

Matter of Nunziato v Castronuova

2024 NY Slip Op 31668(U)

May 10, 2024

Supreme Court, Albany County

Docket Number: Index No. 903687-24

Judge: Justin Corcoran

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SUPREME COURT
STATE OF NEW YORK

COUNTY OF ALBANY

In the Matter of the Application of

**DECISION, ORDER
& JUDGMENT**

ANTHONY NUNZIATO and
CARL C. ALIVIADO, JR.,

Proceeding No. 1
Index No. 903687-24

Petitioners-Objectors

-and-

MICHAEL D. SAPRAICONE,

Petitioner-Candidate-Aggrieved,

-against-

CARA J. CASTRONUOVA,

Respondent-Candidate

-and-

THE NEW YORK STATE BOARD OF ELECTIONS,

Respondent-Board,

For an Order Pursuant to Sections 16-100, 16-102,
and 16-116 of the Election Law, declaring invalid
the petitions purporting to designate Cara J. Castronuova
as a Candidate of the Republican Party for the
Public Office of Member, United States Senate, State
of New York, at the June 25, 2024 Primary Election and to
restrain Respondent-Board from placing the name of
Respondent-Candidate upon the official ballots of
said Primary Election.

SUPREME COURT
STATE OF NEW YORK

COUNTY OF ALBANY

CARA J. CASTRONUOVA,
Aggrieved Candidate-Petitioner,

Proceeding No. 2
Index No. 904237-24

-against-

ANTHONY NUNZIATO
Respondent-Objector,

-and-

CARL C. ALIVIADO, JR.,
Respondent-Objector,

-and-

NEW YORK STATE BOARD OF ELECTIONS,
Respondent,

For an Order pursuant to Sections 16-100, 16-102 and 16-116 of the Election Law, declaring valid the Designating Petition which named the Petitioner as a Candidate of the Republican Party for the Public Office of Member, United States Senate, Statewide State of New York at the Republican Primary Election to be held on June 25, 2024 and to Order said Respondent Board of Elections to place the name of said Candidate upon the official ballots of such Primary Election.

(Albany County Supreme Court, Election Law Term)

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Justin Corcoran, J.S.C.:

These consolidated Election Law article 16 proceedings involve a designating petition filed by Cara J. Castronuova (“Castronuova”) purporting to designate her as a Republican Party candidate in the June 25, 2024 primary election for the public office of Member, United States Senate. For an office to be elected by voters statewide, candidates must gather and file signatures from at least 15,000 enrolled Republican voters to qualify for the primary ballot. On April 4, 2024, Castronuova filed a designating petition containing 15,727 signatures.

Objectors Anthony Nunziato and Carl C. Aliviado, Jr. (“objectors”) filed general objections with respondent New York State Board of Elections (“BOE”) by overnight delivery. The general objections were mailed and postmarked on April 8, 2024 and received by BOE the following day, preserving the right to file specifications. Objectors’ counsel filed specific objections on April 15, 2024, accompanied by a cover sheet and particularized objections to 2,650 of the signatures on Castronuova’s designating petition, including claims *inter alia* that signers (1) were not registered to vote, (2) were not enrolled Republicans, (3) omitted their town or city, (4) stated the wrong address, or (5) failed to write the date accurately. Objectors also claimed that various subscribing witnesses omitted required information, made inappropriate alterations, or otherwise violated petitioning rules.

