

Louis v El-Gamasy

2025 NY Slip Op 31565(U)

April 30, 2025

Supreme Court, Kings County

Docket Number: Index No. 512532/25

Judge: Lawrence Knipel

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At the Special Election Part of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, at 360 Adams Street, Brooklyn, New York, on the 30th day of April, 2025.

P R E S E N T:

HON. LAWRENCE S. KNIPEL,
Justice.

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FARAH N. LOUIS,

Candidate Aggrieved,
Petitioner,

-against-

Index No.: 512532/25

HATEM A. EL-GAMASY,

Respondent-Candidate,

-and-

BOARD OF ELECTIONS IN THE CITY OF
NEW YORK,

Respondents,

For an Order Pursuant to Sections 16-100, 16-102 and 16-116 of the Election Law, Declaring Invalid the Designating Petition Purporting to Designate the Respondent(s)-Candidate(s) for the Public Office or party position of member of the City Council from the 45th Council District, Borough of Brooklyn, Kings County, New York in the Republican Primary Election to be Held on June 24, 2025, and to Restrain the said BOARD OF ELECTIONS from Printing and Placing the Names of said Candidate(s) Upon the official Ballots of Such Primary Election.

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The following e-filed papers read herein:

NYSCEF Doc Nos.:

Notice of Motion/Order to Show Cause/
Petition/Cross Motion and
Affidavits (Affirmations) Annexed _____
Opposing Affidavits/Answer (Affirmations) _____
Affidavits/ Affirmations in Reply _____
Other Papers: _____

1-2, 8, 11

Upon the foregoing papers and upon oral argument conducted on the record on April 21, 2025, and April 29, 2025, petitioner candidate-aggrieved Farah N. Louis (petitioner), petitions for an order and judgment declaring invalid the designating petition of the respondent-candidate Hatem A. El-Gamasy (respondent-candidate) and restraining the respondent Board of Elections in the City of New York (Board) from printing respondent-candidate's name on the ballot for the public office of member of City Council for the 45th Council District in Kings County in the Republican Primary Election to be held on June 24, 2025.

At the oral argument conducted on the record on April 29, 2025, respondent-candidate, appearing pro se, orally moved to reargue this court's denial of his oral motion to dismiss in this court's order dated April 24, 2025. This court denied reargument on the record. After this denial, the court noted that petitioner's primary claim is that the respondent-candidate does not have a sufficient number of signatures in his designating petition to be placed on the ballot. The court additionally noted that the Board has represented that 327 signatures are needed to be placed on the ballot for the Republican Primary Election for the 45th Council District and asked the petitioner-candidate how many signatures he had submitted to the Board. In response, the respondent-candidate stated that he was not sure of the number because he was not personally involved in filing the designating petition with the Board. The court then gave respondent-candidate an opportunity to go to the Board with the court's special referees involved in the election

matters to verify the number of signatures. Rather than going to the Board to do so, the respondent-candidate agreed to “withdraw.”

Based on the respondent-candidate’s inability to state the number of signatures, and his declining to go the Board with the court referees to verify the number of signatures in the designating petition, the special referees involved in this matter went to the Board’s Kings County office and viewed the designating petition. In doing so, the referees, in counting the signatures, found that the designating petition only contains a total of 59 signatures.

New York City Charter § 1057-b provides that the number of signatures for candidates for elective office in the City are governed by the Election Law, but, in no event, are more than 450 signatures required for the office of member of city council (NY City Charter § 1057-b [a] [3]). As the Election Law alternative of not less than five per centum of the registered Republicans in active status in the district (Election Law § 6-136 [2]) is 327,¹ it is this lesser number that constitutes the number of signatures required to be in the designating petition. Given that respondent-candidate’s designating petition contains fewer than the 327 signatures that are required to be placed on the ballot, the respondent-

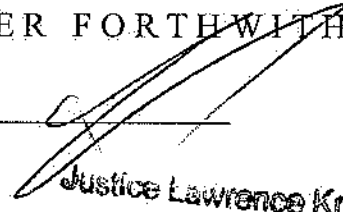
¹ The court takes judicial notice of the Board’s list of the number of active Republican registered voters in the 45th City Council district posted on the Board’s public website that indicates that there are 6525 active registered Republicans in the district (https://www.vote.nyc/sites/default/files/pdf/vote/2025/CityCouncil_Active_Inactive.pdf; see *Kingsbrook Jewish Med. Ctr. v Allstate Ins. Co.*, 61 AD3d 13, 19-21 [2d dept 2009]; see also *Matter of Green v Voyticky*, 185 AD2d 956, 957 [2d Dept 1992]; *Matter of Andrews v Board of Elections of County of Albany*, 164 AD2d 960, 961-962 [3d Dept 1990]; Election Law § 5-604 [1]). Five percent of this number is 326.25. As such, 327 signatures are required (see *Matter of Andrews*, 164 AD2d at 961-962; *Matter of Muldoon*, 123 NYS2d 711, 713 [Sup Ct, Oswego County 1953]; Election Law § 6-136 [2]).

candidate's designating petition is insufficient, and the petitioner is entitled to an order striking the respondent-candidate's name from the ballot.

Accordingly, it is **ORDERED** and **ADJUDGED** that petition is granted, respondent-candidate Hatem A. El-Gamasy's designating petition is declared invalid, and the respondent Board of Elections in the City of New York is directed to remove respondent-candidate's name from the ballot for the public office of member of City Council for the 45th Council District in Kings County in the Republican Primary Election to be held on June 24, 2025.

This constitutes the decision, order and Judgment of the court.

ENTER FORTHWITH



J.S.C. Justice Lawrence Knipel

Justice Lawrence Knipel