

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.)*

A district judge overruled a minor party’s election-eve challenge to a requirement that persons signing ballot petitions provide accurate residential addresses in light of “the complicated ways in which villages, addresses, counties, and townships cross each other’s borders” in New York. A different district judge reached a similar decision one year later.

Subject: Getting on the ballot. *Topics:* Getting on the ballot; pro se party; primary election.

Nearly five weeks before 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.¹ 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.”² The plaintiffs sought injunctive relief, including a temporary restraining order.³

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.⁴ At the hearing, Judge Kahn ruled that the signature address requirements were not unduly burdensome or restrictive.⁵

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 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.⁶

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

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

The plaintiff ran in the Conservative Party's primary election, and he was defeated.⁹

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.