

Hastings v Ontario County Bd. of Elections

2025 NY Slip Op 32715(U)

August 4, 2025

Supreme Court, Ontario County

Docket Number: Index No. 141480-2025

Judge: Thomas G. Leone

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SUPREME COURT
COUNTY OF ONTARIO

STATE OF NEW YORK

WILLIAM HASTINGS, Objector,

Petitioner,

-vs-

Index No. 141480-2025

ONTARIO COUNTY BOARD OF
ELECTIONS and
JASON MACBRIDE, as Purported
Candidate,

Respondents.

BEFORE: HON. THOMAS G. LEONE
Acting Supreme Court Justice

APPEARANCES:

JOSEPH T. BURNS, ESQ.
Attorney for Petitioner

GREGORY J. MCDONALD, ESQ.
Attorneys for Respondent Board of Elections

JASON ALLEN MACBRIDE, ESQ.
Pro Se Respondent

DECISION, ORDER, & JUDGMENT

LEONE, J.

In this proceeding, objector William Hastings (hereinafter, "Petitioner") seeks an order pursuant to Election Law Articles 6 and 16 and Sections 16-100, 16-102, and 16-116 invalidating or declaring null and void the "Truth and Justice" independent party nominating petition filed by Jason MacBride, Esq. (hereinafter, "MacBride") for Ontario County District Attorney for the 2025 general election. Petitioner requests an order declaring or finding that this independent nominating petition is invalid, null and void, and/or without effect and restraining, preventing, prohibiting,

and/or enjoining Respondent Ontario County Board of Elections (hereinafter, “the BOE”) from placing MacBride’s name on the 2025 general election ballots as an independent candidate for Ontario County District Attorney. Regardless of the outcome of this action, MacBride is the Republican candidate for Ontario County District Attorney in this year’s general election.

To qualify to be placed on the ballot on this line, MacBride needs a minimum of 1,500 valid signatures. As originally filed with the BOE, MacBride’s independent nominating petition contained 1,740 signatures. Petitioner filed specific objections with the BOE, which the BOE heard. As a result of those objections, the BOE invalidated 172 signatures, leaving MacBride with 1,568 presumptively valid signatures. Thus, to prevail in this lawsuit and invalidate the independent nominating petition, Petitioner must prove that at least 69 signatures are invalid.

MacBride did not file any cross-petition to validate the signatures stricken by the BOE.

The parties all declined an evidentiary hearing and requested that the Court decide this action based on the stipulated materials filed on NYSCEF. The Court has considered all the submissions.

MACBRIDE’S REQUEST TO VALIDATE

For the first time in his Memorandum of Law in opposition filed on July 7, 2025, MacBride asked the Court to validate signatures which the BOE invalidated following the objections hearing. The BOE made its “determination of invalidity” (Election Law § 16-102[2]) regarding those signatures on June 18, 2025. MacBride did not bring any petition to validate, and the statute of limitations to do so expired before MacBride asked for this relief on July 7th (EL§ 16-102[2]). Given the lack of a cross-petition and the expiration of the statute of limitations, this Court does not have authority to validate any of the stricken signatures. MacBride’s request for this Court to validate signatures is denied.

For these reasons, none of the signatures which the BOE struck will be considered by this Court.

PRINTED SIGNATURES

Petitioner raised numerous substantive challenges to the independent nominating petition, but Petitioner argued that his objections to signatures as being “printed” rather than signed are dispositive. The Court agrees. Petitioner challenged approximately 505 individual signatures on this basis, and this Court conducted a line-by-line analysis of every one of those challenged signatures.

Election Law Article 6 governs independent nominating petitions. With limited exceptions not relevant here, “the form of, and the rules for a nominating petition shall conform to the rules and requirements for designating petitions” (EL § 6-138). The rules for designating petitions are set forth in Election Law §§ 6-130 through 6-136. Contrary to MacBride’s argument that script signatures are not needed on petitions, Election Law Article 6 distinguishes between printed names and signatures, and it requires signatures. “In addition to the requirement for the signature, the printed name of the signer may be added” (EL § 6-134[13]). Subparagraph 7 of Section 6-134 requires a signer to “place his signature upon the petition” (EL § 6-134[7]).

Lest there be any doubt, there is also abundant caselaw making clear that, absent a curing affidavit or similar credible evidence, a printed signature on a petition must be deemed invalid if the printed name on the petition does not match the signature on the voter’s registration card (*see Toles v Quintana*, 183 AD 3d 1290, 1292 [4th Dept. 2020]; *Matter of Hall v Heffernan*, 185 Misc 742, 744 [Richmond Co. Sup. Ct. 1945], *aff’d* 269 AD 953 [2nd Dept 1945], *aff’d* 295 NY 599 [1945]; *Matter of Lord v. New York State Bd. of Elections*, 98 AD 3d 622 [2nd Dept. 2012]; *Jaffee v Kelly*, 32 AD 3d 485 [2nd Dept 2006], *lv app den* 32 AD 3d 485 [2006]; *Braunfotel v Feiden*, 172

AD 3d 1451 [2nd Dept 2019], *lv app den* 33 NY 3d 906 [2019]; *LaMarca v Quirk*, 110 AD 3d 808 [2nd Dept 2013]). While there may come a time when script signatures are no longer required as MacBride urges, this Court is bound to apply the blackletter Election Law as written, not as the Legislature might change it in the future.

