

**Franklin H. Williams Judicial Commission**  
**Capital District Black & Hispanic Bar Association**  
**Metropolitan Black Bar Association**  
**Onondaga County Bar Association**  
**Puerto Rican Bar Association**  
**William Herbert Johnson Bar Association**

*Presents*

# **Everything You Need to Know About Becoming a Judge and the Ethical Issues**

New York State Black and Puerto Rican Legislators Inc.  
46<sup>th</sup> Annual Legislative Week-end  
The Capitol  
Assembly Parlor  
Albany, New York



# EVERYTHING YOU NEED TO KNOW ABOUT BECOMING A JUDGE

**Saturday, February 18, 2017**

3:30 PM - 4:45 PM

**The Capitol**

Assembly Parlor, Albany, NY

## **Sponsors:**

Franklin H. Williams Judicial Commission, Capital District Black & Hispanic Bar Association • Metropolitan Black Bar Association • Onondaga County Bar Association • Puerto Rican Bar Association • William Herbert Johnson Bar Association of NY

CLE credits are available – 1.0 for ethics. Pending Approval

## **Agenda**

### **3:30 p.m. .... Welcoming Remarks**

Hon. Latoya Joyner,  
Assemblywomen District 77

### **3:35 p.m. .... Introduction**

Hon. Richard Rivera, Albany Family Court  
Member Franklin H. Williams Judicial Commission

### **3:45 p.m. .... Securing a Nomination in Supreme Court, Ethical Considerations**

**Moderator:** Hon. Richard Rivera  
Albany County Family Court  
**Panelists:** Hon. Wilma Guzman, Supreme Court,  
Bronx County  
Hon. Christina Ryba, Supreme Court,  
Albany County

### **4:05 p.m. .... Making the Ballot in City, County, Family Court And Ethical Issues in Making the Ballot**

**Moderator:** Hon. Richard Rivera  
Albany County, Family Court  
**Panelists:** Hon. Vanessa E. Bogan, Syracuse City Court  
Hon. Helen Heath, Albany City Court

### **4:25 p.m. .... Election Law & Related Ethical Requirements**

**Moderator:** Hon. Richard Rivera,  
Albany Family Court  
**Panelists:** Hon. Wilma Guzman, Supreme Court,  
Bronx County  
Hon. Christina Ryba, Supreme Court,  
Albany County

### **4:45 p.m. .... Question & Answer**

**A Reception at the Hilton Hotel in Albany  
Will Follow the Program**

# Everything You Need to Know About Becoming a Judge

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# Everything You Need to Know About Becoming a Judge

February 18, 2017

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## Speaker Biographies

**Hon. Vanessa E. Bogan** was appointed to the Syracuse City Court bench by Mayor Driscoll in November 2006 and elected to a new term covering 2008 to 2017. Judge Bogan is a veteran of the United States Air Force. She served as trial and appellant counsel to indigent defendants while working at the Frank H. Hiscock Legal Aid Society. She prosecuted juvenile delinquents and child abuse and neglect cases while with the Onondaga County Law Department. Judge Bogan also worked as Corporate Counsel to Syracuse Community Health Center and its affiliate corporations.

Judge Bogan graduated from City University School of Law at Queens College, receiving a Juris Doctor, 1993; and Columbia College, Columbia Missouri (at Hancock Field, N. Syracuse, NY), with a Bachelors of Arts, 1989. She was admitted to the New York State Bar in 1994.

**Hon. Wilma Guzman** is a Supreme Court Justice in Bronx County. Justice Wilma Guzman was born and raised in the borough of The Bronx. She attended the New York City Public Schools. She obtained a bachelor degree from John Jay College of Criminal Justice, while simultaneously raising two daughters and working. After graduation, she worked as an investigator in the Kings County District Attorney's Office assigned to the Sex Crimes and Major Offense Unit. Justice Guzman was formerly employed as a trial attorney with a prestigious negligence law firm in New York City where she developed a skill and passion for trial litigation. She is a member of the Million Dollar Advocates Forum, an association of trials attorneys throughout the United States who have achieved a verdict of one Million Dollars or more.

In 1998 Justice Guzman was elected to a Citywide position as a Judge of the Civil Court of the City of New York. During her first year on the bench, Justice



Guzman was assigned to Civil Court in Kings County where she presided over both civil cases and landlord-tenant cases. A year later, Justice Guzman was transferred to the Civil Court in Bronx County.

In May of 2005, Justice Guzman was appointed Acting Supreme Court Justice in Bronx County, Civil Division. In November, 2005 Justice Guzman was elected Supreme Court Justice in the Twelfth Judicial District where she presides since January 1, 2006. Since her election Justice Guzman has presided both in the Criminal Division and Civil Division of the Supreme Court. She presently serves on the Gender Fairness Committee for the Twelfth Judicial District.

Justice Guzman is an Adjunct Professor Pace University. Justice Guzman is currently the President of the Latino Judges Association, Inc. and is the President-Elect of the Puerto Rican Bar Association, Inc. She also serves as Third Vice- President of the Supreme Court Justices Association of the City of New York

Judge Guzman is a graduate of St. John's University School of Law and John Jay College of Criminal Justice.

**Hon. Helena Heath** was appointed Albany City Court Judge on April 22, 2005, becoming the first female of African descent to serve in this position in the City of Albany's 319-year history. She was elected in November 2005 to a full term of office and then re-elected in November 2011. Judge Heath is primarily assigned to the Civil and Traffic Parts of City Court where she decides thousands of cases each year involving contract disputes, small claims, and landlord/tenant issues. She also conducts criminal arraignments, hearings, and trials.

Judge Heath has 29 years of public service legal experience. Before ascending to the bench, she served as a Court Attorney at the New York Court of Appeals, the highest level court in the State, an Assistant Attorney General in the litigation bureau of the New York State Department of Law, an Assistant Counsel to the New York State Department of Economic Development, and a Senior Counsel for the New York State Assembly Speaker.

Judge Heath's formal education includes a Juris Doctor degree from New York University School of Law. She was awarded the prestigious Root-Tilden-Snow Scholarship based upon her academic excellence and commitment to public service. Judge Heath is a 2016 Capital Region Chamber Women of Excellence Award recipient.

Currently, Judge Heath is the Co-Chair of the Diversity and Gender Fairness Committee of the Capital District Women's Bar Association and Chair of the Youth and Law Committee of the Capital District Black and Hispanic Bar Association. She has coordinated programs for the past nineteen years with Albany Law School to expose female and minority law students to a variety of career paths, share keys to becoming a successful lawyer, and explore how female and minority attorneys can overcome gender and racial barriers in the profession. Judge Heath serves as Chair of the Advisory Committee for the Albany County Family Court Children's Center to ensure that children are cared for in a safe and nurturing environment while their families handle court business. She also serves as a director for the Boys and Girls Clubs of Albany and the Capital Region United Way. In 2015, Judge Heath was appointed to serve on the House of Delegates for the NYS Bar Association

**Assemblywoman Latoya Joyner** proudly represents the 77th Assembly District, which includes the Claremont, Concourse, Highbridge, Mount Eden and Morris Heights sections of The Bronx. Since her election to the Assembly in 2014, Latoya has already made her mark both in Albany and in the community, on issues ranging from affordable housing and education to domestic violence. She is the author of a groundbreaking law to create a pilot program that protects victims of domestic violence by speeding up the process for obtaining temporary orders of protection and allowing them to file protection orders electronically. An outspoken proponent of strengthening rent regulation and protecting tenants, Assemblywoman Joyner publicly supported a freeze for the 33,000 apartments under rent regulation in her district; she remains committed to this issue going forward in Albany.

Assemblywoman Joyner received her law degree from the University at Buffalo Law School, where she was an associate editor for the Buffalo Journal of

Gender, Law and Social Policy. She is a graduate of the Richard R. Green High School for Teaching and the State University of New York at Stony Brook

**Hon. Richard Rivera**, J.F.C., who is of Puerto Rican descent, was born and raised in the Bronx, NY. Judge Rivera received a BA dual degree in Spanish Literature and Latin American studies from Colgate University and in 1991 earned a Juris Doctor from Albany Law School. On November 4, 2014, Judge Rivera became the first person of color elected to a Countywide bench in Albany County, first person of color elected to Albany County Family Court and the first Hispanic Judge elected at any level in Albany County and perhaps the entire 3<sup>rd</sup> Judicial District. Prior to his election Judge Rivera served as an Alternate Public Defender, an Assistant County Attorney prosecuting Juvenile Delinquents and PINs, and most recently as a Child Support Magistrate in Albany County Family Court.”

**Hon. Christina L. Ryba** currently serves as NYS Supreme Court Justice, Third Judicial District. Christina has dedicated her life to justice by working to improve our legal system. A recognized leader in New York's legal community, Christina has devoted herself to family and volunteerism.

Prior to being elected in 2015, Christina worked as a Principal Attorney with the New York State Supreme Court Appellate Division in the motions department reviewing lower court decisions and making recommendations to the justices of the Appellate Division. Prior to that, Christina served as Special Projects Counsel to the Presiding Justice of the Appellate Division, Third Department.

Prior to her work with the judiciary, Christina was an associate at Nixon Peabody where she practiced Labor/Employment Law and Commercial Litigation. She previously spent over four years serving as an Assistant Attorney General for the State of New York Litigation Bureau. Christina's additional public service includes appointments first as General Counsel and then as Deputy Director for the City of Albany Community Development Agency. She began her career in public service with the City of Albany Corporation Counsel's Office as an Assistant Corporation Counsel.

Christina graduated *Cum Laude* from Skidmore College with a degree in Economics and continued her education at Albany Law School.

Christina and her husband Joel Ryba reside in Albany with their eight-year old son Graham and their dog Truman.

# Supreme Court Nomination

**Election Law § 6-106. Party nominations; justice of the supreme court.**

Party nominations for the office of justice of the supreme court shall be made by the judicial district convention

**Election Law Section 6-124:****1. Conventions; judicial**

A judicial district convention shall be constituted by the election at the preceding primary of delegates and alternate delegates, if any, from each assembly district or, if an assembly district shall contain all or part of two or more counties and if the rules of the party shall so provide, separately from the part of such assembly district contained within each such county. The number of delegates and alternates, if any, shall be determined by party rules, but the number of delegates shall be substantially in accordance with the ratio, which the number of votes cast for the party candidate for the office of governor, on the line or column of the party at the last preceding election for such office, in any unit of representation, bears to the total vote cast at such election for such candidate on such line or column in the entire state. The number of alternates from any district shall not exceed the number of delegates therefrom. The delegates certified to have been elected as such, in the manner provided in this chapter, shall be conclusively entitled to their seats, rights and votes as delegates to such convention. When a duly elected delegate does not attend the convention, his place shall be taken by one of the alternates, if any, to be substituted in his place, in the order of the vote received by each such alternate as such vote appears upon the certified list and if an equal number of votes were cast for two or more such alternates; the order in which such alternates shall be substituted shall be determined by lot forthwith upon the convening of the convention. If there shall have been no contested election for alternate, substitution shall be in the order in which the name of such alternate appears upon the certified list, and if no alternates shall have been elected or if no alternates appear at such convention, then the delegates present from the same district shall elect a person to fill the vacancy.

**Election § 6-126. Conventions; rules for holding.**

1. The time and place of meeting of a convention shall be fixed, within the times prescribed herein, by a committee appointed pursuant to the rules of the state committee. The room designated for the meeting place of a convention shall have ample seating capacity for all delegates and alternates. Every convention shall be called to order by the chairman of the committee from which the call originates or by a person designated in writing for that purpose by such chairman, or, if he fails to make such designation, then, by a person designated in such manner as the rules of the party shall prescribe. Such chairman or person designated shall have the custody of the roll of the convention until it shall have been organized. No such convention shall proceed to the election of a temporary chairman or transact any business until the time fixed for the opening thereof nor until a majority of the delegates or respective alternates named in the official roll shall be present. The roll call upon the election of a temporary chairman shall not be delayed

**I N T R O D U C T I O N**

FROM THE BAR TO THE BENCH  
National Association of Women Judges  
NYS Bar Association Task Force on Increasing Diversity  
Judge Peters' remarks October 30, 2003

I know that you all agree with me that it is critical that there be wide diversity within the judiciary. As Judge Kaye has reminded us "diversity is important not because people's brains are microscopically different, but because it is essential that we have the rich perspective of different life experiences in the vital role of adjudicating our fellow citizens' disputes. A diverse bench gives the public a feeling of inclusion in our justice system which allows an individual to place trust and faith in the system and not feel alienated from it.

If you take a look at the judges you know I think you will find that most everyone has had some experience in a semi-public arena. Either they worked for the district attorney's office, the public defender, the county attorney, corporation counsel or as a law clerk.

Also, if you are interested in serving on the judiciary, it is critical that you acquire a name in your community. You can become involved in high profile litigation (that's what I did/Culhane McGivern), get active in civic, professional and religious organizations or get involved in political parties.

My career began when I ran for family court in the County of Ulster. I became an a candidate only because noone else wanted to. No democrat had ever been elected a family court judge in ulster county so it was not difficult to get the democratic



nomination. Getting elected was a whole different matter.

Whatever position you begin from, be it private practice or public service, if you want to become a judge there are certain prerequisites that I believe are critical. First, you should set an example in whatever position you hold: be timely; be prepared; treat lawyers, litigants and judges alike with the respect they deserve. Second, remain scrupulously ethical: never set aside your principles when engaging in decision making in the political arena. As Lillian Helman reminded the world "I will never cut my conscience to fit this year's fashions." and third, if you are elected or if you are employed in public service remain continuously aware of the fact that your job is to serve the public. It is not the reverse.

If you choose to run for office consider accepting each and every public speaking engagement from anyone who asks you to appear unless appearing before that group is inconsistent with your ethics. Even if you are not a candidate for judicial office, accept speaking engagements. Discuss the law, the concepts of justice we live and work by on a daily basis, the needs of the community you live in, the critical nature of the electoral process and the judiciary.

If you are truly interested in public office, never ignore the press when they come calling. I spent nine years as a family court judge and while I was prohibited from discussing any information about a particular case I was hearing, I always returned the phone calls from the press. I always spoke with the reporter. And instead of talking about the particular case he or she wanted to know about I talked in general about the

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**STATE OF NEW YORK  
STATE BOARD OF ELECTIONS  
COUNTY BOARDS OF ELECTIONS  
February 7, 2017**

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**STATE OF NEW YORK  
STATE BOARD OF ELECTIONS  
COUNTY BOARDS OF ELECTIONS  
February 7, 2017**

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**STATE OF NEW YORK**  
**STATE BOARD OF ELECTIONS**  
**COUNTY BOARDS OF ELECTIONS**  
February 7, 2017

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STATE/LOCAL ELECTION ELECTION DATES	
Sept. 13	State/Local Primary Election §8-100(1)(a)
May 24	PARTY CALLS: Last day for State & County party chairs to file a statement of party positions to be filed at the State Primary Election. §2-120(1)

CERTIFICATION OF STATE/LOCAL PRIMARY	
Aug. 8	Certification of September state/local primary ballot by SBOE of designations filed in its office. §4-110
Aug. 9	Determination of candidates and questions; County Boards. §4-114

CANVASS OF STATE/LOCAL PRIMARY RESULTS	
Sept. 22	Canvass of State/Local Primary Returns by County Board of Elections §9-200(1)
Sept. 28	Recanvass of State/Local Primary returns. §9-208(1)
Sept. 20	Verifiable Audit of Voting Systems. §9-211(1)

Nov. 8	General Election §8-100(1)(c)
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CERTIFICATION OF STATE/LOCAL GENERAL ELECTION BALLOT	
Oct. 3	Certification of general election ballot by SBOE of nominations filed in its office. §4-112(1)
Oct. 4	Determination of state/local candidates and questions by county boards. §4-114

CANVASS OF STATE/LOCAL GENERAL ELECTION RESULTS	
Dec. 2	Canvass of General Election results by County Board of Elections §9-214(1)
Nov. 23	Recanvass of General results. §9-208(1)
Nov. 23	Verifiable Audit of Voting Systems. §9-211(1)
Dec. 12	State Board of Canvassers meet to certify General Election

*** BECOMING A CANDIDATE*** DESIGNATING PETITIONS FOR STATE/LOCAL PRIMARY	
June 7	First day for signing designating petitions for state/local offices. §6-134(4)
July 11- July 14	Dates for filing designating petitions for state/local offices. §6-158(1)
July 18	Last day to authorize designations for state/local offices. §6-120(3)
July 18	Last day to accept or decline designations for state/local offices. §6-158(2)
July 22	Last day to fill a vacancy after a declination for state/local office. §6-158(3)
July 26	Last day to file authorization of substitution after declination of a state/local designation. §6-120(3)

OPPORTUNITY TO BALLOT PETITIONS FOR STATE/LOCAL PRIMARY	
June 28	First day for signing OTB petitions for state/local offices. §6-164
July 21	Last day to file OTB petitions for state/local offices §6-158(4)
July 28	Last day to file OTB petition if there has been a declination by a designated candidate for state/local offices. §6-158(4)

PARTY NOMINATION OTHER THAN PRIMARY	
June 7	First day to hold a town caucus. §6-108 ##
Sept. 20	Last day for filing nominations made at a town or village caucus or by a party committee. §6-158(6)
Sept. 20	Last day to file certificates of nomination to fill vacancies created pursuant to §§ 6-116 & 6158(6)
Sept. 23	Last day to accept or decline a nomination For State/local office made based on § 6-116
Sept. 26	Last day to file authorization of nomination made based on § 6-116
Sept. 27	Last day to fill a vacancy after a declination made based on § 6-116

INDEPENDENT PETITIONS FOR STATE/LOCAL OFFICES	
July 12	First day for signing nominating petitions for state/local offices. §6-138(4)
Aug 16 - Aug. 23	Dates for filing independent nominating petitions for state/local office. §6-158(9)
Aug. 26	Last day to accept or decline nomination for state/local office. §6-158(11)
Aug. 29	Last day to fill a vacancy after a declination in state/local office. §6-158(12)
Sept. 16	Last day to decline after acceptance if nominee loses party primary. §6-158(11)

STATE/LOCAL ELECTION JUDICIAL DISTRICT CONVENTIONS	
Sept. 20 thru 26	Dates for holding Judicial conventions. §6-158(5)
Sept. 27	Last day to file certificates of nominations. §6-158(6)
Sept. 30	Last day to decline. §6-158(7)
Oct. 4	Last day to fill vacancy after a declination. §6-158(8)
<b>Minutes of a convention must be filed within 72 hours of adjournment. §6-158(6)</b>	

#### SIGNATURE REQUIREMENTS FOR DESIGNATING AND OPPORTUNITY TO BALLOT PETITIONS FOR STATE/LOCAL OFFICES

5% of the enrolled voters of the political party in the political unit (excluding voters in inactive status) or the following, whichever is less:

For any office to be filled by all the voters of:  
the entire state ..... 15,000  
(with at least 100 or 5% of enrolled voters from each of one-half of the congressional districts)

New York City ..... 7,500  
any county or borough of New York City ..... 4,000  
a municipal court district within NY City ..... 1,500  
any city council district within New York City. ... 900  
cities or counties having more than 250,000 inhabitants ..... 2,000  
cities or counties having more than 25,000 but not more than 250,000 ..... 1,000  
any city, county, councilmanic or county legislative districts in any city other than NY City ..... 500  
any congressional district ..... 1,250  
any state senatorial district ..... 1,000  
any assembly district ..... 500

any political subdivision contained within another political subdivision, except as herein provided, requirement is not to exceed the number required for the larger subdivision; a political subdivision containing more than one assembly district, county or other political subdivision, requirement is not to exceed the aggregate of the signatures required for the subdivision or parts of subdivision so contained.

**\*NOTE: Section 1057-b of the New York City Charter Supersedes New York Election Law signature requirements for Designating and OTB petitions and Independent nominating petitions with respect to certain NY City offices.**

#### SIGNATURE REQUIREMENTS FOR INDEPENDENT NOMINATING PETITIONS FOR STATE/LOCAL OFFICES

5% of the total number of votes, excluding blank and void, cast for the office of governor at the last gubernatorial election in the political unit, except that not more than 3,500 signatures shall be required on a petition for any office to be filled in any political subdivision outside the City of New York, and not more than the following for any office to be voted for by all the voters of:

the entire state ..... 15,000  
(with at least 100 or 5% of enrolled voters from each of one-half of the congressional districts)

any county or portion thereof outside the city of NY ..... 1,500

the City of New York ..... 7,500  
any county or borough or any two counties or boroughs within the city of NY City ..... 4,000  
a municipal court district ..... 3,000  
any city council district within NY City ..... 2,700  
any congressional district ..... 3,500  
any state senatorial district ..... 3,000  
any assembly district ..... 1,500

any political subdivision contained within another political subdivision, except as herein provided, requirement is not to exceed the number required for the larger subdivision.

#### \*\*\*VOTER REGISTRATION\*\*\* VOTER REGISTRATION FOR STATE/LOCAL PRIMARY

Aug. 19	Mail Registration for state/local Primary: Last day to postmark application and last day it must be received by board of elections is Aug. 24. §5-210(3)
Aug. 19	In person registration for state/local Primary: Last day application must be received by board of election to be eligible to vote in primary election. §5-210, 5-211, 5-212
Aug. 24	Changes of address for state/local Primary received by this date must be processed. §5-208(3)

STATE/LOCAL ELECTION VOTER REGISTRATION FOR GENERAL	
Oct. 14	Mail Registration: Last day to postmark application for general election and last day it must be received by board of elections by Oct. 19. §5-210(3)
Oct. 14	In person registration: Last day application must be received by board of election to be eligible to vote in general election. If honorably discharged from the military or have become a naturalized citizen since October 14 <sup>th</sup> , you may register in person at the board of elections up until October 29 <sup>th</sup> §55-210, 5-211, 5-212
Oct. 19	Changes of address received by this date must be processed. §5-208(3)
Oct. 14	Change of Party Enrollment: Last day to receive. §5-304(3)
Oct. 1	First day for local registration. §5-202(1)
Oct. 15	Uniform day for local registration throughout the state. §5-202(3)

#### \*\*\*VOTING BY ABSENTEE\*\*\* ABSENTEE VOTING FOR STATE/LOCAL PRIMARY

Sept. 6	Last day to postmark application for state/local primary ballot. §8-400(2)(c)
Sept. 12	Last day to apply in person for state/local primary ballot. §8-400(2)(c)
Sept. 12	Last day to postmark state/local ballot. Must be received by the county board no later than Sept. 20 <sup>th</sup> . §8-412(1)
Sept. 13	Last day to deliver state/local primary ballot in person to county board, by close of polls. §8-412(1)

#### MILITARY VOTERS/SPECIAL FEDERAL FOR STATE/LOCAL PRIMARY

Aug. 12	First day to mail ballot to Military/Special Federal Voter. §10-108(1)
Aug. 19	Last day for a board of elections to receive application for Military ballot for state/local primary if not previously registered. §10-106(5)
Sept. 6	Last day for a board of elections to receive Military application for state/local primary if previously registered. §10-106(5)
Sept. 12	Last day to apply personally for Military ballot for state/local primary if previously registered. §10-106(5)
Sept. 12	Last day to postmark Military ballot for state/local primary and date it must be received by the board of elections is September 20 <sup>th</sup> . §10-114(1)

#### ABSENTEE VOTING FOR GENERAL ELECTION

Nov. 1	Last day to postmark application or letter of application for general election ballot. §8-400(2)(c)
Nov. 7	Last day to apply in person for ballot for general election ballot. §8-400(2)(c)
Nov. 7	Last day to postmark general election ballot. Must be received by the county board no later than Nov. 15 <sup>th</sup> . §8-412(1)
Nov. 8	Last day to deliver general election ballot in person to county board, by close of polls on election day. §8-412(1)

#### MILITARY/SPECIAL FEDERAL VOTERS FOR GENERAL

Oct. 7	Date to transmit Military/Special Federal ballots, per federal court order.
Oct. 29	Last day for a board of elections to receive application for a Military absentee ballot if not previously registered. §10-106(5)
Nov. 1	Last day for a board of elections to receive Military/Special Federal absentee application, if by mail and previously registered. §10-106(5)
Nov. 7	Last day to apply personally for a Military General Election ballot if previously registered. §10-106(5)
Nov. 7	Last day to postmark Military/Special Federal ballot and it must be received by the board of elections is Nov. 21 <sup>st</sup> . §10-114(1) §11-212

#### FINANCIAL DISCLOSURE DATES FOR FILING:

PRIMARY ELECTION	
32 Day Pre-Primary	August 12
11 Day Pre-Primary	September 2
10 Day Post Primary	September 23
<b>August 30<sup>th</sup> thru September 12<sup>th</sup> ★</b>	

GENERAL ELECTION	
32 Day Pre-General	October 7
11 Day Pre-General	October 28
27 Day Post-General	December 5
<b>October 25<sup>th</sup> thru November 7<sup>th</sup> ★</b>	

★ During this time period any contribution or loan which exceeds \$1,000 must be reported within 24 hours of receipt. This same contribution or loan must also be reported in the Post-Election report.

Periodic Reports	
January 15 <sup>th</sup>	
July 15 <sup>th</sup>	

Additional Independent Expenditure Reporting	
24 hour notice §14-107 (3)(c)	Primary: Aug. 15 - Sept. 12 General: Oct. 10 - Nov. 7
Weekly Notice	Refer to §14-107(3)(b)

The federal calendar was approved by order of the Hon. Gary L. Sharpe, United States District Court Judge for the Northern District of New York, on October 29, 2015. The federal calendar is subject to change if the state legislature approves a different primary date and deadlines that are found acceptable to the court.

#### Summary of Changes:

The Federal MOVE Act requires military and special federal ballots to be sent out 45 days prior to an election for federal office. Here's a summary of the key calendar changes that ensure compliance.

#### Designating Petitions for Federal Office/Federal Primary Election:

- First date to circulate designating petitions for federal office is March 8, 2016.
- Dates to file designating petitions are April 11, 2016 to April 14, 2016.
  - Nominating petitions by independent bodies for federal office as those petition dates are altered by this plan.
    - First date to circulate independent nominating petitions for federal office is June 21, 2016.
    - Dates to file independent nominating petitions for federal office are July 26, 2016 to August 2, 2016.
  - Nominating petitions by independent bodies for state/local office are NOT altered by this plan.

#### Opportunity to Ballot Petitions for Federal Office/Federal Primary Election:

- First date to circulate OTB petitions for federal office is changed to March 29, 2016.
- Last date to file OTB petitions is changed to April 21, 2016.

To provide for the reduction in time to process designations and allow an administrative process for objections, and judicial review, NYS Election Law Section 1-106 should be superseded to require as part of this plan the following:

For the 2016 Federal Primary and General Elections, that all certificates and petitions of designation or nomination, certificates of acceptance or declination of such designations and nominations, certificates of authorization for such designations, certificates of disqualification, certificates of substitution for such designations or nominations and objections and specifications of objections to such certificates and petitions required to be filed with the state board of elections or a board of elections outside of the city of New York shall be deemed timely filed and accepted for filing if sent by mail or overnight delivery service (as defined in CPLR §2103(b)(6)) in an envelope postmarked or showing receipt by the overnight delivery service prior to midnight of the last day of filing, and received no later than one business day after the last day to file such certificates, petitions, objections or specifications.