After objectors filed specific objections, BOE began its administrative review of Castronuova’s designating petition. This review encompassed BOE staff comparing objectors’ specifications with Castronuova’s petition, including reviewing BOE records

of signers' registration, enrollment, and addresses, among other items. Cognizant of the time required for BOE review and that BOE Commissioners were scheduled to meet on May 1, 2024 to make ballot access determinations, objectors (joined by Michael Sapraine, another Republican Party candidate for U.S. Senator) (collectively "petitioners") brought a special proceeding pursuant to Election Law §16-102 seeking an order (1) invalidating Castronuova's designating petition because it allegedly lacked 15,000 valid signatures and (2) enjoining BOE from placing her name on the primary election ballot as a candidate for U.S. Senate. Election Law §16-102(2) states, in relevant part, that "[a] proceeding with respect to a petition shall be instituted within fourteen days after the last day to file the petition ... or within three business days after the officer or board with whom or which such petition was filed, makes a determination of invalidity with respect to such [] petition, whichever is later." This proceeding was commenced by order to show cause on April 17, 2024, supported by a petition verified by counsel. The papers were properly served on Castronuova and BOE. The matter was made returnable on April 22, 2024.

On the return date, counsel appeared for the objectors and petitioner-candidate Sapraine and for BOE, respectively. Castronuova appeared without counsel; she filed and served her answer on the return date. Her pleading included claims that her petition contained sufficient signatures, that BOE erred in finding her petition invalid, and that the objections to her designating petition were untimely and forged. Though Castronuova presented no proposed order to show cause, she orally moved for leave to assert cross claims against BOE to validate her petition and counterclaims against objectors alleging that their objections were forged and untimely filed with BOE.¹

When the parties reconvened on April 29, 2024 (i.e., the same day that the BOE hearing officer considered specific objections and Castronuova's responses thereto),

¹ As detailed below, because Castronuova timely commenced a special proceeding to challenge BOE's determinations and to validate her petition, most of the procedural arguments and rulings about her leave requests have been rendered academic; she ultimately had an opportunity to present her arguments at the hearing on her validating petition.

Castronuova's request for leave to cross claim against BOE was denied from the bench because even based upon her oral application for leave to assert it on April 22, 2024, her request was late, as it was made for the first time four days after the 14-day limitations period expired. *Espinal v Sosa, supra*, at 820-821; *Aguire v Hernandez*, 131 AD3d 716, 716-717 (2d Dept. 2015); *but see Sheldon v Bjork*, 142 AD3d 763 (4th Dept. 2016). Moreover, Castronuova's conclusory assertion that her designating petition contained more than 15,000 valid signatures ignored the pleading requirement in a validation proceeding to particularize BOE's alleged errors in sustaining specific objections to her petition. *Rowlands v Baker*, 219 AD3d 1080, 1081 (3d Dept. 2023); *Matter of Jennings v Board of Elections of City of New York*, 32 AD3d 486, 486-487 (2d Dept.) lv. den. 7 NY3d 707 (2006). On the other hand, the Court granted leave, to the extent required, for Castronuova to plead counterclaims that the objectors did not sign their purported objections and that they were filed after the statutory deadline.

At the joint request of the parties, the Court limited the hearing on April 29, 2024 to proof and arguments concerning Castronuova's claim that objections to her petition were not timely filed at BOE. The parties sought to defer presenting arguments and proof on other issues until (1) BOE made final determinations on specific objections; and (2) Castronuova had an opportunity to commence a timely, ripe validation proceeding (allowing the parties and Court to conduct a joint hearing on both matters). Thus, on that date, the Court analyzed only the timeliness of objectors' general and specific objections. The verified petition, exhibits, answer, and special proceeding record, including BOE records admitted at the April 29, 2024 appearance (when Castronuova was self-represented), establish that Castronuova filed her designating petition and BOE accepted it on April 4, 2024. The general objections to Castronuova's petition were mailed and postmarked on April 8, 2024. Because April 7, 2024 (i.e., three days from the filing of the challenged petition) was a Sunday, the last day for objectors to mail and postmark general objections was April 8, 2024. *McHoul v Sellick*, 153 AD2d 721, 722 (2d Dept.) lv. den. 74 NY2d 609 (1989) (applying time of reckoning under General Construction Law to

mailing deadlines for election law proceedings). BOE received the general objections on April 9, 2024, within the two days for receipt allowed by statute. Likewise, because the last day to file specifications fell on Sunday, April 14, 2024, the specific objections filed in person by objectors' counsel on April 15, 2024 were timely. Election Law §6-154 (2). Thus, Castronuova's defense or counterclaim based upon the timeliness of the filing of objections to her designating petition lacks merit and was denied from the bench on April 29, 2024. Further proceedings were scheduled in anticipation that Castronuova would file her validating proceeding within the three-day limitations period after the meeting of BOE Commissioners on May 1, 2024.