To establish the invalidity of printed signatures, Petitioner bore the initial burden of producing the voters' signature cards showing a script signature that was written in a manner different than what was signed on MacBride's independent nominating petition (*Toles* at 1292; *Maclay v. Dispasquale*, 197 AD 3d 1502 [4th Dept. 2021]; *Lord*, 98 AD 3d 622). Where a printed signature has "a corresponding voter registration card showing a script signature" and a printed signature appears on the independent nominating petition, it must be stricken (*Toles* at 1291-92).

Petitioner supplied the BOE signature cards for most of the contested signatures (NYSCEF # 31). However, not all of the exemplar BOE signatures were provided. For some of the challenged signatures, the BOE could not locate the relevant records. For others, the voter records were provided, but the signature exemplar in the BOE records was either too faint, or it was obscured by the seal of the BOE. In these cases, the Court could not adequately compare the two signatures, and so Petitioner did not meet his initial burden of proof on the following objections, which are **denied**: 58,71, 77, 90, 137, 264, 267, 268, 281, 286, 296, 308, 314, 318-19, 327-30, 339, 342, 344, 353, 371, 375, 391-92, 417, 424, 432, 436, 441, 443, 487, 500, 516, 676, 679-81, 707, 711.

However, Petitioner did meet his initial burden of proof regarding many other printed objections. For those objections, the burden shifted to the Respondent candidate to provide "credible evidence" properly identifying the signatories (*Maclay*, 197 AD 3d 1502). Such proof may come in the form of sworn affidavits from "the [contested] signatories or from any of the

subscribing witnesses” (*Id.*). To cure the printed signatures, the “credible evidence” must “attest . . . to the fact that the individuals who signed the registration form were the same individuals whose signatures appeared on the designating petition” (*Id.*).

MacBride submitted sworn affidavits responding to 274 of Petitioner’s “printed signature” objections (NYSCEF ## 36-42). Those affidavits were from the subscribing witnesses and/or the individual signatories attesting to the identity of the people who signed the petitions. Except for changing the specific information related to each signature (*e.g.*, names, dates, sheet, or line numbers), the subscribing witness affidavits all include the same form language (*see* NYSCEF # 36):

The undersigned, being duly sworn, says: I am not a party to the action, I am over 18 years of age and I am a duly qualified registered voter in the County of Ontario, State of New York.

On or about and between April 21, 2025 and May 26, 2025, I was a subscribing witness for the Independent Nominating Petition [sheet numbers 1-21] for Jason MacBride for the public office of Ontario County District Attorney. I personally observed the following signatories sign the above petition. I am personally familiar with and attest as to their true identities as registered voters.

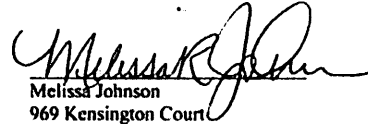
Page	Line	Name
1	2	Christopher Dowell - neighbor

Next to each contested signatory, each subscribing witness describes in a few words how the subscribing witness personally knows and recognizes each individual signatory.

The individual signatory affidavits follow the same system. Those standard forms all appear generally as follows:

The undersigned, being duly sworn, says: I am not a party to the action. I am over 18 years of age and I am a registered voter of Ontario County.

On 5/6/2024, ^{5/6/2024} I signed the Independent Nominating Petition [sheet number 3, line 3] for Jason MacBride for the public office of Ontario County District Attorney. The signature appearing on the petition is my valid signature.


Melissa Johnson
969 Kensington Court
Victor, NY

Sworn to before me on June 27, 2025.


Notary Public

Petitioner argues that these affidavits are insufficient under *Maclay*. According to Petitioner, the affidavits in *Maclay* included more detail, including an explanation of why the signatories printed their signature and why it would not match their voter registration records.

This is not persuasive. Nothing in *Maclay* or the line of cases supporting it suggests that there must be an explanation of why a signatory printed their name instead of writing it in script as it appeared in the voter records (*Maclay*, 73 Misc 3d 258 [Erie Co. Supp. Ct. 2021], *aff'd* 197 AD 3d 1502 [4th Dept 2021]; *LaMarca*, 110 AD 3d 808 [2nd Dept 2013]; *Matter of Hennessy v Board of Elections of County of Oneida*, 175 AD 3d 1777, 1779 [4th Dept. 2019]; *Jaffee*, 32 AD 3d 485 [2nd Dept 2006], *lv app den* 32 AD 3d 485 [2006]; *Lord*, 98 AD3d 622, 623 [2nd Dept 2012]; *Braunfotel*, 172 AD 3d 1451 [2nd Dept 2019], *lv app den* 33 NY 3d 906 [2019]). All that is required is “credible proof . . . attesting . . . that the individuals who signed the registration forms were the same individuals whose signatures appeared on the independent nominating petition” (*MacClay* at 1502, *quoting Lord*).

