



NEW YORK STATE SENATOR

Elijah Reichlin-Melnick

Senators Elijah Reichlin-Melnick & Rachel May Fight to Expand Ballot Access & Protect the Right to Run for Office

ELIJAH REICHLIN-MELNICK March 1, 2022



ALBANY, NY - State Senator Elijah Reichlin-Melnick (D-Rockland/Westchester) was joined by Senator Rachel May (D-Syracuse) as they announced legislation to reform the designating petition process for ballot access. The legislation is designed to make it easier for candidates to get their name on the ballot—defending voter choice and making democracy more accessible for all.

9

State Senator Elijah Reichlin-Melnick (D-Rockland/Westchester), said “Each year, countless voter signatures and candidate petitions are invalidated because of technical errors in cases where there is no allegation of fraud. Today is the first day of the designating petition process for the 2022 elections. Let this be the last cycle where candidates across the state may be denied an opportunity to run in primary and general elections because of arbitrary determinations.”

Despite efforts over the past several years to make ballot access easier, arcane requirements continue to make it unnecessarily difficult for new candidates to get on the ballot. Far too often, obscure petition rules are leveraged to keep new candidates off the ballot and contribute to frivolous and unnecessary litigation.

The bill would require any board of elections official or judge ruling on the validity of objections to designating and nominating petitions to construe the election law broadly and avoid invalidating signatures unless the identity of the voter is not clear or there are allegations of fraud. This requirement is designed to preserve an individual's right to run for office and the voters' right to elect a candidate of their choice.

State Senator Rachel May (D-Syracuse), said “Running for office is extremely challenging, but good candidates are often prevented from even appearing on the ballot because of intentionally obscure rules in the petitioning process. We must make it easier for all New Yorkers to get on the ballot so that more good candidates have the ability to run for office and voters have more choice at the polls.”

Election officials or judges evaluating the sufficiency of a petition will be required to abide by standards designed to guide their discretion such as:

- Rejecting challenges to a voter or witness address if the signer's address is reasonably ascertainable;
- Rejecting challenges based on the voter or witness writing in the name of their village or hamlet rather than the town. In New York City, an objection will not be valid simply because a voter or witness writes in the name of their borough rather than their county (i.e. Brooklyn instead of Kings County);
- Challenges premised on the relevant office being inaccurately stated will be valid only if the mistake is likely to confuse voters;
- Rejecting challenges seeking to invalidate a petition because the stated number of signatures that appear in the witness statement is inaccurate; and
- Rejecting challenges to petitions based on a pagination error.

Further, this bill will empower boards of elections to reject a petition if such a petition does not meet the minimum number of signatures required under the election law. Current law does not allow boards of election to reject a petition even if it clearly fails to contain the minimum threshold number of required signatures; instead, a challenge to that petition must be filed by an eligible voter.