

Matter of Laurel-Smith v Ramgopal

2025 NY Slip Op 32408(U)

July 2, 2025

Supreme Court, Kings County

Docket Number: Index No. 520554/25

Judge: Lawrence Knipel

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At the Special Election Part 1 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 2nd day of July, 2025.

P R E S E N T:

HON. LAWRENCE KNIPEL,
Justice.

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In the Matter of the Application of
ABBEY LAUREL-SMITH,
Petitioner-Candidate, Aggrieved
- and -

DANNIEL MAIO,
Petitioner-Candidate, Aggrieved, Index No. 520554/25
-against-

RUSAT RAMGOPAL,
Respondent-Objector
-and-
THOMAS WILLIS,
Respondent-Objector,
-and-

THE BOARD OF ELECTIONS IN THE CITY OF NEW YORK,
Respondent-Board,

For an Order pursuant to Sections 16-100, 16-102 and 16-116 of the Election Law, declaring VALID the Independent Nominating Petitions which named the Petitioners as Candidates for the Public Offices of Mayor or Comptroller, City of New York, on the "ReBuild" party at the General Election to be held on November 4, 2025, and to order said BOARD OF ELECTIONS to print and place the name of said Candidates upon the official ballots of such General Election.

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The following e-filed papers read herein: NYSCEF Doc. Nos.:

Order to Show Cause/Petition _____ 1, 3-6, 10
Other papers _____

Upon the foregoing papers, and after oral argument held on the record in this proceeding commenced pursuant to Election Law § 16-102 to validate the independent nominating petitions filed by Abbey Laurel-Smith (Laurel-Smith) and Danniell Maio (Maio) (collectively petitioners), as candidates for the public offices of Mayor and Comptroller of the City of New York on the “ReBuild” party line, in the General Election to be held on November 4, 2025, the petition is denied and the proceeding is dismissed.

On May 20, 2025 and May 27, 2025, petitioners filed with respondent the Board of Elections in the City of New York (the Board) an independent nominating petition under the Rebuild party line. Both petitioners’ names appeared on the nominating petition, with Laurel-Smith listed as a candidate for Mayor and Maio listed as a candidate for Comptroller. The petition itself consisted of three volumes of signatures, which were assigned the identification numbers BX 2501724 (Vol. 1724), BX 2501725 (Vol. 1725), and BX 2501726 (Vol. 1726) by the Board.

On May 30, 2025, respondent-objector Rusat Ramgopal filed a general objection as against Laurel-Smith’s independent nominating petition, which was identified by the Board as QN-32. On that same date, respondent-objector Thomas Willis filed a general objection as against Maio’s independent nominating petition, which was identified by the Board as QN-30. On June 5, 2025, specifications of objections were filed by both objectors, identified as QN-30-1 and QN 32-1.

After the specifications of objections were filed, they were reviewed by the Board’s clerks and a clerk’s report was prepared. In this regard, the specifications only challenged signatures contained in Vol. 1726, which consisted of 160 sheets containing 15 signature

lines per sheet. Thus, although the clerk's report identify Spec 30-1 and 32-1 as relating to all three petition volumes, it is clear that the Board's clerks only reviewed specifications of objections to individual signatures contained in petition Vol. 1726, and the 2,499 signatures contained in the other two volumes were counted as presumptively valid in the clerk's report.

On June 17, 2025, the Board's Commissioners met and adopted the Clerk's Reports related to Spec QN-30-1 and Spec QN-32-1, which indicated that cumulatively the three petition volumes submitted by petitioners contained 2,932 valid signatures. The Board ruled that petitioners would not appear on the November 4, 2025 General Election ballot on the "ReBuild" independent party line as 3,750 valid signatures are required to be placed on the ballot for both the office of Mayor and Comptroller.

On June 20, 2025, the petitioners filed with the court a petition and proposed order to show cause seeking to validate their independent nominating petitions. On the same day, the court signed the order to show cause. On June 26, 2025, the court heard oral argument on the issues raised in the petition and reserved decision.

As an initial matter, the court notes that petitioners have failed to identify any specific rulings made by the Board concerning individual signatures that were challenged by respondent. Moreover, petitioners do not argue that a line-by-line review of the objections ruled upon by the Board would demonstrate that their petition contains the required 3,750 valid signatures. Instead, petitioners' validating petition is based entirely upon allegations regarding defects with the service of the specifications of objections as well as defects within the specifications themselves.

In support of their validating petition, petitioners argue that respondent objectors violated section H3 of the Board's Independent Nominating Petition Guidelines,¹ which required that specifications be securely fastened together in one or more volumes and that each sheet of the specifications be sequentially numbered at the bottom of each page. In addition, petitioners allege that the specifications were missing sheets and that "many of the missing sheets were read out before the Commissioners at their June 17 Hearing." Petitioners further maintain that the Commissioners accepted the missing sheets and ruled that the specifications were numbered sequentially. Finally, petitioners assert that the Commissioners approved the Clerk's Reports before they were able to challenge the proof of service submitted by the respondent objectors.

During oral argument before the court, petitioners argued that the specifications of objections were defective as they were not in sequential order and not secured as required by the Board's Guidelines. Petitioners further argued that the proof of service of the specifications of objections was defective because it shows an incorrect spec number on the Fed Ex receipt filed with the Board. Petitioners have attached as exhibits to their petition to validate, a copy of the specifications of objections forms for both Spec QN-30-1 and QN-32-1, an affidavit of service related to QN-32, and a Fed Ex receipt indicating a mailing to both petitioners at their respective residences. On top of the Fed Ex receipt is the following handwritten notation: "NY-14/QN-32"

¹ The Board's Independent Nominating Guidelines were adopted on February 11, 2025.

