



State of New York
STATE BOARD OF ELECTIONS

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February 3, 2006

Hon. John Gleeson
United States District Court
Eastern District of New York
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

RE: *Lopez Torres v. State Board of Elections*
Index No. **04-CV-1129**

Dear Judge Gleeson:

I am writing, on behalf of defendants and defendant-intervenors regarding the Court's request with respect to signature requirements for access to the primary election ballot for the office of Justice of the Supreme Court.

The Court has identified that the Election Law provides that designating petitions be signed by the lesser of five percent of the enrolled voters in a political party or a set number depending upon the size of the office. Election Law (EL) section 6-136. While the Election Law does not specifically provide the set number of signatures for a designating petition required for the office of Supreme Court Justice it does have a provision applying to offices for ". . . a political subdivision containing more than one assembly district, county or other political subdivision, not to exceed the aggregate of the signatures required for the subdivisions or parts of subdivisions so contained." EL 6-136(2)(k).¹ All judicial districts contain more than one Congressional, Senate and Assembly district. Judicial districts which are comprised of wholly contained counties and with the exception of the 1st, 2nd, 11th and 12th judicial districts, all judicial districts are comprised of two or more counties. Footnote 6 of the Court's Memorandum and Order including a Preliminary Injunction describes the judicial districts.

¹With respect to Footnote 44 of the Memorandum and Order including a Preliminary Injunction dated January 27, 2005, the maximum signatures for the 2nd judicial district would be 7500 as the two counties comprising the judicial district are completely encompassed within New York City. EL sec. 6-136(2)(a)(j).

Based upon the Court's order, the State Board of Elections would be obligated to calculate the number of signatures within the confines of Election Law section 6-136. Enrollments to be used to calculate the signature requirements for the 2006 primary election are filed with the State Board by April 1st. EL sec. 5-604.

Respectfully submitted,



Todd D. Valentine (TV 5304)
Special Counsel

TDV/mer

cc: **All Counsel of Record (via e-mail)**