On May 3, 2024, Castronuova, now represented by counsel, commenced a special proceeding under Election Law §16-102 by order to show cause seeking to validate her designating petition. As a related special proceeding seeking to validate signatures that were subject to petitioners' pending invalidation proceeding, her petition was assigned to this Court and made returnable for a hearing on May 7, 2024, as previously requested by the parties who contemplated a new validation petition as soon as it was ripe. The Court conducted a hearing on May 7 and 8, 2024. The parties agreed to consolidate the original invalidation proceeding and Castronuova's later validating proceeding because the essential factual issues raised in each proceeding were identical or similar. Both special proceedings under Election Law §16-102 trigger "de novo" judicial review in which the Court independently determines whether the candidate qualifies for ballot access. *Matter of Salka v Magee*, 164 AD3d 1084, 1084 (3d Dept.) lv. den. 31 NY3d 914 (2018).

At the beginning of the two-day hearing, the parties stipulated that (1) 15,000 valid signatures were required to place Castronuova's name on the ballot; (2) she filed a petition containing 15,727 signatures; (3) BOE ruled 2,029 signatures were invalid based on specifications filed by objectors; and (4) after deducting the number of signatures ruled invalid, her petition contained 13,698 signatures. During the hearing, counsel conferred at length with BOE counsel and staff, who assisted the parties in culling through voluminous documents for requested information.

In anticipation of the hearing, Castronuova filed a bill of particulars claiming that BOE erred in ruling 1,418 signatures were invalid. NYSCEF Doc. No. 24 (Index No. 904237-24). She detailed as follows the number of objections for *de novo* judicial review by various categories:

WA (Wrong Address) Challenges	305
SWA (Signing Witness Address) Challenges	12
WT (Wrong Town)	450
ALT (Alteration) Challenges	63
SWALT (Signing Witness Alteration) Challenges	49
DI (Date Incomplete) Challenges	230
NE/NR (Not Enrolled/Nor Registered)	364
Total SW (Signing Witness) Challenges	109

Annexed to the bill of particulars was a spreadsheet of Castronuova's response to specifications submitted to BOE. At the court hearing, the parties agreed to amended subtotals of signatures found invalid by BOE for various reasons, thereby adjusting the number of signatures sought to be restored by the validating proceeding. They did not adhere rigidly to the bill of particulars' descriptors and stipulated to various categories that did not require judicial review.

Before the Court and parties addressed the validity of signatures on Castronuova's designating petition at the May 7, 2024 hearing, the Court addressed her applications to (1) dismiss the original invalidation petition due to alleged defects in verification and (2) declare that BOE acted without authority to invalidate her designating petition based

upon objectors' allegedly erroneous statement of the "number of signatures objected to" in violation of Election Law §6-154 (3)(a)(ii).²

Defective Verification of Petition

On April 17, 2024, petitioners commenced their proceeding under Election Law article 16 by filing a petition verified by counsel on April 15, 2024, in which he stated "under penalty of perjury... [t]hat I am the attorney (sic) the Petitioners Anthony Nunziato, Carl C. Aliviado, Jr., and Michael D. Sapracione in the within action; and that I have read the foregoing Petition and know the contents thereof; and that the same is true to my own knowledge, except as to those matters that I believe to be true." He averred that he made the verification in place of his clients because his clients reside outside the county where he maintains his office and that his discussion with clients and their consultant informed the grounds for his information and belief.

