

# RUNNING FOR ELECTIVE OFFICE

## Herkimer County

Herkimer County Board of Elections  
109 Mary St.  
Suite 1306  
Herkimer N.Y. 13350  
Phone: (315) 867-1102



### **Republican**

Teresa Robotham  
Commissioner  
Cody Keeler  
Deputy Commissioner

### **Democratic**

Robert Hoyt  
Commissioner  
Jon Karaffa  
Deputy Commissioner

For Election results and other Election Information, please visit:

<https://www.herkimercountyny.gov/government/board-of-elections/>

or New York State Board of Elections

<http://www.elections.ny.gov/>

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## **GENERAL INFORMATION**

**Note:** The information contained here is intended to provide general guidance for those who are preparing to circulate petitions, or expand their knowledge of the nomination process and is not to be used as a substitute for consulting the Election Law for specific requirements.

The current political parties in New York State are:

Democratic  
Republican  
Conservative  
Working Families

### **Elected Positions**

Party nominations for elected positions are made by either a Designating Petition or an Independent Petition.

### **Designating Petitions**

Designating petitions are used to nominate party members for elected officials for town offices and higher. If there is Designating Petitions of the same party than number of offices available, then that would force a primary election for that office(s).

### **Independent Petitions**

To run for office on a line other than an official party line, one must file an Independent Nominating Petition. You would create a name for your Independent Party. The party name must not be one of the current constituted parties in New York State. An emblem must be filed on the petition, which would represent your party name, prior to circulation. The Board of Elections will provide a booklet with samples from the state printer. A Certificate of Acceptance must be filed with this petition. Any registered voter who has not already signed a Designating Petition for an office and who is qualified to vote for the office may sign an Independent Nominating petition for that office.

### **Certificate of Authorization aka (Wilson Pakula)**

A Certificate of Authorization is needed for a person nominated on a Designating Petition that is not of the political party named on the petition. A Certificate of Authorization must be signed and acknowledged by the presiding officer of that party. This form needs to be filed not later than four (4) days after the last day to file the Designating Petition. A Certificate of Authorization is available at our office. Or on line <http://www.elections.ny.gov/>

### **Certificate of Acceptance and Declination**

A Certificate of Acceptance is needed for a candidate that does not belong to the party circulating the petition. A Certificate of Acceptance is always needed when filing an Independent Petition.

A Certificate of Declination is needed to be filed for any candidate declining a nomination. The deadline for filing these certificates are included in the Political Calendar, which is available in our office or on our website <https://www.herkimercountyny.gov/government/board-of-elections> or the SBOE <http://www.elections.ny.gov/>

## Designating Petition – Sec. 6-132, NYS Election Law

[illegible]

I do hereby appoint: *(insert here the names & addresses of at least 3 persons, all of whom are enrolled voters of said party)* as a committee to fill vacancies in accordance with the provisions of the election law.

If you designate a vacancy committee there must be at least 3 names here and the vacancy committee is only for the primary. This is not required but optional.

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

	Date	Name of Signer (signature required)	Residence Address	Enter Town or City
1			Physical Address	Town or City
2		<b>SECTION 3</b>	Physical Address	Town or City
3			Physical Address	Town or City
4			Physical Address	Town or City
5			Physical Address	Town or City
6			Physical Address	Town or City
7			Physical Address	Town or City
8			Physical Address	Town or City
9			Physical Address	Town or City
10			Physical Address	Town or City
11			Physical Address	Town or City
12			Physical Address	Town or City
13			Physical Address	Town or City
14			Physical Address	Town or City
15			Physical Address	Town or City
16			Physical Address	Town or City
17			Physical Address	Town or City
18			Physical Address	Town or City
19			Physical Address	Town or City
20			Physical Address	Town or City

## SECTION 4

**Complete ONE of the Following**

I now reside at (*residence address*) \_\_\_\_\_ Witness Physical Address \_\_\_\_\_.

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.

This date cannot be before the last date of the last signature

*Date*      **E**      *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 sheet to be valid. If your witness does not live in herkimer county please change the County

Town /City of Town or City that the witness resides **F** County of Herkimer

*Date* \_\_\_\_\_ *Signature and Official Title of Officer Administering Oath* \_\_\_\_\_

**Note: All petitions are assumed to be valid at the time of filing**

## SECTION#1

A - Party you are running under and Date of the Primary Election must be entered at the top of petition.

B - Name of Candidate (YOUR NAME); a candidate may use his/her name adopted in good faith and by which he/she is recognized in the community. ***Election Law §7-102, the way your name will appear on the ballot.***

C - County, Town/City Name, Office Title, Political Subdivision and Term of Office unexpired term only in which the candidate is running.

D - Residence Address and PO Box if applicable.

