
**NEW YORK STATE
BOARD OF ELECTIONS**

1999 OPINION #1

OCTOBER 27, 1999

QUESTION PRESENTED:

Does § 6215.2(c) of the Rules and Regulations of the State Board of Elections apply with respect to statewide petitions filed pursuant to Chapter 137 of the Laws of 1999?

DISCUSSION:

Section 6215.2(c) of the Rules and Regulations of the State Board of Elections requires that:

“Where a designating petition involves an office to be filled by the voters of the entire state, the petition shall be accompanied by a schedule which sets forth the volume and page number of each sheet on which signatures appear of at least 100, or 5 per centum, whichever is less, of properly enrolled voters in each of at least one-half of the Congressional Districts of the State.” (emphasis added).

Chapter 137 of the Laws of 1999 sets forth the petition signature requirements for the primary election to select delegates to a political party’s national convention.

The relevant portion of Chapter 137 at issue is the requirement that a presidential candidate, in order to secure delegates committed to them, must file a petition with 5,000 signatures from enrolled party members. Chapter 137, §2(a) (adding §6-137 of the Election Law); and §3(3).

The Board is of the opinion that the designating petition filed pursuant to Chapter 137 with respect to the candidates for the Office of President of the United States are not petitions for an office to be filled by the voters of the entire state. Therefore, the provisions of §6215.2(c) of the Rules and Regulations of the State Board do not apply and no Congressional District distribution schedule need be filed with any such petition.

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