions required to be filed with the State Board of Elections or a board of elections outside of the City of New York shall be deemed timely filed and accepted for filing if sent by mail or overnight delivery service (as defined in New York State Election Law §1-106(3)(a)) in an envelope postmarked or showing receipt by the overnight delivery service prior to midnight of the last day of filing, and received no later than one business day after the last day to file such certificates, petitions, objections or specifications.

5% of the enrolled voters of the political party in the political unit (excluding voters in inactive status) or the following, whichever is less: for any office to be filled by all the voter of:
the entire state15,000
(with at least 100 or 5% of enrolled voters from each of one-half of the congressional districts)

any congressional district1,250

SIGNATURE REQUIREMENTS FOR
FEDERAL INDEPENDENT NOMINATING PETITIONS

5% of the total number of votes, excluding blank and void, cast for the office of governor at the last gubernatorial election in the political unit, except that not more than 3,500 signatures shall be required on a petition for any office to be filled in any political subdivision outside the City of New York, and not more than the following for any office to be voted for by all the voters of:
the entire state15,000
(with at least 100 from each of one-half of the congressional districts)
any congressional district3,500

FEDERAL ELECTION - ELECTION DATES

March 6	Certification of offices to be filled at General Election. \$4-106(1)(2)
June 26	Federal Primary Election. Court Ordered
CERTIFICATION OF FEDERAL PRIMARY	
May 3	Certification of Federal primary ballot by State Board of Elections of designations filed in its office. \$4-110
May 4	Determination of candidates for Federal office by county boards. \$4-114

CANVASS OF FEDERAL PRIMARY ELECTION RESULTS

July 5	Canvass of Federal Primary returns by counties. \$9-200(1)
July 11	Recanvass of Federal Primary returns. \$9-208(1)
July 3	Verifiable Audit of Voting Systems \$9-211(1)
Sept. 19	Deadline for vacancies to be filled at General Election. \$6-158(14)
November 6	General Election \$8-100(1)(c)

CERTIFICATION OF FEDERAL GENERAL BALLOT

Sept. 13	Certification of general election ballot by State Board of Federal designations filed in its office. \$4-112(1)
Sept. 14	Determination of Federal candidates and questions by county boards. \$4-114

***** BECOMING A CANDIDATE *****

DESIGNATING PETITIONS FOR FEDERAL PRIMARY

March 6	First day for signing Federal designating petitions. \$6-134(4)
April 9 - April 12	Dates for filing Federal designating petitions. \$6-158(1)
April 16	Last day to authorize Federal designations \$6-120(3) & \$6-158(6)
April 16	Last day to accept or decline Federal designations. \$6-158(2)
April 20	Last day to fill a vacancy after a Federal declination. \$6-158(3)
April 24	Last day to file authorization of substitution after declination of a Federal designation. \$6-120(3)

OPPORTUNITY TO BALLOT PETITIONS FOR FEDERAL PRIMARY

March 27	First day for signing Federal OTB petitions. \$6-164
April 19	Last day to file Federal OTB petitions. \$6-158(4)
April 26	Last day to file OTB petition if there has been a declination by a designated candidate. \$6-158(4)

PARTY NOMINATION OTHER THAN PRIMARY

Feb. 13- March 6	Dates for holding state committee meeting to nominate candidates for Federal statewide office. \$6-104(6)
July 17	Last day to file certificates of nomination to fill vacancies in Federal office created pursuant to §§ 6-116 & 6-158(6)
July 20	Last day to accept or decline a nomination for Federal office made based on § 6-116
July 23	Last day to file authorization of nomination for Federal office made based on § 6-116
July 23	Last day to fill a vacancy after a declination for Federal office made based on § 6-116
July 24	Last day to fill vacancy after declination 6-158(8)

INDEPENDENT PETITIONS FOR FEDERAL OFFICE

June 19	First day for signing Federal nominating petitions. \$6-138(4)
July 24- July 31	Dates for filing Federal independent nominating petitions. \$6-158(9)
August 3	Last day to accept or decline Federal independent nomination. \$6-158(11)
August 6	Last day to fill a vacancy after a declination to any independent petition for Federal office. \$6-158(12)
August 3	Last day to decline after acceptance if nominee loses party primary. \$6-158(11)

FEDERAL ELECTION - VOTER REGISTRATION

VOTER REGISTRATION FOR FEDERAL PRIMARY

June 1	Mail Registration for Federal Primary: Last day to postmark application and last day it must be received by board of elections is June 6. \$5-210(3)
June 6	In person registration for Federal Primary: Last day application must be received by board of elections to be eligible to vote in primary election. \$55-210, 5-211 & 5-212
June 6	Changes of address for Federal Primary received by this date must be processed. \$5-208(3)

FEDERAL ELECTION - VOTER REGISTRATION
VOTER REGISTRATION FOR GENERAL

Oct. 12	Mail Registration: Last day to postmark application for general election and last day it must be received by board of elections is Oct. 17. \$5-210(3)
Oct. 17	In person registration: Last day application must be received by board of election to be eligible to vote in general election. If you have been honorably discharged from the military or have become a naturalized citizen since October 12 th , you may register in person at the board of elections up until October 27 th . \$55-210, 5-211, 5-212
Oct. 17	Changes of address received by this date must be processed. \$5-208(3)
Oct. 12	Change of party enrollment. Last day to accept a change of enrollment. \$5-208(3)

******VOTING BY ABSENTEE******
ABSENTEE VOTING FOR FEDERAL PRIMARY

June 19	Last day to postmark application for Federal primary ballot. \$8-400(2)(c)
June 25	Last day to apply in person for Federal primary ballot. \$8-400(2)(c)
June 25	Last day to postmark Federal primary ballot. Must be received by the county board no later than July 3 rd . \$8-412(1)
July 3	Last day to deliver Federal primary ballot in person to county board, by close of polls on election day. \$8-412(1)