***Note: Sections A, B, C and D above must be completed correctly or your petition will be ruled invalid.***

## SECTION#2 – Vacancy Committee

- The failure to list a committee to fill vacancies ***shall not be a fatal defect***. However, if a vacancy occurs and there is no committee listed, the petition fails and the vacancy cannot be filled.
- At least three (3) members are needed to form a vacancy committee.
- Members of the vacancy committee for designating petitions must be registered voters of that designating party.
- A candidate may be a member of his/her own vacancy committee.
- Members of vacancy committees for designating petitions do not have to be residents of the district.

## SECTION#3 – Signatures

- The signer must be of the party that the petition is for. A voter can only sign the number of petitions that there are offices on the ballot.(i.e.: If two(2) Town Councilmen positions are available a voter may sign up to two(2) petitions)
- An alteration or correction of information appearing on a signature line, other than the signature itself and the date, shall not invalidate the signature. ***Election Law§6-134.6***
- If making corrections in the “Residence” or “Town/City” section of a petition, draw only one line through it to correct it. ***All corrections made on a petition must be initialed & dated. No unexplained alteration should be made to the petition or any information on it.***
- Avoid using White-Out on petitions. If a mistake is made on the “Date” or “Signature” section, draw a line through the entire row initial it, then start on the next line.
- “Town or City” refers to the **signer’s voting district**, NOT his or her mailing address. For example, a mailing address may be "Ilion", but the voting district is “German Flatts”.  
■

## SECTION#4 – Statement of Witness

**The witness statement must be filled out before filing at the counter at the Board of Elections.**

A – The person carrying the petition door to door gathering the signatures is the **Witness**; therefore, the **Statement of Witness** section must be filled out by said person.

B – The witness must be registered in the party that the petition is being carried for. However, a Notary Public may carry a petition regardless of party affiliation.

C- The witness needs to be an enrolled voter of the party that the petition is for and live in New York State.

D- The total number of signatures collected on the sheet.

E – Date the witness signed the Statement of Witness and of course a signature.

F – Town or City: \_\_\_\_\_ & County: \_\_\_\_\_ applies to the Witness that carried the petition. **This must be completed.**

G – Sheet number: The Candidate or Committee will number and bind sheets in order prior to filing. 2 or more sheets need to be securely bound. 10 or more sheets require a Cover Sheet.

## **ADDITIONAL RULES FOR PETITION CARRIERS**

\*\* To be eligible to circulate and witness a designating petition for a major party, you must be an enrolled voter of the party in the state. Any registered voter in New York State may carry an Independent Petition.

- Be sure upper portion (Section#1) of the petition is properly filled in: including Party, Date of the Primary Election for Designating Petition and the Date of the General Election on a Independent Petition, Name of Candidate, Public Office or Party Position, Term of Office if unexpired and place of Residence. **Failure to have the correct election date will invalidate the entire petition.**
- **Vacancy Committee** – Failure to list at least three (3) eligible voters **will not** invalidate the petition unless a vacancy occurs. (see SECTION#2 page 4)
- Designating petitions require the number of signatures equal to 5% of the voters enrolled in the party within the political subdivision, or the statutory minimum, whichever is less. Independent petitions require the number of signatures equal to 5% of the total number of votes cast for Governor at the last gubernatorial election for the political subdivision. The Board of Elections will provide you with these numbers or you can view on our webpage. <https://www.herkimercountyny.gov/government/board-of-elections/>
- All columns must be completed and must be in ink. Otherwise a fatal defect for that signature could become invalid upon objection. Any alteration or correction of information appearing on a signature line, other than the signature itself and the date, will not invalidate such signature. Any alterations or corrections must be initialed and dated.
- In addition to the requirement for the signature, the printed name of the signer may be added, provided that the failure to provide a place to print the name or failure to print name if a space is provided shall NOT invalidate the signature or petition. Have signer sign his/her full name – no (Mrs.) Etc.
- Use current enrollment and registration lists to determine voter's eligibility to sign a petition. They must reside in the political subdivision for the public office or party position listed on the petition. You may obtain current lists from the Board of Elections.
- Each petition must be numbered sequentially at the foot of each sheet before being filed (see **G** page 3&4). Do not number the petition sheets unless you are the person who will be binding or filing the petition.
- You cannot circulate a petition for a candidate if you have already signed for another candidate for the same office.
- **Witness Statement** – (see SECTION #4 page 3& 4) The witness must be an enrolled voter of the same party enrollment as the voters qualified to sign the petition and reside in New York State. The carrier/witness must witness all signatures on his/her petition. **Do Not** give a petition to someone else to obtain signatures and then sign your name as the witness. **Never** allow anyone to sign another name except his/her own. When you have completed each sheet, print your name on the first line of the Witness Statement where it asks for "Name of Witness", fill in your party, residence and number of signatures. **(A-E)** Information below the witness' signature **(F)** Town/City and County can be filled-in by anyone prior to filing the petition.
- You **CANNOT** witness your own signature. He/she may sign another carrier's/witness's petition but advised only to do when they are finished circulating petitions.

