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The Westchester County Board of Elections at its monthly Board Meeting of April 12, 2023 adopted the following guidelines and procedures (the “Guidelines”):

SPECIFICATIONS OF OBJECTIONS TO DESIGNATING, INDEPENDENT NOMINATING AND OPPORTUNITY TO BALLOT PETITIONS

These Guidelines have been adopted by the Westchester County Board of Elections to provide guidance in accordance with New York State Election Law.

Please consult New York State Election Law and the Regulations of the New York State Board of Elections (9 NYCRR §6215) as well as these Guidelines.

DEFINITIONS

Petition: A “petition” is one or more sheets, which may be filed with the Board in one or more volumes, together with any required cover sheet, which nominate the same candidate(s) for a particular public office(s).

Petition Volume: A “petition volume” is the petition sheet or in the case of multiple sheets, the securely fastened grouping of sheets for one or more candidates or a group of candidates.

Cover Sheet: A “cover sheet” is the form that has to be filed with the Board when a petition has ten or more pages, which summarizes what petition volume or volumes comprise the petition for each candidate for a particular public office or party position.

Election Document: An “election document” includes, but is not limited to, a petition, cover sheet, amended cover sheet, transcript(s), minutes, any certificate or document (e.g. Certificate of Nomination, Certificate of Acceptance, Certificate of Declination, Certificate of Authorization, Certificate of Substitution) required to be filed with the Board, pursuant to the Election Law, relating to qualifying a candidate to appear on the ballot.

GENERAL REQUIREMENTS

1. A designating petition shall comply with the provisions of Section 6-134 of Election Law. An opportunity to ballot petition shall comply with the provisions of Section 6-166 of the Election Law. In the case of multiple sheets of the same volume of a petition, those sheets shall be securely fastened together in one or more petition volumes. The sheets in each petition volume shall be numbered sequentially at the bottom of each sheet.

Westchester County Board of Elections

2. Pursuant to Section 1-106 of Election Law, all election documents required to be filed at the Board shall be filed between the hours of 9:00 a.m. and 5:00 p.m. at the Westchester County Board of Election, 25 Quarropas Street, White Plains, New York 10601. On the last day of filing in the County of Westchester, petitions of designation or nomination shall be filed between the hours of 9:00 a.m. and 12:00 am midnight. All papers sent by mail in an envelope postmarked prior to midnight of the last day of filing shall be deemed timely filed and accepted for filing, if received no later than two business days¹ after the last day of filing.
3. Candidates (or their representative) are strongly advised to review the petition log maintained by the Board for public inspection on a regular basis for updated and current information, which may be relevant to their candidacy.

COVER SHEET

1. A cover sheet must be filed for all petitions containing ten or more sheets in one volume or consisting of more than one volume.
2. A cover sheet shall be signed by the candidate or the candidate's agent. The Cover Sheet must contain the following information accurately and correctly stated:
 - a. The office, the political party's name and district number (where appropriate) for which each designation and nomination is being made;
 - b. The name and complete residence of each address of each candidate. [For these Guidelines, a complete residence address includes the house number, the street name, the city, the state and the zip code for the address (with apartment number, if applicable)];
 - c. The total number of volumes comprising each petition;
 - d. A statement that the petition contains the number, or in excess of the number, of valid signatures, required by the Election Law;
 - e. A place for the optional designation of a contact person² to be notified to correct non-compliance with the Guidelines which may include a fax number and/or e-mail address for the contact person to receive communications from the Board;
 - f. When more than one candidate is designated or nominated on the same petition volumes, the candidates may be grouped together on a cover sheet so that the number of volumes comprising the petition need not be repeated;
 - g. A cover sheet may consist of more than one page;
 - h. The information contained on the cover sheet must be identical to the information printed on the petition sheet for each candidate;
 - i. Pursuant to Election Law §4-123, a candidate for Member of the New York State Assembly or New York State Senate has the option to include on his/her cover sheet, the candidate's website address, which if submitted, will be published on the State Board of Elections website.

¹ A business day is any day EXCEPT Saturdays, Sundays, federal legal holidays and NYS banking holidays.

² A candidate may be designated as the contact person.

Westchester County Board of Elections

3. An amended cover sheet must state on the top of the page that it is an “Amended Cover Sheet.” The amended cover sheet must contain all the information required of a cover sheet. An amended cover sheet must be filed on or before the last day to file the petition unless the amended cover sheet is filed to cure a failure to comply with the Guidelines after the Board has made a determination of non-compliance with these Guidelines. In that instance, the amended cover sheet must be filed within three (3) business days of the date of the Notice of Non-Compliance.
4. All sheets of each petition volume consisting of multiple sheets are to be SECURELY FASTENED. All sheets of each petition volume are to be SEQUENTIALLY NUMBERED.
5. If multiple cover sheets or amended cover sheets for a candidate are filed, the last cover sheet or amended cover sheet filed shall be controlling.