# MAKING THE BALLOT IN TOWN, CITY, COUNTY AND FAMILY COURT

New York CLS Const Art VI, § 20 (a)

[Judges and justices; qualifications; eligibility for other office or service; restrictions]

§20. a. No person, other than one who holds such office at the effective date of this article, may assume the office of judge of the court of appeals, justice of the supreme court, or judge of the court of claims unless he or she has been admitted to practice law in this state at least ten years. No person, other than one who holds such office at the effective date of this article, may assume the office of judge of the county court, surrogate's court, family court, a court for the city of New York established pursuant to section fifteen of this article, district court or city court outside the city of New York unless he or she has been admitted to practice law in this state at least five years or such greater number of years as the legislature may determine.

b. A judge of the court of appeals, justice of the supreme court, judge of the court of claims, judge of a county court, judge of the surrogate's court, judge of the family court or judge of a court for the city of New York established pursuant to section fifteen of this article who is elected or appointed after the effective date of this article may not:

(1) hold any other public office or trust except an office in relation to the administration of the courts, member of a constitutional convention or member of the armed forces of the United States or of the state of New York in which latter event the legislature may enact such legislation as it deems. The Constitution of the State of New York is appropriate to provide for a temporary judge or justice to serve during the period of the absence of such judge or justice in the armed forces;

(2) be eligible to be a candidate for any public office other than judicial office or member of a constitutional convention, unless he or she resigns from judicial office; in the event a judge or justice does not so resign from judicial office within ten days after his or her acceptance of the nomination of such other office, his or her judicial office shall become vacant and the vacancy shall be filled in the manner provided in this article;

(3) hold any office or assume the duties or exercise the powers

of any office of any political organization or be a member of any governing or executive agency thereof;

(4) engage in the practice of law, act as an arbitrator, referee or compensated mediator in any action or proceeding or matter or engage in the conduct of any other profession or business which interferes with the performance of his or her judicial duties. Judges and justices of the courts specified in this subdivision shall also be subject to such rules of conduct as may be promulgated by the chief administrator of the courts with the approval of the court of appeals.

c. Qualifications for and restrictions upon the judges of district, town, village or city courts outside the city of New York, other than such qualifications and restrictions specifically set forth in subdivision a of this section, shall be prescribed by the legislature, provided, however, that the legislature shall require a course of training and education to be completed by justices of town and village courts selected after the effective date of this article who have not been admitted to practice law in this state. Judges of such courts shall also be subject to such rules of conduct not inconsistent with laws as may be promulgated by the chief administrator of the courts with the approval of the court of appeals. (Amended by vote of the people November 8, 1977; November 6, 2001.)  
[Vacancies; how filled]

# Substantial Compliance

- Designating petitions must substantially comply with the statutory requirements of the election law to avoid a successful challenge.

# Designating Petitions

## **MUST Haves:**

- **Date of election;**
- **Name of candidate;**
- **Candidate's residence, and if different, a mailing or post office address;**
- **Office or Party Position sought including district number;**
- **Voter signature IN INK**
  - Other info (town, date, etc) can be done by someone else.

# Designating Petition Sec. 6-132, ELECTION LAW

I, the undersigned, do hereby state that I am a duly enrolled voter of the \_\_\_\_\_ Party and entitled to vote at the next primary election of such party, to be held on \_\_\_\_\_, 20\_\_\_\_; that my place of residence is truly stated opposite my signature hereto, and I do hereby designate the following named person (or persons) as a candidate (or candidates) for the nomination of such party for public office or for election to a party position of such party.

Name(s) of Candidate(s)	Public Office or Party Position	Place of Residence (also Post Office address if not identical)
-------------------------	---------------------------------	--

I do hereby appoint (here insert the names and addresses of at least three persons, all of whom shall be enrolled voters of said party),

as a committee to fill vacancies in accordance with the provisions of the election law.

IN WITNESS WHEREOF, I have hereunto set my hand, the day and year placed opposite my signature.

Date	Name of Signer (signature required) (printed name may be added)	Residence	Enter Town or City Except in NYC enter County
1. / /			
Printed Name			
2. / /			
Printed Name			
3. / /			
Printed Name			
4. / /			
Printed Name			
5. / /			
Printed Name			
6. / /			
Printed Name			
7. / /			
Printed Name			
8. / /			
Printed Name			
9. / /			
Printed Name			
10. / /			
Printed Name			

(You may use fewer or more signature lines - this is only to show format.)

## Complete ONE of the following

### 1) STATEMENT OF WITNESS

I (name of witness) \_\_\_\_\_ state: I am a duly qualified voter of the State of New York and am an enrolled voter of the \_\_\_\_\_ Party.

I now reside at (residence address) \_\_\_\_\_

Each of the individuals whose names are subscribed to this petition sheet containing (fill in number) \_\_\_\_\_ signatures, subscribed the same in my presence on the dates above indicated and identified himself or herself to be the individual who signed this sheet. I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

Date \_\_\_\_\_ Signature of Witness \_\_\_\_\_

**WITNESS IDENTIFICATION INFORMATION:** The following information for the witness named above must be completed prior to filing with the board of elections in order for this petition to be valid.

Town or City \_\_\_\_\_ County \_\_\_\_\_

### 2) NOTARY PUBLIC OR COMMISSIONER OF DEEDS

On the dates above indicated before me personally came each of the voters whose signatures appear on this petition sheet containing (fill in number) \_\_\_\_\_ signatures, who signed same in my presence and who, being by me duly sworn, each for himself or herself, said that the foregoing statement made and subscribed by him or her was true.

Date \_\_\_\_\_ Signature and Official Title of Officer Administering Oath \_\_\_\_\_



# Designating Petitions

## **MUST Haves (con't):**

- Changes to signature or date **MUST** be initialed by the witness.
- Information about the witness **MUST** be above the signature.
  - Omissions, errors or unexplained alterations can **INVALIDATE** the entire page.

# Designating Petitions

## **MAY Have:**

- A committee on vacancies (3 people)
  - For a designating petition, all members of the committee on vacancies must be enrolled members of the party.
  - For an independent nominating petition, all members of the committee on vacancies must be registered voters who live in the political unit.

# General Election

## Ballot Access:

- There are two ways that a candidate can qualify for the general election ballot:
  1. Winning a statewide party primary.
  2. By circulating **independent nominating petitions** to obtain an **independent line**.

# Obtaining an Independent Line

- Anyone can circulate a petition to get on the general election ballot.
- The candidate picks a name for his or her party “Rent is 2 Damn High” or “Anti-Prohibition Party”
- For independent lines the nominating petition of an Assembly candidate that wants to appear on the general election ballot must contain:
  - 5% of the total number of votes cast for the office of Governor in the last election in that political unit but not more than 1,500 signatures.
  - Always aim to collect at least three times the number of signatures needed to ensure a sufficient number of “valid” signatures.

# Compiling Petitions:

## ***Checklist***

- ✓ Collect completed petition sheets from volunteers before filing deadline.
- ✓ Check for sufficient signatures.
- ✓ Bind petition sheets.
- ✓ Prepare Cover Sheets.

# Compiling Petitions:

## **MUST**

- ✓ Number sheets of the petition sequentially at the foot of each sheet.
- ✓ Fasten two or more petition sheets together in numerical order.
- ✓ Prepare a cover sheet for petitions containing ten or more pages.
- ✓ Local procedures will determine if a multi-volume petition requires a cover sheet for each volume.

# Compiling Petitions:

## **MAY**

- ✓ Fasten petition sheets together to form one or more volumes.

# Compiling Petitions:

## *Coversheets (I)*

### **MUST CONTAIN:**

- **Name, residence** and, if different, mailing address of candidate;
- The **office or position sought** including **district number**;
- The **name of the party or independent body** making nomination;
- A **statement** that the **petition** contains a number of **signatures** equal or greater than that required;  
(con't on next slide)



**SAMPLE COVER SHEET**

**Designating and Independent Petitions**

*[ Place Name of Party or Independent Body Here ]*

Name of Candidate

Public Office or Party Position

Residence Address  
(Also mailing address if different)

--

Volume Number ..... \_\_\_\_\_

Total Number of Volumes in Petition ..... \_\_\_\_\_

The petition contains the number, or in excess of the number, of valid signatures required by the Election Law.

Contact Person to Correct Deficiencies:

Name: \_\_\_\_\_  
(please print)

Residence Address: \_\_\_\_\_  
\_\_\_\_\_  
(also mailing address if different)

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_  
(Include if notice by fax desired)

I hereby authorize that notice of any determination made by the Board of Elections be transmitted to the person named above:

\_\_\_\_\_  
Candidate or Agent

**SAMPLE COVER SHEET**

**Designating and Independent Petitions  
Filed In New York City  
and Counties which Utilize Petition Identification Numbering Systems**

*[ Place Name of Party or Independent Body Here ]*

Name of Candidate	Public Office or Party Position	Residence Address (Also mailing address if different)
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--

Total Number of Volumes in Petition ..... \_\_\_\_\_

Identification Numbers ..... \_\_\_\_\_

The petition contains the number, or in excess of the number, of valid signatures required by the Election Law.

Contact Person to Correct Deficiencies:

Name: \_\_\_\_\_  
(please print)

Residence  
Address: \_\_\_\_\_  
\_\_\_\_\_  
(also mailing address if different)

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
(Include if notice by fax desired)

I hereby authorize that notice of any determination made by the Board of Elections be transmitted to the person named above:

\_\_\_\_\_  
Candidate or Agent

# Compiling Petitions:

## *Coversheets (II)*

- The **volume number** or **identification number** of that volume;
- The **total number of volumes** in each petition of the **identification number** for each volume.
- NOTE: Additional information may be **required** if the petition contains more than one candidate.

### **May Contain:**

- Name, address, phone and fax of contact person for BOE regarding deficiencies in binding or cover sheets.

# Filing Petitions

## ***Where to File:***

### **If Assembly District:**

- Is wholly contained within one county:  
**CBOE**
- Is wholly contained in the City of NY:  
**NYCBOE**
- Covers whole or portions of two or more counties: **SBOE**

# Filing Petitions

## ***General:***

- Petitions must meet statutory requirements for filing or it is a **FATAL DEFECT**
- File between 9:00 am and 5:00 pm.
- If last day to file falls on a Saturday, Sunday, or legal holiday, the next business day becomes the last day to file (doesn't apply to petitions per se).
- All papers sent by mail (including petitions) in an envelope postmarked prior to midnight of the last day to file will be deemed timely filed and accepted when received (not in NYC).
- No filing by fax or email.

## Part II:

# BUSTING PETITIONS

# Challenges to Petitions

Requires additional time, energy, and commitment during the campaign to:

- Examine opponent's petitions;
- Evaluate likelihood of success;
- Prepare;
- File;
- Serve objections; and
- Commence and litigate court proceedings.

# Opponent's Petition: What to Look At (I)

Constitutional and/or statutory requirements to run

- U.S. citizen;
- 18 year old;
- Any jurisdictional residency requirement
  - Example – NYS Assembly
    - Resident of the State for 5 years; and
    - Resident of the Assembly district for 12 months immediately preceding the election



# **Opponent's Petitions: What to Look At (II):**

- Timely filing of petition;
- Proper authorization if not enrolled member of the party for which they are a candidate (July 14, 2014);
  - Does not apply to judicial offices (Election Law §6-120(4))
- Correct form of petition (Election Law §6-132);
- Correct content of the petition.

# Opponents' Petitions:

## ***Signatures: ELIGIBILITY***

- Are there enough signatures?
- Is the signer residing AND registered to vote in the Assembly District? (listed address may be wrong but still OK)
- Is the signer an enrolled member of the relevant political party?
- Has the signer signed another petition previously?

# Opponents' Petitions:

## ***Signatures: FORM***

- Did the signer sign in ink?
- Did the signer use ditto marks? (not always fatal – but don't use them).
- Are there alterations on the petitions? (usually not fatal)
- Does the signature “belong” to the signer?

# Opponents' Petitions:

## ***Signatures: INFORMATION***

### ***PROVIDED***

- Did the signer provide the proper address?
- Did the signer sign within the petition period?
- Did the signer attempt to witness his/her own signature?
- Is the accurate town or city provided?

# WITNESS STATEMENT (I)

- Is all the information provided?
  - Omissions, errors or unexplained alterations can invalidate the entire page.
- Did the witness sign and date the witness statement?
- ✓ • Is the witness an enrolled member of the party in New York State?
- Does the petition properly state the number of signatures on the page?

## Witness Statement (II)

- If the number of signatures is OVERSTATED: whole page is invalid.
- If the number of signatures in UNDERSTATED: then only the number of signatures stated is used.
- Does the witness include the proper town or city AND county?
- Does the signature “belong” to the witness?

## Witness Statement (III)

- Did witness previously sign a petition for an opposing candidate?
  - If witness was a Notary or Commissioner of Deeds:
    - Was the voter properly sworn?
    - Is the Notary or Commissioner duly commissioned?
- (May not be fatal, see cure provision in Executive Law.)

# Fraud or Forgery?

Take note of reports from the field and use common sense ...

"Common sense is not so common."

\* Voltaire, Dictionnaire  
Philosophique (1764)



## **Remember ...**

- Must file authorization (if not a party member)\*
  - Does not apply to judicial offices (Election Law §6-120 [4])
- Must file acceptance

# Part III:

## HOW TO BRING A CHALLENGE

## At the Board of Elections...

- General objections **MUST** be filed by an OBJECTOR within 3 days after the petition is filed.
- Specific objections **MUST** be filed by an objector within 6 days of the filing of General objections and you **DO NOT** get the benefit of the postmark rule.
- Objections made wherever petition is filed.

## In Court...

- MUST commence an action within 14 days after the last day to file designating petitions by an Objector or Candidate.
- EXCEPTION: A candidate removed from ballot may challenge BOE determination by petition brought within 3 days of BOE's determination.

# Appointment Process for NYS Court of Claims

# Nomination and Confirmation Statutes and Procedure for NYS Court of Claims Judges

Jessica M. Cherry, Esq.  
Counsel to Senator John J. Bonacic  
Chairman, New York State Senate Judiciary Committee

# General Overview

- Judges of the Court of Claims are appointed by the Governor of New York and confirmed by the State Senate for a 9-year term.
- Court of Claims appointees are not reviewed by the Judicial Screening Committee
- Acting Court of Claims judges with terms expiring are submitted by the Governor and reviewed by the Senate for reappointment\*
- Review and confirmation of Court of Claims judges can basically occur at any time.

# The Court of Claims Act

1. Selection Process (N.Y. Ct. Cl. Act § 2(2)(a)).
  - Appointment by the Governor with the consent of the State Senate. There is no requirement of judicial commission recommendation
2. Eligibility Requirements (N.Y. Ct. Cl. Act § 2(7)).
  - Admission to practice as an attorney in New York, with at least ten years experience in practice.
  - There is no age limit.
3. Terms (N.Y. Ct. Cl. Act § 2(3)).
  - Nine years.



# Authority and Vacancies

- New York State Constitution, Article VI- The Judiciary
  - Authority
    - The court of claims is continued. It shall consist of the eight judges now authorized by law, but the legislature may increase such number and may reduce such number to six or seven. The judges shall be appointed by the governor by and with the advice and consent of the senate and their terms of office shall be nine years. The court shall have jurisdiction to hear and determine claims against the state or by the state against the claimant or between conflicting claimants as the legislature may provide. (N.Y. Const. Art. 6 § 9.)
  - Vacancy and Unexpired Terms
    - When a vacancy shall occur, otherwise than by expiration of term, in the office of judge of the court of claims, it shall be filled for the unexpired term in the same manner as an original appointment. (N.Y. Const. Art. 6 § 21(b).)
  - Removal
    - Judges of the court of claims, the county court, the surrogate's court, the family court, the courts for the city of New York established pursuant to section fifteen of this article, the district court and such other courts as the legislature may determine may be removed by the senate, on the recommendation of the governor, if two-thirds of all the members elected to the senate concur therein. (N.Y. Const. Art. 6 § 21(b).)

# Age Limitations

## Judiciary Law § 23

- No person shall hold the office of judge, justice or surrogate of any court, whether of record or not of record, except a justice of the peace of a town or police justice of a village, longer than until and including the last day of December next after he shall be seventy years of age
- **Exception:** A judge or justice in office or elected or appointed to office at the effective date of this section, as to whom no provision limiting his right to hold office to the close of the year following his attaining the age of seventy years was applicable prior to the effective date of this section, may continue in office during the term for which he was elected or appointed

## New York State Constitution Law § 25 (b)

- Each judge of the court of appeals, justice of the supreme court, judge of the court of claims, judge of the county court, judge of the surrogate's court, judge of the family court, judge of a court for the city of New York established pursuant to section fifteen of this article and judge of the district court shall retire on the last day of December in the year in which he or she reaches the age of seventy.
- Each such former judge of the court of appeals and justice of the supreme court may thereafter perform the duties of a justice of the supreme court, with power to hear and determine actions and proceedings, provided, however, that it shall be certificated in the manner provided by law that the services of such judge or justice are necessary to expedite the business of the court and that he or she is mentally and physically able and competent to perform the full duties of such office.
- Any such certification shall be valid for a term of two years and may be extended as provided by law for additional terms of two years. A retired judge or justice shall serve no longer than until the last day of December in the year in which he or she reaches the age of seventy-six.
- A retired judge or justice shall be subject to assignment by the appellate division of the supreme court of the judicial department of his or her residence. Any retired justice of the supreme court who had been designated to and served as a justice of any appellate division immediately preceding his or her reaching the age of seventy shall be eligible for designation by the governor as a temporary or additional justice of the appellate division. A retired judge or justice shall not be counted in determining the number of justices in a judicial district for purposes of subdivision of section six of this article.

# Age Limitations Continued

- **Age Legislation Proposals**
  - There have been various legislative proposals and an exploratory commission seeking to extend the age of mandatory retirement for judges. The most recent constitutional amendment to extend the retirement of Court of Appeals and Supreme Court Judges did not pass as a referendum in 2013.
- **Recent age legislation affecting the Court of Claims:**
  - **S. 4934 by Bonacic (2013)**- This measure would amend section 25(b) of Article VI of the State Constitution to increase the mandatory retirement age for all judges and justices of the Unified Court System (except for justices of the Town and Village courts and judges of the Court of Appeals) from 70 to 74.

This Appointment Questionnaire is designed to gather detailed information from potential judicial appointees. Please complete this questionnaire using additional sheets as necessary. Every question must be answered. If a question is inapplicable, write N/A in the answer space provided. Please submit an original and fifteen (15) copies of the Appointment Questionnaire, fifteen (15) copies of your resume, and fifteen (15) copies of legal writing sample(s) or decisions. The materials do not need to be bound. If you decide to bind them, please do not bind the original. Please return the completed material to:

James Finke  
Executive Chamber  
State Capitol  
Executive Chamber, Room 239  
Albany, New York 12224

FULL NAME \_\_\_\_\_

HOME ADDRESS \_\_\_\_\_

SOCIAL SECURITY NUMBER \_\_\_\_\_

HOME TELEPHONE NUMBER \_\_\_\_\_

BUSINESS TELEPHONE NUMBER \_\_\_\_\_

FAX NUMBER \_\_\_\_\_

PAGER OR CELLULAR PHONE NUMBER \_\_\_\_\_

EMAIL ADDRESS \_\_\_\_\_

POSITION OR AREA OF SPECIALIZATION FOR WHICH YOU WISH TO APPLY:

\_\_\_\_\_

**I. BIOGRAPHICAL INFORMATION**

A. Date of Birth \_\_\_\_\_

B. Place of Birth \_\_\_\_\_

C. Mother's Name \_\_\_\_\_

1. Place of Birth \_\_\_\_\_

2. Current Address \_\_\_\_\_

3. Occupation \_\_\_\_\_

D. Father's Name \_\_\_\_\_

1. Place of Birth \_\_\_\_\_

2. Current Address \_\_\_\_\_

3. Occupation \_\_\_\_\_

E. Have you changed your name other than through marriage?

☐ YES ☐ NO

F. Have you used a name other than the one given above?

☐ YES ☐ NO

If yes, please set forth the name (s) and explain why:

\_\_\_\_\_  
\_\_\_\_\_

G. Are you a U.S. citizen?

☐ YES ☐ NO

H. If you are not a U.S. citizen, do you have a permanent resident alien status?

☐ YES ☐ NO

## II. MARITAL STATUS

A. ☐ SINGLE ☐ LEGALLY SEPARATED

☐ MARRIED ☐ DIVORCED

B. If you are currently married, provide the following:

1. Spouse's Name \_\_\_\_\_

a. Date of Birth \_\_\_\_\_

b. Place of Birth \_\_\_\_\_

c. Current Address \_\_\_\_\_

d. Occupation \_\_\_\_\_

e. Employer Name and Address \_\_\_\_\_

\_\_\_\_\_

2. Date of Current Marriage \_\_\_\_\_
3. State and County from which marriage certificate was issued  
\_\_\_\_\_

C. If you are formerly married, provide the following for each marriage:

1. Spouse's Name \_\_\_\_\_
  - a. Date of Birth \_\_\_\_\_
  - b. Place of Birth \_\_\_\_\_
  - c. Current Address \_\_\_\_\_
  - d. Occupation \_\_\_\_\_
2. Spouse's Name \_\_\_\_\_
  - a. Date of Birth \_\_\_\_\_
  - b. Place of Birth \_\_\_\_\_
  - c. Current Address \_\_\_\_\_
  - d. Occupation \_\_\_\_\_

D. If any prior marriage(s) ended in divorce, annulment or separation, provide the following:

1. Court or Agency where Filed \_\_\_\_\_
2. Civil Index Number \_\_\_\_\_
3. Date Filed \_\_\_\_\_
4. Grounds for Divorce, Annulment, or Separation  
\_\_\_\_\_

E. Child Support and/or Maintenance Obligations

1. Do you have any child support and/or maintenance obligations?  
☐ YES      ☐ NO      ☐ N/A
2. Are you current in all of your child support and/or maintenance obligations?  
☐ YES      ☐ NO      ☐ N/A

3. Are there any legal proceedings in any court pending against you for non-payment of child support and/or maintenance obligations?

☐ YES ☐ NO ☐ N/A

4. Are there any judgments against you in any court for non-payment of child support and/or maintenance obligations?

☐ YES ☐ NO ☐ N/A

F. Have you ever had an order of protection entered against you in a Family Court proceeding?

☐ YES ☐ NO ☐ N/A

If yes, please explain.

\_\_\_\_\_  
\_\_\_\_\_

G. Identify your children and provide their respective dates of birth, current address, current occupation and current employer.

Name \_\_\_\_\_

Date of Birth \_\_\_\_\_

Address \_\_\_\_\_

Occupation/Employer \_\_\_\_\_

Name \_\_\_\_\_

Date of Birth \_\_\_\_\_

Address \_\_\_\_\_

Occupation/Employer \_\_\_\_\_

Name \_\_\_\_\_

Date of Birth \_\_\_\_\_

Address \_\_\_\_\_

Occupation/Employer \_\_\_\_\_

Name \_\_\_\_\_

Date of Birth \_\_\_\_\_

Address \_\_\_\_\_

Occupation/Employer \_\_\_\_\_

- H. Please identify any other children whom you are legally responsible for or whom you deduct as dependents on your federal tax return.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- I. Please identify any other person whom you are legally responsible for or whom you deduct as dependents on your federal tax return.

\_\_\_\_\_  
\_\_\_\_\_

### III. RESIDENCES

- A. List each address and dates of occupancy at which you have lived for the last five years.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. Please list the persons living in your household (name, age, relationship)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- B. If you own your current residence, please provide the following:

1. Mortgage Holder \_\_\_\_\_
2. Address of Mortgage Holder \_\_\_\_\_
3. Amount of Mortgage \_\_\_\_\_
4. Monthly Payment \_\_\_\_\_



C. If you rent your current residence, please provide the following:

1. Monthly Rental \_\_\_\_\_

2. Name of Landlord \_\_\_\_\_

**IV. EMPLOYMENT**

A. Name of Present Employer \_\_\_\_\_

Address \_\_\_\_\_

Date Employment Commenced \_\_\_\_\_

Position or Title \_\_\_\_\_

Annual Salary or Wage \_\_\_\_\_

Typical Bonus \_\_\_\_\_

B. If you are self-employed or the owner of a business, please provide the name of your business(es) along with the taxpayer identification number(s).

\_\_\_\_\_  
\_\_\_\_\_

C. Are you now or have you been at any time within the last four (4) years an independent consultant/contractor? If yes, list your clients over the past four (4) years, including periods of consultancy or contract.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. Please provide the following information with respect to your employers over the last twenty (20) years:

1. Name \_\_\_\_\_

Address \_\_\_\_\_

Dates Employed \_\_\_\_\_ to \_\_\_\_\_

Final Position or Title \_\_\_\_\_

Final Annual Salary \_\_\_\_\_

Typical Bonus \_\_\_\_\_

2. Name \_\_\_\_\_  
Address \_\_\_\_\_  
Dates Employed \_\_\_\_\_ to \_\_\_\_\_  
Final Position or Title \_\_\_\_\_  
Final Annual Salary \_\_\_\_\_  
Typical Bonus \_\_\_\_\_
3. Name \_\_\_\_\_  
Address \_\_\_\_\_  
Dates Employed \_\_\_\_\_ to \_\_\_\_\_  
Final Position or Title \_\_\_\_\_  
Final Annual Salary \_\_\_\_\_  
Typical Bonus \_\_\_\_\_
4. Name \_\_\_\_\_  
Address \_\_\_\_\_  
Dates Employed \_\_\_\_\_ to \_\_\_\_\_  
Final Position or Title \_\_\_\_\_  
Final Annual Salary \_\_\_\_\_  
Typical Bonus \_\_\_\_\_

E. Involuntary Terminations

1. Have you ever been fired from any job for any reason?  
☐ YES ☐ NO  
If yes, please explain.  
\_\_\_\_\_  
\_\_\_\_\_
2. Have you ever resigned from any job after being informed that your employment would be terminated?  
☐ YES ☐ NO  
If yes, please explain.  
\_\_\_\_\_  
\_\_\_\_\_
3. Have you ever had an employment discrimination charge brought against you that has been substantiated by a court of law, administrative agency, arbitrator's decision, or grievance committee finding?  
☐ YES ☐ NO  
If yes, specify when, by whom and what was the outcome?  
\_\_\_\_\_  
\_\_\_\_\_

**V. LEGAL EXPERIENCE**

**A. Bar Admissions**

1. List all bars and courts in which you are admitted or have ever been admitted to practice, other than on a pro hac vice basis, and dates of admission.

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2. Have you ever resigned from a position as, or for other reasons ceased to be, a member of the bar of any state or court in any jurisdiction? If yes, describe the circumstances.

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3. Have you complied with all registration requirements for lawyers in any jurisdiction in which you are licensed to practice law? If not, describe the circumstances.

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4. For your most recent New York State biennial registration period, did you satisfy the mandatory continuing legal education requirement? If not, describe the circumstances.

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## B. Prior Legal Experience

### 1. General

- a. List all areas of law in which you have concentrated or have had substantial experience for any sustained period of time and the periods during which you have done so.

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- b. Prior to admission to any Bar, did you work as a paralegal, clerk, etc.? If yes, give the dates, names and addresses of the entity and people you worked for.

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### 2. Litigation

- a. List on a separate piece of paper, with dates, the ten most recent cases in which you have participated during the past five years. State the names, present address and telephone numbers of the attorneys in each such case.
- b. List on a separate piece of paper, with dates, any noteworthy cases in which you have participated. A case could be noteworthy because of its legal significance, or press attention. Include citations to relevant decisions or publicity.
- c. What percentage of your litigation in the last five years was:
- (i) Civil? \_\_\_\_\_
- (ii) Criminal? \_\_\_\_\_
- d. State the approximate number of personal appearances you have made in any court during the last five years.

Number: \_\_\_\_\_

- (i) What percentage of such appearances was in:

- (i) Supreme Court? \_\_\_\_\_
- (ii) County Court? \_\_\_\_\_
- (iii) Family Court? \_\_\_\_\_

(iv) District Court? \_\_\_\_\_

(v) Federal Court? \_\_\_\_\_

(vi) Other Courts (indicate the type(s) of courts)? \_\_\_\_\_

- e. State the number of trials you have participated in during the past five years, indicating whether you were sole, associate, or chief counsel.

Number: \_\_\_\_\_

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- (i) What percentage of your trials in the last five years was:

Jury? \_\_\_\_\_

Non-jury? \_\_\_\_\_

- f. State the number of appeals you have participated in during the past five years, giving the names of the appellate courts and a general description of subject matter.

Number: \_\_\_\_\_

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- (i) List on a separate piece of paper, citations to opinions in the ten most recent appeals in which you have participated during the past five years. Please provide copies of any such written opinions that were not reported.

3. Non-Litigation Representation

- a. List on a separate piece of paper, with dates, the ten most recent significant non-litigation legal representations you have participated in during the past five years. State the names, present address and telephone numbers of the attorneys you recall were involved in each such representation.

4. Disciplinary Actions, Malpractice, and other Misconduct

- a. Have you ever been disciplined by, or do you have any charges currently pending before any disciplinary committee, commission, or government agency arising out of your official or professional responsibilities? If yes, describe the circumstances.

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- b. Have you, or any firm or organization that you have ever been a member of, ever been found to have committed legal malpractice, ever settled a case alleging the commission of acts constituting legal malpractice, or is any such legal malpractice claim currently pending? If yes, and if it related to a case or matter on which you worked, describe the finding, settlement or claim and state whether your conduct was the subject of the finding, settlement or claim.

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- c. Have you, your firm, your employer or any of your clients ever been cited for contempt or otherwise had a sanction imposed upon you or them as a result of your conduct in any judicial or administrative proceeding? If yes, describe the circumstances.