Castronuova appeared in person on the April 22, 2024 return date and served, then filed, an answer to the verified petition. She raised various affirmative defenses, none of which attacked the petition's verification. As described above, she orally moved to assert cross claims and counterclaims; she was granted leave to assert counterclaims (which were tantamount to affirmative defenses, including forgery and untimely filing of objections). On April 29, 2024, the parties again appeared in court after attending BOE's hearing on specific objections. Petitioners examined a BOE witness and introduced into evidence several BOE documents to rebut Castronuova's claim that general objections and specifications were not timely filed. The Court determined that Castronuova's claim that objectors did not comply with the statutory deadlines was meritless. Once again, she raised no objection to the verification of the petition on April 29, 2024.

On May 3, 2024, her newly retained counsel filed a motion to dismiss the special proceeding pursuant to CPLR 3211 (a) (2), made returnable on May 7, 2024, without

² On May 7, 2024, Castronuova withdrew her claim that the general objections were the object of forgery, such that no additional arguments or proof were offered.

leave of Court. Castronuova claimed that the verification statement by counsel for petitioners does not conform with “new” verification requirements under CPLR 2106, principally because it omits an acknowledgement by counsel that the penalties for perjury may include a fine or imprisonment and that the verified document may be filed in a court proceeding. She argues that the alleged defect renders the petition a nullity and requires dismissal. Of course, dismissal of the original invalidation proceeding would not result in nullification of BOE’s action removing her from the ballot nor affect the standing of objectors to defend against her validating proceeding.

Counsel argued the motion on May 7, 2024. Petitioners opposed the motion, arguing that the attorney verification complied with all legal requirements to constitute a proper verification and that Castronuova failed to timely object to it.³

A special proceeding brought under Election Law article 16 shall be heard upon a verified petition; the verification requirement is jurisdictional in nature and failure to abide by it may result in dismissal. *Matter of Francois v Rockland County Board of Elections*, 205 AD3d 847, 848 (2d Dept.) lv. den. 38 NY3d 906 (2022) (internal citations omitted). However, an objection to the alleged lack of proper verification of a petition in an election law proceeding is waived by the failure to raise the objection with due diligence as required by CPLR 3022. *Id.* Additionally, “the mere fact that a petition does not use the exact words set forth in CPLR 3021 does not mean that the petition is not verified, so long as the language used has the same effect as a verification.” *Id.* at 848-849, citing CPLR 3021; *Jacobi v Murray*, 58 Misc3d 319, 325 (Albany Co. Sup Ct. 2017) citing *Lepkowski v State of New York*, 1 NY3d 201, 210 (2003) (recipient of defective verified pleading must return it with due diligence to preserve objection). By waiting 16 days to object to the manner of verification, and twice appearing in court without mentioning it, Castronuova did not act with due diligence in objecting to any purported

³ Petitioners later withdrew the petition after it was clear that Castronuova had not sustained her burden of proving her validating petition, thereby rendering academic the verification issues. The Court nonetheless summarizes its rationale to permit review.

irregularity. Additionally, the verification of the petition by counsel, made under penalty of perjury in obvious anticipation of filing the paper with the Court, and which attested to his belief that the matters stated were true, has the same effect as a verification. See *Tenneriello v Board of Elections of City of New York*, 104 AD2d 467, 468 (2d Dept.) aff'd 63 NY2d 700 (1984). Movant did not establish any substantive right was affected by the form of the verification. Thus, Castronuova's objection based upon an irregular verification of the petition was denied from the bench at the outset of the hearing.

Objectors' Compliance with Rules for Filing Objections

Castronuova's broad claim that general objections and specifications were improperly and untimely served and were otherwise insufficient was not pursued nor addressed at the hearing, except that the Court ruled that objectors timely filed general and specific objections, respectively, as discussed above. She also claimed that objections and specifications were facially deficient pursuant to Election Law §6-154(3)(a)(ii).