DETERMINATIONS; CURES

1. The Board will review the election document to determine whether the election document complies with the requirements of the Election Law and these Guidelines. Such review shall be limited to matters apparent on the face of the election document, the binding of each petition volume, and the numbering of the sheets of a petition volume. Such review and determination shall be without prejudice to the Board’s determination of objections and specifications of objections filed pursuant to the provisions of the Election Law and these Guidelines.
2. Notification of a determination of non-compliance shall be provided in writing by overnight delivery to be received on the next business day after the determination is made to the contact person, if designated, or if not designated, to the candidate, at the address stated on the cover sheet or election document, as applicable. If the candidate files a written authorization signed by the candidate allowing the Board to provide notification via facsimile or electronic mail, the Board may, at its discretion, send such notice to the candidate or the contact person, if designated, on the day of the determination to the fax number or e-mail address reflected on the signed written authorization. The failure to send such voluntary notice via fax or email shall not void the written notice sent by mail and does not extend the deadline by which an attempted cure of a defect in the election document is due.
3. Within the three (3) business days of the date of a determination that the election document does not comply with the Election Law, the Guidelines, and/or the Rules and the Regulations of the New York State Board of Elections, a candidate (or their representative) may cure said violation, if permitted by the Election Law. Cover sheet defects shall be corrected by the filing of an amended cover sheet or as directed in the notice of non-compliance issued by the Board. Such cure or correction must be received by the Board no later than the third (3rd) business day following such determination. Failure to timely file a cure is a fatal defect. Where multiple amended cover sheets and/or other documents are filed for a candidate named in the notice of non-compliance, the last amended cover sheet, or other document, to be filed, shall be controlling.

Westchester County Board of Elections

4. Upon expiration of the (3) business days set, the Board, shall review the filed attempted cure. If the Board determines that an attempt to cure a defect does not comply with these Guidelines or the Election Law, the Board shall notify the candidate or candidates named on the election document of its determination and the reasons therefore. The Board shall give written notice of such determination to the candidate and the fact that the candidate(s) will not appear on the ballot in accordance with the provisions of Section 6-154(4) of the Election Law. For party positions, such notice may be sent to the contact person, if so designated, or the first person named on the committee to fill vacancies or the candidate, at the address stated on the election document.

PRIMA FACIE MATTERS

1. The Board reviews each election document to ensure compliance with the New York State Election Law and its Guidelines. The Board may determine that an election document, on its face, fails to comply with the requirements of the New York State Election Law and is not subject to a cure under Section 6-134(2) of the Election Law. In that event, the Board shall notify the candidate or designated contact person in writing, of the Board's preliminary finding of a Prima Facie defect and advise the candidate/contact person that he/she may appear at the commencement of the Board's hearings relating to said election document to contest such preliminary finding. Such review, preliminary finding and final determination shall be without prejudice to the Board's subsequent determination of objections and specifications of objections filed pursuant to the provisions of the Election Law and these Guidelines.

GENERAL OBJECTIONS

1. A general objection to an election document shall be filed within three (3) calendar days after the filing of the election document.
2. The general objection shall state the name and address of the objector, the name of the candidate, party name, and public office or party position as set forth on the election document to which the objection is made, the title and date of the election for which the election document has been filed, filing date of the election document and include the objector's signature. If the objection is to a petition for opportunity to ballot, the objection shall identify the public office or party position and petition volume number if applicable.
3. The general objection should include any telephone numbers, fax numbers and/or e-mail addresses, which can be used to provide notice regarding rulings on the objection.

SPECIFICATIONS OF OBJECTIONS

1. Specifications of objections must be filed within six (6) calendar days after the filing of the general objections, in person or by mail (timely postmarked) to the Westchester County Board of Elections.
2. Specifications of objections shall be filed in accordance with the provisions of Election Law §6-134. All such specifications of objections shall substantially comply with the following requirements:

Westchester County Board of Elections

- a. For specifications relating to any petition, the volume number, page number, and line number of any signature objected to shall be set forth in detail. In addition, any portion of any petition, signature line, or witness statement objected to shall be specifically identified and reasons given for any such objection;
 - b. The total number of signatures objected to shall be stated and this number shall be sufficient to invalidate the petition. All objections relating to a single signature line should be grouped together.
 - c. 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
3. Specifications of objections shall state the name and address of the objector, the name and address of the candidate, and the public office or party position as set forth on the election document to which the objection is addressed and shall be signed by the objector. The specifications of objections shall be securely fastened together in one or more volumes. Each sheet of the specifications of objections shall be numbered sequentially at the bottom of each page. The specifications shall include the name and mailing address of any contact person, other than the objector, to receive notice of any rulings on the specifications. The specifications should also include any telephone numbers, fax numbers and/or e-mail addresses, which can be used to provide notice regarding rulings on specifications.
4. When an objection is filed that present a factual issue, which cannot be determined from documents on file with the Board, the specifications should set forth the factual allegations with particulars. The objector should also submit copies of any documents or affidavits with the specifications that are required in order for the Board to rule on the issue.
5. Objectors are warned not to include in the specifications broad, non-specific or generic claims or claims which are not supported by documents filed with the Board. The Board may dismiss the entire objection document as frivolous if specifications include such claims.
6. No specifications of objections will be considered 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 addition to USPS Priority Express Next Day, New York State Election Law §1-106(3) also permits the use of these overnight services – DHL Express, FedEx Overnight and UPS Next Day.] Objections and specifications to a petition for an opportunity to ballot must be served on the persons named as the committee to receive notices. In the case of a petition or certificate containing candidates for party positions, service of the specifications shall be made on either the named candidate(s) 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 two business 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

Westchester County Board of Elections

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.