MILITARY/SPECIAL FEDERAL VOTERS FOR FEDERAL PRIMARY

May 12	Date to transmit Military/Special Federal ballots for Federal primary. (5/12 Saturday) \$10-108(1) & \$11-204(4)
June 1	Last day for a board of elections to receive application for Military/Special Federal ballot if not previously registered. \$10-108(5) & \$11-202
June 19	Last day for a board of elections to receive Military/Special Federal application if previously registered. \$10-108(5) & \$11-204(4)
June 25	Last day to apply personally for Military ballot if previously registered. \$10-108(5)
June 25	Last day to postmark Military/Special Federal ballot and date it must be received by the board of elections is July 3. \$10-114(1) & \$11-212

ABSENTEE VOTING FOR FEDERAL GENERAL

Oct 30	Last day to postmark application or letter of application for general election ballot. \$8-400(2)(c)
Nov. 5	Last day to apply in person for general election ballot. \$8-400(2)(c)
Nov. 5	Last day to postmark ballot. Must be received by the county board no later than Nov. 13 th . \$8-412(1)
Nov. 6	Last day to deliver ballot in person to county board, by close of polls on election day. \$8-412(1)

MILITARY/SPECIAL FEDERAL VOTERS FOR FEDERAL GENERAL

Sept. 22	Date to transmit Military/Special Federal general election ballots. \$10-108(1) & \$11-204(4)
Oct. 12	Last day for a board of elections to receive application for Special Federal absentee ballot if not previously registered. \$11-202(1)
Oct. 27	Last day for a board of elections to receive application for Military absentee ballot if not previously registered. \$10-108(5)
Oct. 30	Last day for a board of elections to receive Military absentee application, if by mail and previously registered. \$10-108(5)
Oct. 30	Last day for a board of elections to receive Special Federal absentee application, if previously registered. \$11-204(4)
Nov. 5	Last day to apply personally for Military ballot if previously registered. \$10-108(5)
Nov. 5	Last day to postmark Military/Special Federal ballot and date it must be received by the board of elections is Nov. 19 th . \$10-114(1) & 11-212

STATE/LOCAL ELECTION - ELECTION DATES

Sept. 13	State/Local Primary Election \$6-100(1)(a)
May 22	PARTY CALLS: Last day for State & County party chairs to file a statement of party positions to be filed at the State Primary Election. \$6-120(1)

CERTIFICATION OF STATE/LOCAL PRIMARY

Aug. 8	Certification of September state/local primary ballot by SPOE of designations filed in its office. \$4-110
Aug. 9	Determination of candidates and questions; County Boards. \$4-114

CANVASS OF STATE/LOCAL PRIMARY RESULTS

Sept. 24	Canvass of State/Local Primary Returns by County Board of Elections \$9-200(1)
Sept. 28	Recanvass of State/Local Primary returns. \$9-208(1)
Sept. 20	Verifiable Audit of Voting Systems. \$9-211(1)

Nov. 6	General Election \$8-100(1)(c)
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CERTIFICATION OF STATE/LOCAL GENERAL ELECTION BALLOT

Oct. 1	Certification of state election ballot by SPOE of nominations filed in its office. \$4-112(1)
Oct. 2	Determination of state/local candidates and questions by county boards. \$4-114

CANVASS OF STATE/LOCAL GENERAL ELECTION RESULTS

Dec. 3	Canvass of General Election results by County Board of Elections \$9-214(1)
Nov. 21	Recanvass of General results. \$9-208(1)
Nov. 21	Verifiable Audit of Voting Systems. \$9-211(1)
Dec. 14	State Board of Canvassers meet to certify General Election (12/15 Saturday)

*** BECOMING A CANDIDATE ***

DESIGNATING PETITIONS FOR STATE/LOCAL PRIMARY

June 5	First day for signing designating petitions for state/local offices. \$6-134(4)
July 9-	Dates for filing designating petitions for state/local offices. \$6-158(1)
July 12	Last day to authorize designations for state/local offices. \$6-120(3)
July 16	Last day to accept or decline designations for state/local offices. \$6-158(2)
July 20	Last day to fill a vacancy after a declaration for state/local office. \$6-158(3)
July 24	Last day to file authorization of substitution after declaration of a state/local designation. \$6-120(3)

OPPORTUNITY TO BALLOT PETITIONS FOR STATE/LOCAL PRIMARY

June 26	First day for signing OTB petitions for state/local offices. \$6-164
July 19	Last day to file OTB petitions for state/local offices \$6-158(4)
July 26	Last day to file OTB petition if there has been a declaration by a designated candidate for state/local offices. \$6-158(4)

PARTY NOMINATION OTHER THAN PRIMARY

May 15 through June 5	Dates for holding state committee meeting to nominate candidates for statewide office
June 5	First day to hold a town caucus. \$6-108
Sept. 20	Last day for filing nominations made at a town or village caucus or by a party committee. \$6-158(6)
Sept. 20	Last day to file certificates of nomination to fill vacancies created pursuant to \$6-6-116 & 6-158(6)
Sept. 24	Last day to accept or decline a nomination For State/local office made based on \$6-6-116; 6-158(7)
Sept. 24	Last day to file authorization of nomination made based on \$6-6-116; 6-120
Sept. 28	Last day to fill a vacancy after a declaration made based on \$6-6-116; 6-158(8)