Castronuova contends that the specification of objections violated Election Law §6-154(3)(a)(ii) and introduced confusion into the process. Specifically, she alleges that (1) the specifications cover sheet lists the total number of signatures alleged to be "invalid" as 2650, whereas the objectors' "spreadsheet" indicates that the total number of signatures "objected to" was 2785; and (2) the cover page uses the word "invalid" rather than the phrase "objected to."

Election Law §6-154(3)(a)(ii) provides, in pertinent part, that:

"[a]ll such specifications shall substantially comply with the following requirements.... the total number of signatures objected to shall be set forth and all objections relating to a single signature line should be grouped together."

As noted by objectors, the State Board of Elections uses the word "invalid" in its Sample Specification of Objections, taken from "Guidance: Chapter 744 of the laws of 2022 changes to specifications of objections" revised on April 17, 2023, belying any concern about confusion.

Additionally, the objectors used the template for objection sheets provided by the New York City Board of Elections, which provides a line number and a sheet number for each objection, separated by volume, thus providing the Board and respondent with "all the information necessary to identify clearly the [contested signatures] involved." *Matter of Rimkus v Rogers*, 220 AD3d 1235, 1236-1237 (4th Dept. 2023). In response to the Court's inquiry, Castronuova could not articulate how the alleged deficiencies prejudiced her, or that it was difficult or troublesome to locate any specific objection. To the contrary, she compiled a list of specific BOE determinations which she claimed were erroneous. Accordingly, the specification of objections substantially complied with the requirements of Election Law §6-154(3)(a)(ii).

Court Rulings on Signatures

After deciding threshold legal issues concerning verification of the invalidating petition and the adequacy of the specifications of objections leading BOE to declare Castronuova's petition invalid, the Court considered the grounds urged by Castronuova to restore signatures to her designating petition. Counsel stipulated to the number of signatures affected by each legal determination as outlined below. Ultimately, after applying each ruling to a subset of disputed signatures, and preserving their respective arguments, the parties agreed that Castronuova's petition contains 14,008 signatures.

Signer not registered or not enrolled in Republican Party

Turning to those signatures found invalid by BOE because the signer was not registered to vote or not enrolled in the Republican Party, Castronuova filed a designating petition for the June 25, 2024 primary election to become the Republican Party candidate for Member, United States Senate, an office to be filled by the voters of the entire state. Her petition needed to be signed by not less than 15,000 "of the then enrolled voters of the (Republican) party of the state." Election Law §6-136; *see Harden v Board of Elections of City of New York*, 74 NY2d 796, 798 (1989) (persons who were not registered to vote or enrolled in political party of candidate were ineligible to sign

designating petition). Castronuova alleged that BOE determined that 364 signatures were invalid because the signer was not a registered voter or alternatively not enrolled in the Republican Party. Castronuova did not contest 351 of these signatures at the hearing. After reviewing supporting documentation, counsel for petitioners conceded 13 of the 364 signatures were improperly found invalid. The parties stipulated that 13 signatures were restored and 351 remained invalid. Thus, the total number of signatures improperly found invalid by BOE due to “not registered” or “not enrolled” is 13.

