Candidates Circulating Independent Nominating Petitions: Here Are Some Important Reminders

- Those who previously signed a designating petition for a candidate for the same public office are ineligible to sign an independent nominating petition.
- Signatures for those who already signed a designating petition for a candidate for the same public office will be found to be invalid.
- Certain words may not be used in the party name for independent nominating petitions.
- The Election Law prohibits certain words - for instance, "American," "United States," and "Independent" - from being used in the party name for an independent nominating petition.
- The Election Law also prohibits names that include part of or are substantially similar to the names of existing political parties from being used.
- Any registered voter in the state may witness an independent nominating petition.
- Witnesses are not required to be able to vote for the public office for which they are witnessing.
- However, once you have signed a petition for one candidate for a public office you may not witness an independent nominating petition for a different candidate for the same office.
- As with designating petitions, a notary public or commissioner of deeds may circulate an independent nominating petition.
- Residents of other states are permitted to witness independent nominating petitions.
- A recent federal court decision gives non-New York residents the ability to witness independent nominating petitions.
- New Yorkers who are not registered to vote may also witness independent nominating petitions.
- Non-New Yorkers and New Yorkers not registered to vote must use a different witness statement from the one found in the Election Law when witnessing independent nominating petitions.
- Members of the vacancy committee of an independent nominating petition must be registered voters in the political subdivision in which the candidate is running.
- This is different from the requirement for a vacancy committee of a designating petition.
- A vacancy committee, however, is not required for an independent nominating petition to be valid.
- For candidates nominated by two or more parties and one or more independent bodies, the candidate's independent nomination will only appear in the same row or column as the candidate's party nominations.
- This provision does not apply to candidates for State Senate, Assembly or Governor.
- Candidates for those offices will see their names appear on the ballot for each and every party or independent nomination received by the candidate.
- Candidates who have an independent nomination who then lose a party nomination at a primary election may decline their independent nomination after the primary election.
- The Election Law gives candidates with an independent nomination who are in a primary election up to three days after the primary election to decline their independent nomination.

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