INDEPENDENT PETITIONS FOR STATE/LOCAL OFFICES

July 10	First day for signing nominating petitions for state/local offices. \$6-138(4)
Aug 14-	Dates for filing independent nominating petitions for state/local office. \$6-158(9)
Aug. 21	Last day to accept or decline nomination for state/local office. \$6-158(11)
Aug. 27	Last day to fill a vacancy after a declaration in state/local office. \$6-158(12)
Sept. 17	Last day to decline after acceptance if nominee loses party primary. \$6-158(11)

STATE/LOCAL ELECTION

JUDICIAL DISTRICT CONVENTIONS

Sept. 18 thru 24	Dates for holding Judicial conventions. \$6-158(5)
Sept. 25	Last day to file certificates of nominations. \$6-158(6)
Sept. 28	Last day to decline. \$6-158(7)
Oct. 2	Last day to fill vacancy after a declaration. \$6-158(8)
Minutes of a convention must be filed within 72 hours of adjournment. \$6-158(8)	

SIGNATURE REQUIREMENT FOR DESIGNATING AND OPPORTUNITY TO BALLOT PETITIONS FOR STATE/LOCAL OFFICES

5% of the enrolled voters of the political party in the political unit (excluding voters in inactive status) or the following, whichever is less:
For any office to be filled by all the voters of:
the entire state 15,000
(with at least 100 or 5% of enrolled voters from each of one-half of the congressional districts)
New York City 7,500
any county or borough of New York City 4,000
a municipal court district within NY City 1,500
any city council district within New York City. .. 900
cities or counties having more than 250,000 inhabitants 2,000
cities or counties having more than 25,000 but not more than 250,000 1,000
any city, county, councilmanic or county legislative districts in any city other than NY City 500
any congressional district 1,250
any state senatorial district 1,000
any assembly district 500

any political subdivision contained within another political subdivision, except as herein provided, requirement is not to exceed the number required for the larger subdivision; a political subdivision containing more than one assembly district, county or other political subdivision, requirement is not to exceed the aggregate of the signatures required for the subdivision or parts of subdivision so contained.

***NOTE:** section 1057-a of the New York City Charter *Superseces New York Election Law signature requirements for Designating and OTB petitions and independent nominating petitions with respect to certain NY City offices.*

SIGNATURE REQUIREMENT FOR INDEPENDENT NOMINATING PETITIONS FOR STATE/LOCAL OFFICES

5% of the total number of votes, excluding blank and void, cast for the office of governor at the last gubernatorial election in the political unit, except that not more than 3,500 signatures shall be required on a petition for any office to be filled in any political subdivision outside the City of New York, and not more than the following for any office to be voted for by all the voters of: the entire state 15,000
(with at least 100 or 5% of enrolled voters from each of one-half of the congressional districts)
any county or portion thereof outside the city of NY 1,500
the City of New York 7,500
any county or borough or any two counties or boroughs within the city of NY City 4,000
a municipal court district 3,000
any city council district within NY City 2,700
any congressional district 3,500
any state senatorial district 3,000
any assembly district 1,500

any political subdivision contained within another political subdivision, except as herein provided, requirement is not to exceed the number required for the larger subdivision.

VOTER REGISTRATION

VOTER REGISTRATION FOR STATE/LOCAL PRIMARY

Aug. 19	Mail Registration for state/local Primary: Last day to postmark application and last day it must be received by board of elections is Aug. 24. \$5-210(3)
Aug. 19	In person registration for state/local Primary: Last day application must be received by board of election to be eligible to vote in primary election. \$65-210, 5-211, 5-212
Aug. 24	Changes of address for state/local Primary received by this date must be processed. \$5-208(3)

STATE/LOCAL ELECTION

VOTER REGISTRATION FOR GENERAL

Oct. 12	Mail Registration: Last day to postmark application for general election and last day it must be received by board of elections by Oct. 17. \$5-210(3)
Oct. 12	In person registration: Last day application must be received by board of election to be eligible to vote in general election. If honorably discharged from the military or have become a naturalized citizen since October 12 th , you may register in person at the board of elections up until October 27 th \$65-210; 5-211; 5-212
Oct. 17	Changes of address received by this date must be processed. \$5-208(3)
Oct. 12	Change of Party Enrollment: Last day to receive. \$5-304(3)

VOTING BY ABSENTEE

ABSENTEE VOTING FOR STATE/LOCAL PRIMARY

Sept. 6	Last day to postmark application for state/local primary ballot. \$8-400(2)(c)
Sept. 12	Last day to apply in person for state/local primary ballot. \$8-400(2)(c)
Sept. 12	Last day to postmark state/local ballot. Must be received by the county board no later than Sept. 20 th . \$8-412(1)
Sept. 13	Last day to deliver state/local primary ballot in person to county board, by close of polls. \$8-412(1)

MILITARY VOTERS/SPECIAL FEDERAL FOR STATE/LOCAL PRIMARY

Aug. 12	Date to transmit ballot to Military/Special Federal Voter. \$10-108(1)
Aug. 20	Last day for a board of elections to receive application for Military ballot for state/local primary if not previously registered. \$10-106(5)
Sept. 6	Last day for a board of elections to receive Military application for state/local primary if previously registered. \$10-106(5)
Sept. 12	Last day to apply personally for Military ballot for state/local primary if previously registered. \$10-106(5)
Sept. 12	Last day to postmark Military ballot for state/local primary and date it must be received by the board of elections is September 20 th . \$10-114(1)

ABSENTEE VOTING FOR GENERAL ELECTION

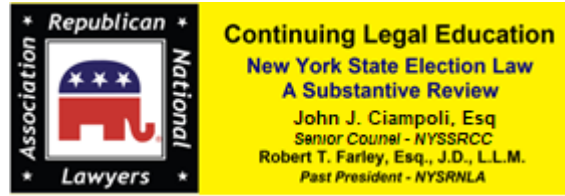
Oct. 30	Last day to postmark application or letter of application for general election ballot. \$8-400(2)(c)
Nov. 5	Last day to apply in person for ballot for general election ballot. \$8-400(2)(c)
Nov. 5	Last day to postmark general election ballot. Must be received by the county board no later than Nov. 13 th . \$8-412(1)
Nov. 6	Last day to deliver general election ballot in person to county board, by close of polls on election day. \$8-412(1)

