

PETITIONING PROCESS: BALLOT ACCESS

League concern about the petitioning process is long standing. Since the 1950s the League has been a strong advocate for simplifying the format and procedures for obtaining petition signatures for potential candidates. Complexities in the process and minutiae in the petition format create opportunities for inadvertent errors. Such errors have increasingly been the cause for court challenges to the validity of the petition signatures. The League believes that simplifying the petitioning system and at the same time, including fraud-prevention measures, will benefit would-be candidates and provide voters with a broader choice on election day.

The League is an active member of the Coalition for Effective Government, a lobbying group that formed in 1990 as an outgrowth of the Governor's New York State Commission on Government Integrity, Feerick Commission. The election law goals of the coalition are the simplification and improvement of ballot access, agency-based registration, elimination of the non-voting purge, 17-year-old registration, college student voting, the 15-day registration deadline and intra-county re-registration.

In October 1994 a federal Court judge in Albany rendered a decision in a case involving the nominating petitions of a minor party candidate for governor which will probably impact on the future interpretation of the NYS election law with respect to the requirement that petitions include the election or Assembly district of each person who signs a petition. This requirement has often meant that petitions have been totally rejected for the lack of perhaps only a few legally valid signatures. The decision directing the courts to "liberally interpret" the intent of the election law governing petitions will be precedent setting. In fact, in the Assembly legislation passed in January 1995, this provision to "liberally interpret" which had appeared in previous Assembly ballot access bills was deemed unnecessary following this decision. However, there has not been any movement on the reduction of signatures requirement that directly impact less well financed campaigns.

The Take Back Democracy Coalition, consisting of the League, Common Cause/NY, the New York Public Interest Research Group, and United We Stand America/NYS, has taken an active role in pursuing ballot access reform in New York State Election Law. In 1996, the Governor introduced a Program Bill simplifying the ballot access process; thus making it simpler and fairer for candidates in political party primary elections and for independent candidates in general elections. Legislation passed both houses and was signed by the governor (Chapter 709 of the Laws of 1996).

Monitoring and close scrutiny of the process continued in 1997 as regulations implementing this new law were promulgated by the State Board of Elections. Following much delay and one statutory extender, proposed regulations were finally issued in March 1997, but only after League criticism in the media of the apparent procrastination by both political parties. Draft regulations were forthcoming and during the public comment period, the Take Back Democracy Coalition submitted joint comments, which were eventually incorporated into the final regulations. Following Justice Department review, the regulations were in place for the June 1 primary process. Following submission of primary petitions in the New York City Council races, challenges to those petitions continued at a rate equal to or greater than the 1993 New York City-wide elections. The League will continue to bring to the governor's and legislative leadership's attention the need for further simplification of ballot access.

ELECTION LAW

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Historically, ballot access laws in New York State have been used as a tool by candidates to have challengers thrown off the ballot. Once a bill becomes law, the need to monitor the process does not end. The League continues to observe, comment and lobby on all steps of our governmental process, including in this instance, the regulatory process.