A Guide to Judicial Elections in New York City

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New York City voters get to choose who sits on the state's Supreme Court, Surrogate's Court and Civil Court within the city. And in certain situations, voters may vote for delegates to a political party's judicial nominating convention, which selects the party's nominees for Supreme Court.

Judicial candidates generally are on the ballot in primary and general elections, and there are judicial vacancies to be filled almost every year. The primary elections are particularly important as so much of New York City is dominated by one party (in most places, the Democratic Party, and in much of Staten Island, the Republican Party).

In order to run for judge, candidates must be lawyers admitted to practice in New York for at least 10 years.

We have prepared this brief guide to explain how to find information on judicial candidates, which judgeships are up for election, what those courts do, and what the election process is.[1] We hope it will be useful to voters in considering judicial candidates.

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How to Find Information on Judicial Candidates?

The New York City Board of Elections (https://www.vote.nyc/) lists all candidates, including judicial candidates running in your area, shortly before an election. Go to the Board's poll site locator (https://findmypollsite.vote.nyc/), type in your address, then click on "View Sample Ballot" at the top of the page.

Many candidates have campaign websites. You can also find press articles on the candidates or the race. Community media may be particularly useful in discussing local judicial elections. Sometimes community organizations will host candidate forums, where you can see and meet the candidates, though these are not common in judicial races. Political clubs or community organizations may make endorsements. If the race is seriously contested, you may receive mailings, emails or social media regarding the candidates. You should not expect the candidates to discuss issues that may come before them, as that would violate the Code of Judicial Conduct. More likely, you will see information on their background and experience.

[1] The judicial election process in New York City has been criticized because, among other things, voters generally do not have enough information about the candidates to make informed choices. *See e.g.,* "Recommendations on the Selection of Judges and the Improvement of the Judicial Selection System in New York State," New York City Bar Association, Dec. 2006, https://www.nycbar.org/wp-content/uploads/2023/05/Selection_of_Judges_in_New_York_Judicial_System.pdf. The City Bar has long supported a commission-based appointive system for the selection of judges.

Which judgeships are up for election and what do these courts do?

In New York City, in addition to the Supreme Court, Surrogate's Court, and Civil Court, there are also the Family Court and Criminal Court. Judges on the Supreme Court, Surrogate's Court, and Civil Court are elected; judges on the Family Court and Criminal Court are appointed by the Mayor. For the last 50 years or so, Mayors have appointed a judicial selection committee which screens candidates and reports out a limited number of individuals for each vacancy, from which the Mayor chooses. Judges of the state Court of Claims also sit in New York. These judges are appointed by the Governor.

To fill short-term vacancies, judges are sometimes appointed to courts for which there are elections. For example, the Mayor can make interim appointments to the Civil Court. Court system administrators can also transfer judges between courts and from one geographic location to another.[2]

A. Election to the Supreme Court of the State of New York

The Supreme Court sounds like the highest court in New York State, but it isn't. That court is the New York Court of Appeals. The Supreme Court is the basic trial court in New York, with civil and criminal jurisdiction. In the City of New York, it has jurisdiction concurrent with that of the Criminal Court over certain misdemeanors prosecuted by indictment, and with the Family Court over crimes and offenses by or against minors or between members of the same family or household, and exclusive jurisdiction over all other crimes prosecuted by indictment. The Supreme Court also handles foreclosure and matrimonial cases.

Candidates for the Supreme Court do not appear on the primary ballot, but on the general election ballot. In each judicial district, each political party chooses its Supreme Court nominees through a judicial nominating convention. The conventions are scheduled by each party, generally around September, and are attended by delegates from each Assembly District (or in some instances, part of a district). In practice, the conventions are controlled by the party leaders in each borough, though in some cases political clubs will run a slate of delegates against the slate preferred by the county leaders. Where more than one slate of delegates seeks to represent an Assembly District at the convention, the slates run against each other in the primary election, and the voters choose between them.

Nominees need not be enrolled members of the political party by which they are nominated. Historically, Supreme Court nominees usually have been selected from among sitting Criminal Court, Civil Court, or Family Court Judges.

The nominees chosen in the judicial conventions then run in the general election. If there is more than one seat to be filled in each district, that number of top vote-getters win. For example, if there are four vacancies in a district, the top four vote-getters are elected.