MILITARY/SPECIAL FEDERAL VOTERS FOR GENERAL

Oct. 5	Date to transmit Military voters' absentee ballots for state/local offices and proposals, per federal court order.
Oct. 27	Last day for a board of elections to receive application for a Military absentee ballot if not previously registered. \$10-106(5)
Oct. 30	Last day for a board of elections to receive Military/Special Federal absentee application, if by mail and previously registered. \$10-106(5)
Nov. 5	Last day to apply personally for a Military General Election ballot if previously registered. \$10-106(5)
Nov. 5	Last day to postmark Military/Special Federal ballot and it must be received by the board of elections is Nov. 19 th . \$10-114(1) \$11-212

FINANCIAL DISCLOSURE - DATES FOR FILING

PRIMARY ELECTION \$14-108(1)	
32 Day Pre-Primary	August 13
11 Day Pre-Primary	September 4
10 Day Post Primary	September 24
24 Hour Notice \$14-108(2)	Sept. 1 st thru Sept. 12 th
GENERAL ELECTION \$14-108(1)	
32 Day Pre-General	October 5
11 Day Pre-General	October 26
27 Day Post-General	December 3
24 Hour Notice \$14-108(2)	Oct. 23 rd thru Nov. 5 th
2018 Periodic Reports \$14-108(1)	
January 16 th	
July 16 th	
Additional Independent Expenditure Reporting	
24 Hour Notice \$14-107(4)(a)(ii)	Primary: Aug. 14 th thru Sept. 12 th General: Oct. 8 th thru Nov. 5 th
Weekly Notice	Refer to \$14-107(4)(a)



III. Campaign Finance (Article 14 Election Law)

- ***New York's Campaign Finance Laws:***

- ▶ **Money and Reporting in Campaigns:**

Generally:

Article 14 of the election law requires all candidates and political committees to disclose and file (at designated specific times) all the financial activity in a campaign cycle by means of campaign finance reports.

Such reports which are now required to be filed electronically, are performed by the candidate's or committee's treasurer.

These reports are filed on behalf of a candidate's committee or a party committee or a political committee in support of committees or ballot proposals.

Specific Actions Involving Campaign Finance Requirements:

- **Candidates: Campaign Finance Registration**
- **Candidates: Campaign Finance Reports**
- **Committees: Campaign Finance Registration**
- **Committees: Campaign Finance Reports**

Filing Calendar:

The Filings required under New York's campaign finance laws are made pursuant to a required schedule posted by the State Board of Elections, in accordance with Article 14. The next page contains the 2018 campaign finance calendar.



Peter S. Kosinski
Co-Chair

Douglas A. Kellner
Co-Chair

Gregory P. Peterson
Commissioner

40 NORTH PEARL STREET, SUITE 5

Andrew J. Spano
Commissioner

Todd D. Valentine
Co-Executive Director

ALBANY, N.Y. 12207-2109
Phone: 518-474-8200 Fax: 518-486-6627
<http://www.elections.ny.gov>

Robert A. Brehm
Co-Executive Director

2018 FILING CALENDAR

Campaign Financial Disclosure

Please check www.elections.ny.gov for any change to this calendar.

Report Period	Cut-Off Date	Filing Date
July 2018 Periodic (.18K)	July 12, 2018	July 16, 2018

PRIMARY ELECTION (Thursday), SEPTEMBER 13, 2018

Report Period	Cut-Off	Filing Date
32 Day Pre-Primary (.18A)	August 09, 2018	August 13, 2018
11 Day Pre-Primary (.18B)	August 31, 2018	September 4, 2018
10 Day Post-Primary* (.18C)	September 20, 2018	September 24, 2018

24 Hour Notice: September 01, 2018 thru September 12, 2018**

Additional Independent Expenditure Reporting 24 Hour Notice: August 14, 2018 thru September 12, 2018***

GENERAL ELECTION NOVEMBER 06, 2018

Report Period	Cut-Off	Filing Date
32 Day Pre-General (.18D)	October 01, 2018	October 5, 2018
11 Day Pre-General (.18E)	October 22, 2018	October 26, 2018
27 Day Post-General* (.18F)	November 29, 2018	December 03, 2018

24 Hour Notice: October 23, 2018 thru November 05, 2018**

Additional Independent Expenditure Reporting 24 Hour Notice: October 08, 2018 thru November 05, 2018***

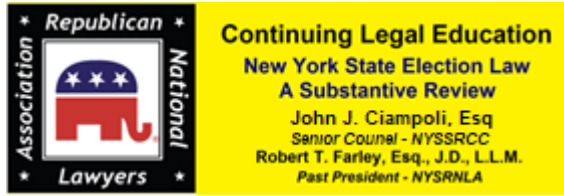
Report Period	Cut-Off	Filing Date
January 2019 Periodic (.19J)	January 11, 2019	January 15, 2019

***Campaign Material** (or a disclaimer stating that no campaign materials have been produced) must be submitted with Post Election reports. All filers with NYS Board of Elections (NYSBOE) must send this campaign material or disclaimer by mail or at <http://www.elections.ny.gov/CampaignMaterial.html>. Local filers that are only required to file with their local board(s) of elections must continue to file this material with that office.

