

any existing volumes. The amended cover sheet otherwise correctly identified five volumes which, without considering any of the signatures contained in the misidentified volumes, contained approximately 2600 signatures, greatly exceeding the 500 valid signatures otherwise required to qualify each candidate for the ballot.

There is no claim that the "mistake" defrauded or misled the public or was used for any improper purpose. In fact, the original cover sheet correctly identified these volumes, notwithstanding other errors that required amendment. Additionally, the ledger maintained by the Board of Elections correctly identified all of the volumes in the petition. The discrepancies in the amended cover sheet do not implicate policy considerations that override the right of the electorate to fully exercise its franchise (see *Staber v Fidler*, 65 NY2d 529 [1985]). Our decision in *Feliciano v Guastella* (98 AD3d 434 [2012]), relied upon by the Board of Election, is factually distinguishable.

We find that, under the circumstances of this case, it was improper for the Board of Elections to conclude that the scrivener's error was a fatal defect, rendering these candidates ineligible for the ballot.

THIS CONSTITUTES THE DECISION AND ORDER
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: AUGUST 14, 2013

A handwritten signature in black ink, appearing to read "Susan R. [unclear]", written over a horizontal line.

CLERK