# Cover Sheet

## Designating and Independent Petitions

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Name of Candidate	Residence address <i>(Also mailing address if different)</i>	Public Office or Party Position <i>(Include district number where appropriate)</i>

Volume Number	
Total Number of Volumes in Petition	

The petition contains the number, or in excess of the number, of valid signatures required by Election Law.

### Contact person to Correct Deficiencies

Name \_\_\_\_\_

Residence

Address \_\_\_\_\_

\_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Email \_\_\_\_\_

I hereby authorize that any notice of any determination made by the Board Of Elections be transmitted to the person named above.

Optional: For candidates for statewide office, Member of Assembly or State Senator Only

The following website address is submitted to be published on the state board of elections website pursuant to election law § 4-123 for the candidate listed opposite:

Name of Candidate

Website Address

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Signature of Candidate or Agent

## **LAST MINUTE CHECKS**

The following are some common petition errors.  
Please check your petition for these errors before filing.

- ✓ Petitions with multiple pages must be securely bound. **Paper clips are not acceptable, Staples are highly recommended.**
- ✓ Petitions with 10 or more pages must have a cover sheet.
- ✓ Cover sheet must be completed and signed.
- ✓ Petitions pages must be **sequentially numbered** at the foot of the page.
- ✓ Top of Petition must have party and **correct date of election as follows:**
  - **Designating Petition will have Primary Election Date**
  - **Independent Petition will have General Election Date**
- ✓ Public Office or Party Position must include Herkimer County Town, Political Subdivision and Term of Office if it is an unexpired term.(EX: HERKIMER COUNTY TOWN OF HERKIMER TOWN CLERK)
- ✓ Each signature line must have all requested data in ink.
- ✓ The witness statement must have all requested information in ink.
- ✓ Any alterations or corrections must be dated and initialed.

The purpose of this list is to provide filers with common petition errors. It is NOT a complete list of all possible petition errors or requirements per NYS Election Law. Please review before filing Petition at Board of Elections counter. You may call the office if you have any questions prior to filing. (518) 761-6456, 6457, 6458, 6459.

### Note:

- If there will be a Primary Election for the office the candidate seeks, all candidates will be notified by mail of the date and time of a drawing to determine ballot order for the primary ballot.
- The Board of Elections will provide Voter Street lists on request.



## **CORRECTION TO PETITIONS**

*State Board Rule §6215.7*

- Within two (2) business days of the receipt of the petition the board shall review the petition following prima facie compliance review. After which the Commissioners will notify by mail, fax or email of the errors, some errors can be corrected.
- The candidate will have three (3) business days from the date of the determination to cure the violation that is curable.
- Cover sheet deficiencies may be corrected by filing of an amended cover sheet. Such cure or correction must be received by the Board of Elections no later than the third (3<sup>rd</sup>) business day following such determination.
- If a petition contains fatal flaws such as not stating the proper office or municipality, or election date, it is not curable.

## PETITIONS DO'S AND DON'TS

- ✓ DO remember to sign and date your petition.
- ✓ DO remember to write in the number of signatures witnessed on each page.
- ✓ DO make sure you actually watch each signer sign his/her own name to the petition.
- ✓ DO remember that you may fill in the signer's town/city. This may be preprinted on the petition.
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- ✓ DON'T place name of a village in the town/city column.
- ✓ DO remember that each signature, the signer's name, address, town/city of residence and the date the signature was made must appear on each line.
- ✓ DO remember to always get more signatures than the law requires. (Best practice – always try to file double the minimum number of signatures.)
- ✓ DO make sure that if you are witnessing as a notary public or commissioner of deeds that your license is up to date.
- ✓ DO make sure that if you are witnessing as a notary public or commissioner of deeds you complete the appropriate section at the bottom of the petition.
  - **Note: a notary is not needed for the witness signature.**
- ✓ DON'T ever allow one voter to sign on behalf of another. (for instance, husband signing for wife or wife signing for husband)
- ✓ DON'T witness as a party member if the petition is not the party in which you are enrolled.
- ✓ DON'T forget to state your county and town/city of residence in the witness statement if you are witnessing as a party member-witness.
- ✓ DON'T forget that only party members may sign a petition for their party (for instance, only Democrats may sign a petition for a Democrat, only Republicans may sign a petition for a Republican and only Conservatives may sign a petition for a Conservative etc.)
- ✓ DON'T forget to place a cover sheet on your petition if you have 10 or more pages.
- ✓ DON'T forget to number the pages of your petition.
- ✓ DON'T forget to properly bind your petition. NO PAPER CLIPS.
- ✓ DON'T forget to make sure your candidate's acceptance and authorization are filed timely if he/she needs an acceptance and authorization for his/her designating petition to be valid.
  - Best practice, file all paper work together.