** **24-Hour Notice** - During these time periods, any contribution or loan which exceeds \$1,000 must be reported within 24 hours of receipt via fax or the NYSBOE website at <http://www.elections.ny.gov/CFileReports.html>. This same contribution or loan must also be reported in the associated Post Election report.

*** **Additional Independent Expenditure Reporting Requirements** - Independent Expenditure Committees have additional 24 hour notice and Weekly Notice requirements. Please refer to 14-107 (3) (b) and (c).
<http://www.elections.ny.gov/IndependentExpenditureReporting.html>

After submitting electronic reports, please visit the NYSBOE website to confirm receipt and accuracy of content at <http://www.elections.ny.gov/recipienttextid.html>. No report should have a negative balance.



IV. Absentee Voting in New York

- **Overview:**

- ▶ **Law of Absentee Voting:**

- a) **Domestic Absentee Voters:** (See NYS Election Law §§ 8-400 - 8-412).

- b) **Military Voters and Overseas Voters:**

- i) Military: (See NYS Election Law §§ 10-102 -10-126 and 11-200 - 11-220).

- ii) Uniformed and Overseas Citizens Absentee Voting Act: (UOCAVA) 52 U.S.C. §§ 20301 - 20311

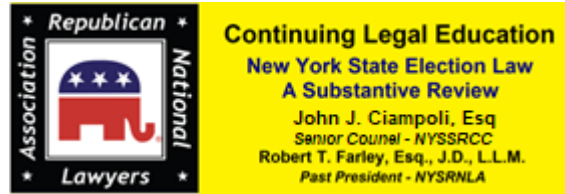
- c) **Counting:**

- i) Absentee ballots not counted in the precinct, counted centrally during county canvass.

- d) **Special statutory provision for nursing home voting.** (See NYS Election Law § 8-407).

- e) **New York does NOT have no-excuse absentee voting or early voting.**

- f) **Laws apply to Federal General Elections as well as State Elections.**



IV. Absentee Voting in New York

• Overview:

► **Absentee Voting Excuses:** (See NYS Election Law § 8-400 (1).

a) **A voter may vote absentee for the following reasons/situations:**

- i) Absent from residence county or, if a resident of the city of New York, absent from New York City; or
- ii) Illness or physical disability (or duties related to the primary care of one or more individuals who are ill or physically disabled), or because he or she will be or is a patient in a hospital; or
- iii) An inmate or patient of a veteran's administration hospital; or
- iv) Detained in jail awaiting action by a grand jury or awaiting trial, or confined in jail or prison after a conviction for an offense other than a felony, provided that he or she is qualified to vote in the election district of his or her residence.

b) **Election Workers (inspectors, Board of Elections employees, etc.) may vote a "special ballot" during the absentee voting period.** (See NYS Election Law § 11-302).

► **Applicable Deadlines:** (See NYS Election Law § 8-400).

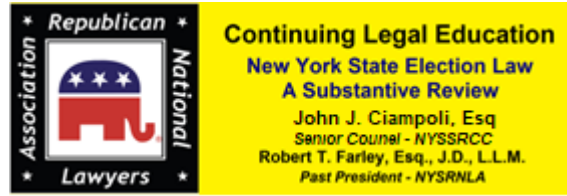
a) **Applications:**

By Mail Applications: All applications by mail must be mailed to the board of elections not later than the seventh day before the election (or be personally delivered to the board not later than the day before such election).

In-Person applicants: Ok until day before the election.

b) **Ballot Delivery:**

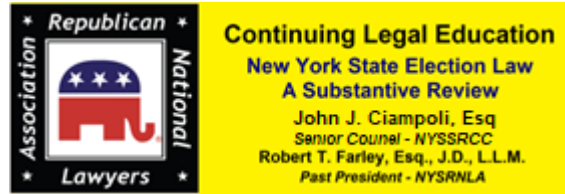
- i) In-Person Delivery: delivered no later than the close of polls on election day.
- ii) If Mailed: Postmarked by a governmental postal service not later than the day before



IV. Absentee Voting in New York

• Overview:

- ▶ **Special Rules for Military Voters:** See NYS Election Law §§ 10-100 - 10-126 and 11-200 - to 11-220.
 - a) **Military members can opt to have ballot mailed, emailed, or faxed to them.** (§10-107(1)).
 - i) Ballot must be returned by mail.
 - b) **Military can simultaneously register to vote and apply for an absentee ballot**
 - i) Must use a Federal Post Card Application (FPCA).
 - ii) Military Voter can fax, email, or mail in a Federal Post Card Application (FPCA).
 - c) **Application Deadlines:**
 - i) See NYS Election Law §10-106 (5).
 - ii) If not previously registered, received 10 days before the election.
 - iii) If previously registered, received 7 days before the election.
 - d) **Federal MOVE Act:**
 - i) Requires ballots be mailed to voters by the 45th day before the federal election.
 - e) **Military Ballots:**
 - i) Must be delivered to local board no later than 13 days after the election (§10-114 (1)).



IV. Absentee Voting in New York

• *Challenge of Absentee Vote:*

▶ **Checklist:**

- **Obtain Court Order**

- i) Which Allows Access to All Election Materials and Preservation of Objections

- **Check Absentee Application**

- i) Is there a valid reason for Application?
 - ii) Is it signed, dated and filed properly and time?

- **Examine Outside Envelope**

- i) If mailed, is the postmark date correct? (Not later than the day before election)

- **Examine Inside Envelope:**

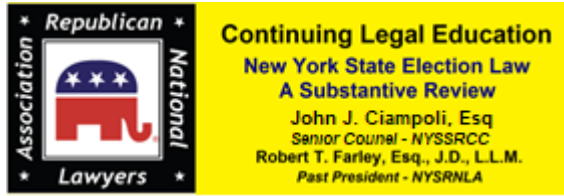
- i) Is the envelope sealed? (Must be sealed and unopened to be valid)
 - ii) Is the Board of Elections Date Stamp Correct? (Not later than 7 days after the election)
 - iii) Is the date correct? (Not Later than the day before the election)
 - iv) Is the Signature correct? (Does it match the Buff Card, the Application and the BOE sticker?)

