

## **Burden of New York’s Ballot Petition Signature Address Requirements**

*Sundwall v. Kelleher (Lawrence E. Kahn, 1:06-cv-1191)*  
*and Lanza v. Wart (David N. Hurd, 5:07-cv-848)*  
(N.D.N.Y.)

Nearly five weeks in advance of the November 7, 2006, general election, the Libertarian Party, its candidate for Congress in a New York district, and two voters filed a federal complaint in the Northern District of New York challenging ballot petition requirements that resulted in the invalidation of 1,305 signatures.<sup>1</sup> The complaint alleged that requiring accurate addresses for petition signers was impermissibly burdensome “because of the complicated ways in which villages, addresses, counties, and townships cross each other’s borders in this region.”<sup>2</sup> The plaintiffs sought injunctive relief, including a temporary restraining order.<sup>3</sup>

On the day the complaint was filed, Judge Lawrence E. Kahn issued an order that the defendant members of New York’s board of elections show cause at a hearing five days later why relief should not be granted.<sup>4</sup> At the hearing, Judge Kahn ruled that the signature address requirements were not unduly burdensome or restrictive.<sup>5</sup>

A candidate wishing to run for county district attorney in the September 18, 2007, Republican primary election filed a pro se federal complaint in the Northern District of New York on August 21 challenging ballot petition signature requirements that resulted in the invalidation of signatures that incorrectly listed the towns or cities of the signers’ residences.<sup>6</sup>

On August 23, Judge David N. Hurd ordered defendants to show cause at a hearing on September 4 why relief should not be granted.<sup>7</sup> At the hearing, Judge Hurd denied relief and dismissed the complaint.<sup>8</sup>

The plaintiff ran in the Conservative Party’s primary election, but he was defeated.<sup>9</sup>

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1. Complaint, [Sundwall v. Kelleher](#), No. 1:06-cv-1191 (N.D.N.Y. Oct. 5, 2006), D.E. 1.

2. *Id.* at 3–4.

3. Brief, *id.* (Oct. 5, 2006), D.E. 3.

4. Order, *id.* (Oct. 5, 2006), D.E. 5.

5. Order, *id.* (Oct. 10, 2006), D.E. 8; *see* Minutes, *id.* (Oct. 10, 2006), D.E. 7.

6. Complaint, [Lanza v. Wart](#), No. 5:07-cv-848 (N.D.N.Y. Aug. 21, 2007), D.E. 1; *see* Charles McChesney, *Lanza to Appeal to Federal Court*, Syracuse Post-Standard, Aug. 27, 2007, at B1 (reporting that the plaintiff was unsuccessful seeking state court relief).

7. Order, [Lanza](#), No. 5:07-cv-848 (N.D.N.Y. Aug. 23, 2007), D.E. 5.

8. Order, *id.* (Sept. 4, 2007), D.E. 27; Minutes, *id.* (Sept. 4, 2007), D.E. 29; *see* Charles McChesney, *Judge: Lanza Still Off Ballot*, Syracuse Post-Standard, Sept. 5, 2007, at A1 (“It may be unfair and it may be unnecessary, but the state law that has kept Salvatore Lanza off this month’s Republican primary ballot is not unconstitutional, a federal judge ruled Tuesday.”).

9. *See* Charles McChesney, *Dodd Tops Challenger in Conservative Ballot*, Syracuse Post-Standard, Sept. 19, 2007, at B1.