

## Fair Ballot Access for Erie County

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In the last election cycle, six of eleven incumbent Erie County legislators ran unopposed. This lack of competition didn't reflect voter satisfaction—it reflected a structural barrier: New York State's petition signature requirements make it extraordinarily difficult to challenge incumbents without party backing. While party-backed candidates need just 500 signatures to appear on the ballot for county legislature, independent candidates must collect 1,500—three times as many. This disparity doesn't just discourage competition; it effectively protects incumbents from accountability.

New York State Election Law establishes maximum signature requirements for designating and nominating petitions. For county legislature candidates running with party backing, the requirement is 500 signatures. Independent candidates—those running without a party line—must collect 1,500 signatures: three times as many.

This disparity is both excessive and unjust. Independent candidates already face significant hurdles in ballot access without the organizational resources and volunteer networks that parties provide. Requiring triple the signatures compounds these challenges unnecessarily. Worse still, independent candidates cannot begin collecting signatures until six weeks after party candidates have started. This delay dramatically increases the risk of disqualification due to duplicate signatures—voters who may have already signed petitions for party candidates.

The inconsistency becomes even more glaring when examining other races. For Erie County Executive, independent candidates actually face a *lower* threshold than party candidates: 1,500 signatures versus 2,000. If 1,500 signatures suffice for a countywide race, requiring the same number for a single legislative district is clearly disproportionate.

New York's Home Rule Law grants municipalities authority to reduce petition signature requirements for both party and independent candidates. New York City exercised this power through its Charter Commission, establishing these requirements:

- Mayor: 3,750 (reduced from 7,500)
- Borough President: 2,000 (reduced from 4,000)
- City Council: 450 (reduced from 900)

Critically, these requirements apply equally to party and independent candidates alike.

The result? Candidates for Erie County Legislature currently must collect more signatures than candidates for New York City Council—despite representing a fraction of the constituents. Independent candidates for Erie County Legislature face a threshold more than triple that of their NYC counterparts.

New York City's Charter demonstrates that meaningful reform is both legally permissible and practically achievable. Erie County should follow this example to create a fairer, more competitive electoral process.

Below is proposed Charter language for your consideration.

## Article 2 - Legislature

### Section 202.3. Independent Nominating Petitions; Number of Signatures

a. The number of signatures required for any designating petition or independent nominating petition for the designation or nomination of a candidate for Erie County legislature shall be governed by applicable provisions of the New York state election law, except that in no event shall the number of signatures required exceed the limit of five hundred signatures.

b. (1) The following provisions of the election law shall not apply to the extent that they govern the designation or independent nomination of county legislator: paragraphs (a), of subdivision two of section 6-142 (independent nominations; number of signatures). Section 6-100 of the election law shall apply, except to the extent that provisions of article six of the election law are inapplicable in accordance with this section.

(2) Any other provisions that from time to time may be added to the election law and that relate to the matters covered by the provisions of the election law that are inapplicable in accordance with this section shall similarly not apply to the extent that they govern the designation or nomination of such officers.

(3) References to provisions of the election law in this section shall be deemed to refer to any successors to such provisions.