SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: **HON. JEFFREY H. PEARLMAN** **PART** **44M**

Justice

----------X

JIM WALDEN,

Petitioner,

- v -

NEW YORK CITY BOARD OF ELECTIONS, MICHAEL J. RYAN

Respondent.

----------X

INDEX NO. 161895/2025

MOTION DATE 09/10/2025

MOTION SEQ. NO. 001

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 001) 1, 2, 3, 4, 5 were read on this motion to/for ELECTION LAW - VALIDATE PETITION.

On September 10, 2025, Petitioner Jim Walden ("Petitioner") filed a Petition pursuant to Article 78 of the CPLR seeking to enjoin Respondents New York City Board of Elections and Michael J. Ryan ("Respondents") from "Petitioner's name upon the ballot in the upcoming election for New York City Mayor." *NYSCEF Doc. No. 1*. In an Article 78 action, "judicial review is limited to whether the determination was irrational, arbitrary and capricious or contrary to law." *Matter of Orange County Partnership, Inc. v State of NY Auths. Budget Off.*, 226 AD3d 791 (2d Dept 2024) (Citing *Matter of Madison County Indus. Dev. Agency v State of N.Y. Auths. Budget Off.*, 33 NY3d 13). Article 78 of the CPLR allows a challenge to state administrative law where "a determination was… as arbitrary and capricious or an abuse of discretion." CPLR 7803(3). "Administrative action is irrational or arbitrary and capricious if 'it is taken without sound basis in reason or regard to the facts." *Matter of Madison County Indus. Dev. Agency v State of N.Y. Auths. Budget Off.*, 33 NY3d 131, 135, quoting *Matter of Wooley v New York State Dept. of Correctional Servs.*, 15 NY3d 275, 280 (2010).

Petitioner serves as a candidate for Mayor of New York City on an independent ballot line. *NYSCEF Doc. No. 1.* On September 5, 2025, Petitioner elected to cease his campaign and submitted paperwork to the Campaign Finance Board and Board of Elections to officially end his candidacy; the Campaign Finance Board accepted, and the Board of Elections did not. *Id.* Petitioner filed this suit, arguing that it is arbitrary and capricious for the Board of Elections to refuse his declination of candidacy, as "voters will be fundamentally misled" should he be listed as a candidate on the general election ballot in November. *Id.* Petitioner argues that the Board of Elections has no justification for keeping him on the ballot, as removing him would "harm no one" while his presence on the ballot will cause "grave public harm." *Id.* Petitioner further relies on the assertions that "[n]o law compels the Board to (a) affirmatively act to list Petitioner's name on the final ballot or (b) refuse to take it off if it is already listed" and that he has a constitutional right not to run for office. *Id.*

Under New York State Election Law § 6-146, a candidate has the option to decline their nomination or designation as a candidate and "[s]uch declinations or acceptances must be filed not later than five days after the mailing of notification of such nomination by such officer or board." Petitioner had until May 30, 2025 to decline his candidacy but did not file papers doing so until September 5, 2025. *NYSCEF Doc. No. 7.* Under Article 78, the Court cannot find the Board of Elections arbitrary and capricious if its actions simply enforced the law as it is written. *Matter of Orange County Partnership, Inc. v State of NY Auths. Budget Off.*, 226 AD3d 791 (2d Dept 2024), Moreover, New York State Election Law § 1-106(2) requires "strict compliance with the time limitations imposed by the Election Law" and "'the provisions of the Election Law make it clear that the time limitations for filing are mandatory' and 'foreclose the judiciary from fashioning exceptions, however reasonable they might appear to be'." *Matter of Seawright v Bd.*

of Elections in the City of NY, 35 NY3d 227, 233 (2020) (Citing *Baker v Monahan*, 42 NY2d 1074 (1977)). *See also Neary v Voorhis*, 207 A.D. 419 (N.Y. App. Div. 1923) ("The scheme of the Election Law is mandatory in respect to time limitations for the filing of the various certificates therein provided for, and unless there is shown some excusable inadvertence, mistake, or default, the legislative rule of time for declinations must be followed."). Petitioner makes compelling arguments regarding the validity of the relevant provisions of the New York State Election Law, but the Court cannot reach these arguments. The Court only has the authority to review whether the Board of Elections enforced the law reasonably, not whether the law itself is reasonable. Here, as the Board of Elections followed the law precisely as written, refusing to accept a declination of candidacy more than 3 months after the deadline for such paperwork, the Court finds that the Board was not arbitrary and capricious.

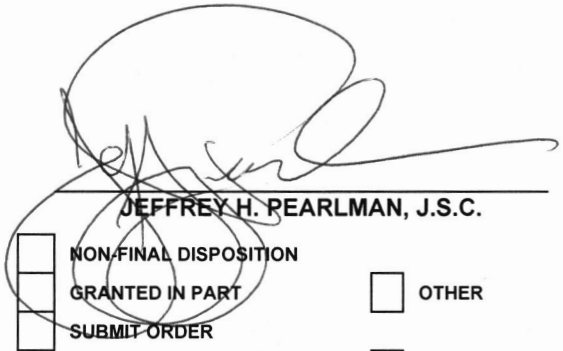
Additionally, Petitioner's argument regarding the John Lewis Voting Rights Act of New York is dismissed as unripe. The Legislative purpose in establishing New York Election Law § 17-200 was to recognize protections for the right to vote provided by the Constitution of the State of New York, which substantially exceed the protections for the right to vote provided by the Constitution of the United States. The law's intent was to promote against the denial or abridgement of the voting rights of members of a race, color, or language-minority group. The State policy is now to:

> "1. Encourage participation in the elective franchise by all eligible voters to the maximum extent; and
> 2. Ensure that eligible voters who are members of racial, color, and language-minority groups shall have an equal opportunity to participate in the political processes of the state of New York, and especially to exercise the elective franchise." (Election Law § 17-200.)

Nothing in this matter relates to voter access or the right to the elective franchise despite Petitioner's pleas. While the Court appreciates Petitioner's concerns about voter disenfranchisement, this issue cannot be raised at this time.

Based on the above reasoning, it is hereby **ORDERED** that the relief requested is denied; and it is further

ORDERED that this case is dismissed.



9/11/2025
DATE

JEFFREY H. PEARLMAN, J.S.C.

CHECK ONE:	[X]	CASE DISPOSED		[ ]	NON-FINAL DISPOSITION		
	[ ]	GRANTED	[X] DENIED	[ ]	GRANTED IN PART	[ ]	OTHER
APPLICATION:	[ ]	SETTLE ORDER		[ ]	SUBMIT ORDER		
CHECK IF APPROPRIATE:	[ ]	INCLUDES TRANSFER/REASSIGN		[ ]	FIDUCIARY APPOINTMENT	[ ]	REFERENCE