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- d. Have you ever been sued by a client? If yes, describe the circumstances.

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### **C. Judicial Experience**

#### **1. Prior Judicial Experience**

- a. List all judicial positions that you have held and all dates that you held such positions.

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- b. Have you ever resigned from a position as, or for other reasons ceased to be, a member of the bench of any court in any jurisdiction? If yes, describe the circumstances.

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- c. List all elective or non-elective judicial positions for which you have applied or sought election. Specify the position, the applicable jurisdiction, the relevant dates, and whether you received the position.

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- d. Have your qualifications for any judicial position previously been reviewed by any committee, Bar Association or other group, including this Committee? If yes, state the position for which you were reviewed, the name and address of the group, the dates you appeared before the group, and the rating, if any, which you were given.

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- e. Have you ever withdrawn a request that you be reviewed as a candidate for any judicial office by any group? If yes, describe the circumstances.

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- f. List on a separate piece of paper, with dates, any noteworthy cases over which you have presided. A case could be noteworthy because of its legal significance or press attention. Include citations to relevant decisions and/or publicity.

2. Current Judicial Office Holders (Including Judicial Hearing Officers and Referees)

- a. For the most recent New York State biennial registration period, did you satisfy the requirement of attendance at training and education courses? If not, describe the circumstances.

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- b. State the approximate number of cases you hear per year.

Number: \_\_\_\_\_

- (i) What percentage of these cases is:

(i) Civil? \_\_\_\_\_

(ii) Criminal? \_\_\_\_\_

- (ii) List on a separate piece of paper, with dates, the ten most recent cases over which you have presided. State the names, present addresses and telephone numbers of the attorneys in each such case. If your ten most recent cases are exclusively civil or criminal in nature, add to the list your three most recent cases from the other side of the docket, regardless of date.

- c. State the approximate number of trials over which you preside per year.

Number: \_\_\_\_\_

- (i) What percentage of these trials was:

(i) Civil? \_\_\_\_\_

(ii) Criminal? \_\_\_\_\_

- (ii) percentage of these trials was:

(i) Jury? \_\_\_\_\_

(ii) Non-jury? \_\_\_\_\_

- d. State the approximate number of miscellaneous hearings or in-court proceedings over which you preside per year.

Number: \_\_\_\_\_

- (i) What percentage of these hearings/proceedings was:

(i) Civil? \_\_\_\_\_

(ii) Criminal? \_\_\_\_\_



- e. State the approximate number of motions and applications determined by you per year.

Number: \_\_\_\_\_

- (i) What percentage of these hearings/proceedings was:

(i) Civil? \_\_\_\_\_

(ii) Criminal? \_\_\_\_\_

- f. State the approximate number of appeals taken in cases over which you presided. State the percentage of these appeals that were affirmed, the percentage that were reversed, and the percentage that were modified.

Number: \_\_\_\_\_

Percentage affirmed: \_\_\_\_\_ Percentage reversed: \_\_\_\_\_ Percentage Modified: \_\_\_\_\_

- a. What percentage of these appeals was:

(i) Civil? \_\_\_\_\_

(ii) Criminal? \_\_\_\_\_

- b. For criminal appeals, what percentage was:

(i) Taken after plea? \_\_\_\_\_

(ii) Taken after judgment? \_\_\_\_\_

- c. For civil cases, what percentage was:

(i) Taken after judgment in a jury case? \_\_\_\_\_

(ii) Taken after judgment in a non-jury case? \_\_\_\_\_

- d. List on a separate piece of paper all your decisions which have been reversed upon appeal, giving citations for every written opinion at every level, including your opinion. Please provide copies of any of your written opinions that were not reported.

- g. State the approximate number of interlocutory civil appeals taken in cases over which you presided. State the percentage of these appeals that were affirmed and the percentage that were reversed, and the percentage that were modified.

Number: \_\_\_\_\_

Percentage affirmed: \_\_\_\_\_ Percentage reversed: \_\_\_\_\_ Percentage Modified: \_\_\_\_\_

- h. List on a separate piece of paper citations to all published opinions that you have written in the last three years. If the opinions are not published at this time, please provide copies of at least five recent unpublished opinions. If the names and addresses of all counsel in each case are not shown in the opinion, please supply those names and addresses if they are available to you.

### 3. Current and Former Appellate Judges

- a. List on a separate piece of paper citations for all your opinions (including dissenting or concurring opinions) that you authored as an Appellate Judge. If the opinions are not published at this time, please provide copies of all such unpublished opinions.
- b. List on a separate piece of paper citations to any decision reversing or modifying any of the opinions listed above. If the decisions are not published at this time, please provide copies of all such unpublished decisions.

### D. Teaching and Lecturing Experience

1. Have you engaged in teaching law? If yes, state when, where, and the subjects taught.

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2. Have you lectured or participated as a panelist at any schools or seminars conducted by any bar association or other organization of the legal profession? If so, specify dates and details.

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### E. Judicial Capacity

1. Do you know of any factors that would adversely affect your ability to serve competently as a judge, to comply with a judge's ethical responsibilities, or to complete the day-to-day responsibilities that a judge is required to assume that could not be overcome by a reasonable accommodation? If yes, describe the circumstances.

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**VI. GOVERNMENT SERVICE**

- A. Identify any experience in or association with any local, state or federal governmental entity (including advisory, consultative, honorary or other part-time service or positions). Specify the dates of such service.

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- B. Identify all elective public offices which you have sought and/or held. Specify the dates of such service.

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- C. Are you currently receiving or are you currently entitled to receive any pension benefit from any governmental entity?

☐ (Y)      ☐ (N)

- D. Are you currently receiving or are you currently entitled to receive any disability benefits?

☐ (Y)      ☐ (N)

- E. If your answer to question C or D of this section is yes, please identify the governmental entity and specify when you began to receive or were entitled to receive such benefits.

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- F. If you are receiving or are entitled to receive benefits from any governmental entity, please identify your retirement system and registration number.

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- G. Are you or any member of your household now receiving or applying for public assistance?

☐ (Y)      ☐ (N)

- H. Have you ever been removed from public employment or asked to resign for disciplinary reasons?

☐ (Y)      ☐ (N)

If yes, set forth the circumstances.

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**VII. EDUCATIONAL BACKGROUND**

**A. High School**

1. Name and address of last high school attended  
\_\_\_\_\_
2. Dates attended \_\_\_\_\_ to \_\_\_\_\_
3. Did you graduate?     ☐ YES     ☐ NO
4. Please identify any other high schools that you attended  
\_\_\_\_\_
5. If you have an equivalency diploma, please specify when it was obtained  
\_\_\_\_\_

**B. College**

1. Name and address of last undergraduate college attended  
\_\_\_\_\_
2. Dates attended \_\_\_\_\_ to \_\_\_\_\_
3. Did you graduate?     ☐ YES     ☐ NO
  - a. Type of Degree \_\_\_\_\_
  - b. Major Field \_\_\_\_\_
  - c. Approximate Rank in Class \_\_\_\_\_
4. List any scholarships, fellowships, honorary degrees or any other awards that you received.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Please identify any other colleges that you attended. Specify the dates of attendance and any degrees obtained.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. Graduate or Professional School

1. Name and address of school (if more than one, use a separate sheet to answer this question)  

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2. Dates attended \_\_\_\_\_ to \_\_\_\_\_
3. Did you graduate? ☐ YES ☐ NO
  - a. Type of Degree \_\_\_\_\_
  - b. Major Field \_\_\_\_\_
  - c. Approximate Rank in Class \_\_\_\_\_
4. List any scholarships, fellowships, honorary degrees or any other awards that you received.  

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- D. Were you ever expelled, suspended, placed on probation, or subject to any other disciplinary action while attending any of the colleges, professional schools or other institutions that you listed in sections "B" and "C" above?
- ☐ YES ☐ NO

If yes, please explain the circumstances.

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**VIII. PROFESSIONAL CERTIFICATIONS**

- A. Please identify all professional licenses and certifications that you hold or have ever held. Specify the dates and the conferring authorities.

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- B. Has any professional license or certification ever been suspended or revoked?

☐ YES ☐ NO

If yes, please explain the circumstances.

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- C. Have you ever been the subject of any proceeding, inquiry or investigation by any professional association, including any bar association, of which you are a member?

☐ YES ☐ NO

If yes, please explain the circumstances.

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- D. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, bar association, disciplinary committee, or other professional group? If so, please give the particulars.

☐ YES ☐ NO

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**IX. MILITARY SERVICE**

- A. Have you ever served in the military?

☐ YES ☐ NO

- B. If yes, please list highest rank, branch of service, dates of service and type of discharge.

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- C. Are you a member of the Reserves or National Guard?

☐ YES ☐ NO

If yes, when does your obligation end?

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**X. ORGANIZATIONAL AFFILIATIONS**

- A. Identify any professional/business organizations of which you are a member. Specify the name and address of the organization, the dates of your membership and any title that you hold in the organization.

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- B. Identify all memberships and offices held in and services rendered to all political parties or election committees during the past ten (10) years. If you received compensation, please provide the particulars.

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- C. Identify any civic, educational or charitable organizations of which you are a member. Specify the name and address of the organization, the dates of your membership and any title that you hold in the organization.

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- D. List any office, trusteeship, directorship, partnership, or position of any nature, whether compensated or not, that you hold with any firm, corporation, association, partnership, or other organization other than the State of New York. Include compensated honorary positions; do NOT list membership or uncompensated honorary positions. If the listed entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with or had matters other than ministerial matters before any state or local agency, list the name of any such agency. If you received compensation, please provide the particulars.

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- E. List any office, trusteeship, directorship, partnership, or position of any nature, whether compensated or not, held by your spouse with any firm, corporation, association, partnership, or other organization other than the State of New York. Include compensated honorary positions; do NOT list membership or uncompensated honorary positions. If the listed entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before any state or local agency, list the name of any such agency. If your spouse received compensation, please provide the particulars.

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- F. Identify any fraternal organizations of which you are a member. Specify the name and address of the organization, the dates of your membership and any title that you hold in the organization.

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- G. Identify any recreational/leisure organizations (e.g., country club, yacht club, tennis club) of which you are a member. Specify the name and address of the organization, the dates of your membership and any title that you hold in the organization.

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- H. To your knowledge, are you or have you ever been a member of any organization that restricted admission on the basis of race, color, religion, age, sexual orientation, national origin, disability, or marital status?

☐ YES      ☐ NO

If yes, please describe.

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- I. Have you ever been associated with any person, group or business venture that could be used to impugn or attack your character and qualifications for the position to which you seek to be appointed?

☐ YES      ☐ NO

If yes, please describe.

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**XI. PUBLISHED WORKS, SPEECHES AND AWARDS**

A. Published Works

Identify the titles, publishers and dates of books, articles, reports or other opinion statements which you have written (even under another name) that have been published. Please submit a copy of any book, article, report or other published opinion statement.

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B. Speeches

Identify the title of any speech that addresses a topic related to the position for which you are applying and that you have delivered during the last four (4) years. Please include the date of delivery and the audience. If the speech has been reduced to writing or transcribed, please submit a copy.

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C. Honors and Awards

Identify all honors and awards that you have received in the past ten (10) years. Please include the date you received the award and the conferring organization.

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## **XII. REFERENCES**

A. Please identify three (3) individuals who know you well in your business and/or professional life over the last five (5) or more years.

1. Name \_\_\_\_\_  
Residence Address \_\_\_\_\_  
Home Telephone \_\_\_\_\_  
Employer or Business Name \_\_\_\_\_  
Business Address \_\_\_\_\_  
Business Telephone \_\_\_\_\_  
Years Known \_\_\_\_\_
2. Name \_\_\_\_\_  
Residence Address \_\_\_\_\_  
Home Telephone \_\_\_\_\_  
Employer or Business Name \_\_\_\_\_  
Business Address \_\_\_\_\_  
Business Telephone \_\_\_\_\_  
Years Known \_\_\_\_\_
3. Name \_\_\_\_\_  
Residence Address \_\_\_\_\_  
Home Telephone \_\_\_\_\_  
Employer or Business Name \_\_\_\_\_  
Business Address \_\_\_\_\_  
Business Telephone \_\_\_\_\_  
Years Known \_\_\_\_\_

B. Please identify three (3) individuals who know you well in your personal life and who are not related to you.

1. Name \_\_\_\_\_  
Residence Address \_\_\_\_\_  
Home Telephone \_\_\_\_\_  
Employer or Business Name \_\_\_\_\_  
Business Address \_\_\_\_\_  
Business Telephone \_\_\_\_\_  
Years Known \_\_\_\_\_
2. Name \_\_\_\_\_  
Residence Address \_\_\_\_\_  
Home Telephone \_\_\_\_\_  
Employer or Business Name \_\_\_\_\_  
Business Address \_\_\_\_\_  
Business Telephone \_\_\_\_\_  
Years Known \_\_\_\_\_
3. Name \_\_\_\_\_  
Residence Address \_\_\_\_\_  
Home Telephone \_\_\_\_\_  
Employer or Business Name \_\_\_\_\_  
Business Address \_\_\_\_\_  
Business Telephone \_\_\_\_\_  
Years Known \_\_\_\_\_

**XIII. CONFLICT OF INTEREST INQUIRIES**

- A. Are you or any of your immediate family members (i.e., spouse/domestic partner and children or parents and siblings, as applicable to your circumstances.) related to any State of New York official or employee?

☐ YES      ☐ NO

If yes, please provide details.

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- B. Are you or any of your immediate family members related to any United States government official or employee?

☐ YES      ☐ NO

If yes, please provide details.

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- C. Are you or any of your immediate family members related to any official or employee of a municipal subdivision of the State of New York?

☐ YES      ☐ NO

If yes, please provide details.

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- D. During the past five (5) years, have you or any other immediate family members received any compensation or been involved in any financial transactions with the State of New York, any of its agencies, public authorities, public corporations or public educational institutions (i.e., SUNY, CUNY)?

☐ YES      ☐ NO

If yes, please provide details.

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- E. During the past five (5) years, have you or any immediate family members received any compensation or been involved in any financial transactions with the United States government, any of its agencies, public authorities or public corporations?

☐ YES ☐ NO

If yes, please provide details.

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- F. During the past five (5) years, have you or other immediate family members received any compensation or been involved in any financial transactions with any local government or municipal subdivision of the State of New York, any of their agencies, public authorities or public corporations?

☐ YES ☐ NO

If yes, please provide details.

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- G. During the past five (5) years, have you or other immediate family members received any compensation or been involved in any financial transactions with any State of New York official in his/her personal capacity?

☐ YES ☐ NO

If yes, please provide details.

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- H. Please describe any business relationship, dealing or financial transaction which you have had during the past five (5) years, whether for yourself, or on behalf of a client, or acting as an agent, which you believe may constitute an appearance of impropriety or may result in a potential conflict of interest in the position for which you seek appointment. If none, please so state.

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- I. Describe any business relationship, dealing or financial transaction which any immediate family member has had during the past five (5) years, whether for himself/herself, or on behalf of a client, or acting as an agent, which you believe may constitute an appearance of impropriety or may result in a potential conflict of interest in the position for which you seek appointment. If none, please so state.

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- J. Does any member of your immediate family hold an employment position that is related in any way to the position that you seek? If so, please identify the employer, the position and the length of time it has been held.

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- K. Describe briefly any lobbying activity that you have engaged in during the past ten (10) years for the purpose of influencing any legislative or administrative action within the State of New York.

NOTE: "Lobbying activity" includes any activity performed as an individual or agent of another individual or of any organization that involves direct communication with an official in the executive branch, the legislative branch, or any public authority, agency or educational institution of New York State government.

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- L. Have you registered as a lobbyist with the Temporary Commission on Lobbying?

☐ YES      ☐ NO

If yes, please explain.

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- M. Describe briefly any lobbying activity that any member of your immediate family has engaged in during the past ten (10) years for the purpose of influencing any legislative or administrative action within the State of New York.

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- N. Please describe any other matter in which you have been involved which may be incompatible or in conflict with the discharge of the duties of the position that you seek, or any matter which may impair or tend to impair your independence of judgment or action in the performance of your duties. If there is none, please so state.

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O. Outside Employment

1. Do you have any commitments or agreements to pursue outside employment, with or without compensation, while you may be employed by the State of New York?

☐ YES      ☐ NO      ☐ N/A

If yes, please explain.

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2. Do you intend to sever all connections with your present employer or business firm, association or organization if you are appointed to the position you seek?

☐ YES      ☐ NO      ☐ N/A

If no, please explain.

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#### **XIV. FINANCIAL MATTERS**

##### **A. Liens or Judgments**

1. Are there any liens or judgments against you or any business in which you are an owner, officer, director or partner?

☐ YES ☐ NO

If yes, please explain.

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2. Has a collection proceeding ever been instituted against you by any federal, state, or local taxing authority; or any other government entity?

☐ YES ☐ NO

If yes, please explain.

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##### **B. Tax Liabilities**

1. Are you or any business in which you are an owner, officer, director or partner in arrears with regard to any tax obligations to federal, state and local authorities?

☐ YES ☐ NO

If yes, please explain.

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2. Are there any tax liens currently assessed or pending against you, any business in which you are an owner, officer, director or partner, or any real property in which you have a beneficial or legal interest?

☐ YES ☐ NO

If yes, please explain.

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3. Have your city, state or federal income tax returns been the subject of any audit, investigation, warrant or inquiry resulting in the assessment of a penalty?

☐ YES ☐ NO

If yes, please explain.

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4. Within the last five (5) years, have you employed any domestic or household help?

☐ YES ☐ NO

- a. If you employed domestic or household help, did you file the appropriate reports with the taxing authorities and pay withholding taxes?

☐ YES ☐ NO ☐ N/A

If no, please explain.

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- b. If you employed domestic or household help, have you verified that any domestic or household help that you employed are U.S. citizens or documented aliens?

☐ YES ☐ NO ☐ N/A

If no, please explain.

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C. Student Loans

1. Are you, your spouse or any of your unemancipated children in arrears on the repayment of any student loan(s)?

☐ YES ☐ NO

If yes, please provide the name of the lender, the amount that is currently overdue and the length of time of the delinquency.

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2. Have you, your spouse or any of your unemancipated children ever defaulted on a student loan?

☐ YES ☐ NO

If yes, please provide the name of the lender, the amount of the default and the disposition of the loan.

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D. Bankruptcies

1. Have you, your spouse or any corporation, firm, partnership or other business enterprise or non-profit organization or other institution in which you or your spouse have served as an owner, officer, director, trustee or partner ever filed a petition for bankruptcy under the U.S. Bankruptcy Code?

☐ YES ☐ NO

If yes, please explain.

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2. Have you, your spouse or any corporation, firm, partnership or other business enterprise or non-profit organization or other institution in which you or your spouse have served as an owner, officer, director, trustee or partner ever been adjudicated a bankrupt under the U.S. Bankruptcy Code?

☐ YES ☐ NO

If yes, please explain.

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3. Have you, your spouse or any corporation, firm, partnership or other business enterprise or non-profit organization or other institution in which you or your spouse have served as an owner, officer, director, trustee or partner ever been the subject of a receivership proceeding?

☐ YES ☐ NO

If yes, please explain

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E. Gifts:

1. List each source of gifts EXCLUDING campaign contributions, in EXCESS of \$1,000, received during the past five years by you or your spouse or unemancipated child, EXCLUDING your gifts from a relative. INCLUDE the name and address of the donor. The term "gift" does not include reimbursements. Indicate the value and nature of each such gift.

☐ NONE

Self Spouse Or Child	Name Of Donor	Address	Nature Of Gift	Category Of Value Of Gift*
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*VALUE/AMOUNT	A - UNDER \$5,000	C - \$20,000 TO UNDER \$60,000	E - \$100,000 TO UNDER \$250,000
CATEGORIES	B - \$5,000 TO UNDER \$20,000	D - \$60,000 to under \$100,000	F - \$250,000 or over

F. Agreements

1. Describe the terms of, and the parties to, any contract, promise, or other agreement between you and any person, firm, or corporation with respect to the employment of you after leaving office or position.

☐ NONE


- ☐
- NONE

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1.

- ☐
- NONE

Self/Spouse	Source	Nature	Category of Amount*

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2. List the sources of any deferred income (not retirement income) in EXCESS of \$1,000 from each source to be paid to you following the close of this calendar year, other than deferred compensation reported above. Deferred income derived from the practice of a profession shall be listed in the aggregate and shall identify as the source, the name of the firm, corporation, partnership or association through which the income was derived, but shall not identify individual clients.

☐ NONE

Self/Spouse	Source	Nature	Category of Amount*

\*VALUE/AMOUNT CATEGORIES    A - UNDER \$5,000    C - \$20,000 TO UNDER \$60,000    E - \$100,000 TO UNDER \$250,000  
    B - \$5,000 TO UNDER \$20,000    D - \$60,000 to under \$100,000    F - \$250,000 or over

3. List below the type and market value of securities held by you or your spouse from each issuing entity in EXCESS of \$1,000 at the close of the most recent taxable year, including the name of the issuing entity exclusive of securities held by the reporting individual issued by a professional corporation. Whenever an interest in securities exists through a beneficial interest in a trust, the securities held in such trust shall be listed ONLY IF you have knowledge thereof except where you or your spouse has transferred assets to such trust for his or her benefit in which event such securities shall be listed unless they are not ascertainable by you because the trustee is under an obligation or has been instructed in writing not to disclose the contents of the trust to you. Securities of which you or your spouse are the owner of record but in which you or your spouse has no beneficial interest shall not be listed. Indicate percentage of ownership ONLY if you or your spouse holds more than five percent (5%) of the stock of a corporation in which the stock is publicly traded or more than ten percent (10%) of the stock of a corporation in which the stock is NOT publicly traded. Also list securities owned for investment purposes by a corporation more than fifty percent (50%) of the stock of which is owned or controlled by you or your spouse. For the purpose of this item, the term "securities" shall mean mutual funds, bonds, mortgages, notes, obligations, warrants and stocks of any class, investment interests of any class, investment interests in limited or general partnership and certificates of deposits (CDs) and such other evidences of indebtedness and certificates of interest as are usually referred to as securities. The market value for such securities shall be reported only if reasonably ascertainable and shall not be reported if the security is an interest in a general partnership that was listed in Item G(A) or if the security is corporate stock, NOT publicly traded, in a trade or business of you or your spouse.

☐ NONE

Self/Spouse	Issuing Entity	Type of Security	Percentage of Corporate Stock Owned or Controlled*	Category of Market Value**

\* If more than 5% of publicly traded stock, or more than 10% of stock not publicly traded, is held.  
 \*\* Category of Market Value as of the close of the most recent taxable year.

VALUE/AMOUNT CATEGORIES	A - UNDER \$5,000	C - \$20,000 TO UNDER \$60,000	E - \$100,000 TO UNDER \$250,000
	B - \$5,000 TO UNDER \$20,000	D - \$60,000 to under \$100,000	F - \$250,000 or over

4. List below the location size, general nature, acquisition date, market value and percentage of ownership of any real property in which any vested or contingent interest in EXCESS of \$1,000 is held by you or your spouse. Also list real property owned for investment purposes by a corporation more than fifty percent (50)% of the stock of which is owned or controlled by you or your spouse. Do NOT list any real Property which is the primary or secondary personal residence of you or your spouse, except where there is a co-owner who is other than a relative.

☐ NONE

Self/Spouse/ Corporation	Location	Size	General Nature	Acquisition Date	Percentage of Ownership	Category of Market Value*

VALUE/AMOUNT CATEGORIES	A - UNDER \$5,000	C - \$20,000 TO UNDER \$60,000	E - \$100,000 TO UNDER \$250,000
	B - \$5,000 TO UNDER \$20,000	D - \$60,000 to under \$100,000	F - \$250,000 or over

5. List below all notes and accounts receivable, other than from goods or services sold, held by you at the close of the most recent taxable year and other debts owed to you at the close of the most recent taxable year in EXCESS of \$1,000 including the name of the debtor, type of obligation, date due and the nature of the collateral securing payment of each, if any, excluding securities.

☐ NONE

Name of Debtor	Type of Obligation, Date Due, and Nature of Collateral, if any	Category of Amount*

VALUE/AMOUNT	A - UNDER \$5,000	C - \$20,000 TO UNDER \$60,000	E - \$100,000 TO UNDER \$250,000
CATEGORIES	B - \$5,000 TO UNDER \$20,000	D - \$60,000 to under \$100,000	F - \$250,000 or over

6. List below all liabilities of you and your spouse, in EXCESS of \$5,000 as of the date of filing of this application, other than liabilities to a relative. Do NOT list liabilities incurred by, or guarantees made by, you or your spouse or by any proprietorship, partnership or corporation in which you or your spouse has an interest, when incurred Or made in the ordinary course of the trade, business or professional practice of you or your spouse. Include the name of the creditor and any collateral pledged by you or your spouse to secure payment of any such liability. You shall not list any obligation to pay maintenance in connection with a matrimonial action, alimony or child support payments. Any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances shall be excluded. If any such reportable liability has been guaranteed by any third person, list the liability and name the guarantor.

☐ NONE

Name of Creditor Or Guarantor	Type of Liability and Collateral, if any	Category of Amount*

VALUE/AMOUNT	A - UNDER \$5,000	C - \$20,000 TO UNDER \$60,000	E - \$100,000 TO UNDER \$250,000
CATEGORIES	B - \$5,000 TO UNDER \$20,000	D - \$60,000 to under \$100,000	F - \$250,000 or over



**XV. GENERAL MATTERS**

**A. Criminal Convictions**

Have you ever been convicted of or entered a plea of guilty or nolo contendere or forfeited collateral for any felony, misdemeanor or violation other than for minor traffic violations?

☐ YES      ☐ NO

If yes, please explain.

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**B. Investigatory Actions**

Have you ever been the subject of any inquiry or investigation by a federal, state or local agency (other than for routine background investigations for employment purposes)?

☐ YES      ☐ NO

If yes, please explain.

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**C. Contempt**

Have you ever been cited for contempt of any court, legislative, civil or criminal investigative body or grand jury?

☐ YES      ☐ NO

If yes, please explain.

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D. Driver's License

1. Please list driver's license number and issuing state.

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2. Has your driver's license ever been suspended or revoked?

☐ YES ☐ NO

If yes, please explain.

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E. Parking Tickets

Do you have any outstanding parking tickets from any jurisdiction in New York which have remained unpaid for more than thirty (30) days?

☐ YES ☐ NO

If yes, please explain.

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F. Civil Litigation

1. Have you or any business in which you are an owner, officer, director or partner ever been a plaintiff or a defendant in a civil lawsuit?

☐ YES ☐ NO

If yes, please specify the nature of the action, its title and index number or civil action number, and the disposition or status of the case.

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2. For current past judicial office holders or other public officers, have you ever been named as a defendant in a lawsuit in your official capacity?

☐ YES ☐ NO

If yes, please specify the nature of the action, its title and index number or civil action number, and the disposition or status of the case.

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3. Is any person or entity currently threatening to sue you or any business in which you are an owner, officer, director or partner?

☐ YES ☐ NO

If yes, please specify the name and address of the claimant and explain any pertinent details.

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4. Are you or have you ever been a party in interest in any administrative agency proceeding or lawsuit that is related in any way to the position that you seek?

☐ YES ☐ NO

If yes, please explain and provide the title of any litigation, its index number or civil action number and the disposition or status of the case.

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5. Has any business in which you, your spouse, an immediate family member or business associate are or were an owner, officer, director or partner been a party to any administrative agency proceeding or lawsuit that is related in any way to the position that you seek?

☐ YES ☐ NO

If yes, please explain and provide the title of any litigation, its index number or civil action number and the disposition or status of the case.

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G. Compliance with Health and Safety Statutes

1. Do you, your spouse or immediate family member own or have any interest in any real property which during the time of such ownership has been cited for health or environmental violations by federal, state, or local authorities?

☐ YES ☐ NO

If yes, please explain.

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2. Do you, your spouse or immediate family member own or have any interest in any real property which during the time of such ownership has been condemned or closed by federal, state or local authorities?

☐ YES ☐ NO

If yes, please explain.

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3. Do you, your spouse or immediate family member own or have any interest in any real property which during the time of such ownership has been identified as containing hazardous materials?

☐ YES ☐ NO

If yes, please explain.

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- H. Are you registered to vote?

☐ YES ☐ NO

- I. Have you voted consistently over the past ten (10) years or since you graduated from high school?

☐ YES ☐ NO

- J. Are you willing to relocate within the State of New York if you receive an appointment?

☐ YES ☐ NO ☐ N/A

**XVI. FUTURE INTENTIONS**

- A. Do you expect to serve the full term for which you may be appointed?