- **Examine Ballot:**

- i) Is the Ballot free of extraneous, identifiable marks? (Must be clean)
 - ii) Has the voter demonstrated a clear intent? (is the mark inside the circle and filled in)

- **Military and Board of Elections Employee Ballots:**

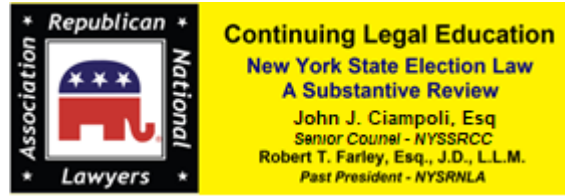
- i) It is generally a bad idea to object to these ballots.



V. Election Day Voting in New York

• *Generally:*

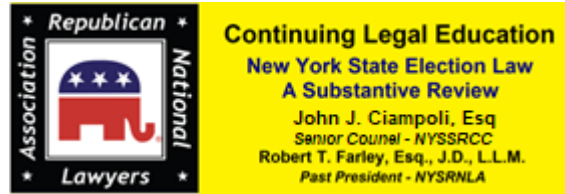
- Voting in New York takes place by marking a paper ballot.
- Votes are recorded (and later counted) by means of an optical scanning machine that reads and collects the ballot.
- Special Voting Machines are available for disabled voters.
- Voting takes place at a Polling Place.
- Polling Places are designated by the County Board of Elections.
- Each voter lives in an election district, which is a geographic region within their city, town or village.
- Each Election District is assigned to vote at a Polling Place.
- A Polling Place may contain more than one Election District.
- An Election District, however, is assigned to vote at only ONE Polling Place.
- For general elections in New York, Polling Places are open, and can receive voters, between 6 a.m. and 9 p.m.
- The County Board of Elections assigns Poll Inspectors to work at each Polling Place.
- Each Polling Place must have an equal number of Republican and Democratic Poll Inspectors.
- Poll Inspectors are paid by the County to work the full election day at the Polling Place.
- After the Poll Inspectors open the polling place, at 6 a.m., the voters may enter it.



V. Election Day Voting in New York

• *Generally Continued:*

- Upon entering the Polling Place, the voter must report to the table marked for their Election District.
- There are at least Four Poll inspectors for each Election District, with at least two Republican and two Democratic.
- Upon reporting to the table marked for their Election District, the voter must state their name to the Poll Inspectors.
- If the voter is a new voter, and has not voted previously, a Poll Inspector can ask for photo identification.
- New York does not provide for Voter Identification by means of a photo identification if the voter is not a new voter.
- Upon the voter announcing their name, the Poll Inspector will look for the voter's name in the Poll Roster Book.
- The Poll Roster book contains the voters' information and verification record.
- The Poll Roster book contains the voter's name, address, date of birth, party affiliation and copy of their signature.
- In order to be given a regular ballot, the voter must sign their name in the signature box in the Poll Roster Book.
- If the voter's name does not appear in the Poll Roster Book, the voter may only vote by means of an affidavit ballot.
- If the voter's name is in the Poll Roster Book, and the voter signs the Book in the signature box.
- Upon signing the poll book, the voter is then given a numbered, paper ballot and a privacy sleeve by the inspector.
- Upon receiving the ballot and the privacy sleeve, the voter is directed to a privacy booth.

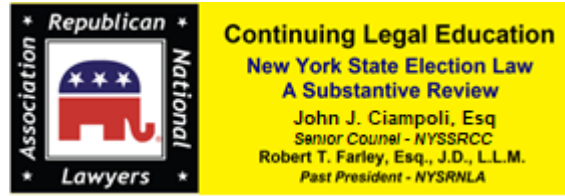


V. Election Day Voting in New York

• *Generally:*

▶ **Voting by Machine:**

- In the privacy booth, the voter completes the ballot, filling in oval designators for the candidate supported.
- After completing the ballot, the voter then places it in the privacy sleeve.
- The voter then proceeds with their completed ballot to the optical scanning machine.
- If the voter makes a mistake in marking the ballot, a Poll Inspector may give the voter another.
- If the voter obtains a replacement ballot (may only happen twice) and the inspector must void the original.
- A voter with a completed ballot in a privacy sleeve is then directed by a Poll Inspector to an optical scanner.
- The voter inserts the completed ballot in the optical scanner to have his votes read and recorded.
- The optical scanner takes the inserted ballot and reads and records the votes on the ballot.
- If the voter did not vote for more than one candidate for an individual office (i.e. an “over-vote”), the machine will accept the ballot, recording and retaining the same inside its locked storage bin.
- If the voter did over-vote, the optical scanner will ask the voter if they wish to correct such over vote.
- The machine will then either correct or discount the over-vote depending on the voter’s response, retaining the ballot.



V. Election Day Voting in New York

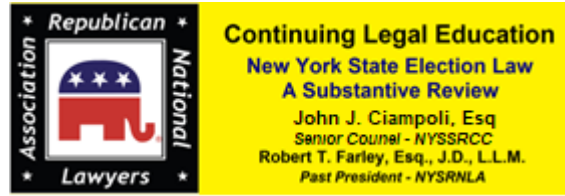
• *Generally:*

▶ **Voting by Affidavit Ballot:**

- If the voter is not listed in the Poll Roster Book, they can still vote by Affidavit Ballot or get a court order to vote.
- The Affidavit Ballot is a paper ballot, which is NOT feed into the optical scanning machine.
- If the voter chooses to vote by Affidavit Ballot, they must fill out an Affidavit Ballot envelope.
- The voter must place their completed ballot inside the envelope and seal it.
- The Affidavit Ballot envelope contains an oath, where the voter swears they are legally entitled to vote.
- The voter must also complete their registration information on the envelope.
- The veracity of the information and oath on the Affidavit Ballot envelope will be reviewed by the Board of Elections.

