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ELECTIONS - NEW YORK

Hayon v. Greenfield

Supreme Court, Appellate Division, Second Department, New York - September 18, 2013 - N.Y.S.2d - 2013 N.Y. Slip Op. 05905

Political candidate commenced proceeding to validate petition designating him as candidate in primary election for party's nomination for office as member of city council, and to invalidate designating petition of opponent. The Supreme Court entered final order validating candidate's petition and declining to invalidate opponent's petition. City's board of elections and candidate appealed and cross-appealed.

The Supreme Court, Appellate Division, held that:

- Candidate's petition substantially complied with statutory and regulatory requirements, and
- Opponent's petition also satisfied statutory requirements.

Amended cover sheet of candidate's petition substantially complied with statutory and regulatory requirements, despite candidate listing two volumes on his amended cover sheet which were not filed as part of his designating petition. In any event, candidate was not actually notified of, and given opportunity to cure, purported "extra volumes" defect, as required by rules of city's board of elections.

Designating petition submitted by candidate for position as member of city council complied with statutory requirements by indicating each signer's respective street address and county within in which each signatory resided.

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