☐ YES ☐ NO

If no, please explain.

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- B. As far as can be foreseen, do you intend to resume employment, affiliation or practice with your previous employer, business firm, association or organization after completing government service?

☐ YES ☐ NO ☐ N/A

If yes, please explain.

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- C. Has anyone offered to employ you after you leave government service?

☐ YES ☐ NO ☐ N/A

If yes, please explain.

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**XVII. ADDITIONAL INFORMATION AND DISCLOSURES**

- A. Is there any information not otherwise elicited by this questionnaire which would affect, favorably or unfavorably, your eligibility for the judiciary? If so, please set it forth.

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- B. Appointees as well as candidates for appointment may be subject to scrutiny by the public and the media. Accordingly, please set forth any additional disclosures that you believe should be considered with your application.

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AUTHORIZATION AND RELEASE OF PERSONAL INFORMATION AND  
CERTIFICATION

I understand that if I accept an offer of employment, any false statement on this questionnaire may result in dismissal. I further understand that this questionnaire is not an offer of employment, nor does it obligate the Cuomo administration in any way.

The Cuomo administration and its individual members and advisors and the State of New York are authorized to make any investigation of my background that they deem appropriate. They are hereby authorized to investigate any criminal activity, court records, and/or credit reports through any law enforcement, investigative or credit agencies or bureaus of their choice.

I hereby release from liability the Cuomo administration and its individual members and advisors, the State of New York and all persons supplying information in connection with this appointments questionnaire, and I further release such persons and agencies from any obligation to provide me with notification of such disclosure.

I certify that I have reviewed the information in this questionnaire and that to the best of my knowledge the information I have supplied is complete, true and accurate.

**Do you consent to a copy of this questionnaire  
being reviewed by the Judiciary Committee of  
the New York State Senate if you are nominated  
for the position you seek?**

☐ YES      ☐ NO      ☐ N/A

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS

**CONSENT, AUTHORIZATION AND RELEASE**

I, \_\_\_\_\_ hereby authorize any investigative or professional standards or disciplinary committee, firm, company, governmental agency, law enforcement agency, court, association, institute, board or any public or private authority to provide information, copies or inspection of any and all records, documents or other data relating to me in its possession to: the Governor of the State of New York, his agents and employees and the New York State Senate Committee on Finance, its agents and employees.

The undersigned further authorizes the Commission on Judicial Conduct or any attorney disciplinary, review or sanctioning body or committee to provide information, copies or inspection of any and all records, documents, data and or complaints, including but not limited to formal and/or informal inquiries, petitions or letters of grievance, including investigations or inquiries which may be pending or closed and those which have been dismissed or otherwise deemed erased as a matter of law, relating to me in its possession to: the Governor of the State of New York, his agents and employees and the New York State Senate Committee on Finance, its agents and employees.

The undersigned further authorizes any bar association, group, committee or organization which has interviewed and/or rated me as a candidate for any office, including a judicial office, to provide information relating to or copies or inspection of any and all records and documents relating to me in its possession to: the Governor of the State of New York, his agents and employees and the New York State Senate Committee on Finance, its agents and employees.

I hereby release, discharge, exonerate and hold harmless the Governor of the State of New York, his agents and employees and the New York State Senate Committee on Finance, its agents and employees and any person or entity furnishing information from any and all liability of every nature and kind arising out of the furnishing, inspection, receipt and disposition of such documents, records, and other information and understand that by my execution of this waiver that all information provided to said persons or bodies shall be kept strictly confidential but shall not abrogate or otherwise suspend the right or ability of the herein named persons or bodies from sharing any and all information with the appropriate law enforcement or disciplinary committee, body or entity.

A signed facsimile copy of this Consent and Authorization shall be adequate authority to provide either access to or copies of all of the heretofore described records, documents and information.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

STATE OF NEW YORK }

COUNTY OF \_\_\_\_\_

On the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, before me came \_\_\_\_\_, to me personally known and who acknowledged to me that he/she has voluntarily executed the above Consent, Authorization and Release.

\_\_\_\_\_  
Notary Public

**FOR OFFICIAL USE ONLY**

- ☐ IT-201 (long form)  
☐ IT-200 (short form)  
☐ IT-100 (fast form)

TO: State of New York  
Department of Taxation and Finance  
W. A. Harriman Campus  
Albany, New York 12227

I, \_\_\_\_\_, authorize the Department of Taxation and Finance to examine any of my personal income tax returns for any year, including any schedules and attachments to those returns, for the purpose of ascertaining the correctness of those returns, schedules and attachments. I also authorize the Tax Department to inspect any correspondence, including protests, I may have had with the Department concerning those returns, schedules or attachments. If the Department of Taxation and Finance determines that any return, schedule, or attachment is incorrect in any detail, or information in any correspondence or protest might affect my personal income tax liability for past or future years, I authorize the Department of Taxation and Finance to disclose those returns, schedules, attachments and correspondence as well as any information learned during an investigation of personal income tax liability, to the Counsel to the Governor or his designee and to discuss its findings with said Counsel or such designee. I will commence no claim against the State of New York, the Department of Taxation and Finance and its officers if they make this disclosure according to this release.

My social security number is \_\_\_\_\_

\_\_\_\_\_  
(Signature)

**REMARKS**

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\_\_\_\_\_

**ACKNOWLEDGEMENT**

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF \_\_\_\_\_

*On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me personally came \_\_\_\_\_, to me known and known to me to be the individual described in and who executed the foregoing instrument, and he/she acknowledged to me that he/she executed the same as his/her free act and deed.*

\_\_\_\_\_  
NOTARY PUBLIC

**Print Form**



# ETHICAL ISSUES

## Opinion 05-101

September 8, 2005

Digest: It is not unethical for a judge running for election (1) to be depicted in campaign materials wearing judicial robes; (2) to use photographs of the candidate (a) taken in any public place to which members of the general public have access for the taking of photographs; or (b) taken in chambers or the court library, provided that there is no indication of the official nature of such locations and that administrative permission has been obtained.

Rule: 22 NYCRR 100.5(A)(1)(e); Opinions 03-90; 00-102; New York State Bar Association Opinion 289.

Opinion:

Several judges have inquired whether it is permissible to have photographs taken of themselves, in their judicial robes, for use in their campaign materials in court-related locations.

We note initially that the Committee has previously determined, in Opinion 03-90, that a Housing Court judge seeking election to the Civil Court of New York City may circulate campaign literature with a photograph of himself/herself in judicial robes. That opinion, however, does not address questions of location, context, and administrative regulations. In that regard, it appears to the Committee that there is no ethical barrier to the taking of pictures in locations to which the general public has access for the taking of photographs, such as in front of the courthouse, since in such instances there is no implication of involvement of the judiciary itself in a political campaign. That is, as a matter of judicial ethics, care must be taken to avoid using photographs that might convey the impression that the courthouse is being used for political purposes and, in particular, to facilitate the candidacy of a sitting judge. Creating a possible appearance of endorsement of such candidacy is prohibited. 22 NYCRR 100.5(A)(1)(e). The overriding consideration is the danger of a public perception of entanglement of the judiciary itself in the political process. That danger is readily apparent, we believe, with respect to pictures taken in the courtroom and thereafter used in the campaign.

Nevertheless, we do not believe that it would be ethically improper to allow photographs to be taken in a courthouse library or chambers, since both locations might be considered generic in nature (i.e. a library and an office) rather than representing a specifically judicial location. Accordingly, such photographs may, as a matter of judicial ethics, be used provided that there is no connotation of a judicial context. See, New York State Bar Association Opinion 289.

This does not eliminate the necessity for obtaining permission to take photographs in the courthouse. Under Part 29 of the Rules of the Chief Judge it would be forbidden to take such pictures in chambers or in the library without first being allowed to do so by the appropriate administrative authority. 22 NYCRR Part 29; Opinion 00-102. Accordingly, while as a matter of judicial ethics, library and chamber pictures would not be improper under the conditions stated above, nothing set forth herein is intended to diminish the authority of court administrators to determine whether or not permission should be granted.

### **Opinion 07-135**

October 18, 2007

Digest: (1) A judge who is a candidate for judicial office may include a link on his/her campaign website to published newspaper articles about the judge. (2) A judge who is a candidate for judicial office may include photographs of the judge on his/her campaign website that a photographer took in the courtroom during a public trial and that were thereafter published by a newspaper. (3) A judge's campaign committee may solicit donations on a campaign website it sponsors, provided that contributions will go directly to the campaign committee.

Rules: 22 NYCRR 100.5(A)(2); 100.5(A)(4)(a); 100.5(A)(4)(d)(iii); 100.5(A)(5); Opinion 05-101; Matter of Kulkin (Comm on Jud Conduct, Slip Op [March 23, 2006].

Opinion:

A judge who is a candidate for election to another judicial office asks the following questions about permissible content on a campaign website:

(1) Is it permissible for the judge to include links on his/her campaign website to a newspaper article about the judge;

(2) May the judge include photographs on his/her website or in campaign literature that were taken in the judge's courtroom during a public trial and published in the newspaper; and,

(3) May the judge's campaign website be used to solicit campaign contributions?

A judge may participate in his/her own campaign for judicial office, and in doing so may bring to the public's attention, truthfully and without distortion, matters of public record about the candidate. 22 NYCRR 100.5(A)(2); 100.5(A)(4)(d)(iii); Matter of Kulkin, NYS Commission on Judicial Conduct (3/23/06) (noting that there is no place for distortions in a campaign for judicial office). The candidate also may establish a campaign committee to conduct his/her campaign through media advertisements, brochures, mailings, candidate forums and other means not prohibited by law. 22 NYCRR 100.5(A)(5). The inquiring judge, therefore, may include a link on his/her campaign website to newspaper articles about the judge, provided that nothing contained in the article is misleading and provided that the article maintains the dignity of judicial office. Id.; 22 NYCRR 100.5(A)(4)(a).

Further, as the courtroom may not be used for political purposes, "care must be taken to avoid using photographs that might convey the impression that the courthouse is being used for political purposes and, in particular, to facilitate the candidacy of a sitting judge." Opinion 05-101. In the present inquiry, however, it is the Committee's view that the judge may include photographs of the judge on his/her campaign website that a photographer took in the courtroom during a public trial and that were thereafter published by a newspaper.

Finally, while a judge or non-judge candidate for judicial office is prohibited from personally soliciting or accepting contributions to his/her campaign, the candidate may establish "a committee of responsible persons to solicit and/or accept reasonable campaign contributions and support from the public..." 22 NYCRR 100.5(A)(5). Therefore, while a judge may not solicit campaign contributions on his/her own website, the judge's campaign committee may do so on a website it sponsors, provided that the contributors are directed to send all donations to the campaign committee and not to the judge him/herself.

### Opinion 07-137 CORRECTED

October 18, 2007

**Please Note:** This opinion is essentially unaffected by Opinion 16-29/16-50, as it does not address disposition of unexpended campaign funds at the close of the window period. Please see Opinion 16-29/16-50 for guidance on such issues.

Digest:

- (1) Based on the facts presented, a judge running for election to judicial office may use photographs in his/her campaign commercials and materials that were taken of the judge in his/her courtroom with visiting foreign dignitaries, and community and school groups.
- (2) A judge running for election to judicial office may purchase a campaign advertisement by contributing to a charity so that the judge's

name, with the picture of a gavel, will be printed on a T-shirt to be given at no cost to participants in the charitable event.

Rules: 22 NYCRR 29.1; 100.4(C)(3)(b)(i), (iv); 100.5(A)(1)(e); 100.5(A)(2)(ii); 100.5(A)(6); Opinions 05-101; 98-97 (Vol. XVII); 96-46 (Vol. XIV); 94-67 (Vol. XII); 94-25 (Vol. XVII); Joint Opinion 92-70 and 92-84 (Vol. X); 89-61 (Vol. III); 87-16 (Vol. I); 87-02 (Vol. I).

Opinion:

A judge who is running for election to judicial office asks if he/she may use photographs in his/her campaign commercials and materials that were taken of the judge in his/her courtroom with visiting foreign dignitaries, and community and school groups. The photographs subsequently were published in a newspaper and/or a district administrative office newsletter.

This committee previously has concluded that a judge may not use photographs of himself/herself in a courtroom, for political purposes, as to do so could create the impression that the courthouse is being used for political purposes and, in particular, to facilitate a sitting judge's candidacy. 22 NYCRR 100.5(A)(1)(e); Opinion 05-101. In the present inquiry, however, using the proposed photographs in campaign literature and advertisements is unlikely to create such an impression, as it appears that they were taken with administrative approval, and while the judge was hosting visitors to the court, and not while court was in session. It is the Committee's view, therefore, that under these circumstances, the judge may use the photographs in his/her campaign commercials and materials. 22 NYCRR 29.1; Opinion 94-67 (Vol. XII).

The judge also asks if it is appropriate to make a donation to a charitable event, so that the judge's name, with a picture of a gavel, will be printed on a T-shirt to be given at no cost to participants in the charitable event.

A judge who is running for judicial office may, during his/her Window Period, distribute promotional campaign materials. 22 NYCRR 100.5(A)(2)(ii); Opinion 98-97 (Vol. XVII). In addition, a judge may contribute to a charity from his/her personal funds; and may use campaign funds to place congratulatory advertisements or messages in charitable journals. Opinions 96-46 (Vol. XIV); 94-25 (Vol. XVII); Joint Opinion 92-70 and 92-84 (Vol. X). Similarly, the inquiring judge may contribute to a charity so that the judge's name, with the picture of a gavel, will be printed on a T-shirt to be given at no cost to participants in the charitable event, so long as neither the judge's name nor the prestige of judicial office will be used for fund-raising purposes. 22 NYCRR 100.4(C)(3)(b)(i), (iv); Opinion 89-61 (Vol. III). A candidate may not use campaign funds to make charitable donations unless they directly benefit the campaign, because charitable contributions per se are not a traditional part of the election process and are impermissible under our prior opinions, unless they are used to secure campaign-related advertising, goods or services, or to attend charitable

events in furtherance of the candidate's campaign. Opinions 87-16 (Vol. I); 87-02 (Vol. I); cf. 22 NYCRR 100.5(A)(6).

## **Joint Opinion 13-99/13-100 and 13-101/13-102**

October 24, 2013

Digest: (1) Subject to certain limitations as set forth herein, a judicial candidate may pay to attend a political fund-raiser for which no tickets are sold and no standard admission price has been set. (2) A judicial candidate may purchase the lowest priced full-page campaign advertisement in a journal that will be distributed at a political party's fund-raiser during the candidate's window period, but may not pay a premium over that price for a more prominently displayed advertisement.

Rules: 22 NYCRR part 100, Preface; 100.0(A); 100.0(Q); 100.5(A)(1)(h); 100.5(A)(2)(ii)-(iii); 100.5(A)(2)(v); 100.5(A)(5)-(6); 100.6(A); Opinions 13-60; 12-129(A)-(G); Joint Opinion 06-80 and 06-81; Opinions 99-38 (Vol. XVII); 92-97 (Vol. X); 88-26 (Vol. I).

### Opinion:

In this Opinion, the Committee considers several recurring and significant questions that the Judicial Campaign Ethics Subcommittee has received from judicial candidates regarding attendance at political events and purchase of campaign advertisements.<sup>1</sup>

### **I. Attending a Political Fund-Raiser For Which No Tickets Are Sold**

Although a judicial candidate must not make a contribution to any other political candidate or to any political organization (*see* 22 NYCRR 100.5[A][1][h]), he/she may purchase two tickets to, and attend, politically sponsored events during the applicable window period (*see* 22 NYCRR 100.5[A][2][v]; Joint Opinion 06-80/06-81; *see also* 22 NYCRR 100.0[Q] [defining "window period"]). The ticket price "shall not exceed the proportionate cost" of the event (22 NYCRR 100.5[A][2][v]), and a ticket price of \$250 or less is deemed to be the proportionate cost of the function (*id.*).

In Opinion 13-60, the Committee stated:

if tickets for a political event are offered at multiple prices, a candidate "must purchase those with the lowest price" (Opinions 12-129(A)-(G); 92-97 [Vol. X]; *see also* Opinion 88-26 [Vol. I] [judicial candidate "may purchase

the lowest priced dinner ticket to the political club fundraiser, but should not purchase the more expensive tickets denominated as ‘Sponsor’ or ‘Patron’”). Thus, in effect, a judicial candidate may not purchase tickets at a price higher than the price all other attendees are required to pay, because that would be an impermissible political contribution (*see* 22 NYCRR 100.5[A][1][h]).

However, the Subcommittee has now received multiple inquiries from judicial candidates involving “pay-what-you-wish” style political fund-raising events, where the organizer is not selling tickets and has not otherwise established a standard charge for admission to the event.<sup>2</sup> The Committee concludes that it is permissible for a judicial candidate to attend such events, although care must be taken to avoid the appearance of an impermissible campaign contribution. Two specific scenarios are raised in the present inquiries and are addressed below; judicial candidates may write in for guidance on additional scenarios that are not covered in the present opinion.

#### **A. Invitation Suggests Specific Amounts or Levels**

In Inquiry 13-99, a judicial candidate within his/her window period states that he/she was invited to a fund-raising event at a private residence, which is described as “an evening in honor and support of” a recently elected non-judicial official. The invitation does not list any ticket price or specific charge for admission but lists several “levels of donation/sponsorship, starting at \$50 (Friend) and then \$75 (Supporter).” The candidate asks whether it is permissible to pay the “minimum donation amount” listed, “up to a total of \$250.”

Similarly, in Inquiry 13-100, a judicial candidate within his/her window period states that he/she has received an invitation to attend an initial “campaign kickoff” fund-raiser for a candidate for non-judicial office. The invitation again does not list any ticket price or specific charge for admission but lists “suggested donations” ranging from \$25 to \$1,000. The inquirer asks whether the “suggested donations” are considered a prohibited contribution or whether they are “akin to a ticket price” which is permissible for a judicial candidate subject to certain limitations on price and number of tickets.

The Committee notes that both events are political fund-raisers to which attendees are expected to pay admission. Moreover, although the organizer of the event is not selling tickets, the list of suggested levels of “donations” or “support” provides guidance as to the amounts expected and thus appear to be roughly analogous to a ticket price for that event (*cf.* 22 NYCRR 100.5[A][2][v]). Accordingly, a judicial candidate may treat these “suggested donation” levels as ticket prices and may, therefore, pay the lowest priced suggested donation if it is \$250 or less (*see* Opinions 13-60; 12-129[A]-[G]; 92-97 [Vol. X]; 88-26 [Vol. I]).<sup>3</sup>

Accordingly, under the circumstances described in Inquiry 13-99, the inquiring judicial candidate may pay \$50 to attend the event, while in Inquiry 13-100, the candidate may pay \$25.

### **B. Pure “Pay-What-You-Wish,” with No Suggested Donation Levels**

In inquiry 13-101, a judicial candidate within his/her window period asks how much he/she may pay to attend a pay-what-you-wish political fund-raiser held in a private home, where no tickets, are being sold and the host has not otherwise set any specific price for admission or any suggested levels of donation or sponsorship.

As with the prior inquiries, this event is a political fund-raiser to which attendees are expected to pay admission. However, the organizer of the event in Inquiry 13-101 has not provided any guidance to attendees about how much they are expected to pay. Thus, there are no suggested levels of donation and no suggested admission price that a judicial candidate may treat as the functional equivalent of tickets to the event.

Under these circumstances, the Committee concludes that a judicial candidate may pay up to \$250 (*cf.* 22 NYCRR 100.5[A][2][v]). Although it is possible that other attendees will pay a smaller amount, the Rules Governing Judicial Conduct are “rules of reason” (22 NYCRR 100, Preface). The Committee therefore declines to adopt an interpretation of the Rules that would require a judicial candidate to attempt to discern how much other attendees will pay to attend a “pay-what-you-wish” fund-raiser, when the organizer has declined to set any guidelines for attendees.

Accordingly, under the circumstances described in Inquiry 13-101, the inquiring judicial candidate may pay up to \$250 to attend the event.

## **II. Purchasing a Campaign Advertisement**

In Inquiry 13-102, a judicial candidate states that he/she has purchased tickets to a political party’s fund-raiser, which will take place in the candidate’s post-election window period. The candidate asks whether he/she may also purchase either a “standard” full-page advertisement or a “prominently displayed” full-page advertisement in the political party’s “victory magazine” which will be distributed at the event. The candidate states that the charge for the standard full-page advertisement is \$1,000, while the “fee for the ad to be prominently displayed” on the inside of the front or back cover is \$1,500. In addition, on review of the order form, the Committee notes that the lowest-priced option offered by the political party is a half-page advertisement for \$600.

A candidate for elective judicial office may appear in newspaper, television and other media advertisements supporting his/her candidacy (*see* 22 NYCRR 100.5[A][2][ii]-[iii]) and may authorize a campaign committee to “conduct campaigns for the candidate through media advertisements ... and other means not prohibited



by law” (22 NYCRR 100.5[A][5]). However, the candidate “may not permit the use of campaign contributions or personal funds to pay for campaign-related goods or services for which fair value was not received” (22 NYCRR 100.5[A][6]) and may not pay an assessment to, or make a contribution to, a political organization or candidate (see 22 NYCRR 100.5[A][1][h]).

A judicial candidate may purchase campaign advertisements in political journals that will be distributed at political events throughout the candidate’s window period (see Opinion 99-38 [Vol. XVII]). Like other campaign advertisements, such an expenditure is justified by its purpose in promoting the judicial candidate’s campaign (see *generally* 22 NYCRR 100.5[A][2][ii]-[iii]). The expenditure is, therefore, analyzed independently of any amount the candidate has paid, as permitted by Section 100.5(A)(2)(v) and applicable Opinions, to attend the event itself.

The Rules Governing Judicial Conduct do not set any specific dollar limitation on the amount a candidate may spend on a campaign advertisement, as long as the amount paid does not create the appearance that the candidate is making an indirect contribution to a political organization or candidate (see 22 NYCRR 100.5[A][1][h]). To help “guard against a public perception that candidates are attempting to make disguised political contributions” (Opinion 12-129[A]-[G]), the Committee has previously advised that a judicial candidate may use campaign funds to purchase the “lowest priced advertisement” in a political organization’s journal, in which the candidate’s supporters are thanked, where the journal is being distributed at a politically sponsored dinner held after the election but during the window period (see Opinion 99-38 [Vol. XVII] [suggesting the possibility that paying \$3,000 for an advertisement might be regarded as an impermissible political contribution]).

The same principle applies here, but the Committee wishes to clarify that the candidate may purchase the lowest-priced full-page advertisement. Thus, the judicial candidate in Inquiry 13-102 may purchase the lowest-priced full-page advertisement for \$1,000, even though it is possible to purchase a half-page advertisement for \$600.<sup>4</sup>

The only novel question presented in Inquiry 13-102 is whether a judicial candidate may pay a premium (in this case 50% over the price of the lowest priced full-page advertisement) for the increased exposure of an inside cover or other prominent placement of the advertisement. The Committee believes that this is inappropriate. Although it is theoretically possible, under different factual circumstances, that a candidate might obtain fair value for a premium paid for such additional exposure (see 22 NYCRR 100.5[A][6]), the Committee believes there is a far greater risk that the public will perceive the candidate’s voluntary, additional payment as a contribution to the political organization or party (see 22 NYCRR 100.5[A][1][h]). Moreover, the Committee believes that a simple, bright-line rule in this area will make it easier for judicial candidates to comply with the Rules Governing Judicial Conduct; and it may even help judicial candidates resist any pressure they may feel from political organizations or other candidates to make “contributions” disguised as premium advertisements.

The Committee therefore concludes that a judicial candidate may purchase the lowest priced full-page campaign advertisement in a political journal that will be published or distributed at a political event that will take place during the candidate's window period but may not pay a premium over that price for a more prominently displayed advertisement (see Opinion 99-38 [Vol. XVII]; 22 NYCRR 100.5[A][1][h]).

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<sup>1</sup> The term "judicial candidate" refers to any candidate for elective judicial office and does not distinguish between judges and non-judges (see generally 22 NYCRR 100.0[A] [defining "candidate"]; 100.6[A] [discussing applicability of rules]).

<sup>2</sup> It is possible that the "pay-what-you-wish" structure is intended, among other things, to inspire generosity on the part of attendees in proportion to their financial means and/or to provide broad exposure for candidates by making it possible for individuals at every economic level to attend.

<sup>3</sup> The present inquiries do not raise the question of how much a judicial candidate may pay for two people to attend the event, and, therefore, the Committee does not comment on the issue.

<sup>4</sup> Opinion 99-38 (Vol. XVII) is hereby modified to make clear the Committee's intention that the "lowest priced advertisement" refers to the lowest-priced full-page advertisement rather than the lowest possible price which would almost certainly mean a very small advertisement.

### Opinion: 01-99

October 25, 2001

Digest: Two judges who are running for judicial office as part of a slate and who are of the same political party may participate in joint advertising or a joint fund-raiser sponsored or financed by their campaign committees, provided that such activity does not state or imply that each judge is endorsing or soliciting funds on behalf of the other.

Rule: 22 NYCRR 100.5(A)(1)(e); 100.5(A)(1)(h); 100.5(A)(2); 100.5(A)(2)(ii); Opinions 91-107 (Vol. VIII); 91-113 (Vol. VIII).

Opinion:

A judge is one of two candidates from the same political party running for judicial office. Because there are two vacant judgeships, the candidates would like to use joint advertising and hold a joint fund-raiser as part of their campaigns. The judge asks whether it is ethically permissible for two judicial candidates to use joint advertising and to hold a joint fund-raiser either paid for by their campaign committees or by third parties.

A judge who is a candidate for judicial office may participate in his or own campaign [22 NYCRR 100.5(A)(2)] and may appear at gatherings and in advertisements with other candidates on the judge's slate 22 NYCRR 100.5(A)(2)(ii). In two earlier opinions, the Committee concluded that candidates may use joint campaign literature and may participate in a joint fund-raiser, the proceeds of which would be divided between the two candidates. Opinions 91-107 (Vol. VIII); 91-113 (Vol. VIII). The Committee suggested that any joint campaign literature should include a disclaimer that ". . . neither judicial candidate is endorsing any other candidate." Opinion 91-107 (Vol. VIII). In addition, any such joint campaign advertising may include a slogan applicable to both judges. Similarly, at a joint fund-raiser, ". . . neither candidate may comment on the qualifications of or endorse the other." Opinion 91-113 (Vol. VIII).

With respect to whether the judges' campaign committees may pay for joint advertising and sponsor a joint fund-raiser, the Rules Governing Judicial Conduct prohibit a judge from publicly endorsing another candidate [22 NYCRR 100.5(A)(1)(e)] and from soliciting funds for any candidate 22 NYCRR 100.5(A)(1)(h). But, the Committee does not believe that joint advertising paid for by the candidates' campaign committees necessarily implies that each candidate endorses the other or that each candidate is soliciting funds on behalf of the other. As stated in Opinions 91-07 (Vol. VIII) and 91-13 (Vol. VIII), judicial candidates may issue joint campaign literature and run joint fund-raisers. In our opinion, from the standpoint of public perception it is of little significance whether that expenditure or activity is being undertaken by the political party on whose slate the candidates are running or by their respective campaign committees. But, regardless of whether the activity is that of a political party or of campaign committees, care must be taken to avoid any implication

### **Opinion 12-129(A)-(G)**

September 13, 2012

**Please Note:** Opinion 16-29/16-50 has raised the threshold for treating unexpended campaign funds as de minimis to "\$2,500 or less."

Digest: (1) A judicial candidate may not hire a professional fund-raising consultant who will be paid on a percentage or commission basis. (2) A

judicial candidate may hold a free “meet and greet” event at which modest and reasonable refreshments are served. (3) A judicial candidate may attend and participate in a politically sponsored golf tournament during his/her window period, subject to limitations on price and number of tickets, and may also purchase campaign advertisements at such events, subject to the fair value rule. (4) A judicial candidate may comment on an opponent’s conduct, subject to certain limitations. (5) A judicial candidate who is defeated in the election may use a *de minimis* amount of unexpended campaign funds for an extremely modest social event to thank persons who significantly volunteered on the candidate’s campaign.

