

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D32222
G/hu

_____AD3d_____

Argued - August 16, 2011

PETER B. SKELOS, J.P.
JOSEPH COVELLO
RUTH C. BALKIN
LEONARD B. AUSTIN
SANDRA L. SGROI, JJ.

2011-07164

DECISION & ORDER

In the Matter of Matthew Mastrantone, appellant,
v Roger Chirico, etc., et al., respondents.

(Index No. 2315/11)

In a proceeding pursuant to Election Law § 16-102, inter alia, to validate a petition designating Matthew Mastrantone as a candidate in a primary election to be held on September 13, 2011, for the nomination of the Republican Party as its candidate for the public office of Highway Superintendent for the Town of Philipstown, the petitioner appeals from a final order of the Supreme Court, Putnam County (Nicolai, J.), dated August 9, 2011, which, after a hearing, among other things, denied the petition and dismissed the proceeding.

ORDERED that the final order is affirmed, without costs or disbursements.

Contrary to the petitioner's contention on appeal, the Supreme Court properly determined that the signatures of several voters on his designating petition were invalid since those voters previously had signed the designating petition of another candidate for the same public office (*see* Election Law § 6-134[3]; *Matter of Ehrlich v Biamonte*, 65 AD3d 990; *Matter of Venuti v Westchester County Bd. of Elections*, 43 AD3d 482, 484; *Matter of Rabadi v Galan*, 307 AD2d 1014). Consequently, the petitioner's designating petition did not contain the required number of valid signatures (*see* Election Law § 6-136[2]; *Matter of Ehrlich v Biamonte*, 65 AD3d at 990; *Matter of James v New York City Bd. of Elections*, 21 AD3d 507).

The petitioner's remaining contentions are without merit.

SKELOS, J.P., COVELLO, BALKIN, AUSTIN and SGROI, JJ., concur.

ENTER: 
Matthew G. Kiernan
Clerk of the Court

August 16, 2011

MATTER OF MASTRANTONE v CHIRICO