

N.Y. State Election Law and the CNC

The Legal Status of the CNC

- The CNC is the means by which Scarsdale's "Citizen's Party" chooses its nominees for village office.
- The CNC is like a party caucus, but it is not an official "party caucus" under NYS election law because the Citizen's Party is not one of the major political parties. Rather, it is an independent party that submits nominations on an "independent" nominating form. It thus does not come under the purview of NYS election law until it chooses its nominees. At that point, it must comply with election law provisions governing nominations.

Election Law Provisions Governing Nominations

- NYS Election Law governs the process for making "independent nominations for elective village offices." The CNC – and anyone opposing the CNC slate – must comply with this process.
- After the CNC chooses its nominees (one for each office that will be open in the coming year), it must gather signatures of registered voters on an independent nominating petition according to NYS Election Law.
 - In summary:
 - petitions must be made on a standard form and must be signed in ink by at least 100 registered voters who are residents of the village (if the village has more than 5,000 residents, which Scarsdale does);
 - independent nominating petitions must include a name and emblem for the independent body making the nomination. Thus, anyone who wants to oppose the CNC slate must create a party and symbol that does not include the name of any already-existing party;
 - residents signing a petition must sign it within 6 weeks of the filing deadline and must not sign more than 1 nominating petition;
 - the petition must be filed with the county board of elections between 42-35 days before the election
 - a certificate accepting or declining the nomination must be filed no later than 3 days after the last date to file the petition; and

- there's a process for objecting to a nominating petition.

Election Law Provisions Governing the Village Election

Article 15 of the NYS Election Law mandates specific procedures for holding village elections.

- General village elections are held on the third Tuesday of March
- To be elected, a candidate must receive more votes than any other candidate for the office.
- Various notices must be published prior to the general election
 - The village clerk must publish a notice at least 4 months prior to the election
 - At least 60 days before the election, the Board of Trustees must adopt a resolution stating the polling place and poll hours (and poll hours must be from at least noon to 9 p.m.)
 - At least 10 days before the election, the clerk must publish a notice stating the polling place in each election district; the hours; the names and addresses of the nominees and the terms of office; and an abstract of any proposition to be voted upon
 - At least one day before the election, the notice must be posted in at least 6 conspicuous public places and at each polling place
- There are also specific election laws regarding, among other things, election districts (15-110); registers and poll books (15-112), the number of voting machines (15-114); the appointment of election inspectors (15-116); the registration of voters (15-118); absentee voting (15-120; 15-122); the duties of the village clerk (15-124); the canvass of election (counting of the votes) (15-126); the notice to the elected officers (15-128); and judicial review over village elections (15-138).
 - Election districts: in general, a village constitutes a single election district for village elections.
 - Inspectors of election: The Board of Trustees must, by resolution at least 40 days before an election, appoint 2 or 4 election inspectors for each village election district. In elections in which both major political parties do not nominate candidates, any qualified person may serve as an inspector of election. Election inspectors must file a constitutional oath of office with the village clerk.

- The village clerk: The clerk is the election officer of the village, is responsible for the general conduct of all village elections, and has authority to provide for the proper and orderly conduct of elections. This includes the authority to call in the police or sheriff's office for assistance maintaining order or investigating a registrant to determine his or her qualifications to vote.
- Absentee voting: there are two lengthy sections relating to absentee voting. One applies to voters who will be absent from the county during the election (15-120), and one applies to voters who are unable to appear at the polling place because of illness or physical disability (15-122).
- Canvass of votes: There are detailed provisions relating to the counting of votes, the delivering of the results to the village clerk (by 9 the next morning), and the return of all supplies. There are also detailed provisions relating to run-off elections. If more candidates than the number remaining to be elected receive an equal number of votes for the same office, the board of trustees must conduct a run-off election on a specific date. Candidates can waive a run-off election and have the selection done by lot. Candidates can also request a recount of votes by submitting a written request to the village clerk.