7. Proof of service that specifications of objections were served on the required candidates must be filed with the Board of Elections. The proof may:
 - a. Accompany the specifications; or
 - b. Be received by the end of two business days following the specifications, whichever is later.
 - c. If specifications are “filed” by mail, the date of the mailing starts the two-day clock for filing proof of service of specifications of objections. The two days are calculated from the time of mailing, not from when the Board receives the specifications.
 - d. Acceptable proofs include either:
 - i. An affidavit duly notarized from the person who either personally served the specifications or who duly mailed the specifications by overnight mail (stating who was served, when they were served, what was served, and by what means).
 - ii. The express mailing slip document from the overnight service used showing that the item was sent to the appropriate persons. This document should evidence receipt by mailing entity and the address and name of the person(s) it was addressed and sent to.
 - iii. The Board will issue a time stamped copy of the filed proof of service, which shall serve as a receipt for the filed proof of service.
8. The Board will give notice by overnight mail to the objector and the objected to candidate(s) named in such petition or certificate of the date(s) on which the Board will consider the specifications filed, board findings, the results of and research of the specifications, and shall make a determination as to the sufficiency of such petition or certificate. This notice will be accompanied by a copy of the Board’s finding and research of specifications. Such notice may be given by electronic correspondence in lieu of overnight mail with the consent of the objector or the candidate. The Board will provide the objector and candidate or their agent(s) an opportunity to be heard, at public hearings held at the Board’s offices, as to the validity of each specific objection.
9. When any determination is made that a certificate or petition is sufficient or insufficient, the Board will provide notice of the determination by mail to each candidate named in the petition or certificate, and, if the determination is made upon specified objections, the objector shall be notified. Such notice may be given by electronic correspondence in lieu of mail with the consent of the candidate or the objector. A candidate or objector may designate an attorney or agent to receive such notice and/or determination on his or her behalf.
10. A candidate or objector who wishes to designate an attorney or agent to receive notices on their behalf must do so in writing and include the name, address, email and telephone number of any such attorney or agent. Any such attorney and/or agent shall be eligible to represent any such candidate or objector in any proceeding relating to the specifications.

Westchester County Board of Elections

11. The Board believes that the appropriate forum for determination of allegations of forgery or fraud is an invalidating proceeding commenced in the Supreme Court pursuant to Election Law §16-102. Therefore, the Board does not ordinarily rule on such allegations.

HEARINGS

1. The Board's bi-partisan staff researches and reviews all the specifications of objections and creates a summary sheet of the valid and invalid signatures for the petition upon which the Commissioners shall render a ruling on the specifications.
2. The Board shall give notice by overnight mail to the objector and objected to candidate(s) of the date when the Board will hold the hearing and consider the specifications filed, Board findings and the results of and research of the specifications and make a determination as to the validity of the petition or certificate. Chapter 77 of the Laws of 2023 permits Boards to notify by electronic correspondence in lieu of overnight mail, provided the candidate or objector gave their consents. Copies of the Board's research on each specification shall accompany such notice.
3. The objector, candidates (or their respective agents) must have an "opportunity to be heard" as to the "validity of each specific objection". The opportunity to be heard "may be by written submission or oral presentation". Candidates or objectors who wish to be heard by the Commissioners should review the rulings and summary sheets prior to the hearing. Candidates or objectors may attend in person and submit additional documentation on the specifications under review by the Commissioners. However, at this hearing, the objectors cannot submit or discuss additional specifications of objections that were not included in the original specifications of objections.
4. In view of the short deadlines under law, and the urgent need for final rulings by the Board, the Board will provide notice at least 24 to 48 hours in advance of the hearing date. (This notice period includes weekends and holidays).

DETERMINATION

1. When the Board determines that a petition or certificate is "valid" or "invalid", the Board must provide notice by mail to the candidates, and if there is an objection, to the objector. Any such candidate or objector may designate an attorney or agent to receive any such notice and determination on their behalf. Such designation shall be specified in writing and include the name, address, email and telephone number of the attorney or agent. Any such attorney or agent shall be eligible to represent the candidate or objector in any proceeding conducted by the Board relating to the specifications of objections. A copy of the determination will be sent to any additional candidate(s) for public office named on the petition and candidate(s) for party position or the first person named on the party position petition's committee to fill vacancies.

Westchester County Board of Elections

2. If the Board renders a determination that a petition or certificate is invalid, upon receipt of the determination, the candidate(s) may within three business days from the determination date initiate judicial proceedings to validate their petition.

Effective Date: April 12, 2023



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