Rules: 22 NYCRR 100.0(Q); 100.4(D)(5)(c); 100.5; 100.5(A)(1); 100.5(A)(1)(c)-(e), (f), (h); 100.5(A)(2); 100.5(A)(2)(l), (v); 100.5(A)(4)(a), (c), (d)(iii); 100.5(A)(5); 100.5(A)(6); Opinion 12-95(A); Joint Opinion 12-84/12-95(B)-(G); Opinions 10-135; 09-162; 08-43; 08-40; 07-187; 07-135; 07-65; 06-172; 06-162; 04-106; 02-06; 01-98; 01-81; 99-38 (Vol. XVII); 98-06 (Vol. XVI); 92-97 (Vol. X); 88-26 (Vol. I); 2007 Ann Rep of NY Commn on Jud Conduct 127; 2007 Ann Rep of NY Commn on Jud Conduct 115.

Opinion:

In this Opinion, the Committee considers several recurring and significant questions that the Judicial Campaign Ethics Subcommittee has received.

A candidate for elective judicial office may personally participate in his/her own campaign for judicial office during his/her window period, subject to certain limitations (*see* 22 NYCRR 100.5[A][1]; 100.5[A][2]; *see also* 22 NYCRR 100.0[Q] [defining “window period”]). For example, a judicial candidate may not publicly endorse or publicly oppose (other than by running against) another candidate for public office (*see* 22 NYCRR 100.5[A][1][e]); may not participate in any political campaign or any partisan political activity on behalf of other candidates (*see* 22 NYCRR 100.5[A][1][c]-[e]); and may not make speeches on behalf of another candidate (*see* 22 NYCRR 100.5[A][1][f]). A judicial candidate also may not make contributions to other candidates (*see* 22 NYCRR 100.5[A][1][h]) or personally solicit funds for any political organization or candidate (*see id.*; *see also* 22 NYCRR 100.5[A][2]; 100.5[A][5]). Moreover, a judicial candidate must not authorize or knowingly permit any person to do for the candidate what the candidate is prohibited from doing under the Rules Governing Judicial Conduct (*see* 22 NYCRR 100.5[A][4][c]; *see also* 22 NYCRR 100.5[A][1] [prohibiting judicial candidates from “directly or indirectly engag[ing]” in unauthorized political activity]).

Question 1. Hiring a Professional Fund-Raising Consultant

In Inquiry 12-129(A), a candidate for elective judicial office asks if he/she may hire a professional fund-raising consultant<sup>1</sup> who would be paid either a commission or a percentage of the amount raised.

A judicial candidate who wishes to solicit funds for his/her campaign must establish a committee of “responsible persons” to do so on his/her behalf, subject to all applicable restrictions in the Rules Governing Judicial Conduct (*see* 22 NYCRR 100.5[A][5]; *see also* Opinions 08-43 [campaign committee necessary for fund-raising, unless campaign is entirely self-funded]; 07-135 [judge’s own website cannot be used to solicit contributions, but campaign committee’s website can]).

The Committee has previously advised that a judicial candidate may not engage in joint fund-raising activity with a candidate for non-judicial office because “compliance with Section 100.5 of the Rules Governing Judicial Conduct would be difficult, if not impossible, for a judicial candidate involved in a joint fund-raiser with a non-judicial candidate because the candidate for non-judicial office is not subject to the same exacting standards” (*see* Opinion 08-40).

For similar reasons, the Committee concludes that a judicial candidate should not hire a professional fund-raiser who would be paid either on a commission or percentage basis. Even with the best of intentions, the payment structure provides powerful built-in incentives for a paid professional to underestimate the “exacting standards” to which a judicial candidate is held (*see generally* 22 NYCRR 100.5). And, because the candidate is not permitted to personally solicit funds or familiarize him/herself with the identities of contributors or the amounts contributed (*see, e.g.,* Opinions 10-135; 04-106; 02-06), it would be difficult, if not impossible, for the candidate to personally supervise the work of a professional fund-raiser to the degree necessary to counteract such incentives.

## **Question 2. Holding a Free “Meet and Greet” Event With Modest Refreshments**

In Inquiry 12-129(B), a judicial candidate asks if he/she may host a “meet and greet” function, so that voters may get to know him/her. The candidate notes that the event is not intended as a fund-raiser, and the candidate wishes to serve bagels, coffee, and juice which the candidate will pay for from personal funds. In Inquiry 12-129(C), a judicial candidate asks whether his/her campaign committee may host a luncheon, without charge and without requesting donations, for newly admitted attorneys so that the candidate may introduce him/herself to that segment of the bar and seek their non-financial support to help “spread[] the word” of his/her candidacy to their peers. The candidate notes that the event would be a barbeque, and that his/her resume and credentials would be presented to those in attendance.

In the Committee’s view, the proposed events are permissible. A judicial candidate within his/her window period may “attend and speak to gatherings on his or her own behalf, provided that the candidate does not personally solicit

contributions” (22 NYCRR 100.5[A][2][i]). The Rules Governing Judicial Conduct do not preclude candidates from hosting such gatherings themselves, either directly or through a campaign committee. Nor do the Rules prohibit a candidate or his/her committee from providing modest and reasonable refreshments, in his/her capacity as the host of such an event, as a matter of ordinary social hospitality.

In the Committee’s view, as long as the candidate is guided by considerations of modesty and reasonableness in the provision of ordinary social hospitality, the conduct described in Inquiries 12-129(B) and (C) cannot reasonably be perceived as improper.<sup>2</sup>

### **Question 3. Politically Sponsored Golf Tournaments**

In Inquiry 12-129(D), a judicial candidate asks if he/she may purchase two tickets for a golf tournament sponsored by a political club or political party. It appears that the golf tournament is a fund-raiser for the political organization, and that the candidate wishes to play golf in the tournament. If it is permissible to purchase tickets and participate in the tournament, the candidate further asks if he/she may also purchase advertising at additional cost in the form of a sign placed near a specific golf hole or golf tee (often referred to as a “hole sign” or “tee sign”).

During the applicable window period, a judicial candidate may attend a wide variety of political events or gatherings on behalf of his/her own candidacy, subject to certain limitations on the price and number of tickets if admission is charged (see 22 NYCRR 100.5[A][2][v]). In particular, the candidate may purchase no more than two tickets to a politically sponsored event, and the ticket price must not “exceed the proportionate cost” of the event (*id.*). The Rules Governing Judicial Conduct provide that a ticket price of \$250 or less is deemed to be the proportionate cost of the function (*id.*).<sup>3</sup> The Committee sees no reason to apply a different rule to politically sponsored golf outings; a judicial candidate may attend, and play golf in, such events during his/her window period, subject to the same limitations pertaining to other politically sponsored events.

The Rules also do not prohibit a judicial candidate from purchasing campaign advertisements at a political event the candidate will attend (see, e.g., Opinion 99-38 [Vol. XVII]), provided that the candidate determines he/she will receive fair value for the amount expended (see 22 NYCRR 100.5[A][6])<sup>4</sup> and the advertisements are generally consistent with the dignity, integrity, independence, and impartiality of the judiciary (see 22 NYCRR 100.5[A][4][a]).

Thus, the inquiring judicial candidate may purchase campaign advertisements in the form of a hole sign or tee sign, or other types of advertising that are traditionally available at a golf tournament, subject to the same limitations pertaining to other campaign advertisements.

#### **Question 4. Commenting on an Opponent's Conduct**

In Inquiry 12-129(E), an incumbent judge who is currently a judicial candidate within his/her window period states that he/she believes that an opponent has engaged in unethical conduct in the course of the campaign. The judge requests guidance about how to respond, given that he/she is unaware of any official finding of misconduct. In Inquiry 12-129(F), a non-judge judicial candidate who is running against an incumbent judge states that he/she has reviewed a report regarding historical case assignment statistics in the court to which he/she seeks election. The inquiring candidate further states that, according to the report, his/her incumbent opponent handled less than one-third of the cases last year in a two-judge court. The candidate asks if he/she may post a copy of the report on his/her campaign website, draw attention to those statistics, state that it “is time we establish a fair distribution of the workload” of the court, and pledge to do a “fair share” of the court’s work.

A judicial candidate must ensure that his/her campaign statements are consistent with the impartiality, integrity, independence and dignity of judicial office, and are entirely truthful and not in any way misleading (*see* 22 NYCRR 100.5[A][4][a]; 100.5[A][4][d][iii]; Opinion 09-162 [campaign statements must be made “truthfully, and without distortion, about matters of public record regarding themselves”]). In general, a judicial candidate should take particular care to ascertain the truth of all claims he/she makes about his/her opponents, and be careful not to create a false impression of an opponent’s record by omitting relevant facts (*see* 2007 Ann Rep of NY Commn on Jud Conduct 115 at 117).

The Committee has previously advised that a judicial candidate may comment about his/her opponent’s rating by an independent judicial qualifications commission as long as his/her comments are accurate and not misleading (*see* Opinion 09-162) and may also bring to the public’s attention the fact that his/her opponent has been publicly admonished by the State Commission on Judicial Conduct, provided it is done in a manner that maintains the dignity appropriate to judicial office (*see* Opinion 01-98).

The same principles apply here. With respect to the facts presented in Inquiry 12-129(E) and (F), the Committee cannot comment on whether any specific proposed statements are accurate and not misleading. However, each candidate should take steps to ensure the accuracy of the information he/she includes about any opponent, and make every effort to avoid misleading the public with mere speculation or innuendo.<sup>5</sup> Moreover, any reference to an opponent must be made in a manner which maintains the dignity appropriate to judicial office.

#### **Question 5. Consolation or “Thank-You” Party**

In Inquiry 12-129(G), a non-judge candidate whose bid for elective judicial office was unsuccessful states that the remaining balance in his/her campaign

account is approximately \$1,000. The candidate asks if he/she may use some of these funds to treat members of his/her campaign committee to dinner at a restaurant to thank them for their assistance in the campaign. The candidate states that these campaign committee members worked long hours, often on nights and weekends, in support of his/her campaign.

The Rules prohibit use of campaign funds for any private benefit (*see* 22 NYCRR 100.5[A][5]), and the Committee has recognized that campaign funds may not be used to purchase even “token gifts” for campaign workers (*see* Opinion 98-06 [Vol. XVI]). Funds remaining after the election may be used throughout the window period to discharge outstanding campaign debts, to attend political events that take place during the window period, and for other lawful purposes as permitted by the Rules and prior Opinions (*see, e.g.,* Joint Opinion 12-84/12-95[B]-[G] [discussing use of campaign funds in the post-election window period]).

At the end of the window period, however, the candidate should arrange to dispose of all unexpended campaign funds and close the campaign account. The funds may not be retained for use in future campaigns (*see, e.g.,* Opinion 01-81). Ordinarily, a candidate’s first priority, where feasible, will be to return the funds pro rata to contributors (*see, e.g.,* Opinion 06-162).

Nonetheless, the Committee has recognized “the difficulties presented by small checks that may remain uncashed” and thus delay the closing of the campaign account (Opinion 07-65). Accordingly, the Committee has previously advised that a judicial candidate may, subject to certain limitations, use otherwise unexpended campaign funds to purchase items to use in judicial office (*see* Opinions 07-65; 06-162) or to hold a victory party before the end of the window period (*see* Opinion 07-187). In fact, in response to a question from a successful judicial candidate, the Committee has recently advised that unexpended campaign funds totaling less than \$1,000 need not be returned to contributors on a pro rata basis, but may be expended for any lawful non-political purpose connected to judicial office, such as the purchase of office supplies, computer software or books (*see* Opinion 12-95[A]).

An unsuccessful non-judge candidate who has a relatively small amount of unexpended campaign funds may likewise face practical difficulties in returning the funds pro rata to a large number of contributors; however, he/she may not be able to make the particular expenditures outlined in the previous paragraph because he/she does not hold judicial office and has no victory to celebrate. In the Committee’s view, holding a modest and reasonable social event to say “thank you” to persons who volunteered significant time and/or efforts in support of the candidate’s campaign, using a *de minimis* amount of campaign funds to purchase refreshments that will be consumed at the event, is likely to be within the contemplation of campaign contributors, even though the candidate’s bid was unsuccessful (*see* Opinion 12-95[A] [unexpended campaign funds totaling less than \$1,000 are *de minimis*]).<sup>6</sup> Like the traditional victory party to which it is roughly analogous, such an event must be held before the end of the window period (*see* Opinion 07-187).



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<sup>1</sup> Also referred to as a “professional fund-raiser.”

<sup>2</sup> The Committee has previously addressed the concept of “ordinary social hospitality” (22 NYCRR 100.4[D][5][c]) in the context of gifts to judges and quasi-judicial officials (*see, e.g.*, Opinion 06-172 [emphasizing that the hospitality must be “ordinary,” rather than “unusually expensive or lavish”]). In the Committee’s view, a candidate who abides by this guideline, in deciding what level of hospitality to offer his/her guests at free campaign events the candidate hosts, easily avoids any possible appearance that he/she is distributing items of more than nominal value to voters (*see* 2007 Ann Rep of NY Commn on Jud Conduct 127 at 134 [holding that respondent failed to abide by the high standards required of judicial candidates by, among other things, “buying drinks for patrons at a bar while identifying himself as a judicial candidate,” and noting that respondent spent approximately \$2,000 in this manner during the weeks preceding the election]).

<sup>3</sup> The Committee has previously advised that if there are multiple prices for tickets to a political event, a candidate “must purchase those with the lowest price” (Opinion 92-97 [Vol. X]; *see also* Opinion 88-26 [Vol. I] [noting that a judge may not make a political contribution by purchasing a more expensive “sponsor” or “patron” level ticket to a political dinner]).

<sup>4</sup> The fair value rule prohibits the “use of campaign contributions or personal funds to pay for campaign-related goods or services for which fair value was not received” (22 NYCRR 100.5[A][6]), and thus helps guard against a public perception that candidates are attempting to make disguised political contributions (*see* Opinion 99-38 [Vol. XVII] [noting the possibility that paying \$3,000 for an advertisement in a political journal could be regarded as an impermissible political contribution]; 22 NYCRR 100.5[A][1][h]).

<sup>5</sup> For example, if there has been no published finding of misconduct by an official disciplinary body (Inquiry 12-129[E]), the inquiring candidate should take particular care to avoid giving the false impression that such a finding has been issued or is forthcoming. Similarly, if there has been no published administrative or disciplinary determination that a judge is “shirking” his/her judicial duties (Inquiry 12-129[F]), the inquiring candidate should carefully consider whether there may be other reasons for a seemingly imbalanced caseload in a particular court (*see* 2007 Ann Rep of NY Commn on Jud Conduct 117; *cf.* Opinion 09-162 [discouraging speculation about the reason why an opponent’s name is not included on the list of candidates deemed “qualified” for a position]).

<sup>6</sup> In the Committee's view, purchasing modest and reasonable refreshments to be served and consumed at such an event does not constitute a forbidden expenditure under the Rules Governing Judicial Conduct (*compare* 22 NYCRR 100.5[A][5] [prohibiting the use of campaign funds for the private benefit of others] *with* Opinion 98-06 [prohibiting the use of campaign funds to purchase even "token gifts" for campaign workers]).

## Joint Opinion 12-84/12-95(B)-(G)

June 14, 2012

Digest: (1) A judicial candidate must not be a speaker, guest of honor, or award recipient at a politically sponsored event, unless either (a) the event is not a fund-raiser, or (b) the candidate's participation is unannounced prior to the event. (2) To the extent legally permissible, a judicial candidate may use campaign funds to attend bar association functions or other events that are not hosted by political organizations throughout his/her window period, provided that his/her attendance is in furtherance of his/her campaign for judicial office and the candidate determines that he/she will receive fair value for the expenditure. (3) A judicial candidate may list the name of a sitting judge as a reference for a political party's screening panel but must not ask a sitting judge to write the panel directly on the candidate's behalf. (4) A judicial candidate may permit other individuals to attend his/her fund-raiser without charge, regardless of whether such individuals are currently seeking election to public office. (5) A judicial candidate may include a link from his/her campaign website to a political organization's website which contains information promoting the judicial candidate's campaign.

Rules: 22 NYCRR 100.2; 100.2(A); 100.2(C); 100.4(C)(3)(b)(ii); 100.5(A)(1); 100.5(A)(1)(i)-(ii); 100.5(A)(1)(c)-(i); 100.5(A)(2); 100.5(A)(2)(i), (iii); 100.5(A)(4)(a), (c); 100.5(A)(5); 100.5(A)(6); 100.6(A); 22 NYCRR 101; 22 NYCRR 1200.8.2(b); Opinions 11-136; 11-64; 10-80; Joint Opinion 09-59/09-86; Opinions 08-160; 08-151; 08-64; 07-135; 07-130; 07-09; 05-104; 04-141; 03-51; 01-99 (Vol. XX); 01-27 (Vol. XIX); 95-161 (Vol. XIV); 94-15 (Vol. XII); 93-52 (Vol. XI); 92-29 (Vol. IX); 91-94 (Vol. VIII); 91-02 (Vol. VII); 89-125 (Vol. IV); 2004 Ann Rep of NY Commn on Jud Conduct, at 153; 2001 Ann Rep of NY Commn on Jud Conduct, at 28.

### Opinion:

In this Opinion, the Committee considers several recurring and significant questions that the Judicial Campaign Ethics Subcommittee has received from multiple judicial candidates about their campaign conduct.

## The Rules Governing Judicial Conduct

A judge must always avoid even the appearance of impropriety (*see* 22 NYCRR 100.2) and must always act to promote public confidence in the judiciary's integrity and impartiality (*see* 22 NYCRR 100.2[A]). Therefore, a judge must not lend the prestige of judicial office to advance the private interests of the judge or others (*see* 22 NYCRR 100.2[C]) and must not engage in any direct or indirect political activity except as specifically authorized by law or by the Rules Governing Judicial Conduct (*see* 22 NYCRR 100.5[A][1][I]). For example, a judge ordinarily may not attend a political gathering (*see* 22 NYCRR 100.5[A][1][g]) or purchase tickets to a politically sponsored event, even for a non-political purpose (*see* 22 NYCRR 100.5[A][1][i]).

A non-judge who is seeking election to judicial office is subject to applicable provisions of the Rules Governing Judicial Conduct throughout the course of his/her campaign (*see* 22 NYCRR 100.6[A]; *cf. also* 22 NYCRR 1200.8.2[b]).<sup>1</sup>

A judge or non-judge candidate for elective judicial office may personally participate in his/her own campaign for judicial office during his/her window period, subject to certain limitations (*see* 22 NYCRR 100.5[A][1][c]; 100.5[A][2]). For example, a candidate for judicial office may not publicly endorse or publicly oppose (other than by running against) another candidate for public office (*see* 22 NYCRR 100.5[A][1][e]); may not participate in any political campaign or any partisan political activity on behalf of other candidates (*see* 22 NYCRR 100.5[A][1][c]-[d]); and may not make speeches on behalf of another candidate (*see* 22 NYCRR 100.5[A][1][f]). Judicial candidates also may not make contributions to other candidates (*see* 22 NYCRR 100.5[A][1][h]) or personally solicit funds for any political organization or candidate (*see id.*; *see also* 22 NYCRR 100.5[A][2]; 100.5[A][5]).<sup>2</sup> A judicial candidate must not authorize or knowingly permit any person to do for the candidate what the candidate is prohibited from doing under the Rules Governing Judicial Conduct (*see* 22 NYCRR 100.5[A][4][c]; *cf.* 22 NYCRR 100.5[A][1] [prohibiting all judicial candidates from “directly or indirectly engag[ing]” in unauthorized political activity]).

### Question 1. Speaker or Guest of Honor at Political Events

In Inquiry 12-95(B), a recently elected judge within his/her post-election window period asks whether he/she may attend a politically sponsored fund-raising event and accept a service award at the event. The judge states that his/her name would not be used in any solicitation for the event. In Inquiry 12-95(C), a judge who is currently within his/her window period for another judicial office asks whether he/she may be one of several advertised speakers at a politically sponsored luncheon which is not a fund-raiser,<sup>3</sup> and the judge will speak solely about his/her own qualifications and candidacy at the event.

The Committee has previously advised that a judicial candidate may not be a speaker, guest of honor, or recipient of an award at a politically sponsored fund-

raising event (see Opinions 07-09; 03-51; 01-27 [Vol. XIX]).<sup>4</sup> In Opinion 01-27 (Vol. XIX), the Committee advised that if a judicial candidate accepted an award from a political party at the party's annual fund-raising dinner, or if the judge were a guest of honor at the event, the candidate "would be permitting his or her name to be used in connection with the fund-raising activity of a political organization" (*id.*; see also 22 NYCRR 100.5[A][1][d]). In Opinion 03-51, the Committee similarly advised that if a judicial candidate accepted an award at a Congressperson's fund-raiser, it "would appear to implicate [him/her] in the Congress[person]'s own campaign" (*id.*; see also 22 NYCRR 100.5[A][1][d]).

In Opinion 07-09, a judicial candidate asked whether he/she could "be honored" and "speak at" a fund-raising event sponsored by a political organization. The Committee again advised that a candidate may not be a speaker, guest of honor, or award recipient at a politically sponsored fund-raiser, but also advised that the candidate may "provide a 'few words of acknowledgment' when he/she is introduced as a candidate" (Opinion 07-09; see also Opinion 04-141 [offering a similar analysis in the context of charitable fund-raisers]).

In Inquiry 12-95(B), the inquirer's participation as a speaker will not be announced in advance of the political fund-raising event. In the Committee's view, this distinction warrants a different result from the Committee's prior opinions cited above.<sup>5</sup> If a judicial candidate's participation as a speaker or award recipient is not announced prior to a political fund-raising event, the candidate's name and participation is not being used to draw attendees to the event. Thus, there is little, if any risk that the public will conclude that the candidate is permitting his/her name to be used in, or is otherwise implicated in, the fund-raising efforts (*compare* Opinions 03-51; 01-27 [Vol. XIX]). In serving as an unannounced speaker at a political fund-raiser during his/her window period, a judicial candidate may speak on behalf of his/her own campaign (see 22 NYCRR 100.5[A][2][i]) but must not endorse or oppose (other than by running against) another candidate for public office (see 22 NYCRR 100.5[A][1][e]) and must not personally solicit funds (see 22 NYCRR 100.5[A][1][h]).

Inquiry 12-95(C) raises the question of whether a judicial candidate who is currently within his/her window period may be an advertised speaker at a politically sponsored event that is not a fund-raiser. The Committee notes that judicial candidates may attend and speak to gatherings on their own behalf (see 22 NYCRR 100.5[A][2][i]) and may appear at such gatherings along with other candidates on their slate (see 22 NYCRR 100.5[A][2][iii]). Thus, the mere fact that the judicial candidate is advertised as a speaker or guest of honor at an event sponsored by a political organization does not, without more, violate the proscription against "permitting his or her name to be used in connection with any activity of a political organization" (22 NYCRR 100.5[A][1][d]) where, as here, the judicial candidate will be using the speaking opportunity to promote his/her own candidacy for judicial office.

Although advertising a judicial candidate's participation (as speaker, guest of honor, or award recipient) could draw people to the political event, the fact that the

event is not a fund-raiser minimizes the risk of a public perception that the judicial candidate's name is being used to raise funds for other candidates or the sponsoring political party. Accordingly, there is no reason to prohibit judicial candidates from serving as advertised speakers at non-fund-raising political events, as long as the candidate's remarks are consistent with the Rules Governing Judicial Conduct.

## **Question 2. Use of Campaign Funds to Attend Events That are not Hosted by Political Organizations**

In Inquiry 12-84 and Inquiry 12-95(D), judicial candidates ask whether they may use campaign funds to attend a variety of events hosted by non-political sponsors, such as bar association dinners or golf tournaments, charitable and civic events, and judicial association dinners, throughout their window period, including the six month period following Election Day.

The Committee recognizes that judicial candidates need to attend a wide variety of events during their window period in order to connect with prospective voters, supporters, and campaign workers; to otherwise generate awareness of their qualifications and their candidacy; and to thank those who have helped their campaign efforts and/or those who voted for them. Thus, in the Committee's view, judicial candidates may promote their candidacy at events hosted by non-political sponsors, including bar association events, where they are likely to find individuals who are interested in improving the administration of justice and, thus, may be willing to support - or who have supported - a judicial candidate's current campaign in a variety of ways.

Campaign funds may be used to attend such events throughout the window period - including the six month period after Election Day - to the extent legally permissible, but only in furtherance of the candidate's judicial campaign, including to express the candidate's appreciation to voters and campaign workers (*see e.g.* Opinion 10-80 [candidate may use campaign funds to promote his/her candidacy by sponsoring a local softball team]). The Committee notes that a judicial candidate "may not permit the use of campaign contributions or personal funds to pay for campaign-related goods or services for which fair value was not received" (22 NYCRR 100.5[A][6]). Thus, the candidate should only use campaign funds to attend such events if the candidate determines that he/she will receive fair value for the amount expended for the ticket within the context of his/her campaign, a judgment that the candidate him/herself is in the best position to determine (*see id.*). For example, the mere fact that a ticket price is higher than the sponsor's actual per person event cost does not, in and of itself, constitute a violation of the fair value requirement.

The Committee notes that in September 2003, the Commission on Judicial Conduct characterized the use of \$710 in campaign funds to attend six post-election, non-political functions as "unjustified," without explaining its reasoning or citing any authority for that specific statement (*see* 2004 Ann Rep of NY Commn on Jud Conduct, at 153, 155-56).<sup>6</sup> In the Committee's view, there are valid reasons for a judicial

candidate to continue to attend both political and non-political events even after the election, in support of the candidate's recently concluded campaign. In particular, and especially relevant, voters are likely to expect a recently elected judge to attend events in the judge's community post-election to personally thank voters for their support and campaign workers for their time, sacrifice and hard work. Thus, although a judicial candidate's campaign committee may not simply donate to any organization or otherwise use campaign funds for the private benefit of the candidate or others (see 22 NYCRR 100.5[A][5]; Opinions 08-151 [campaign funds must not be donated to civic or charitable organizations]; 92-29 [Vol. IX] [campaign funds must not be donated to a bar association]), they may be used to purchase tickets to, and attend, non-political events during the candidate's post-election window period.

### **Question 3. Asking a Sitting Judge to Provide a Reference to a Political Party's Screening Panel**

In Inquiry 12-95(E), a judicial candidate inquires whether it is ethically permissible for him/her to ask a sitting judge to provide an oral or written reference on the candidate's behalf directly to a political party's judicial screening panel, absent the panel's request.

A judicial candidate may appear before a political party's screening panel (see Opinion 11-64). Therefore, candidates must be permitted to provide a party screening panel with the names of individuals "who can meaningfully assess the [candidate's] qualifications, character and temperament" (*id.*); and, in the Committee's view, the public can only benefit when such individuals are also "familiar with the legal system" (*id.*). Clearly, sitting judges are not only familiar with the legal system but are likely well-situated to observe conduct that is relevant to a potential judicial candidate's qualifications, competence, character, and temperament. Thus, there is every reason to permit a judicial candidate to provide a political party's screening panel with the names of sitting judges as references, if the candidate wishes to do so.

The Committee has advised that a sitting judge may respond to inquiries from an Independent Judicial Election Qualification Commission or a bar association judicial candidate evaluation committee about qualifications of candidates for elective judicial office (see Opinions 08-160; 07-130). Where the judge does not volunteer his/her opinion, but merely responds directly to a screening panel's request, the Committee concluded that the judge's comment "does not constitute a public endorsement of or opposition to the candidate, and does not otherwise constitute prohibited political activity" (Opinion 07-130).

In the Committee's view, the same principles apply when a sitting judge responds to an inquiry from a political party's screening panel concerning the qualifications of a particular judicial candidate. In responding to the request, the judge "should draw from his/her personal knowledge of the potential judicial candidate" and "should neither urge approval nor disapproval of a candidate" (Opinion 08-160). To avoid any appearance that the sitting judge is engaging in

impermissible political activity, such as publicly endorsing or opposing a judicial candidate (*see* 22 NYCRR 100.5[A][1][e]), the judge's comments should be made solely in response to a direct request from the party's screening panel and should be addressed only to the requesting panel.

In light of these restrictions, the Committee concludes that a judicial candidate should not ask sitting judges to write to a political party's screening panel but, instead, should give the panel names of sitting judges the candidate wishes the panel to contact (*see generally* 22 NYCRR 100.5[A][4][a] [a judicial candidate must act in a manner consistent with the impartiality, integrity and independence of judicial office]; Opinion 08-64 [a judicial candidate may not use quotations from letters of individuals who are subject to Section 100.5 in his/her judicial campaign]).

#### **Question 4. Providing Free Admission to a Fund-Raising Event**

In Inquiry 12-95(F), a judge who is within his/her window period for re-election states that certain local political leaders and non-judicial elected officials at the state and local level have agreed to serve on the "honorary committee" for the judge's fund-raising event. Tickets to the judge's fund-raiser are \$500, and the judge asks whether he/she may permit members of the honorary committee to attend the event for free.

