

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF STEUBEN

Index No. E2022-0116CV

TIM HARKENRIDER, GUY C. BROUGHT,  
LAWRENCE CANNING, PATRICIA CLARINO,  
GEORGE DOOHER, JR., STEVEN EVANS, LINDA  
FANTON, JERRY FISHMAN, JAY FRANTZ,  
LAWRENCE GARVEY, ALAN NEWPHEW,  
SUSAN ROWLEY, JOSEPHINE THOMAS, and  
MARIANNE VOLANTE,

Petitioners,

-against-

ADVISORY OPINION

GOVERNOR KATHY HOCHUL, LIEUTENANT  
GOVERNOR AND PRESIDENT OF THE SENATE  
BRIAN A. BENJAMIN, SENATE MAJORITY LEADER  
AND PRESIDENT PRO TEMPORE OF THE SENATE  
ANDREA STEWART-COUSINS, SPEAKER OF THE  
ASSEMBLY CARL HEASTIE, NEW YORK STATE  
BOARD OF ELECTIONS, and THE NEW YORK STATE  
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
RESEARCH AND REAPPORTIONMENT,

Respondents.

PRESENT: Hon. Patrick F. McAllister  
Acting Supreme Court Justice

The court has learned from ongoing conversations with the Board of Elections that there is some confusion which has developed with regard to the time frames for gathering signatures for Independent Nominating Petitions. Some statewide elections require signatures from a variety of congressional districts. Those congressional districts were invalidated by the Court of Appeals Opinion dated April 27, 2022. The question has come up as to what persons seeking statewide office should do with regard to gathering signatures since there currently are no Congressional Districts.

The Court of Appeals directed this court to retain an independent special master to develop both new Congressional and State Senate maps. By Order dated April 18, 2022 this court appointed Dr. Jonathan Cervas to serve as the special master. This court expects to have the new Congressional maps finalized and published by May 20, 2022. However, this court

does not intend to alter the time frame for gathering signatures for Independent Nominating Petitions for statewide elections. Elections Law §6-138(4) sets a six week time period for the gathering of signatures for Independent petitions. Elections Law §6-158(9) requires the petition for an independent nomination for office to be filed not earlier than 24 weeks and not later than 23 weeks preceding the general election. Therefore, those petitions will need to be filed between May 24<sup>th</sup> - May 31<sup>st</sup>.

Although a potential candidate does not currently know the boundaries for various Congressional Districts, the candidate should still be gathering signatures. The time period for gathering said signatures began in mid-April. Once the Congressional map has been established it will be up to the candidate to make sure he/she has the appropriate number of signatures from the appropriate number of different districts.

Candidates should continue to monitor the Board of Elections website for any potential changes.

Dated: May 5, 2022



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Hon. Patrick F. McAllister  
Acting Supreme Court Justice

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