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[2] The New York City Bar Association and others have urged that the various courts be consolidated into fewer courts to simplify and streamline the court system. *See generally* Simplify the Courts Coalition, https://simplifynycourts.org/; *see also* "Written Testimony of President Roger Juan Maldonado, President, New York City Bar Association, Public Hearing on Court Consolidation," Nov. 21, 2019, https://www.nycbar.org/reports/court-restructuring-in-new-york-joint-public-hearing-testimony/?back=1.

For administrative purposes, the Supreme Court is divided into 13 districts statewide. Each New York City County (borough) is its own district, as follows:

First District - Manhattan (New York County)

Second District - Brooklyn (Kings County)

Eleventh District - Queens

Twelfth District - Bronx

Thirteenth District - Staten Island (Richmond County)

Supreme Court Justices serve 14-year terms and may be re-elected, and may serve until December 31st of the year in which they reach age 70.[3, 4]

B. Election to the Civil Court of the City of New York

The Civil Court handles (a) actions and proceedings for the recovery of money and chattels (tangible, movable assets) and foreclosure of certain liens on personal property, all up to $25,000; and (b) summary proceedings to recover possession of real property and to remove tenants therefrom. Within the Civil Court are the City's Housing Court (although Housing Court Judges are appointed, not elected) and Small Claims parts.

Civil Court Judges are elected either countywide or in districts, which were drawn many decades ago. Civil Court Judges serve for 10-year terms and may be re-elected, and may serve until December 31st of the year they reach age 70. A number of Civil Court Judges serve in other courts, as the state's Office of Court Administration has the authority to transfer judges among courts in many instances. A substantial number of those transferred judges sit in the state's Supreme Court and are called Acting Supreme Court Justices. In those roles, they have all the powers of elected Supreme Court Justices. When their term is up, they run for election as a Civil Court Judge even though they may be sitting in Supreme Court.

To gain a place on the ballot, candidates for Civil Court must submit petitions containing 4,000 signatures of eligible voters for a county-wide seat, or 1,500 signatures for a district seat (signatures must be from voters in the jurisdiction in which they are running). In practice, candidates collect additional signatures above the minimum (perhaps two or three times the minimum) as petitions may be challenged by opponents. Support from political clubs can ease a

[3] They may thereafter perform duties as a Supreme Court Justice if it is certified that their services are necessary to expedite the business of the Court, and that they are physically and mentally competent to fully perform the duties of such office. Certification is valid for a two-year term and may be extended for up to two additional two-year terms, but in no event longer than December 31st of the year in which the justice reaches age 76.

[4] The Court exercises its appellate jurisdiction through an Appellate Division, which is divided geographically into four departments. The First Department consists of Manhattan and the Bronx. The Second Department includes Brooklyn, Queens and Staten Island (and Nassau and Suffolk, plus suburban counties). The Third and Fourth Departments are upstate. Judges of the Appellate Division are appointed by the Governor from among current Supreme Court Justices. When the Appellate Division Justices' terms are up and they seek re-election, they run for office just like the other Supreme Court Justices.

candidate's burden in collecting signatures, as club members will frequently provide labor to collect signatures.

If only one candidate in a party submits a valid petition, that candidate becomes the party's nominee. If more than one candidate submits valid petitions in that party, the candidates run in a primary election, with the winner becoming that party's nominee in the general election.

The party nominees run in the general election, and the top vote-getter is elected. As with Supreme Court elections, sometimes there is more than one seat to be filled countywide or in a district, and in that case, the top vote-getters for that number of vacancies are elected.

C. Election to Surrogate's Court

There are two Surrogates in New York County and Kings County; and one in each of the other counties in New York City. Surrogate's Court has full and complete general jurisdiction in law and in equity to administer justice in all matters relating to estates and the affairs of decedents. A major aspect of the Court is that Surrogate appoints lawyers to handle matters relating to estates and other issues, for which the lawyers can be compensated. These positions are thus coveted by political parties.

Surrogates serve 14-year terms and may serve until December 31st of the year in which they reach age 70. They are elected by county. Party nominees are chosen in primary elections. Candidates submit petitions containing signatures of 4,000 eligible voters, but as with Civil Court Judges, candidates collect perhaps two or three times the minimum to protect against challenges.

If only one candidate in a party submits a valid petition, that candidate becomes the party's nominee. If more than one candidate submits valid petitions in that party, the candidates run in a primary election, with the winner becoming that party's nominee in the general election. As a practical matter, the party leaders exercise substantial influence over who obtains the nomination, though there have been instances where insurgent candidates have prevailed.

The party nominees run in the general election, and the top vote-getter is elected.