In the Committee's view, there are many legitimate reasons why a judicial candidate may wish to invite some individuals to attend his/her fund-raiser without charge (a practice frequently referred to as providing complimentary admission or "comping") in furtherance of his/her judicial campaign. For example, the candidate may be acting out of courtesy or friendship, or the candidate may hope that the individual's presence at the fund-raiser will encourage others to attend, or attendees to contribute more generously to the candidate's campaign. The Committee, therefore, concludes there is no ethical impediment to the long-standing practice of "comping" attendees to the candidate's own fund-raiser, and the practice does not constitute a prohibited contribution for purposes of the Rules Governing Judicial Conduct, even if some of the "comped" individuals are currently running for election themselves (*cf.* 22 NYCRR 100.5[A][1][h]).<sup>7</sup>

#### **Question 5. Linking to a Political Organization's Website**

In Inquiry 12-95(G), a judicial candidate asks whether his/her campaign website may link to the website of a political party that has endorsed the judge and includes the judge/candidate's profile.

The Committee has previously advised that a judicial candidate may include links to published newspaper articles about him/herself on a campaign website, provided that nothing in the article is misleading and provided the article maintains the dignity of judicial office (*see* Opinion 07-135).

The Committee has not, however, previously issued an Opinion addressing whether a judicial candidate may include links to the websites of political organizations.

The Commission on Judicial Conduct publicly took a position on the subject approximately a decade ago. In the “Observations and Recommendations” section of its 2001 Annual Report, the Commission stated (*see* 2001 Ann Rep of NY Commn on Jud Conduct, at 28):

[S]ince the Rules prohibit a judicial candidate from participating in political activity other than his or her own campaign, it would violate the Rules for a judicial candidate’s web site to include electronic links to the web site of another candidate or a political organization. This is especially so since the judicial candidate would have no control over the content of the linked web site.

The Commission further noted that it had received a complaint about a judicial candidate who linked to a political website that automatically played a slideshow of candidate profiles (*see id.*).

Use of the internet, while certainly not unusual in 2001, has become almost inescapably routine to ever-increasing numbers of people over the past ten years.<sup>8</sup> The Committee believes that internet users today are able to appreciate that when two websites are independently maintained and controlled by separate entities, a link from one website to the other does not make them into a single website. No special sophistication is required to understand that if website “A” links to website “B,” the owner of website “A” likely does not control the content of website “B” and does not necessarily agree with all statements appearing on website “B.” Nor is it reasonable to believe that the mere existence of such a link automatically incorporates website “B’s” content into site “A.”

A judicial candidate may appear in person or in media advertisements with other candidates on the same slate (*see* 22 NYCRR 100.5[A][2][iii]) and may campaign door-to-door with other candidates (*see* Opinion 91-94 [Vol. VIII]). A judicial candidate may identify him/herself as a member of a political party (*see* 22 NYCRR 100.5[A][1][ii]) and may solicit, accept and advertise the endorsement of political parties (*cf.* Opinion 93-52 [Vol. XI]). The Committee has also advised that a judicial candidate may allow a political party to issue joint campaign literature that lists the judicial candidate with other candidates for elective office (*see* Opinions 01-99 [Vol. XX]; 89-125 [Vol. IV]). Linking to a political party’s website is another way to achieve the same result.

Accordingly, the Committee concludes that a judicial candidate may link to the website of a political party that has endorsed him/her. This provides a way for the candidate to demonstrate that he/she in fact has obtained the party’s support. The candidate should be careful that the link is not presented in such a way that it



appears to vouch for or adopt the content of the political party's website (*cf.* Opinion 93-52 [Vol. XI]). And, the candidate's own website, including the wording of any links, must be consistent with the Rules Governing Judicial Conduct.

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<sup>1</sup> Although a non-judge judicial candidate is not subject to Sections 100.2 or 100.2(A), he/she must, among other things, maintain the dignity appropriate to judicial office and act in a manner consistent with the impartiality, integrity and independence of the judiciary (*see* 22 NYCRR 100.5[A][4][a]).

<sup>2</sup> Any solicitation or acceptance of contributions for a judicial candidate's campaign must be done during the window period by a committee of responsible persons appointed by the candidate (*see* 22 NYCRR 100.5[A][5]).

<sup>3</sup> Although there is a modest charge for the luncheon, the judge states that the ticket price is intended only to cover expenses of the luncheon and not to raise funds (*cf.* Opinions 05-104 [judge may be honored at an educational foundation's breakfast, even if there may be some small net sum which may benefit the sponsor, where "the stated intent of the event is to honor prominent graduates of the institution and not to raise funds"]; 95-161 [Vol. XIV] [looking to the "stated intent of the organization" as well as the surrounding circumstances in determining "whether the activity is or is not a fundraiser"]).

<sup>4</sup> The Committee notes that a different analysis may apply if the judicial candidate is invited to a political party's fund-raiser as part of the party's entire local slate (*compare* Opinion 91-02 [Vol. VII] *with* Opinion 94-15 [Vol. XII]).

<sup>5</sup> Outside the political context, Section 100.4(C)(3)(b)(ii) provides that a judge "may not be a speaker or the guest of honor" at a not-for-profit organization's fund-raising events, but it also provides an express exception to permit a judge to accept "an unadvertised award ancillary to such event" (*id.*). Although Section 100.4(C)(3)(b)(ii) does not apply to political events, the Committee believes that the rationale underlying the rule and the exception is not strictly limited to civic and charitable events.

<sup>6</sup> The judge was admonished for four charges of campaign misconduct based on an agreed statement of facts. Charge I alleged that the judge transferred \$19,415 from one judicial campaign to another. Charge II alleged that the judge retained \$10,923 in unexpended campaign funds for "more than seven months after the window period ended" and then contributed the funds to a not-for-profit organization. Charge III alleged that the judge expended \$19,949 in campaign funds on an induction reception and dinner for 250 guests. Charge IV alleged that the judge expended \$710 in campaign funds to attend six post-election, non-political functions.

<sup>7</sup> The Committee cannot comment on any legal questions that may be presented by this practice, including any possible reporting obligations under the Election Law or otherwise (*see* 22 NYCRR 101).

<sup>8</sup> The Committee has implicitly recognized the increasing sophistication of internet users. For example, in Opinion 11-136, the Committee advised that a judge who is a director of a not-for-profit organization may permit his/her name to be listed along with the other directors on the organization's website, even if the border of each page of the website contains links that solicit donations. And in Joint Opinion 09-59/09-86, the Committee overruled or modified Opinions from 2005 and earlier to advise that, subject to certain restrictions, a part-time judge who practices law may indicate his/her judicial title on the website of the law firm at which he/she practices.

## Opinion 15-121

June 11, 2015

Digest: Subject to certain limitations, a judicial candidate may permit his/her campaign committee to establish Facebook connections with the campaign committees of other candidates on the same slate.

Rules: 22 NYCRR 100.0(A); 100.0(Q); 100.2; 100.2(A); 100.5(A)(1); 100.5(A)(1)(c)-(f); 100.5(A)(2); 100.5(A)(2)(ii)-(iv); 100.5(A)(4)(a)-(c); Opinions 12-84/12-95(B)-(G); 09-176; 01-99; 91-94.

Opinion:

The inquiring judge is a candidate in his/her window period for election or re-election to judicial office, and says his/her campaign committee has set up a Facebook page. The judge asks if he/she may permit the committee to "like" another judicial candidate's campaign committee on Facebook, or to add another candidate's campaign committee as a Facebook "friend."

A judge must avoid even the appearance of impropriety (*see* 22 NYCRR 100.2) and must always act to promote public confidence in the judiciary's integrity and impartiality (*see* 22 NYCRR 100.2[A]). Accordingly, a sitting judge may not engage either directly or indirectly in any political activity except as authorized by the Rules Governing Judicial Conduct or by law (*see* 22 NYCRR 100.5[A][1]). However, a judicial candidate, *i.e.*, a judge or non-judge who is seeking public election to judicial office, may personally participate in his/her own campaign for judicial office during the designated "window period," subject to certain limitations (*see* 22 NYCRR 100.0[A]; 100.0[Q]; 100.5[A][1][c]; 100.5[A][2]). For example, the campaign must be conducted in a manner consistent with the impartiality, integrity and independence of the

judiciary (see 22 NYCRR 100.5[A][4][a]), and the candidate may not, directly or indirectly, publicly endorse or publicly oppose (other than by running against) another candidate for public office (see 22 NYCRR 100.5[A][1][e]; see also e.g. 22 NYCRR 100.5[A][1][c]-[d], [f]). Subject to these and other limits, however, a judicial candidate may appear in media advertisements and may be listed on election materials along with the names of other judicial and non-judicial candidates as part of a single “slate” of candidates (see 22 NYCRR 100.5[A][2][ii]-[iv]).

The Committee has advised that a judicial candidate may include a link from his/her campaign website to a political organization’s website which contains information promoting the judicial candidate’s campaign (see Opinion 12-84/12-95[B]-[G], at Question 5). Specifically, the Committee reasoned that “link[ing] to the website of a political party that has endorsed” the candidate is “a way for the candidate to demonstrate that he/she in fact has obtained the party’s support” (*id.*). The candidate should be careful that his/her link “is not presented in such a way that it appears to vouch for or adopt the content of the political party’s website” (*id.*).

Although the Committee did not address whether judicial candidates may link to each other’s websites in Opinion 12-84/12-95(B)-(G), it is clear a judicial candidate may appear in person or in media advertisements with other candidates on the same slate (see 22 NYCRR 100.5[A][2][iii]) and may campaign door-to-door with other candidates (see Opinion 91-94).<sup>1</sup>

The Committee believes that where, as here, the inquiring judicial candidate is on a slate with other candidates, and the judicial candidate’s campaign committee maintains its own Facebook page (*i.e.*, distinct from any personal page the judicial candidate may maintain), the proposed Facebook connections between the campaign committees of candidates create no more appearance of an impermissible “endorsement” than campaigning door-to-door or appearing in joint advertisements with other candidates. Thus, the inquiring judicial candidate may permit *his/her campaign committee* to add the campaign committees of other candidates on his/her slate as Facebook “friends” and/or to click “like” on their campaign committees’ Facebook pages.

The inquiring judicial candidate must, however, instruct his/her campaign committee to refrain from any comments that would create an appearance the candidate directly or indirectly publicly endorses other candidates (see 22 NYCRR 100.5[A][1][c]-[f]; 100.5[A][4][b]-[c]), including by making any comments on other candidates’ qualifications (see Opinions 01-99; 91-94).

Finally, the Committee emphasizes that any such Facebook connections must be made from the judicial candidate’s *campaign committee’s page*; it would not be appropriate for a judicial candidate to “like” or “friend” any political Facebook page from his/her own personal Facebook account (see generally 22 NYCRR 100.5[A][1][c]-[f]).

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<sup>1</sup> The Committee has previously advised: “The word ‘slate’ is not defined in the Rules Governing Judicial Conduct, and the Committee declines to impose a requirement that a judicial candidate may not appear in any joint advertisements until his/her party has chosen its official slate” (Opinion 09-176 n 1 [citations omitted]).

## **Joint Opinion 16-29/16-50**

September 8, 2016

- Digest:
- (1) A candidate whose remaining unexpended campaign funds total \$2,500 or less at the end of the window period may immediately treat those funds as de minimis without first attempting to return the funds pro rata to contributors.
  - (2) A candidate whose remaining unexpended campaign funds exceed \$2,500 must make one reasonable, bona fide attempt to return all the funds pro rata to contributors. Any funds remaining following this effort may be treated as de minimis.
  - (3) De minimis campaign funds, as defined above, may be used after conclusion of the window period as follows, to the extent legally permitted:
    - (a) they may be expended for any lawful non-political purpose connected to judicial office, such as the purchase of judicial robes, office supplies, computer software or books; or
    - (b) they may be donated to the Catalyst Public Service Fellowship Program; or
    - (c) subject to any necessary administrative approvals, they may be used to purchase books or other reference materials to be donated to the courthouse law libraries.
  - (4) The Committee declines to address whether unexpended campaign funds may be donated to the Unified Court System, absent resolution of the legal and administrative policy issues involved.

Rules: Election Law §§ 14-130; 17-162; Judiciary Law §§ 212(1)(n); 212(2)(l); State Finance Law § 11; 22 NYCRR 100.0(Q); 100.5(A)(1)(c)-(d); 100.5(A)(1)(h); 100.5(A)(2); 100.5(A)(5)-(6); 101.1; Opinions 15-214; 14-148; 12-129(A)-(G); 12-95(A); 12-84/12-95(B)-(G); 10-80; 09-167; 08-151;

Opinion:

Two recently elected judges ask about disposition of their remaining unexpended campaign funds.<sup>1</sup> The judge in Inquiry 16-29 has a final campaign account balance of approximately \$4,000. The judge asks whether he/she may donate these funds to the newly created Catalyst Public Service Fellowship Program. As described, the Catalyst program provides stipends to students at law schools in New York State, so they can accept unpaid public service internships within the Unified Court System, or at the offices of prosecutors or indigent legal services organizations that appear exclusively in the New York State courts. It is overseen by the Center for Court Innovation and the not-for-profit Fund for New York City, and a retired Appellate Division Justice administers the fund on a pro bono basis. In Inquiry 16-50, a judge with approximately \$2,000 in unexpended campaign funds asks if he/she may donate these funds to the Unified Court System “for the betterment of libraries within New York State Courthouses that are accessible by members of the judiciary, the bar and the public.” The judge also supplemented his/her inquiry to ask, in the alternative, whether he/she may contact the courthouse librarians, find out what specific books or reference materials they would like, purchase those specific items, and donate them to the law library.

A judge or non-judge candidate for elective judicial office may personally participate in his/her own campaign for judicial office during his/her window period, subject to certain limitations (see 22 NYCRR 100.0[Q] [defining “window period”]; 100.5[A][1][c]; 100.5[A][2]). For example, judicial candidates must not participate in any political campaign or any partisan political activity on behalf of other candidates (see 22 NYCRR 100.5[A][1][c]-[d]); must not solicit funds for, pay an assessment to, or contribute to a political organization or candidate (see 22 NYCRR 100.5[A][1][h]); and must not use or permit the use of campaign contributions for the private benefit of the candidate or others (see 22 NYCRR 100.5[A][5]).

**I. Background: The Current Rules**

**A. De Minimis Funds and the “Pro Rata Return” Rule**

A judicial candidate may use his/her campaign funds through the post-election window period to buy campaign advertisements and attend political events (see Opinion 99-38); to make generically useful purchases for his/her current campaign (see Opinion 14-148); to host a modest and reasonable victory reception (see Opinion 07-187) or, if defeated, an “extremely modest social event” to thank those who significantly volunteered on the campaign (see Opinion 12-129[A]-[G]); and even to attend events whether or not hosted by political organizations, provided the candidate’s “attendance is in furtherance of his/her campaign for judicial office” and

the candidate “determines that he/she will receive fair value for the expenditure” (Opinion 12-84/12-95[B]-[G]).

Once the applicable window period ends, however, such expenditures are no longer appropriate because the candidate’s campaign activity must terminate. The candidate must therefore dispose of any remaining campaign funds and close his/her campaign account as soon as practicable following the end of the window period (see e.g. Opinion 14-148). If, on conclusion of the window period, the candidate’s remaining campaign funds are below \$1,000, the task is quite easy: the funds are treated as de minimis and “may be expended for any lawful non-political purpose connected to judicial office, such as the purchase of office supplies, computer software or books” (see Opinion 12-95[A]). Judicial candidates who have \$1,000 or more at the close of the window period, however, face the more difficult task of returning the funds to contributors pro rata.

Approximately a decade ago, the Committee recognized that, in an “unintended interpretation of our prior opinions,” some newly elected judges apparently wished to spend “significant amounts of unexpended funds for the purchase of numerous items, or items which the court system or municipality readily provide” (Opinion 06-162). As a result, the Committee emphasized that “[a] judicial candidate must make every reasonable effort to return unexpended campaign funds to contributors on a pro-rata basis” (*id.*). In Opinion 06-162, the Committee ***expressly rejected*** the more permissive approach to spending described in prior opinions, and advised that only “a small amount of unexpended campaign funds may be used for the purchase of items ... which are not otherwise provided by the court system or the municipality if they are necessary for the performance of judicial duties” (*id.*).

However, the Committee has also struggled with the practical difficulties, accounting and other expenses judicial candidates may face in trying to return unexpended campaign funds to contributors. In Opinion 06-162, the Committee advised:

Nevertheless, if the remaining unexpended funds are de minimis or otherwise so limited that, under the circumstances, returning the balance to contributors will be significantly impracticable, these funds may be used to purchase items which the court system or municipality does not otherwise provide for use in the judge’s performance of judicial duties. In determining whether it will be impracticable to return the unexpended campaign funds to donors, the judicial candidate may consider factors such as the total number of donors and the cost of returning the funds. Any items purchased with unused campaign funds, under these limited circumstances, become the property of the New York State Unified Court System.

While a judicial candidate may not streamline the pro rata return process by declining to issue checks below a certain amount (see Opinion 07-65), the Committee

has recommended a judicial candidate should, to the extent possible, “take steps to minimize the risk of uncashed checks that will further delay the closing” of the campaign account (*id.*). Thus, for example, to the extent permitted by governing law, a candidate “may advise campaign contributors that if the checks are not cashed by a particular deadline,” the candidate will need to dispose of the remaining funds in accordance with applicable statutes, rules and opinions, and therefore “the funds will be unavailable if they attempt to cash the check beyond that date” (*id.*).

Finally, the Committee has advised that campaign funds remaining **after** one bona fide effort to return unexpended funds pro rata to all contributors may be used for any purpose consistent with prior opinions, except that funds remaining after the window period expires may not be used for victory parties or to attend political events (*see* Opinion 08-151).

In sum, at this time, the pro rata return rule means a judicial candidate with \$1,000 or more remaining in unexpended campaign funds after his/her window period ends must make a bona fide effort to return those unexpended funds pro rata to all contributors.

## **B. The Prohibition on Charitable Use of Campaign Funds**

Campaign contributions may not be used for the private benefit of the candidate or others (*see* 22 NYCRR 100.5[A][5]); and a candidate must not use or permit campaign or personal funds to be used to pay for any campaign-related goods or services where fair value is not received (*see* 22 NYCRR 100.5[A][6]). Interpreting these provisions, the Committee has consistently stated that judicial campaign funds may not be donated to charity (*see* Opinions 08-151; 07-137; 90-04; 87-02).<sup>2</sup>

The Committee notes, however, that its interpretation of Section 100.5(A)(5) of the Rules Governing Judicial Conduct to preclude judicial candidates from making charitable donations does not appear to reflect any statutory limitation in Election Law Sections 14-130 or 17-162.

To the contrary, the New York State Board of Elections has advised that use of campaign funds for bona fide charitable purposes is not a prohibited “personal use” for purposes of Section 14-130 (*see* NY State Bd Elections [Inf] Adv Ops 90-1; 86-5).

The Board of Elections has also stated that a judicial candidate may contribute to charities without violating the prohibition on “directly or indirectly, mak[ing] any contribution of money or other thing of value” (1975 Op NY State Bd Elections No. 17), now found in Section 17-162 of the Election Law. The Board of Elections concluded “from the placement and language of the statute,” the legislature intended “to prohibit political contributions by judicial candidates and not to restrict contributions by such candidates to bona fide charitable institutions” (1975 Op NY State Bd Elections No. 17). Consistent with this view, the Committee recently advised that a judge who earlier ran for a non-judicial elective office may dispose of his/her

remaining unexpended *non-judicial* campaign funds by donating them to charity, provided doing so is lawful (see Opinion 15-214).

## II. The Proposed Donations

With this backdrop, the Committee now considers the proposed donation to the Catalyst Public Service Fellowship Program (Inquiry 16-29). This particular not-for-profit entity has unparalleled strong ties to the Unified Court System. It is overseen by the Center for Court Innovation, “a unique public-private partnership that serves as the New York State Unified Court System’s independent research and development arm” (<http://www.nycourts.gov/ip/cci/>, visited 3/18/2016). Moreover, the Catalyst program is designed to encourage public service not merely “generically” within the legal community, but specifically within the New York State courts, by providing law student interns to the prosecutors who practice in our courts, to the indigent legal services organization lawyers who appear in our courts, and to the judges who preside in our courts. Significantly – and unlike many other public service fellowship programs – it does not support internships in other states, in the federal system, or in government agencies that seldom appear in any court. In the Committee’s view, using unexpended judicial campaign funds in a manner that will enable law students to serve as interns for judges in the Unified Court System would not be an impermissible “private benefit” (see 22 NYCRR 100.5[A][5]), but, rather, a public benefit intertwined with judicial office which directly inures to the benefit of our state’s judicial system as a whole. With respect to the internships for prosecutorial and defense agencies, the Catalyst Public Service Fellowship Program funds interns for law offices on both sides of criminal trials in the New York State courts, which provides a similar public benefit.

Turning now to Inquiry 16-50, the Committee cannot comment on whether it is legally permissible to donate campaign funds outright to the Unified Court System and earmark them for a particular purpose such as improvement of the law libraries (see *generally* Judiciary Law § 212[2][l]; State Finance Law § 11; Judiciary Law § 212[1][n]). Nor can the Committee comment on whether, as a matter of policy, the Chief Administrative Judge is willing or able to accept unexpended campaign funds for any purpose. Thus, this question raises primarily legal and administrative issues which the Committee cannot address (see *generally* Judiciary Law § 212[2][l]; 22 NYCRR 101.1). Absent an opinion from the Office of Court Administration’s legal counsel or other formal indication that applicable law and administrative policy permits unexpended campaign funds to be donated to the Unified Court System and earmarked for specific purposes, the Committee must decline to answer the question asked as premature and hypothetical.

With respect to the alternative question in Inquiry 16-50, the Committee notes that non-monetary donations to the Unified Court System are treated very differently and raise entirely distinct considerations (see Judiciary Law § 212[1][n]). Assuming that it is legally permissible to do so, the Committee believes that using unexpended judicial campaign funds to purchase books or other reference materials that Unified



Court System law librarians have specifically requested, and then donating those items to the Unified Court System for the betterment of law libraries “that are accessible by members of the judiciary, the bar and the public” would not be an impermissible “private benefit” (see 22 NYCRR 100.5[A][5]), but, rather, a public benefit intertwined with judicial office which directly inures to the benefit of our state’s judicial system as a whole. It is therefore ethically permissible, subject to any necessary administrative approvals (*cf.* Judiciary Law § 212[1][n]; Opinion 09-167). From an ethics perspective, the donation “may be accomplished by simply writing a letter to the district administrative judge identifying the donated item(s)” (Opinion 04-06), but this Committee cannot comment on any administrative or legal requirements.

### **III. Conclusion**

#### **A. Increasing the De Minimis Threshold**

In considering Inquiry 16-50, where the judge has approximately \$2,000 in remaining unexpended campaign funds, it has become clear that the \$1,000 threshold set forth in Opinion 12-95(A) is unnecessarily restrictive. The Committee concludes the threshold should be increased to \$2,500. Opinion 12-95(A) is therefore amended to reflect that a candidate whose remaining unexpended campaign funds on conclusion of the applicable window period total **\$2,500 or less** may immediately treat those funds as de minimis without first attempting to return the funds pro rata to contributors.

#### **B. Obligation Where Candidate Has More than De Minimis Funds**

The Committee emphasizes that newly elected or re-elected judges should not consider themselves “entitled” to use or reserve a certain amount of campaign funds for the benefit of chambers (*e.g.* to purchase furniture, equipment, judicial robes, law books, and the like).

Instead, on conclusion of the applicable window period, a judicial candidate whose remaining unexpended campaign funds **exceed \$2,500** must, through one or more responsible persons, make one reasonable, bona fide attempt to return the funds pro rata to contributors. That is, a candidate who has more than \$2,500 left **must not** use those funds for chambers-related purposes or make any donations described herein or otherwise treat the funds as de minimis **without first** making a reasonable, bona fide effort to return all the funds pro rata to contributors.

As before, any campaign funds remaining after the candidate has made one reasonable, bona fide effort to return them pro rata to contributors may be treated as de minimis (see Opinion 08-151).

Of course, on rare occasions, a candidate who has more than \$2,500 left may fear it will be “significantly impracticable” to return those funds pro rata to

contributors (Opinion 06-162). In that instance, the candidate may seek guidance from the Judicial Campaign Ethics Center (*see* [www.nycourts.gov/ip/jcec/contactus.shtml](http://www.nycourts.gov/ip/jcec/contactus.shtml)). The candidate must provide *all* relevant facts required by the Subcommittee, including, at a minimum, the total amount raised, the number of distinct contributors, the amount remaining, and the estimated cost of returning the funds. If the Subcommittee advises, in writing, that pro rata return would be significantly impracticable under the specific circumstances presented, then the candidate may safely treat such funds as de minimis.

### **C. Use of De Minimis Remaining Unexpended Campaign Funds**

Mindful of the difficulties judicial candidates often face in disposing of unexpended campaign funds at the conclusion of their window period, the Committee now carves out a narrow exception to the prohibition on outright donation of judicial campaign funds.

Once the candidate's remaining campaign funds reach a level that may be treated as de minimis as set forth in III.A or III.B above, such funds may, to the extent legally permitted, be either:

- (a) expended for any non-political purpose connected to judicial office, such as the purchase of judicial robes, office supplies, computer software or books, as permitted by prior opinions; or
- (b) donated to the Catalyst Public Service Fellowship Program; or
- (c) subject to any necessary administrative approvals, used to purchase books or other reference materials to be donated to the courthouse law libraries.

As before, “even de minimis remaining campaign funds may not be used for the private benefit of the candidate or others. Thus, they must not be donated to charity or transferred or donated to any political organization or candidate, and they may neither be used to pay outstanding debts from prior election campaigns nor retained for use in subsequent campaigns” (Opinion 12-95[A] note 1[citations omitted]). The Committee notes that the ban on donating funds to charity remains; the only difference now is a single, narrow exception permitting such funds to be donated to the Catalyst program for the reasons set forth herein.

Judicial candidates must bear in mind that the underlying reason why they are permitted to raise campaign funds at all is so they can participate in their own campaign for elective judicial office. It would, of course, be inappropriate for a judicial candidate to raise campaign funds with the specific intention of making a

donation to the Catalyst program. It would likewise be inappropriate for the candidate to suggest, or permit his/her campaign committee to suggest, as a motive to prospective donors, the possibility that excess funds would be donated to the Catalyst program.

#### **D. Application**

Here, the judge in Inquiry 16-29 has more than \$2,500 remaining in his/her campaign account at the end of his/her window period, and has apparently not yet attempted to return the funds pro rata to contributors. Because these funds are more than de minimis in nature, the judge must make one reasonable, bona fide effort to return the funds pro rata to contributors (*see* section III.B, *supra*). Only after the effort has been made may the judge treat any remaining funds as de minimis and use them as set forth herein (*see* section III.C, *supra*).

The judge in Inquiry 16-50 has \$2,500 or less in his/her campaign account at the end of the applicable window period. Therefore, he/she need not make any effort to return the funds pro rata to contributors, but may immediately treat such funds as de minimis. Accordingly, this judge may, to the extent legally permitted, donate his/her remaining unexpended campaign funds to the Catalyst Public Service Fellowship Program; use them to purchase books or other reference materials courthouse law librarians have requested, subject to any necessary administrative approvals; or use them for other lawful, non-political purposes related to judicial office as set forth above and in prior opinions (*see* section III.C, *supra*).

Once the funds are disposed of, the inquiring judges should, as usual, close their campaign accounts promptly to avoid any possible appearance they are engaging in political activity beyond the applicable window period.

#### **E. Amending Prior Opinions**

Opinions 08-151, 07-137, 90-04, 87-02, and other opinions forbidding any charitable donation whatsoever of campaign funds, are hereby amended consistent with this opinion. Thus, on conclusion of the window period, once the candidate's remaining campaign funds are eligible to be treated as "de minimis" as described herein, such funds may, in the candidate's discretion and to the extent legally permitted, be donated to the Catalyst Public Service Fellowship Program and/or used to purchase specific books or reference items requested by Unified Court System law librarians, which will then be donated to the Unified Court System, subject to any necessary administrative approvals.

Opinion 12-95(A) and other opinions discussing disposition of "de minimis" levels of unexpended campaign funds on conclusion of the applicable window period are hereby amended consistent with this opinion. If the total unexpended campaign funds remaining at the conclusion of the window period are \$2,500 or less, they need

not be returned to contributors on a pro rata basis but may be immediately treated as “de minimis” as described herein.

