

PART 6204. DESIGNATING AND INDEPENDENT
NOMINATING PETITIONS**Section**

6204.1. Specification of objections to designating and independent nominating petitions.

6204.2. Repealed.

6204.3. Methods for determining ballot order by lot.

Section 6204.1. Specification of objections to designating and independent nominating petitions and certificates

(a) Any person filing general objections to any designating, independent nominating petition, or certificate filed with the State Board of Elections or a board of elections who thereafter files specifications of objections to any such petition or certificate with such board shall do so in accordance with the provisions of section 6-154 of the Election Law. All such specifications shall substantially comply with the following requirements:

(1) the volume number, page number, and line number of any signature objected to on any petition shall be set forth in detail. In addition, any portion of any petition or any signature line or witness statement objected to shall be specifically identified and reasons given for any such objection;

(2) the total number of signatures objected to shall be set forth and all objections relating to a single signature line should be grouped together;

(3) symbols and/or abbreviations may be used to set forth objections, provided that a sheet explaining the meaning of any such symbols and/or abbreviations is attached to the specifications; and

(4) all text should be provided using a font size of not less than ten points and formatted for a page measuring 8 1/2 × 11 inches, provided however, the use of text and formatting not in compliance with the provisions of this subdivision shall not be a fatal defect.

(b) No specifications of objections to any petition or certificate will be considered by the board unless the objector filing the specifications personally delivers or mails by overnight mail a duplicate copy of the specification to each

candidate for public office named on the petition or certificate. In the case of a petition or certificate containing candidates for party positions, service of the specifications shall be made on either the named candidates or the first person named on the petition's committee to fill vacancies. Service shall be made on or before the date of filing of any specifications with the board. Proof of service shall accompany the specifications or be received by the end of business two days following the filing of the specifications, whichever is later. A petition or certificate shall be considered a separate instrument as to each candidate named therein. For purposes of making an objection, an objection may be made against specific candidates named on a petition or certificate and not others also named, and in which case service of specifications shall only be required upon the candidate or candidates against whom objections are made.

(c) Any notice and/or determination relating to a petition or certificate for which specifications of objections have been filed shall be transmitted by the board to the objector filing the specifications, provided that any such objector may designate an attorney or agent to receive any such notice and/or determination on his behalf. Any such designation shall be in writing and include the name, address, email address and telephone number of any such attorney or agent, and any such attorney and/or agent shall be eligible to represent any such objector in any proceeding conducted by the board relating to the specifications.

Sec. filed May 7, 1976; amds. filed: April 28, 1978; Dec. 14, 1993 eff. Dec. 14, 1993. Amended (b); emergency rulemaking eff. March 31, 2023, expires June 28, 2023 (Register dated April 19, 2023); amd. filed Sept. 27, 2023 eff. Oct. 18, 2023 (Register dated Oct. 18, 2023).

Section 6204.2. New York City designated petitions; colors--Repealed

Sec. filed Dec. 14, 1993 eff. Dec. 14, 1993; repealed, filed Sept. 13, 2012 eff. Oct. 3, 2012.

Section 6204.3. Methods for determining ballot order by lot

(a) Whenever a board of elections, or other elections officer prepares a primary ballot, or receives a written request

from a candidate to determine ballot order of candidate names on a ballot, or the order of names and emblems of independent bodies on a ballot, or prepares a ballot for a primary election, they shall use one of the following methods:

(1) acquire a quantity of smooth-surfaced, numbered spheres and an automatic selection machine similar to those used for bingo games or for drawing state lottery numbers. Place all spheres in the automatic machine. The person(s) designated to conduct the drawing shall release one sphere. The number drawn will be noted on the candidate list, next to the name of the candidate. Once the drawing for that office is complete, the numbers on the candidate list will be reviewed, and the ballot order announced, with the lowest number representing the first position, the next lowest number representing the number two position, and so on;

(2) acquire a quantity of smooth-surfaced, numbered spheres, of the type available from any bingo supplier or as available for use by the public in helping to select lottery numbers. Place all spheres in a container with an opening narrow enough to prohibit the insertion of a hand, and wide enough to allow the release of no more than one sphere at a time. The person(s) designated to conduct the drawing shall release one sphere. The number drawn will be noted on the candidate list, next to the name of the candidate. Once the drawing for that office is complete, the numbers on the candidate list will be reviewed, and the ballot order announced, with the lowest number representing the first position, the next lowest number representing the number two position, and so on; or

(3) acquire a quantity of smooth-surfaced, numbered spheres, of the type available from any bingo supplier or as available for use by the public in helping to select lottery numbers. Place as many spheres, sequentially numbered, as there are candidates or independent bodies in the particular drawing, in a container with an opening narrow enough to prohibit the insertion of a hand, and wide enough to allow the release of no more than one sphere at a time. The person(s) designated to conduct the drawing

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shall release one sphere. The number drawn shall designate that candidate's position on the ballot, and will be so noted on a candidate list, next to the name of that candidate.

(b) Prior to the date of the drawing, the commissioners shall designate at least two persons who will conduct the drawing for all offices. Candidates or their designees may inspect the device or devices to be used for the drawings, at the date and time established by the board, and in the presence of the two commissioners or their designees.

Sec. filed June 27, 1997 eff. July 16, 1997.

PART 6205. ACTIONS AND PROCEEDINGS

Section

6205.1. Verification of pleadings in a special proceeding.

Section 6205.1. Verification of pleadings in a special proceeding

For the purposes of verifying a pleading in a special proceeding brought pursuant to the authority vested in the State and local boards of elections by chapter 233 of the Laws of 1976, the following named persons may verify any pleading:

- (a) any commissioner or deputy commissioner of a board of elections;
- (b) the executive director or assistant executive director of a board of elections;
- (c) the counsel, special counsel, associate counsel, assistant counsel or deputy counsel of a board of elections;
- (d) any other employee of a board of elections who is familiar with the facts; and
- (e) any other board employee specified in writing by a board of elections to verify pleadings.

Sec. filed April 28, 1978 eff. April 28, 1978.

PART 6206. POLLING PLACE ACCESSIBILITY SURVEYS

Section

6206.1. Accessibility survey to be conducted.