Town and city information of signers and witnesses

Election Law §6-130 provides that “[t]he sheets of a designating petition must set forth in every instance the name of the signer, his or her residence address, town or city (except in the city of New York, the county), and the date when the signature is affixed.” *Salka v Magee*, 164 AD3d 1084, 1085–1086 (3d Dept. 2018) quoting *Matter of Stark v Kelleher*, 32 AD3d 663, 664 (3d Dept.), *lv. den.* 7 NY3d 707 (2006). “The requirements of this statute ‘must be strictly complied with, as it is a matter of prescribed content.’” *Id.* quoting *Matter of Tischler v Hikind*, 98 AD3d 926, 927 (2d. Dept. 2012) (other internal citations omitted); see *Matter of Canary v New York State Bd. Of Elections*, 131 AD3d 792, 793 (3d Dept. 2015) (failure to include his town on designating petition required voter’s signature to be invalidated because the statutory requirements constitute a matter of substance, not form) citing *Stoppenbach v Sweeney*, 98 NY2d 431, 433 (2002) (finding *Molinari v Powers* [82 F.Supp2d 57, EDNY 2000] distinguishable from article 16 proceeding to invalidate Congressional candidate’s designating petition). Strict compliance with the town or city requirement serves the purpose of facilitating the discovery of fraud and allows for rapid and efficient verifications within the short time frame allowed by the election law. *Zobel v New York State Bd. Of Elections*, 254 AD2d 520, 522 (3d Dept. 1998).

As explained in a decision from the bench, the Court rejects Castronuova’s argument, relying on *Molinari v Powers* (*supra*), that the statutory requirement that each signer accurately state her complete address, including city or town (or county for signers

residing in New York City) is unconstitutional and may not justify invalidation of any signature that omits the correct city/town. The cases cited above, decided after *Molinari* in 2000, apply the settled rule that the town/city is an essential component of prescribed content. The parties agree that when this ruling is applied to the 437 signatures challenged here by Castronuova on the basis that the signer should not have been required to state her city or town (or county, in cases where the signer resides in New York City), 437 are invalid and none were restored.

Signer Wrote Incomplete Date on Petition

“Election Law §6-132 (1) requires that the day and year be placed opposite the signature of each signer on a designating petition.” *Avella v Johnson*, 142 AD3d 1111, 1111 (2d Dept.) lv. den. 28 NY3d 904 (2016). Though strict compliance is required, a narrow exception exists to validate signatures if the signer placed the month and day, but omitted the year, where (1) the petition sets forth at the top of the page the full date (including year) of the primary election and (2) the subscribing witness also included the full month, date, and year where she signed and authenticated the signatures. *Id.* citing *Matter of Struble v Chiavaroli*, 71 AD2d 1047 (4th Dept.) aff’d 48 NY2d 613 (1979). The Court ruled that where signers placed the day and month next to their signatures, but omitted the year, if both prongs of the *Avella* exception applied (i.e., the correct date with year was stated above the signatures on the petition and again in the statement of subscribing witness), those signatures are valid. Upon the Court’s review of an exemplar where the signer omitted the year, the petition was not subject to confusion arising from an incomplete date. When completed correctly, a signer would have written “24” in a column denoting the year, which began with “20__.” The underscore next to the first two-digits of a four-digit year would not reasonably mislead a reader to conclude that the signature was placed on the petition in 2020. The parties agreed that when this ruling was applied to the 230 signatures that were purportedly invalidated by BOE due to an incomplete date, 200 were validated after judicial review at the hearing, and that 30 were not properly validated due to other reasons.

Wrong Address Stated by Signer

Castronuova initially claimed in her bill of particulars that 305 signatures were wrongly ruled invalid by BOE because the signer stated the wrong address. Election Law §6-130 requires the sheets of a designating petition to set forth the name of the signer, her residence address, town, or city (except in the city of New York, the county) and the date when the signature is affixed. Such information constitutes a matter of substance, not form, and requires strict compliance. *Canary v New York State Bd. of Elections, supra* at 793. However, an individual's qualification to vote is unaffected by a change of address within the jurisdiction of the board of elections with which the voter is registered, regardless of whether the board receives advance notice of the change of address. *Robeletto v Burch*, 242 AD2d 397, 398 (3d Dept. 1997). Where the signer's registration card signature matches the signature on a designating petition, and the board confirms that the signer is registered and enrolled, the signature need not be invalidated solely because the signer moved to a new address within the same political unit. *Robleto v Gowda*, 183 AD3d 673, 675 (2d Dept.) lv. den. 35 NY3d 904 (2020). Castronuova established that BOE invalidated some signatures because the voter's address did not match BOE records, despite confirming that each signer's petition signature matched her registration record, and each was an enrolled party member. Given petitioners' concession that the signers were enrolled party members who were found by BOE to remain eligible to sign a designating petition for statewide office (though from a new address), the Court restored and validated these signatures (incorporated by counsel in their stipulation set forth below) on this basis. No other evidence or arguments were offered concerning other "wrong address" objections that were sustained by BOE.