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<sup>1</sup> At the Committee’s instruction, the judges have been awaiting issuance of the present opinion before disposing of their remaining campaign funds.

<sup>2</sup> Nonetheless, subject to the fair value rule (see 22 NYCRR 100.5[A][6]), a judicial candidate may use campaign funds during the window period to purchase campaign-related advertising in furtherance of his/her campaign by, for example, sponsoring a softball team (see Opinion 10-80) or paying for his/her name and a gavel to be printed on a T-shirt that will be distributed to participants in a charitable event (see Opinion 07-137). Likewise, a judicial candidate may use campaign funds to attend charitable events during the window period, provided the candidate’s “attendance is in furtherance of his/her campaign for judicial office” and the candidate “determines that he/she will receive fair

### **Amended Opinion 16-97**

June 16, 2016 (revised September 8, 2016)

Digest: After one bona fide effort to return unexpended funds pro rata to all contributors, a judicial candidate need not make any further efforts to return the funds, even if some envelopes were returned to the campaign committee as undeliverable. Instead, the remaining campaign funds may be used for any purpose consistent with prior opinions and applicable law.

Rules: Election Law § 14-130; Judiciary Law § 212(2)(l); 22 NYCRR 100.0(Q); 100.5(A)(1); 100.5(A)(1)(c); 100.5(A)(2); 100.5(A)(4)(c); 100.5(A)(5); Opinions 16-29/16-50; 12-95(A); 08-151; 07-65; 06-162; 03-61; 01-81.

Opinion:

The inquiring judge’s campaign committee has attempted to return the unexpended campaign funds from a prior year’s election campaign pro rata to contributors. The judge’s treasurer reports that a number of checks still have not been cashed or negotiated, leaving approximately \$3,000 in the campaign account. Some of the mailings were returned to the campaign committee as “undeliverable” or “expired address.” The judge asks how he/she should proceed, and whether the

campaign committee must investigate the new addresses of the contributors whose checks were returned as undeliverable.<sup>1</sup>

A judge must not “directly or indirectly” engage in any political activity, except as expressly permitted under the Rules Governing Judicial Conduct (*see* 22 NYCRR 100.5[A][1]). However, a judge or non-judge candidate for elective judicial office may participate in his/her own campaign for judicial office during the applicable window period, subject to certain limitations (*see* 22 NYCRR 100.0[Q] [defining “window period”]; 100.5[A][1][c]; 100.5[A][2]). For example, although judicial candidates must not personally solicit or accept campaign contributions, they may establish committees of “responsible persons” to “solicit and accept reasonable campaign contributions and support from the public, including lawyers,” during the applicable window period (*see* 22 NYCRR 100.5[A][5]; 100.5[A][4][c]).

When the remaining unexpended campaign funds at the end of the applicable window period are more than de minimis (*see* Opinion 16-29/16-50 [revising the threshold for de minimis funds]), a judge or non-judge candidate for elective judicial office “must make every reasonable effort to return [such] funds to contributors on a pro-rata basis” (Opinion 06-162). Although “there is no specified time frame to effectuate the return, it should be done as soon as possible” following conclusion of the window period (Opinion 01-81), “so as to avoid any claim that the judge is engaged in prohibited political activity” (Opinion 03-61).

However, the Committee has recognized and addressed certain practical difficulties judicial candidates may encounter in attempting to return unexpended campaign funds to contributors (*see e.g.* Opinions 16-29/16-50; 08-151; 07-65; 06-162). Of particular relevance here, in Opinion 08-151, the Committee advised:

Campaign funds remaining after a bona fide effort to return unexpended funds pro rata to all contributors may be used after the expiration of the window period for any purpose consistent with prior opinions, except that funds remaining after the expiration of the window period may not be used for victory parties or to attend political events.

As described in the inquiry, this judge’s campaign committee, at the judge’s direction, has already made one bona fide effort to return all unexpended campaign funds pro rata to contributors and has allowed a reasonable amount of time for the checks to be cashed or negotiated. No more is required. The judge need not direct the campaign committee to investigate the new addresses of campaign contributors whose checks were returned as undeliverable and need not make a second attempt to return the funds. Instead, the judge may immediately use the remaining funds “for any lawful non-political purpose connected to judicial office, such as the purchase of office supplies, computer software or books” (Opinion 12-95[A]), including “modestly priced items such as a lap top computer that the court system or municipality would not otherwise provide for the judge to use in the performance of his/her judicial

duties” (Opinion 08-151).<sup>2</sup> The remaining funds may also be used for any purpose described in Opinion 16-29/16-50.

As a reminder, campaign funds may not be used for private benefit (*see* 22 NYCRR 100.5[A][5]; Election Law § 14-130). They must not be “transferred or donated to any political organization or candidate, and they may neither be used to pay outstanding debts from prior election campaigns nor retained for use in subsequent campaigns” (Opinion 12-95[A] n 1 [citations omitted]). Except as narrowly authorized by Opinion 16-29/16-50, the funds also “must not be donated to charity” (Opinion 12-95[A] n 1). Moreover, because the inquirer’s window period has expired, the funds “may not be used for victory parties or to attend political events” (Opinion 08-151).

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<sup>1</sup> At the Committee’s instruction, the judge has been awaiting issuance of Opinion 16-29/16-50 before disposing of his/her remaining campaign funds.

<sup>2</sup> The Committee cannot comment on legal questions, such as when and how the drawer of a check may declare it “stale” and/or stop payment on it (*see* Judiciary Law § 212[2][1]; *cf.* Opinion 07-65 [“to the extent permitted by governing law, you may advise campaign contributors that if the checks are not cashed by a particular deadline, you will need to dispose of the remaining funds..., and that the funds will be unavailable if they attempt to cash the check beyond that date”]).

**INDEPENDENT JUDICIAL  
ELECTION QUALIFICATION  
COMMISSION (IJEQCs)**

**New York's IJEQCs - <http://www.ny-ijeqc.org/index.shtml>**

The Independent Judicial Election Qualification Commissions (IJEQCs) are a statewide network of independent screening panels for judicial candidates. The screening process is designed to ensure that voters are provided with as much information as possible about the qualifications of candidates for judicial office. In accordance with Part 150 of the Rules of the Chief Administrative Judge establishing the IJEQCs and Opinion 07-91 of the Advisory Committee on Judicial Ethics, participation in the screening process is voluntary.

The Commissions were established in February 2007, by the Chief Administrative Judge, in each New York State judicial district. Each IJEQC is responsible for reviewing the qualifications of candidates within its respective judicial district who are seeking public election to New York State Supreme Court, County Court, Surrogate's Court, Family Court, New York City Civil Court, District Court or City Court.

There is an office for the IJEQCs in each of the four Judicial Departments which provides information and accepts applications. Contact and general information about the Commissions is available in a brochure.

For biographical information about judicial candidates, consult the Voter Guide, available about 2 weeks before the general election.



**Applicant Name:**

## **Independent Judicial Election Qualification Commission**

### **Questionnaire For Candidates For Elected Judicial Office**

**1. Have you ever been known by any other name (other than a recognizable nickname)?**

Yes      No

If yes, specify the name(s) and year(s) of name change and/or the years during which the other name or names were used:

**2. Identify the Court and, where applicable, Judicial District, County, or City for which you are a candidate:**

**3. Date and Place of Birth:**

**4. Country of Citizenship:**

**5. (a) Current Home Address (Street, Apt, City, State, Zip):**

(b) Current Home Telephone:

(c) Cell Phone Number:

(d) Number of years at current address:

**If less than one year, previous address(es) during the past year:**

**6. (a) Current Business Address (Street, Apt, City, State, Zip):**

(b) Current Business Telephone:

(c) Preferred E-Mail Address:

**Applicant Name:**

7. Did you serve in the armed forces?                      Yes              No

If yes, give the following information: (Multiple lines allowed in each field)

<b>Date(s) of Service</b>	<b>Branch of Service</b>	<b>Nature of Discharge</b>
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8. List in **reverse** chronological order (Most Recent Job First) all employment and periods of unemployment since graduation from law school. (If law school attendance did not commence within a few months following completion of undergraduate course study, list also employment and periods of unemployment between college and law school.):

<b>Name of Firm or Employer</b>	<b>Address</b>	<b>Name of Supervisor</b>	<b>Dates of Employment (month/year)</b>	<b>Nature of Employment</b>
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**Reason for Leaving**

**Reason for Leaving**

**Reason for Leaving**

**Reason for Leaving**

**Reason for Leaving**

**Applicant Name:**

**9.** Have you ever held public office, elected or appointed, other than those listed in answer to Question 8 above?    Yes       No

If yes, state position held, dates of service, and whether the office was attained by election or appointment:

**10.** Have you ever been engaged, on your own account or with others, in any business or profession, part-time or full-time, other than those listed in your answer to Question 8 above?    Yes       No

If yes, list below:

Type of Business or Profession	Name of Employer	Address	Position Held	Dates (mo./yr.)
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**Reason for Termination of Business**

**Reason for Termination of Business**

**Reason for Termination of Business**

**Reason for Termination of Business**

**11. (a)** In addition to either a marriage, law, notary public, and/or driver's license, have you ever been issued any other license?    Yes       No

If yes, describe the license and list the initial issue and last renewal date(s).

**(b)** Has any license, including a license to practice law, a license as a notary public, or a driver's license, ever been revoked or suspended?    Yes       No

If yes, describe the circumstances:

**Applicant Name:**

**12. College and professional schools (other than law schools) attended:**

<b>School</b>	<b>Location</b>	<b>Degree</b>	<b>Honors</b>	<b>Dates Attended</b>	<b>Date of Graduation</b>
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**13. Law school(s) attended:**

<b>School</b>	<b>Location</b>	<b>Degree</b>	<b>Honors</b>	<b>Dates Attended</b>	<b>Date of Graduation</b>
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**14. (a) For Attorneys:** For your most recent biennial registration period, did you satisfy New York State's mandatory continuing legal education requirement ?      Yes      No

If no, describe the circumstances:

**(b) For Judges:** For your most recent biennial registration period, did you satisfy the requirement of attendance at training and education courses [22 NYCRR §17.3]?      Yes      No

If no, describe the circumstances:

**15. For Attorneys:** Have you complied with all registration requirements for lawyers in the state of New York and any other jurisdiction in which you are licensed to practice law?      Yes      No

If no, describe the circumstances:

**Applicant Name:**

**16.** Have you completed, or are you enrolled in, the education program on judicial campaign ethics required of all candidates for elected judicial office [22 NYCRR §100.5(A)(4)(f)]?      Yes      No

If no, explain why:

**17.** Have you filed a financial disclosure statement with the Ethics Commission for the Unified Court System [22 NYCRR §100.5(A)(4)(g)]?      Yes      No

If no, explain why:

**18.** List all courts in which you are admitted or have ever been admitted to practice, together with dates of admission:

**(a) New York (give Judicial Department):**

**Date of Admission:**

**(b) All other Federal and State Courts:**

**Date of Admission:**

**19.** List all areas of law in which you have concentrated or have substantial experience for any sustained period of time:

**20.(a)** Have you ever resigned from a position as, or for other reasons ceased to be, a member of the bar or bench of any state or court in any jurisdiction?      Yes      No

If yes, describe the circumstances:

**(b)** Have you ever resigned from a position as, or for other reasons ceased to be, a member of a governmental body, a hearing officer or magistrate, or an occupant of any other similar position?

If yes, describe the circumstances:      Yes      No

**Applicant Name:**

**21.** Have you ever been the subject of a complaint filed with, or are there any charges pending against you, before any disciplinary committee, commission, or government agency, arising from your official or professional responsibilities?      Yes      No

If yes, describe the circumstances and provide a copy of any disposition. (Do not include complaints or charges subsequently dismissed as unproven or unmeritorious:

**22. (a)** Have you ever been found by a court to have committed legal malpractice, or are there any claims of legal malpractice currently pending against you in any court?      Yes      No

If yes, describe the circumstances:

(b) If you are or were a member of a firm or organization that was found to have committed legal malpractice, or that has claims currently pending against it that it had committed legal malpractice, describe the nature of the finding or claim if it related to a case or matter on which you worked and state whether your conduct was the subject of the finding or claim:

(c) Have you, or your firm or organization, ever settled a case alleging the commission of acts constituting legal malpractice where your conduct was the subject of the allegations?   ☒ Yes   ☐ No

If yes, describe the circumstances:

**23.** Have you, your firm, your employer or any of your clients ever been cited for contempt or otherwise had a sanction imposed upon you (or them), as a result of conduct in any judicial or administrative proceeding?      Yes      No

If yes, describe:

**24.** Have you ever been convicted of, or are there current charges pending against you of, any offense or crime other than a non-moving traffic violation (including proceedings in the armed forces)?   ☒ Yes   ☐ No

If yes, describe the nature and outcome of each case:

**Applicant Name:**

**25.** In relation to any conduct, act or omission on your part or done with your knowledge, has any Federal, State, City or other governmental agency, or a grand jury initiated or completed an investigation of you or of any law firm, corporation, business, partnership, joint venture, governmental agency or other similar entity with which you are, or were at the relevant time, affiliated?      Yes      No

If yes, describe each investigation and its outcome:

**26.** In the past ten years, have you been involved as a party to any litigation (criminal, civil, or administrative), other than an action you have identified in answer to any previous question? ☐ Yes ☒ No

If yes, describe, including the disposition of the matter:

**27.** Have you ever had an order of protection issued against you, or have you ever been listed in the Domestic Violence Registry, or the Sex Offender Registry?      Yes      No

If yes, explain:

**28.** Are there any unsatisfied judgments, tax warrants, tax liens or mechanics' liens outstanding against you, or property you own or have an interest in?      Yes      No

If yes, describe:

**29.** Are you in default of any court order, including maintenance or child support decrees?      Yes      No

If yes, describe:

**30.** Has any petition in bankruptcy ever been filed by or against you?      ☐ Yes ☒ No

If yes, describe:

**31.** Have you timely filed all required Federal, State, and City income tax returns appropriate to your place of residence?      Yes      No

If no, explain:

**Applicant Name:**

**32.** Has any Federal, State, City or other taxing authority found that you failed to pay adequate taxes, penalties, and/or other charges for any tax year?      Yes      No

If yes, describe:

**33.** A judge is expected to be on the bench or otherwise handling legal matters for at least seven hours per day, five days per week. At times, a judge's responsibilities may require him/her to be on the bench or at work into the evenings and on weekends. Are you able to perform these tasks on your own, or with reasonable accommodation?      Yes      No

If no, describe the circumstances:

**34.** A judge may be required to handle emergency applications, cope with media scrutiny, issue quick decisions, deal with fractious litigants, recall significant amounts of information, and otherwise respond to extremely stressful situations. Are you able to perform these tasks on your own, or with reasonable accommodation?      Yes      No

If no, describe the circumstances:

**35.** Do you currently use any illegal drugs, abuse alcohol, or abuse any prescription drugs?      Yes      No

If yes, describe:

**36.** Has an employer or supervisor ever counseled you regarding, or expressed concern about, your absenteeism?    ☒ Yes    ☒ No

a. If yes, describe the frequency of the absenteeism complained of:

b. Was the situation rectified?    ☒ Yes    ☒ No

If yes, explain how:

**37.** Do you know of any factors that would adversely affect your ability to competently serve as a judge, to comply with a judge's ethical responsibilities, or to complete the day-to-day responsibilities that a judge is required to assume?      Yes      No

If yes, describe:



**Applicant Name:**

**38.** Are you a member of any bar association or professional organization?

Yes      No

If yes, give the following information for each association or organization:

**Name of Association**

**Dates of Membership**

**Committee Service**

**39.** Describe any significant community activities in which you have engaged:

**40.** Have you written articles for publication?      Yes      No

If yes, give the name and date of the publication and the title of each article published in the past five years, and list any other publications that you deem significant:

**41.** Have you had any teaching experience in law or related fields?      Yes      No

If yes, describe:

**42.** Have your qualifications for public office previously been reviewed by any bar or other professional association?      Yes      No

If yes, identify the organization, state the date of the review, and detail all findings by the organization:

Applicant Name:

**ATTACH THE FOLLOWING SCHEDULES TO THIS QUESTIONNAIRE. AS TO EACH SCHEDULE, SPECIFY THE QUESTION NUMBER TO WHICH IT APPLIES**

*In answering questions about your litigation experience, you may include adversarial proceedings before a court, an administrative tribunal or an arbitrator or other forum for alternate dispute resolution. In addition, you should count as "trials" all adversarial evidentiary hearings involving presentation of witness testimony.*

43. **For attorneys:** Attach a statement specifying [If you are unable to give the exact number for a category, provide your best estimate]:

- (a) the types (i.e., civil, criminal or administrative) and number of each type of trials you have conducted in the past ten years;
- (b) the number of the cases in category (a) of this question that ended in a verdict or judgment or ruling by the trier of fact;
- (c) the number of cases listed in category (a) of this question that were tried before a jury;
- (d) the courts or other tribunals in which the cases were tried;
- (e) the number and types of appeals briefed in the past ten years;
- (f) the number of appeals argued and the courts in which the arguments were heard;
- (g) the number and types of dispositive motions you have litigated in the past ten years;
- (h) the number of dispositive motions you have argued and the courts or other tribunals in which the arguments were heard;
- (i) the title and citation of reported cases in the last ten years in which you conducted the trial, wrote the brief and/or argued the appeal, or wrote the papers on the dispositive motion.

44. **For attorneys:** Submit a list of the last ten trials, dispositive motions, or appeals in which you have actively and substantially participated in any state or federal court at the trial or appellate level, including the title of the case, the index, docket or indictment number, the court in which the case was heard, a concise description of the nature of the case, the date of the trial or oral argument, the name, address and telephone number of each adversary and co-counsel, and the name(s) of the judge(s) who presided at trial or sat on the appellate panel.

45. (a) **For attorneys:** Attach a statement describing your legal experience other than litigation. Include in that statement a general description of the last ten matters you handled and the names, addresses and telephone numbers of the lawyers, other than your associates, employees, partners, co-tenants, supervisors or employers, with whom you worked on each of those ten matters. For example, judicial law clerks should list the attorneys with whom they have had substantial contact. Similarly, law professors should list attorneys, judges and/or other law professors who are familiar with their work.

(b) **For attorneys:** Submit a minimum of three recent examples of your legal writing, and if you are not the sole author of the example, please explain your role in its preparation.

Applicant Name:

46. **For judges:** Submit a list of your ten most recent opinions with the citation to each or a copy thereof if not published.

47. **For judges:** Submit a list of the last ten trials or appeals over which you have presided, including the title and dates of each case, a brief description of the nature of each case, and the names, addresses and telephone numbers of the attorneys involved.

48. **For judges:** Approximately how many judicial decisions, opinions or orders have you issued over the last ten years? Approximately how many of those decisions/opinions/orders were appealed?      Affirmed?      Reversed?      Modified?

Provide full citations to any of your decisions/opinions/orders that were reversed or modified on appeal. Please provide copies of any unreported decisions/opinions/orders that were subsequently reversed or modified

49. For all candidates: Submit a list of the names, addresses and telephone numbers of any judges, public officials, attorneys or any other persons whom you suggest the Commission contact with respect to your candidacy.

50. **For all candidates:** Please specify any additional information that is reasonable to expect that the Commission would want to know when it considers your qualifications for the office you seek.

51. **For all candidates:** Please complete and submit to the Commission an original, signed release for the Grievance Committees and, as appropriate, The Commission on Judicial Conduct. These releases are included as Appendices "A" and "B" (respectively) to the Questionnaire.

#####

I ACKNOWLEDGE BY MY SIGNATURE THAT THE ANSWERS I HAVE GIVEN ARE TRUE AND COMPLETE AND RECOGNIZE MY CONTINUING OBLIGATION DURING THE EVALUATION PROCESS TO CORRECT AND SUPPLEMENT MY ANSWERS IN ORDER TO ENSURE THAT THEY REMAIN TRUE AND COMPLETE.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**2016  
POLITICAL CALENDAR**

**10/1/2015**



**Federal Primary Election  
June 28**

**General Election  
November 8**

This political calendar is a ready reference to the significant dates pertaining to elections to be held in this state. For complete information be sure to consult the State's Election Law and Regulations and any relevant court orders.

All dates are based on court-ordered and statutory provisions in effect on the date of publication and may be subject to change. Final confirmation should be obtained from your county board of elections or the State Board.

NEW YORK STATE  
BOARD OF ELECTIONS  
40 NORTH PEARL STREET – SUITE 5  
ALBANY, NEW YORK 12207  
(518) 474-6220

For TDD/TTY, call the NY State Relay 711

[www.elections.ny.gov](http://www.elections.ny.gov)

**PRIMARY ELECTION HOURS:**

In New York City and the counties of Nassau, Suffolk, Westchester, Rockland, Orange, Putnam and Erie, POLLS OPEN at 6 AM and CLOSE at 9 PM. In all other counties POLLS OPEN at 12 NOON and CLOSE at 9 PM.

**GENERAL ELECTION HOURS:**

All Polls OPEN at 6 AM and CLOSE at 9 PM

**FILING REQUIREMENTS – FEDERAL COURT ORDER**

For the **2016 Federal Primary Election and General Elections**, all certificates and petitions of designation or nomination, certificates of acceptance or declination of such designations and nominations, certificates of authorization for such designations, certificates of disqualification, certificates of substitution for such designations or nominations and objections and specifications of objections to such certificates and petitions required to be filed with the State Board of Elections or a board of elections outside of the city of New York shall be deemed timely filed and accepted for filing if sent by mail or overnight delivery service (as defined in CPLR §2103(b)(6)) in an envelope postmarked or showing receipt by the overnight delivery service prior to midnight of the last day of filing, and received no later than one business day after the last day to file such certificates, petitions, objections or specifications.

**SIGNATURE REQUIREMENT FOR FEDERAL DESIGNATING  
AND OPPORTUNITY TO BALLOT PETITIONS**

5% of the enrolled voters of the political party in the political unit (excluding voters in inactive status) or the following, whichever is less: For any office to be filled by all the voter of:  
the entire state .....15,000  
(with at least 100 or 5% of enrolled voters from each of one-half of the congressional districts)

any congressional district ..... 1,250

**SIGNATURE REQUIREMENTS FOR  
FEDERAL INDEPENDENT NOMINATING PETITIONS**

5% of the total number of votes, excluding blank and void, cast for the office of governor at the last gubernatorial election in the political unit, except that not more than 3,500 signatures shall be required on a petition for any office to be filled in any political subdivision outside the City of New York, and not more than the following for any office to be voted for by all the voters of:  
the entire state .....15,000  
(with at least 100 from each of one-half of the congressional districts)  
any congressional district .....3,500

**FEDERAL ELECTION -ELECTION DATES**

February 23	PARTY CALLS: Last day for State & County party chairs to file a statement of party positions to be filled at the Federal Primary Election. §2-120(1)
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March 8	Certification of offices to be filled at General Election. §4-106(1)(2)
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June 28 <sup>th</sup>	Federal Primary Election. Per Court Order
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**CERTIFICATION OF FEDERAL PRIMARY**

May 5	Certification of Federal primary ballot by State Board of Elections of designations filed in its office. §4-110
May 6	Determination of candidates for Federal office by county boards. §4-114

**CANVASS OF FEDERAL PRIMARY ELECTION RESULTS**

July 7	Canvass of Federal Primary returns by counties. §9-200(1)
July 13	Recanvass of Federal Primary returns. §9-208(1)
July 5	Verifiable Audit of Voting Systems §9-211(1)

Sept. 19	Deadline for vacancies to be filled at General Election. §6-158(14)
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November 8 <sup>th</sup>	General Election §8-100(1)(c)
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**CERTIFICATION OF FEDERAL GENERAL BALLOT**

Sept. 15	Certification of general election ballot by State Board of Federal designations filed in its office. §4-112(1)
Sept. 16	Determination of Federal candidates and questions by county boards. §4-114
Oct. 18	Last day to file Write-ins for President. §6-153

**\*\*\* BECOMING A CANDIDATE\*\*\***

**DESIGNATING PETITIONS FOR FEDERAL PRIMARY**

March 8	First day for signing Federal designating petitions. §6-134(4)
April 11 - April 14	Dates for filing Federal designating petitions. §6-158(1)
April 18	Last day to authorize Federal designations §6-120(3) & §6-158(6)
April 18	Last day to accept or decline Federal designations. §6-158(2)
April 22	Last day to fill a vacancy after a Federal declination. §6-158(3)
April 26	Last day to file authorization of substitution after declination of a Federal designation. §6-120(3)

**OPPORTUNITY TO BALLOT PETITIONS FOR FEDERAL PRIMARY**

March 29	First day for signing Federal OTB petitions. §6-164
April 21	Last day to file Federal OTB petitions. §6-158(4)
April 28	Last day to file OTB petition if there has been a declination by a designated candidate. §6-158(4)

**PARTY NOMINATION OTHER THAN PRIMARY**

Feb. 16- March 8	Dates for holding state committee meeting to nominate candidates for Federal statewide office. §6-104(6)
July 19	Last day to file certificates of nomination to fill vacancies in Federal office created pursuant to §§ 6-116 & 6-158(6)
July 22	Last day to accept or decline a nomination for Federal office made based on § 6-116
July 25	Last day to file authorization of nomination for Federal office made based on § 6-116
July 26	Last day to fill a vacancy after a declination for Federal office made based on § 6-116
July 27	Last day to fill vacancy after declination §6-158(8)
Sept. 9	Last day for filing nominations of electors for president by a party committee. Per Chapter ___ of the Laws of 2015

**INDEPENDENT PETITIONS FOR FEDERAL OFFICE**

June 21	First day for signing Federal independent nominating petitions. §6-138(4)
July 26- August 2	Dates for filing Federal independent nominating petitions. §6-158(9)
August 5	Last day to accept or decline Federal independent nomination. §6-158(11)
August 8	Last day to fill a vacancy after a declination to any independent petition for Federal office. §6-158(12)
July 1	Last day to decline after acceptance if nominee loses party primary. §6-158(11)

**FEDERAL ELECTION - VOTER REGISTRATION  
VOTER REGISTRATION FOR FEDERAL PRIMARY**

June 3	Mail Registration for Federal Primary: Last day to postmark application and last day it must be received by board of elections is June 8. §5-210(3)
June 3	In person registration for Federal Primary: Last day application must be received by board of election to be eligible to vote in primary election. §§5-210, 5-211 & 5-212
June 8	Changes of address for Federal Primary received by this date must be processed. §5-208(3)

**VOTER REGISTRATION FOR GENERAL**

Oct. 14	Mail Registration: Last day to postmark application for general election and last day it must be received by board of elections is Oct 19. §5-210(3)
Oct. 14	In person registration: Last day application must be received by board of election to be eligible to vote in general election. If you have been honorably discharged from the military or have become a naturalized citizen since October 14 <sup>th</sup> , you may register in person at the board of elections up until October 29 <sup>th</sup> . §§5-210, 5-211, 5-212
Oct. 19	Changes of address received by this date must be processed. §5-208(3)
Oct. 14	Change of party enrollment. Last day to accept a change of enrollment. §5-208(3)

**\*\*\*\*VOTING BY ABSENTEE\*\*\*\***

**ABSENTEE VOTING FOR FEDERAL PRIMARY**

June 21	Last day to postmark application for Federal primary ballot. §8-400(2)(c)
June 27	Last day to apply in person for Federal primary ballot. §8-400(2)(c)
June 27	Last day to postmark Federal primary ballot. Must be received by the county board no later than July 5 <sup>th</sup> . §8-412(1)
June 28	Last day to deliver Federal primary ballot in person to county board, by close of polls on election day. §8-412(1)

**MILITARY/SPECIAL FEDERAL VOTERS FOR FEDERAL PRIMARY**

May 14	Date to transmit Military/Special Federal ballots for Federal primary. §10-108(1) & §11-204(4)
June 3	Last day for a board of elections to receive application for Military/Special Federal ballot if not previously registered. §10-106(5) & §11-202
June 21	Last day for a board of elections to receive Military/Special Federal application if previously registered. §10-106(5) & §11-204(4)
June 27	Last day to apply personally for Military ballot if previously registered. §10-106(5)
June 27	Last day to postmark Military/Special Federal ballot and date it must be received by the board of elections is July 5. §10-114(1) & §11-212

**ABSENTEE VOTING FOR FEDERAL GENERAL**

Nov. 1	Last day to postmark application or letter of application for general election ballot. §8-400(2)(c)
Nov. 7	Last day to apply in person for general election ballot. §8-400(2)(c)
Nov. 7	Last day to postmark ballot. Must be received by the county board no later than Nov. 15 <sup>th</sup> . §8-412(1)
Nov. 8	Last day to deliver ballot in person to county board, by close of polls on election day. §8-412(1)

**MILITARY/SPECIAL FEDERAL VOTERS FOR FEDERAL GENERAL**

Sept. 24	Date to transmit Military/Special Federal general election ballots. §10-108(1) & §11-204(4)
Oct. 14	Last day for a board of elections to receive application for Special Federal absentee ballot if not previously registered. §11-202(1)
Oct. 28	Last day for a board of elections to receive application for Military absentee ballot if not previously registered. §10-106(5)
Nov. 1	Last day for a board of elections to receive Military absentee application, if by mail and previously registered. §10-106(5)
Nov. 1	Last day for a board of elections to receive Special Federal absentee application, if previously registered. §11-204(4)
Nov. 7	Last day to apply personally for Military ballot if previously registered. §10-106(5)
Nov. 7	Last day to postmark Military/Special Federal ballot and date it must be received by the board of elections is Nov. 21 <sup>st</sup> . §§10-114(1) & 11-212

# FILING CALENDAR AND NYS ENROLLMENT BY COUNTY

Peter S. Kosinski  
Co-Chair

Gregory P. Peterson  
Commissioner

Todd D. Valentine  
Co-Executive Director



**Board of  
Elections**

40 NORTH PEARL STREET, SUITE 5  
ALBANY, N.Y. 12207-2109  
Phone: 518/474-8200 Fax: 518/486-6627  
<http://www.elections.ny.gov>

Douglas A. Kellner  
Co-Chair

Andrew J. Spano  
Commissioner

Robert A. Brehm  
Co-Executive Director

## **2017 FILING CALENDAR**

### **Campaign Financial Disclosure**

Please check [www.elections.ny.gov](http://www.elections.ny.gov) for any change to this calendar.