If a respondent candidate supplies that proof, the signatures may be upheld “notwithstanding a discrepancy with the voter registration forms” (*MacClay*, 197 AD 3d 1502; *see*

also *LaMarca v Quirk*, 110 AD 3d 808, 810 [2nd Dept 2013]). The question is whether the signatories have been adequately identified, not whether their reasons for printing rather than signing have been explained. Here, the affidavits sufficiently identified the listed signatories as the individuals who signed the petitions, and thus the affidavits cure any discrepancy between the printed name on the nominating petition and the name as written in the voter rolls.

The Court disagrees with Petitioner that *Matter of Mazzullo v Barnett et al.*, 207 AD 3d 1140 [4th Dept 2022]) requires the Court to reject the affidavits. *Mazzullo* dealt with the disenrollment of members from a political party. That case operated under different sections of the Election Law and with highly inapposite legal and factual issues. Also, the trial court (as affirmed by the Appellate Division) in *Maclay* rejected the exact approach Petitioner urges: “These affidavits constitute evidence that prove the signatures are valid. As such, the court cannot simply ignore them” (*Maclay*, 73 Misc 3d 258, 263 [Erie Co. Sup. Ct. 2021], *aff’d* 197 AD 3d 1502 [4th Dept 2021]). Like in *Maclay*, this Court cannot simply ignore dozens of sworn affidavits validly identifying 274 individual voters.

MacBride’s affidavits are sufficient to cure the allegedly defective signatures regardless of whether the signatures are printed and signed in a way that differs from how they appear in the official voter registration rolls. On this basis, the Court **denies** the following objections: 1, 3-4, 6-7, 10, 14-19, 22-24, 27-28, 31-32, 35-42, 51-54, 57, 59, 61-62, 65-70, 75-76, 79-80, 85, 88, 93-98, 101-09, 111-13, 115-18, 121-23, 128-30, 133, 135-36, 140-41, 143, 146-47, 149-150, 152, 160-63, 172-80, 183-84, 186-89, 191-92, 197-98, 204-07, 211, 213, 222, 225-30, 233, 236-45, 250, 259-63, 265, 336, 444-45, 447, 449, 452-64, 466, 476, 478, 480, 482-84, 486, 490-97, 501-03, 505-06, 509-15, 517-21, 528, 540-41, 544-47, 554-56, 558, 564-65, 567, 569-73, 575-83, 587-91, 593,

596-600, 602, 607, 610-15, 617-21, 624, 626-31, 637-40, 644-46, 648-55, 657-58, 663-64, 666, 668, 672-73.

However, MacBride did not submit curing affidavits for all of the purportedly printed signatures. Thus, the Court compared each of those challenged signatures to determine, first whether they are printed, and, if so, whether they differ from the signatures in the official voter rolls. The Court finds that many of the signatures must be invalidated because they are printed, and they do not match the exemplar signatures in the official voter rolls.

Additionally, the BOE indicated that signatures for some of the challenged lines could not be produced because no such voter exists. The Court **sustains** the following objections with respect to these voters: 306, 312-13, 373, 434, 585.

On these bases, the Court **sustains** the following objections: 9, 13, 20-21, 29, 33, 74, 78, 86-87, 89, 110, 114, 126, 138-39, 153-54, 165, 169, 171, 185, 203, 208-09, 212, 224, 258, 266, 269, 271, 273, 278, 280, 282, 290, 301-03, 306-07, 311-13, 315-16, 326, 331-33, 335, 337-38, 340-41, 346, 348-49, 351-52, 365-368, 370, 372, 374, 376, 378, 380-81, 384, 390, 395-97, 400-01, 404-05, 423, 425-26, 428-29, 431, 433, 439-40, 442, 485, 487, 504, 523, 527, 536-37, 566, 595, 675, 678, 694, 698-700, 702, 708-10.

Petitioner's remaining "printed" objections are denied because the challenged signatures are not printed and/or because they match the exemplars in the official voter records.

However, sustaining the foregoing objections eliminates 111 signatures from MacBride's petition, more than the 69 required to invalidate the independent nominating petition. In light of this determinations, it is not necessary to address Petitioner's remaining legal challenges.

Accordingly, based on the foregoing and the submissions of the parties, it is hereby

ORDERED, ADJUDGED, and DECREED that the Petition seeking to invalidate the Truth and Justice independent nominating petition naming Jason MacBride as a candidate for Ontario County District Attorney for the 2025 general elections is GRANTED; and it is further

ORDERED that Respondent Ontario County Board of Elections is hereby enjoined from placing the name of Jason MacBride on the ballots under the Truth and Justice line as a candidate for Ontario County District Attorney.

This constitutes the Order of the Court.

Dated: August 4, 2025.



Hon. Thomas G. Leone,
Acting Supreme Court Justice