



Labor & Employment Issues Client Alert

Pitta LLP
For Clients
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GOVERNOR TO BE SUED OVER BALLOT ACCESS AND MAYOR'S QUEENS BP SPECIAL ELECTION REQUEST

Congressional candidate Josh Eisen will be suing New York State over Governor Andrew Cuomo's executive order that suspended the process by which candidates that are not affiliated with parties use to get on the ballot. Eisen seeking to run for the New York 17th Congressional district which covers Westchester and Rockland Counties. The seat is being vacated by Representative Nita Lowey in Westchester and Rockland Counties.

Eisen initially sought the Republican nomination but suspended his campaign in February after it was reported that he had been sanctioned as an attorney for allegedly harassing his legal opponents by sending racist, anti-Semitic and sexist emails. Eisen reentered the congressional race this month after stating that the remaining Republicans were unable to win, however, it is now too late to get on the primary ballot for an established party.

Under New York election law, the only way for Eisen to run for the congressional seat is to collect petitions to run on a minor party line. The law states that petitions have to be gathered from April 14 through May 26, however, Governor Cuomo's executive order in late March indefinitely suspended this process. This leaves Eisen and other potential candidates in legal limbo. Primary elections are set for June 23rd. Eisen has called for the use of digital petitioning.

In other election law news, Mayor Bill de Blasio recommended to Governor Cuomo that the Queens Borough President set for June 23rd proceed as a special election only and that the winner serve for the remainder of the term which ends in 2021. The Mayor reasoned that holding both a special and primary election on the same day for the same office would cause voters confusion.

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