<b><u>Report Period</u></b>	<b><u>Cut-Off Date</u></b>	<b><u>Filing Date</u></b>
July 2017 Periodic	July 13, 2017	July 17, 2017
<b><u>PRIMARY ELECTION - SEPTEMBER 12, 2017</u></b>		
32-Day Pre-Primary	August 07, 2017	August 11, 2017
11-Day Pre-Primary	August 28, 2017	September 01, 2017
10-Day Post-Primary*	September 18, 2017	September 22, 2017
24-Hour Notice: August 29, 2017 thru September 11, 2017**		
Additional Independent Expenditure Reporting 24-Hour Notice: August 14, 2017 thru September 11, 2017***		
<b><u>GENERAL ELECTION - NOVEMBER 07, 2017</u></b>		
32-Day Pre-General	October 02, 2017	October 06, 2017
11-Day Pre-General	October 23, 2017	October 27, 2017
27-Day Post-General*	November 30, 2017	December 04, 2017
24-Hour Notice: October 24, 2017 thru November 06, 2017**		
Additional Independent Expenditure Reporting 24-Hour Notice: October 09, 2017 thru November 06, 2017***		
January 2018 Periodic	January 12, 2018	January 16, 2018

\* **Campaign Material** (or a disclaimer stating that no campaign materials have been produced) must be submitted with Post Election reports. All filers with NYS Board of Elections (NYSBOE) must send this campaign material or disclaimer by mail. Local filers that are only required to file with their local board(s) of elections must continue to file this material with that office.

\*\* **24-Hour Notice** - During these time periods, any contribution or loan which exceeds \$1,000 must be reported within 24 hours of receipt via fax or the NYSBOE website (address above). This same contribution or loan must also be reported in the associated Post Election report.

\*\*\* **Additional Independent Expenditure Reporting Requirements** - Independent Expenditure Committees have additional 24 hour notice and Weekly Notice requirements. Please refer to 14-107 (3) (b) and (c).

#### **Notes for Filers:**

- The criteria for termination are: **a)** all previously required Campaign Financial Disclosure Reports must have been filed to date; **b)** all outstanding loans and liabilities must have been repaid or forgiven, and required letters of indebtedness/forgiveness must have been submitted; **c)** the campaign bank account must have an ending cash balance of \$0, which also must be reflected in the final filed disclosure report. – **For NYSBOE filers**, a final itemized disclosure report using the Electronic Filing System (EFS) Software must be submitted electronically, or a No-Activity report, if applicable, must be filed online at [www.elections.ny.gov](http://www.elections.ny.gov) or by using a CF-18 form. A CF-18 form must be submitted by mail in conjunction with the filing of the final disclosure report for termination approval. Campaign Financial Disclosure Reports are required to be filed until termination is approved by NYSBOE in writing.
- After submitting electronic reports, please visit the NYSBOE website to confirm receipt and accuracy of content. No report should have a negative balance.
- For electronic filers: "Filing Year" is the year the report is due to be filed.
- Primary and/or General Election Reports are required from all registered PACs, Party and Constituted Committees, and Independent Expenditure Committees unless a Notice of Non-Participation in Election(s) by a Registered PAC, Party and Constituted Committees or Independent Expenditure Committees (CF-20) is qualified for and filed. The CF-20 may be submitted via the NYSBOE website. A CF-20 may not be filed for Periodic Reports.

**NYSVoter Enrollment by County, Party Affiliation and Status**  
**Voters Registered as of November 1, 2016**

REGION	COUNTY	STATUS	DEM	REP	CON	GRE	WOR	IND	WEP	REF	OTH	BLANK	TOTAL
Outside NYC	Albany	Active	91,658	35,821	2,991	525	608	9,612	49	14	198	41,926	183,402
Outside NYC	Albany	Inactive	11,327	3,304	330	96	124	1,242	4	0	104	5,647	22,178
Outside NYC	Albany	Total	102,985	39,125	3,321	621	732	10,854	53	14	302	47,573	205,580
Outside NYC	Allegany	Active	5,943	12,414	439	80	128	1,275	2	2	14	4,797	25,094
Outside NYC	Allegany	Inactive	486	663	29	10	17	131	0	0	4	492	1,832
Outside NYC	Allegany	Total	6,429	13,077	468	90	145	1,406	2	2	18	5,289	26,926
Outside NYC	Broome	Active	42,748	41,370	1,571	360	587	6,123	25	26	93	22,609	115,512
Outside NYC	Broome	Inactive	6,222	3,904	160	96	146	1,034	5	1	35	4,698	16,301
Outside NYC	Broome	Total	48,970	45,274	1,731	456	733	7,157	30	27	128	27,307	131,813
Outside NYC	Cattaraugus	Active	14,570	17,372	1,106	121	275	2,272	13	10	12	9,145	44,896
Outside NYC	Cattaraugus	Inactive	2,074	1,971	146	27	74	438	1	0	8	1,858	6,597
Outside NYC	Cattaraugus	Total	16,644	19,343	1,252	148	349	2,710	14	10	20	11,003	51,493
Outside NYC	Cayuga	Active	14,857	16,569	1,236	156	228	2,483	4	1	20	9,843	45,397
Outside NYC	Cayuga	Inactive	1,456	1,295	99	18	50	314	0	0	2	1,312	4,546
Outside NYC	Cayuga	Total	16,313	17,864	1,335	174	278	2,797	4	1	22	11,155	49,943
Outside NYC	Chautauqua	Active	25,852	25,248	1,943	185	459	4,757	8	25	79	18,314	76,870
Outside NYC	Chautauqua	Inactive	2,694	2,169	190	32	75	616	0	0	15	2,687	8,478
Outside NYC	Chautauqua	Total	28,546	27,417	2,133	217	534	5,373	8	25	94	21,001	85,348
Outside NYC	Chemung	Active	15,523	20,200	793	111	273	3,097	5	10	20	10,391	50,423
Outside NYC	Chemung	Inactive	1,731	1,727	84	15	39	428	0	0	3	1,493	5,520
Outside NYC	Chemung	Total	17,254	21,927	877	126	312	3,525	5	10	23	11,884	55,943

**NYSVoter Enrollment by County, Party Affiliation and Status**  
**Voters Registered as of November 1, 2016**

REGION	COUNTY	STATUS	DEM	REP	CON	GRE	WOR	IND	WEP	REF	OTH	BLANK	TOTAL
Outside NYC	Chenango	Active	7,218	12,267	507	139	182	1,682	6	0	14	6,423	28,438
Outside NYC	Chenango	Inactive	735	963	39	20	39	196	1	0	3	940	2,936
Outside NYC	Chenango	Total	7,953	13,230	546	159	221	1,878	7	0	17	7,363	31,374
Outside NYC	Clinton	Active	17,003	14,234	509	94	246	3,244	6	6	0	10,860	46,202
Outside NYC	Clinton	Inactive	1,643	1,115	40	21	35	439	0	0	0	1,544	4,837
Outside NYC	Clinton	Total	18,646	15,349	549	115	281	3,683	6	6	0	12,404	51,039
Outside NYC	Columbia	Active	13,798	12,050	1,098	204	215	2,830	10	1	22	11,302	41,530
Outside NYC	Columbia	Inactive	1,093	654	76	20	29	288	0	0	5	903	3,068
Outside NYC	Columbia	Total	14,891	12,704	1,174	224	244	3,118	10	1	27	12,205	44,598
Outside NYC	Cortland	Active	8,879	9,939	453	100	138	1,591	6	2	5	6,784	27,897
Outside NYC	Cortland	Inactive	1,153	911	51	22	33	257	0	0	1	1,482	3,910
Outside NYC	Cortland	Total	10,032	10,850	504	122	171	1,848	6	2	6	8,266	31,807
Outside NYC	Delaware	Active	7,296	11,629	488	115	110	1,607	3	2	13	5,400	26,663
Outside NYC	Delaware	Inactive	837	872	39	9	25	199	0	0	5	794	2,780
Outside NYC	Delaware	Total	8,133	12,501	527	124	135	1,806	3	2	18	6,194	29,443
Outside NYC	Dutchess	Active	60,383	51,863	3,619	498	760	10,415	36	41	148	48,974	176,737
Outside NYC	Dutchess	Inactive	7,445	4,607	294	86	125	1,241	1	0	20	5,658	19,477
Outside NYC	Dutchess	Total	67,828	56,470	3,913	584	885	11,656	37	41	168	54,632	196,214
Outside NYC	Erie	Active	287,080	151,406	13,631	1,692	3,002	28,951	86	37	551	108,713	595,149
Outside NYC	Erie	Inactive	20,565	8,546	600	160	332	2,211	0	0	58	9,574	42,046
Outside NYC	Erie	Total	307,645	159,952	14,231	1,852	3,334	31,162	86	37	609	118,287	637,195



**NYSVoter Enrollment by County, Party Affiliation and Status**  
**Voters Registered as of November 1, 2016**

REGION	COUNTY	STATUS	DEM	REP	CON	GRE	WOR	IND	WEP	REF	OTH	BLANK	TOTAL
Outside NYC	Essex	Active	6,503	10,788	211	85	56	1,773	0	1	10	4,546	23,973
	Essex	Inactive	838	1,123	30	24	21	309	1	0	5	821	3,172
	Essex	Total	7,341	11,911	241	109	77	2,082	1	1	15	5,367	27,145
Outside NYC	Franklin	Active	9,710	8,519	340	66	103	1,640	1	3	2	4,790	25,174
	Franklin	Inactive	931	726	42	17	27	249	0	0	2	818	2,812
	Franklin	Total	10,641	9,245	382	83	130	1,889	1	3	4	5,608	27,986
Outside NYC	Fulton	Active	7,943	15,887	554	76	169	1,735	6	2	9	6,190	32,571
	Fulton	Inactive	384	522	21	10	14	96	0	0	0	402	1,449
	Fulton	Total	8,327	16,409	575	86	183	1,831	6	2	9	6,592	34,020
Outside NYC	Genesee	Active	9,167	15,829	952	102	201	1,931	5	4	78	8,465	36,734
	Genesee	Inactive	544	724	47	11	19	139	0	0	7	575	2,066
	Genesee	Total	9,711	16,553	999	113	220	2,070	5	4	85	9,040	38,800
Outside NYC	Greene	Active	7,075	11,641	816	150	145	1,914	5	1	1	7,568	29,316
	Greene	Inactive	910	1,116	87	25	20	273	0	0	0	1,064	3,495
	Greene	Total	7,985	12,757	903	175	165	2,187	5	1	1	8,632	32,811
Outside NYC	Hamilton	Active	870	2,457	69	9	6	227	0	0	3	561	4,202
	Hamilton	Inactive	134	345	11	0	1	51	0	0	2	106	650
	Hamilton	Total	1,004	2,802	80	9	7	278	0	0	5	667	4,852
Outside NYC	Herkimer	Active	10,218	18,138	696	108	140	2,482	5	27	7	6,691	38,512
	Herkimer	Inactive	792	1,047	40	9	21	241	0	0	3	668	2,821
	Herkimer	Total	11,010	19,185	736	117	161	2,723	5	27	10	7,359	41,333

**NYSVoter Enrollment by County, Party Affiliation and Status**  
**Voters Registered as of November 1, 2016**

REGION	COUNTY	STATUS	DEM	REP	CON	GRE	WOR	IND	WEP	REF	OTH	BLANK	TOTAL
Outside NYC	Jefferson	Active	15,872	23,427	862	146	219	3,192	8	3	26	12,518	56,273
Outside NYC	Jefferson	Inactive	2,633	2,818	122	25	51	594	0	0	9	2,985	9,237
Outside NYC	Jefferson	Total	18,505	26,245	984	171	270	3,786	8	3	35	15,503	65,510
Outside NYC	Lewis	Active	4,272	8,590	277	32	60	847	1	0	3	2,856	16,938
Outside NYC	Lewis	Inactive	281	454	17	1	3	74	0	0	0	242	1,072
Outside NYC	Lewis	Total	4,553	9,044	294	33	63	921	1	0	3	3,098	18,010
Outside NYC	Livingston	Active	10,423	16,837	924	151	148	1,887	7	2	58	8,637	39,074
Outside NYC	Livingston	Inactive	956	928	57	19	19	199	0	0	6	964	3,148
Outside NYC	Livingston	Total	11,379	17,765	981	170	167	2,086	7	2	64	9,601	42,222
Outside NYC	Madison	Active	11,307	15,939	899	125	231	2,686	4	3	41	9,690	40,925
Outside NYC	Madison	Inactive	1,185	1,164	70	25	23	293	0	0	6	1,081	3,847
Outside NYC	Madison	Total	12,492	17,103	969	150	254	2,979	4	3	47	10,771	44,772
Outside NYC	Monroe	Active	183,861	130,178	8,285	1,332	1,599	21,416	74	17	566	112,680	460,008
Outside NYC	Monroe	Inactive	15,261	7,125	413	130	188	1,659	2	0	63	8,438	33,279
Outside NYC	Monroe	Total	199,122	137,303	8,698	1,462	1,787	23,075	76	17	629	121,118	493,287
Outside NYC	Montgomery	Active	9,103	9,461	663	64	116	1,532	5	8	22	6,286	27,260
Outside NYC	Montgomery	Inactive	903	746	78	10	33	195	0	0	2	921	2,888
Outside NYC	Montgomery	Total	10,006	10,207	741	74	149	1,727	5	8	24	7,207	30,148
Outside NYC	Nassau	Active	382,740	325,712	10,634	1,655	2,384	36,482	149	94	354	235,292	995,496
Outside NYC	Nassau	Inactive	15,209	11,713	391	89	85	1,545	1	0	9	8,512	37,554
Outside NYC	Nassau	Total	397,949	337,425	11,025	1,744	2,469	38,027	150	94	363	243,804	1,033,050

**NYSVoter Enrollment by County, Party Affiliation and Status**  
**Voters Registered as of November 1, 2016**

REGION	COUNTY	STATUS	DEM	REP	CON	GRE	WOR	IND	WEP	REF	OTH	BLANK	TOTAL
Outside NYC	Niagara	Active	51,893	42,952	3,138	439	1,180	6,613	25	34	85	23,823	130,182
	Niagara	Inactive	2,674	1,768	120	32	82	346	0	1	8	1,674	6,705
	Niagara	Total	54,567	44,720	3,258	471	1,262	6,959	25	35	93	25,497	136,887
Outside NYC	Oneida	Active	44,818	48,769	2,114	282	520	7,746	21	14	103	25,314	129,701
	Oneida	Inactive	4,571	3,893	188	42	90	1,035	1	0	7	3,287	13,114
	Oneida	Total	49,389	52,662	2,302	324	610	8,781	22	14	110	28,601	142,815
Outside NYC	Onondaga	Active	105,516	83,633	4,888	1,002	1,288	14,842	52	19	311	74,223	285,774
	Onondaga	Inactive	11,761	5,888	376	147	212	1,736	1	0	39	8,375	28,535
	Onondaga	Total	117,277	89,521	5,264	1,149	1,500	16,578	53	19	350	82,598	314,309
Outside NYC	Ontario	Active	20,347	26,890	1,384	238	223	3,986	15	10	23	16,942	70,058
	Ontario	Inactive	829	986	71	11	19	226	0	0	3	929	3,074
	Ontario	Total	21,176	27,876	1,455	249	242	4,212	15	10	26	17,871	73,132
Outside NYC	Orange	Active	79,050	69,701	4,327	624	1,130	11,815	54	28	154	50,646	217,529
	Orange	Inactive	6,970	5,195	296	81	125	1,151	1	1	16	4,876	18,712
	Orange	Total	86,020	74,896	4,623	705	1,255	12,966	55	29	170	55,522	236,241
Outside NYC	Orleans	Active	5,518	10,731	542	64	154	1,113	3	2	35	5,102	23,264
	Orleans	Inactive	474	714	56	9	25	112	0	0	3	556	1,949
	Orleans	Total	5,992	11,445	598	73	179	1,225	3	2	38	5,658	25,213
Outside NYC	Oswego	Active	17,335	31,545	1,669	153	349	3,788	9	3	38	14,912	69,801
	Oswego	Inactive	1,954	2,502	147	22	68	507	0	0	11	2,035	7,246
	Oswego	Total	19,289	34,047	1,816	175	417	4,295	9	3	49	16,947	77,047

**NYSVoter Enrollment by County, Party Affiliation and Status**  
**Voters Registered as of November 1, 2016**

REGION	COUNTY	STATUS	DEM	REP	CON	GRE	WOR	IND	WEP	REF	OTH	BLANK	TOTAL
Outside NYC	Otsego	Active	10,561	12,995	516	143	140	2,147	7	4	43	7,291	33,847
	Otsego	Inactive	1,172	988	58	14	22	279	1	0	4	1,085	3,623
	Otsego	Total	11,733	13,983	574	157	162	2,426	8	4	47	8,376	37,470
Outside NYC	Putnam	Active	18,504	21,925	1,930	154	217	3,789	9	13	42	16,311	62,894
	Putnam	Inactive	1,599	1,713	167	11	15	341	0	0	6	1,505	5,357
	Putnam	Total	20,103	23,638	2,097	165	232	4,130	9	13	48	17,816	68,251
Outside NYC	Rensselaer	Active	29,025	23,981	4,234	392	1,063	7,655	20	18	35	29,273	95,696
	Rensselaer	Inactive	2,851	1,553	290	32	163	763	0	0	8	2,716	8,376
	Rensselaer	Total	31,876	25,534	4,524	424	1,226	8,418	20	18	43	31,989	104,072
Outside NYC	Rockland	Active	88,484	44,339	3,869	331	924	8,099	32	117	6	44,530	190,731
	Rockland	Inactive	6,227	2,977	221	42	59	683	1	1	0	3,453	13,664
	Rockland	Total	94,711	47,316	4,090	373	983	8,782	33	118	6	47,983	204,395
Outside NYC	Saratoga	Active	40,441	60,732	2,423	406	443	9,276	8	8	50	38,135	151,922
	Saratoga	Inactive	3,898	4,638	232	50	52	1,045	3	0	11	4,075	14,004
	Saratoga	Total	44,339	65,370	2,655	456	495	10,321	11	8	61	42,210	165,926
Outside NYC	Schenectady	Active	36,087	23,789	3,266	271	598	5,541	34	4	72	23,455	93,117
	Schenectady	Inactive	3,468	1,698	195	40	97	565	0	0	9	2,334	8,406
	Schenectady	Total	39,555	25,487	3,461	311	695	6,106	34	4	81	25,789	101,523
Outside NYC	Schoharie	Active	4,776	7,165	542	62	81	1,215	2	0	19	4,389	18,251
	Schoharie	Inactive	625	778	56	14	21	216	0	0	4	718	2,432
	Schoharie	Total	5,401	7,943	598	76	102	1,431	2	0	23	5,107	20,683

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Outside NYC	Schuyler	Active	3,273	4,686	255	64	69	720	1	0	0	2,643	11,711
Outside NYC	Schuyler	Inactive	312	367	17	6	12	109	0	0	0	333	1,156
Outside NYC	Schuyler	Total	3,585	5,053	272	70	81	829	1	0	0	2,976	12,867
Outside NYC	Seneca	Active	5,972	7,473	429	67	113	988	1	0	1	4,074	19,118
Outside NYC	Seneca	Inactive	542	577	31	5	17	138	0	0	0	537	1,847
Outside NYC	Seneca	Total	6,514	8,050	460	72	130	1,126	1	0	1	4,611	20,965
Outside NYC	St.Lawrence	Active	21,744	19,980	896	153	266	3,298	4	0	62	12,238	58,641
Outside NYC	St.Lawrence	Inactive	1,708	1,368	53	30	42	342	0	0	2	1,470	5,015
Outside NYC	St.Lawrence	Total	23,452	21,348	949	183	308	3,640	4	0	64	13,708	63,656
Outside NYC	Steuben	Active	14,186	28,174	969	157	265	3,018	9	3	58	10,365	57,204
Outside NYC	Steuben	Inactive	1,473	2,016	73	32	46	384	0	0	2	1,518	5,544
Outside NYC	Steuben	Total	15,659	30,190	1,042	189	311	3,402	9	3	60	11,883	62,748
Outside NYC	Suffolk	Active	315,662	304,019	22,349	1,944	4,390	44,484	141	66	659	262,847	956,561
Outside NYC	Suffolk	Inactive	25,116	19,257	1,345	167	393	3,454	5	2	56	18,995	68,790
Outside NYC	Suffolk	Total	340,778	323,276	23,694	2,111	4,783	47,938	146	68	715	281,842	1,025,351
Outside NYC	Sullivan	Active	17,324	12,675	1,075	150	234	2,418	13	2	36	11,651	45,578
Outside NYC	Sullivan	Inactive	3,139	1,475	120	29	58	403	0	1	2	1,914	7,141
Outside NYC	Sullivan	Total	20,463	14,150	1,195	179	292	2,821	13	3	38	13,565	52,719
Outside NYC	Tioga	Active	8,038	13,642	442	92	122	1,714	1	0	47	6,382	30,480
Outside NYC	Tioga	Inactive	799	1,101	37	13	25	202	0	0	3	844	3,024
Outside NYC	Tioga	Total	8,837	14,743	479	105	147	1,916	1	0	50	7,226	33,504

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Outside NYC	Tompkins	Active	27,518	11,728	411	492	223	2,344	13	2	77	11,853	54,661
	Tompkins	Inactive	3,961	1,455	47	77	42	426	0	0	18	2,557	8,583
	Tompkins	Total	31,479	13,183	458	569	265	2,770	13	2	95	14,410	63,244
Outside NYC	Ulster	Active	41,860	28,257	2,584	687	615	6,012	27	3	92	34,907	115,044
	Ulster	Inactive	4,208	2,178	202	82	83	625	1	1	23	3,841	11,244
	Ulster	Total	46,068	30,435	2,786	769	698	6,637	28	4	115	38,748	126,288
Outside NYC	Warren	Active	10,480	18,949	636	188	129	2,612	4	20	3	8,673	41,694
	Warren	Inactive	1,223	1,554	53	25	25	358	0	0	2	1,262	4,502
	Warren	Total	11,703	20,503	689	213	154	2,970	4	20	5	9,935	46,196
Outside NYC	Washington	Active	8,819	14,721	662	133	190	2,241	3	3	3	7,719	34,494
	Washington	Inactive	868	1,079	59	12	35	312	0	0	0	1,014	3,379
	Washington	Total	9,687	15,800	721	145	225	2,553	3	3	3	8,733	37,873
Outside NYC	Wayne	Active	13,531	22,369	1,562	148	283	2,985	3	4	78	14,385	55,348
	Wayne	Inactive	900	928	64	15	31	232	0	0	10	1,047	3,227
	Wayne	Total	14,431	23,297	1,626	163	314	3,217	3	4	88	15,432	58,575
Outside NYC	Westchester	Active	286,167	134,076	8,356	929	1,489	22,660	95	14	172	144,133	598,091
	Westchester	Inactive	24,772	11,597	656	90	188	2,227	0	0	14	13,457	53,001
	Westchester	Total	310,939	145,673	9,012	1,019	1,677	24,887	95	14	186	157,590	651,092
Outside NYC	Wyoming	Active	5,478	11,044	560	38	100	1,211	0	0	12	5,342	23,785
	Wyoming	Inactive	421	645	42	2	17	126	0	0	0	531	1,784
	Wyoming	Total	5,899	11,689	602	40	117	1,337	0	0	12	5,873	25,569

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Outside NYC	Yates	Active	3,219	6,474	237	49	60	677	12	20	4	2,747	13,499
Outside NYC	Yates	Inactive	258	389	20	4	10	77	0	0	3	355	1,116
Outside NYC	Yates	Total	3,477	6,863	257	53	70	754	12	20	7	3,102	14,615
Outside NYC Grand Tot		Active	2,617,498	2,193,199	132,831	18,333	29,646	344,690	1,147	753	4,689	1,656,556	6,999,342
Outside NYC Grand Tot		Inactive	219,195	144,529	8,895	2,163	3,742	33,371	30	8	641	153,972	566,546
Outside NYC Grand Tot		Total	2,836,693	2,337,728	141,726	20,496	33,388	378,061	1,177	761	5,330	1,810,528	7,565,888
Within NYC	Bronx	Active	533,090	39,637	2,969	673	2,764	13,601	236	19	112	97,741	690,842
Within NYC	Bronx	Inactive	68,118	5,857	438	77	515	2,110	11	0	21	14,416	91,563
Within NYC	Bronx	Total	601,208	45,494	3,407	750	3,279	15,711	247	19	133	112,157	782,405
Within NYC	Kings	Active	990,147	119,597	4,607	2,858	5,374	29,950	299	27	483	247,430	1,400,772
Within NYC	Kings	Inactive	86,479	10,091	437	339	683	3,431	1	1	48	24,232	125,742
Within NYC	Kings	Total	1,076,626	129,688	5,044	3,197	6,057	33,381	300	28	531	271,662	1,526,514
Within NYC	New York	Active	674,501	92,297	1,734	1,947	1,969	28,465	209	37	541	183,401	985,101
Within NYC	New York	Inactive	85,544	17,686	285	320	334	5,917	2	0	114	31,097	141,299
Within NYC	New York	Total	760,045	109,983	2,019	2,267	2,303	34,382	211	37	655	214,498	1,126,400
Within NYC	Queens	Active	724,821	122,888	5,397	1,666	3,475	27,622	290	33	306	232,591	1,119,089
Within NYC	Queens	Inactive	46,637	8,173	402	125	293	2,198	2	0	36	15,574	73,440
Within NYC	Queens	Total	771,458	131,061	5,799	1,791	3,768	29,820	292	33	342	248,165	1,192,529
Within NYC	Richmond	Active	125,048	81,224	4,433	380	1,138	9,678	51	22	124	59,189	281,287
Within NYC	Richmond	Inactive	8,656	4,526	254	32	106	705	0	0	8	3,940	18,227
Within NYC	Richmond	Total	133,704	85,750	4,687	412	1,244	10,383	51	22	132	63,129	299,514

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Within NYC Total		Active	3,047,607	455,643	19,140	7,524	14,720	109,316	1,085	138	1,566	820,352	4,477,091
Within NYC Total		Inactive	295,434	46,333	1,816	893	1,931	14,361	16	1	227	89,259	450,271
Within NYC Total		Total	3,343,041	501,976	20,956	8,417	16,651	123,677	1,101	139	1,793	909,611	4,927,362
Statewide Total		Active	5,665,105	2,648,842	151,971	25,857	44,366	454,006	2,232	891	6,255	2,476,908	11,476,433
Statewide Total		Inactive	514,629	190,862	10,711	3,056	5,673	47,732	46	9	868	243,231	1,016,817
Statewide Total		Total	6,179,734	2,839,704	162,682	28,913	50,039	501,738	2,278	900	7,123	2,720,139	12,493,250