Alterations and Signing Witness Alteration Challenges

The Court was not asked to rule on any challenges based on alterations. However, the parties stipulated that 5 signatures ruled invalid by BOE due to signers' alterations

should be deemed valid and that 63 signatures ruled invalid by BOE due to subscribing witness alterations should be deemed valid, for a total of 68 signatures ruled valid by stipulation.

Conclusion

At the conclusion of the hearing, counsel for petitioners withdrew the initial petition to invalidate Castronuova's designating petition based upon the parties' agreement that, following the Court's substantive rulings, she had established only 14,008 valid signatures.

Counsel agreed to the following number of signatures successfully validated following *de novo* judicial review:

wrong address	29
subscribing witness alteration	5
wrong town/city	0
date incomplete	200
not registered/not enrolled	13
subscribing witness objection/alteration	<u>63</u>
	310

To prevail in her validation proceeding, Castronuova was required to prove that at least 1,302 of the signatures deemed invalid by BOE should be found valid by the Court. However, she established only that 310 of those signatures were valid. When those 310 signatures are added to 13,698 (the number of uncontroverted signatures as determined by BOE *before* judicial review), her petition contains 14,008 valid signatures. Thus, it contains less than the 15,000 signatures required by Election Law §6-136, such that her petition for an order declaring her designating petition valid is denied.

Accordingly, for all the foregoing reasons, it is hereby

ORDERED that upon stipulation of counsel, the above-captioned special proceedings shall be consolidated under Index Number 903687-24; and it is further


ORDERED AND ADJUDGED, that the validation proceeding brought by Cara J. Castronuova seeking an order pursuant to Election Law §16-102 declaring valid, proper, and legally sufficient the designating petition purporting to designate her as a candidate of the Republican Party for the public office of Member, United States Senate for the June 25, 2024 primary election, is hereby **DENIED** and such special proceeding is **DISMISSED**.

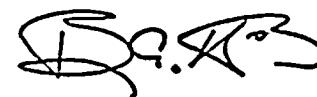
All other relief requested has been considered and denied as meritless or as academic. The Court's decision does not address conclusory legal claims set forth in the pleadings where no party sought to introduce any proof or argument in support of such claims.

SO ORDERED.

ENTER.

Dated: May/0, 2024
Albany, New York


Justin Corcoran
Supreme Court Justice


05/10/2024

Papers Considered: NYSCEF Doc. 1-42 (Proceeding No. 1); Doc. 1-24 (Proceeding No. 2); Transcript of Proceedings Dated April 22, 2024, April 29, 2024, May 7-8, 2024; Special Proceeding Exhibits (which, by stipulation of the parties, have been retained by the New York State Board of Elections, except for Respondent Castronuova's Ex. 1, which has been retained by her counsel).

This constitutes the Decision, Order and Judgment of the Court. The Court has uploaded the original Decision/Order/Judgment to the case record in this matter as maintained by the NYSCEF website whereupon it is to be filed and entered by the Office of the Albany County Clerk. Counsel for petitioners-objectors shall comply with the applicable provisions of CPLR 2220 and §202.5b(h)(2) of the Uniform Rules of Supreme and County Courts relating to service and notice of entry of the filed document upon all other parties to the action/proceeding, whether accomplished by mailing or electronic means, whichever may be appropriate depending on the filing status of the party, within one day of entry by the Clerk.