▶ **Voting by Emergency Ballot:**

- If a voting machine breaks down, the voter may vote by Emergency Ballot.
- Voting by Emergency Ballot follows the same procedures as voting on a machine, except the ballot is placed in an envelope.
- The inspector will take the voter's ballot, and instead of having it inserted into the machine, it is placed in the envelope.
- The emergency ballot envelope does not require the voter to attest to an oath.
- The Board of Elections will later insert the emergency ballots into an optical scanner for counting and preservation.



V. Election Day Voting in New York

• *Poll Watching:*

► **Overview:**

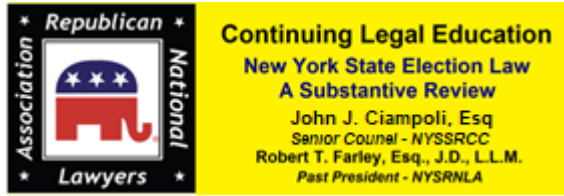
- To ensure fair and honest elections, NYS law provides for appointing poll watchers to observe voting at the polls.
- Poll watchers are designated by candidates, political parties, or independent organizations, which have candidates on the ballot and/or political committees. (See NYS Election Law § 8-500)

► **Roll of the Poll Watcher:**

- The role of the poll watcher is to observe elections at the polling sites.
- If they observe irregularities, they can report these observations.
- These reports are made to either the Elections Inspector and/or the Board of Elections, and who they represent.

► **Poll Watcher Qualifications:**

- Poll watchers must be qualified voters in the County in which the poll where they are watching is located.
- Poll watchers must be certified in writing by:
 - * A candidate; or
 - * A chairperson of a political committee or independent body.
- Poll watchers can be required to by the Inspectors to present a certificate designating them as a watcher for they Election District they seek to observe.



V. Election Day Voting in New York

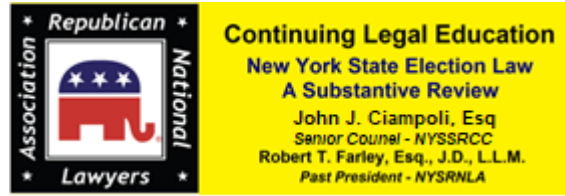
• *Poll Watching Continued:*

▶ **Number of Poll Watchers:**

- New York State law allows three Poll Watchers per election district for each Party Committee, or independent body.

▶ **Poll Watcher Rights:**

- Pursuant to New York State Election Law § 8-500, the Poll Watcher may:
- Arrive 15 minutes before opening to observe the opening of the polls.
- Compare the ballot on the voting machine with paper ballots to see that they match.
- Observe the closing of the polls and the final canvasses.
- Challenge individual voters on the basis of:
 - * Signature Authenticity;
 - * Residence;
 - * Multiple Voting;
 - * Qualifications to Vote; and/or
 - * Electioneering.



V. Election Day Voting in New York

• *Poll Watching Continued:*

▶ **Poll Watchers Limitations:**

a) Pursuant to New York State Election Law §8-500, the Poll Watcher **MAY NOT:**

- Tamper with election materials;
- Interfere with the election process;
- Protest a vote ruling;
- Accompany a voter to the booth; and/or
- Electioneer in any manner.

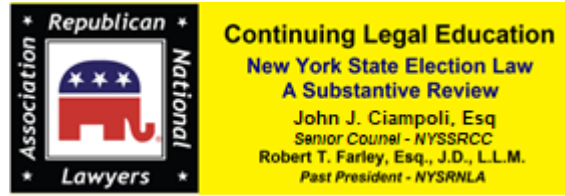
* Electioneering includes soliciting votes or distributing or carrying political literature, posters, banners or buttons, or displaying food or refreshments showing a candidate or party's name. Note – The U.S. Supreme Court just held wearing political clothing is 1st amendment right .

▶ **Witnessed Violations:**

- Poll watchers are not law enforcement officers; however, they may attempt to enforce their candidate's rights by reporting a violation to: Election Inspectors; Law Enforcement (the Sheriff's Department or Police); the campaign they work for, or the County Board of Elections.

▶ **Voter Intimidation:**

- Poll watchers must NEVER engage in intimidation of voters. Voter intimidation is a crime. The United States Department of Justice will prosecute any person who engages in voter intimidation. If a violation is witnessed, the Poll Watcher should merely document it and report it to the authorities listed above.



V. Election Day Voting in New York

- *Poll Watching Continued:*

- ▶ **Poll Watching – Special Note:**

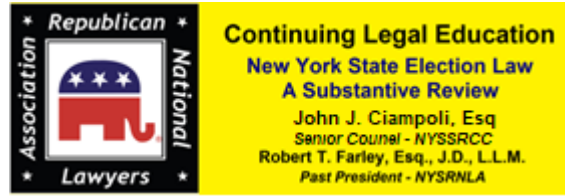
Pursuant to Section 5-206 of the Election Law, each Watcher must be a qualified voter of the city or county in which they are to serve.

Accordingly, a person who is not such a qualified voter, is not legally entitled to a “Watcher’s Certificate”.

As most polling places are public venues, however, the general public are permitted at the venue, so long as they are not disruptive nor interfering in the election process (with such determination being at the discretion of the inspectors).

Only a legally appointed “watcher, may demand that an inspector challenge a vote.