Screening Committees

The parties in each county may use screening committees to evaluate candidates for the party nomination to judicial positions. New York County has the most established process, dating to the 1970's. The party may choose to back the candidate or candidates who it deems most qualified (although politics may play a role in who is supported). While a political party in a jurisdiction has the final say in who runs for Supreme Court Justice as the Party's nominee, through the judicial nominating convention, it cannot prevent persons who were not chosen or preferred by a screening committee from running for Civil Court Judge or Surrogate if such candidates submit valid petitions.

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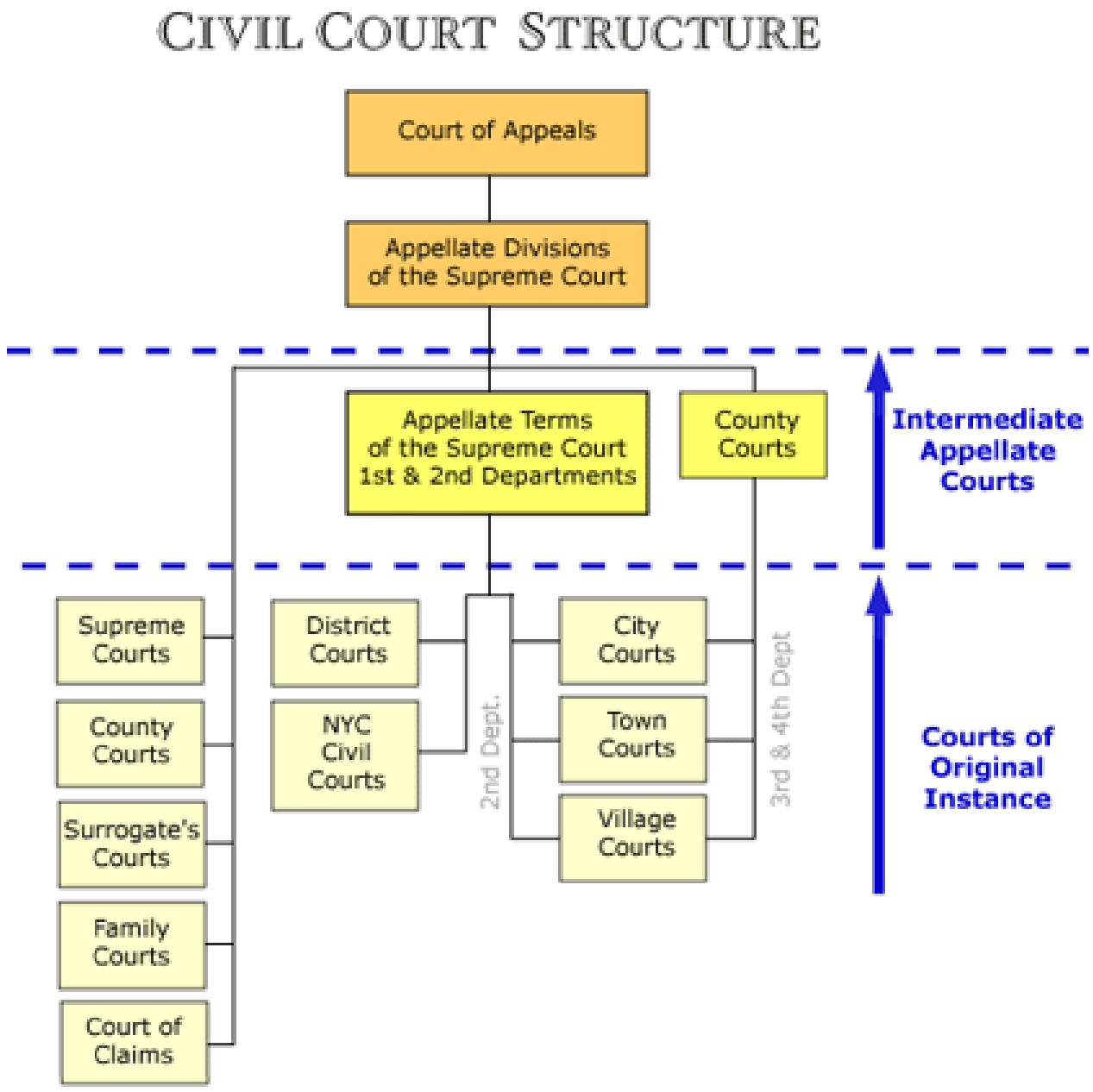
We hope this guide has provided useful information on making informed decisions about judicial candidates.

Please exercise your right as a citizen, and vote!

Appendix
(diagram available at https://www.nycourts.gov/courts/structure.shtml)