Counsel for respondents argued that the filing of specifications of objections is governed by NYCRR § 6204.1² and not by the Board's Guidelines. Counsel further noted that respondents did not in fact file objections to all of the petition volumes filed by petitioners, and only filed specifications of objections related to signatures in Vol. 1726. In this regard, because neither Election Law § 6-154 nor 9 NYCRR 6204.1 contains any requirement that specifications address each of the nominating petition volumes submitted, respondents' failure to do so does not render the specifications invalid. The only relevant issue in this regard is whether respondents identified enough invalid signatures for the Board to determine that the petition contained an insufficient number of valid signatures – a showing that respondents made here in light of the Board's findings.

Initially, the court finds that petitioners have failed to demonstrate that service of the specifications of objections was defective. In this regard, petitioners have failed to show that they were not in fact served with the specifications of objections that were filed by respondents with the Board. Rather, petitioners contend that the fact that someone wrote an incorrect spec number on the Fed Ex receipt (NY-14), renders service of the specifications of objections defective. Specifically, petitioners do not allege that they were served with the specifications of objections associated with spec NY-14, rather than the specifications of objections associated with spec QN-30-1.

² NYCRR § 6204.1 as it pertains to specifications of objections, provides in pertinent part that “specifications shall substantially comply with the following requirements: The volume number, page number, and line number of any signature objected to on any petition shall be set forth in detail.”

In addition, petitioners contend that during the Board's hearing, the Commissioners accepted "missing" specifications of objections sheets and ruled that the specifications were sequentially numbered. To the extent that petitioners assert that certain pages were allowed to be read out to the Board's Commissioners during the June 17, 2025 hearing, this is belied by the fact that the Commissioners appear to have voted on the Clerk's report as presented to them, based on the specifications of objections filed with the Board, without any amendment. Thus, it does not appear that any additional sheets containing specifications of objections were considered by the Commissioners at the hearing.³ Accordingly, petitioners have failed to demonstrate that they were not served with the same specifications of objections that were served on the Board. Moreover, assuming for arguments sake that the Board's Commissioners accepted these "missing" sheets, it is undisputed that respondents did not have any objections to any signatures contained on these "missing" sheets. Thus, petitioners cannot claim that they were not apprised of objections to signatures on such sheets as there were none.

Turning to petitioners' argument that respondents violated the requirement in section H3 of the Board's Guidelines related to Independent Nominating Petitions, that "specifications of objections shall be securely fastened together in one or more volumes" and that "each sheet of the specifications of objections shall be numbered sequentially at the bottom of each page," the court notes that, the Board had no authority to create such a requirement. In particular, effective March 23, 2023, the Legislature amended Election

³ [Live Stream Meetings | NYC Board of Elections](#)

Law § 6-154 (2) to eliminate the authority of local boards (including the Board of Elections in the City of New York) to promulgate rules governing designating petitions, nominating petitions, cover sheets, amended cover sheets, general objections, and specifications of objections. The intent behind the Legislature's amendment of the statute was to create uniform, state-wide rules governing designating and nominating petitions which have been enacted by the New York State Board of Elections pursuant to its authority under Election Law § 6-134(2)⁴.

The rules pertaining to specifications of objections are set forth in 9 NYCRR 6204.1. Here, respondents' specifications of objections were in substantial compliance with 9 NYCRR 6204.1 and Election Law § 6-154 (3), neither of which contain a requirement that each sheet of the specifications of objections be numbered sequentially at the bottom of the sheet. Rather both 9 NYCRR 6204.1 and Election Law § 6-154 (3), require that "the volume number, page number, and line number of any signature objected to on any petition shall be set forth in detail."

Applying these requirements here, the court finds that the specifications filed by the objectors complied with the requirements of Election Law § 6-154 (3) (a) (i) and 9 NYCRR 6204.1 (a) (1), as they identify the petition volume numbers, page numbers and line

⁴ The express authority to make rules is granted to the State Board of Elections pursuant to Election Law § 3-102, which provides in pertinent part that "the state board of elections shall have the power and duty to . . . issue instructions and promulgate rules and regulations relating to the administration of the election process, election campaign practices and campaign financing practices consistent with the provisions of law . . ."

numbers of the objections. Since this information provided the Board and petitioners with “all the information necessary to identify clearly the [contested signatures] involved” (*Matter of Rimkus v Rogers*, 220 AD3d 1235, 1235-1236 [4th Dept 2023] [internal quotation marks omitted]; see also *Matter of Jones v De Santis*, 227 AD3d 845, 847 [2d Dept 2024]), the specification sheets must be deemed in substantial compliance with the statute and State Board rules. Moreover, there is nothing in Election Law § 6-154 (3) or 9 NYCRR 6204.1 explicitly requiring that the specifications of objections be securely fastened. In any event, petitioners failed to demonstrate that the specifications they were served were not in fact securely fastened.⁵ Finally, there is no requirement in these provisions that an objector file specification sheets which correspond to petition sheets whose signatures are not being challenged.

Accordingly, it is hereby

ORDERED that the petition is denied, and this validating proceeding is dismissed.

This constitutes the decision and final order of the court.

ENTER FORTHWITH



Justice Lawrence Knipel

J.S.C.

⁵ The court notes that it reviewed the specifications of objections filed with the Board and found that the documents were securely fastened.