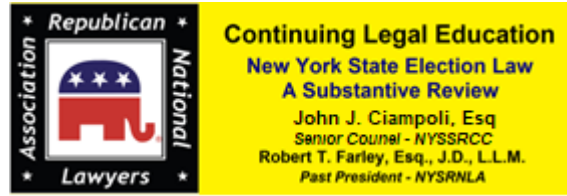
A non watcher can always ask, but can be (and often is) then ejected from the polling place for doing so.



V. Election Day Voting in New York

• *Check List for Ballot Security Teams:*

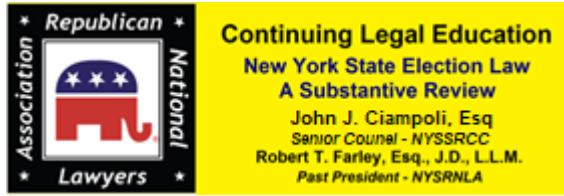
- Travel to Polling Place
- Introduce yourself to the inspectors
- Be polite, friendly and respectful
- Show them the Watcher's Certificate.
- If you are not entitled to a Watcher Certificate, introduce yourself as counsel to (or if you are not a lawyer, introduce your self as a "representative" of) the campaign.
- Never, ever lie or misrepresent yourself as to who you are.
- Ask inspectors how turn out has been
- Ask inspectors if there has been any problems (anything from machine breakdowns, to unexpected numbers of voters, to communication issues).
- Offer to report any problems the inspectors inform you of to the Board of Elections.
- Ask if there have been any affidavit ballots, and if so, how many.
- Remind the Republican inspector, that all voters who are not in the book, must vote by affidavit ballot, and may never, ever vote on the machine (unless they have obtained a court order - but try not to get into that, as it confuses the issue).



V. Election Day Voting in New York

• ***Check List for Ballot Security Teams - Continued:***

- If any incident occurs in your presence, document it, record names, times, locations, and take photos (if possible) and report it immediately.
- Do not take movies, and never act in an intimidating manner. (Be a reporter, simply record the incident, and don't act as an advocate, you are a monitor not the police).
- Never, ever try to intercede or prevent a person from voting. Rather just report the incident immediately to:
 - a) The Republican inspector at the polling place;
 - b) The Campaign Headquarters; and
 - c) The Republican Commissioner of the Local Board of Elections.
- When you are concluded, with your inspection of the polling site:
 - a) Thank all the poll workers for their hard work; and
 - b) Tell the poll workers you will be returning later in the day.
- Do not stay long if there are no problems.
- Travel to next polling location.



VI. Voter Fraud

• *Check List for Identifying Voter Fraud and Voter Intimidation:*

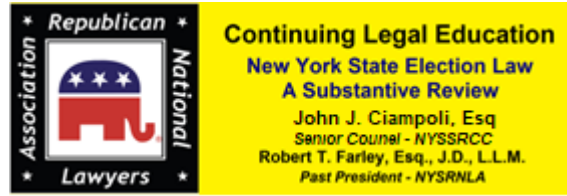
▶ **Voter Fraud and Voter Intimidation - Things to Look For**

Voter Fraud:

- Unqualified Voters Voting:
 - a) Union/Party Sponsored Buses Brining Around Voters (Casting Multiple Ballots)
 - b) Illegal Aliens
 - c) Dead People
 - d) Unregistered People
 - e) Persons Voting in Multiple Jurisdictions under Multiple Registrations
 - f) Persons casting Multiple Ballots (Stuffing Ballot Box)
 - g) Electronic Hacking of Voting Machine or Manipulation of Vote Totals
 - h) Felons

Voter Intimidation / Electioneering:

- a) Intimidation Activity (Filming, Confronting, Accosting Potential Voters)
- b) Electioneering within 100 feet of polling place



VI. Voter Fraud

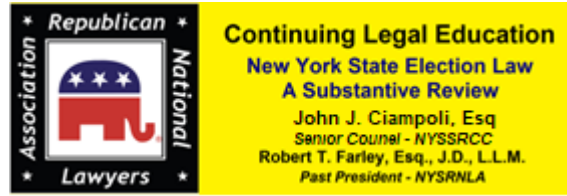
- *Examples of Voter Fraud and Voter Intimidation:*

- ▶ **Examples Include:**

- a) 1960 Kennedy-Nixon election.
 - b) 1948 Lyndon Johnson Senate Primary.
 - c) 1976 Ford-Carter election.
 - d) The 1982 Illinois Gubernatorial Race. Jim Thompson vs. Adlai Stevenson III.
 - e) The 1998 New York Attorney General Race. Eliot Spitzer vs. Dennis Vacco.
 - f) 2000 Presidential Race. George W. Bush v. Albert Gore.
 - g) 2010 Minnesota Senate Race. Al Franken versus Norm Coleman.

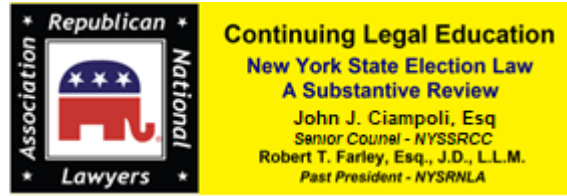
- ▶ **Recent Discussions Include:**

- a) James O'Keefe and Project Veritas.
 - Statements of Scott Foval and Robert Creamer
 - b) Wiki Leaks
 - Statements of John Podesta



VII. Ethics Issues:

- **Honesty and Integrity**
- **Act Professionally**
- **Represent Who You Are as the Person You Actually Are**
- **Don't Lie, Don't Cheat, Don't steal.**



Thank You for Coming

- Questions?
- Make Sure you Fill Out and Hand in Your CLE Sheets