

Matter of Mandel v Nassau County Bd. of Elections

2026 NY Slip Op 31720(U)

April 24, 2026

Supreme Court, Nassau County

Docket Number: Index No. 608138/2026

Judge: Robert G. Bogle

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**STATE OF NEW YORK, COUNTY OF NASSAU
SUPREME COURT**

SCT - PART 40

P R E S E N T:

Index No.: 608138/2026

**HON. ROBERT G. BOGLE
Acting Supreme Court Justice**

Decision & Short Form Order

**In the Matter of the Application of MICHAEL MANDEL,
as a candidate for the Republican Party designation for
the Public Office of Member of the U.S. House of
Representatives from the 4th Congressional District of
New York, comprised of parts of Nassau County, State
of New York,**

Petitioner,

-against-

THE NASSAU COUNTY BOARD OF ELECTIONS,

-AND-

**JEFFREY GOLD, as objector, seeking an Order,
pursuant to the Election Law, declaring invalid the
petition designating the aforesaid named candidate for
the aforesaid described public office,**

Respondents,

-AND-

**Seeking an Order, pursuant to the Election Law, declaring
valid the petition designating the aforesaid named
candidate for the aforesaid described public office and/or
party positions,**

-AND-

**Ordering the aforesaid Board of Elections to place the
name of said petitioner candidate upon the ballot to be
used at the Primary Election of the Republican Party to
be held on June 23, 2026.**

) **EZRA B. GLASER & ASSOCIATES**
) **Attorneys for Petitioner**
) **Michael Mandel**
) **3021 Fort Hamilton Parkway**
) **Brooklyn, New York 11218**
) **By: Ezra B. Glaser, Esq.**

) **HON. THOMAS ADAMS**
) **NASSAU COUNTY ATTORNEY**
) **Attorneys for Board of Elections**
) **1 West Street**
) **Mineola, New York 11501**
) **By: Matthew Rozea, Esq.**
) **Deputy County Attorney**

) **BEE READY LAW GROUP, LLP**
) **Attorneys for Respondent**
) **Jeffrey Gold**
) **170 Old Country Road - Suite 200**
) **Mineola, New York 11501**
) **By: Stephen L. Martir, Esq.**

Motion of the Petitioner, Michael Mandel, by counsel, by way of an Order to Show Cause. (1) Seeking an Order, pursuant to the Election Law, declaring valid the petition designating the aforesaid named candidate for public office, and (2) Order the Nassau County Board of Elections to place the name of said petitioner candidate upon the ballot at the Primary Election of the Republican Party to be held on June 23, 2026, is determined as hereinafter provided.

On or about April 6, 2026, a Designating Petition was filed in the office of the Nassau County Board of Elections purporting to designate Michael Mandel as a designee of the Republican Party for the primary election to be held on June 23, 2026. Both of Mr. Mandel's cover pages of the purported Designating Petition volumes failed to identify the office and district being sought for election at the June 23, 2026 primary election, which appears to be the Office of Representative in Congress, 4th Congressional District.

Pursuant to NYS Election Law 6-154, on or about April 9, 2026 Respondent-Objector, Jeffrey Gold, did file a General Objection to the Mandel Designating Petition with the Respondent Board of Elections. Pursuant to NYS Election Law 6-154, on or about April 13, 2026, Respondent-Objector did file Specifications of Objections in support of the General Objection to the Designating Petition of Petitioner Mandel, with the Respondent Board of Elections and the Specifications of Objections that are essentially that Petitioner Mandel did not include the election position (Representative in Congress) nor the specific election district (4th Congressional District), in his cover sheet as required under the NYS Election Law. Thereafter, later on April 13, 2026, Petitioner attempted to file an amended cover sheet to correct the defect in his purported Designating Petition.

Petitioner then commenced the instant action, on or about April 17, 2026, via the filing of a Verified Petition with Order to Show Cause, the grounds being that the Petitioner, Mandel, seeks to validate his Designating Petition to enable him to be placed on the ballot for the Primary Election for Representative in Congress in the 4th Congressional District, Republican Party, on June 23, 2026. The Respondent opposes the Petitioner's application.

The Respondent, Gold, argues that Petitioner Mandel failed to identify the office and district being sought for election in the cover sheet of his purported Designating Petition, which is a fatal defect under the Election Law and is not curable.

Election Law § 6-134(2) provides that “[s]heets of a designating petition shall be delivered to the Board of Elections in the manner prescribed by regulations that shall be promulgated by the state board of elections, provided, however, that the sheets of any volume of a petition shall be numbered”.

The rules and regulations of the State Board of Elections provides at 9 NYCRR 6215.2(a)(1) that “(a)[a] cover sheet shall contain the following information: (1) The office and district number (where appropriate) for which each designation and nomination is being made, the name and residence address of each candidate, and the number of volumes comprising the petition”.

The New York State Board of Elections promulgates a form cover sheet on its website, which is set forth in 9 NYCRR 6215.8 and contains a space for the office and district number for which each designation and nomination is being made, both of which were left out of Petitioner’s cover sheet.

The New York Court of Appeals in Matter of Hutson v. Bass, 54 NY2d 772 (1981) held that the fact that the original cover sheet on a designating petition failed to indicate names and addresses of candidates for election of members of a political party’s county committee, constituted non-compliance with mandates of Election Law and precluded validation of the designating petition. The Court further added that although substantial compliance with Election Law is acceptable as to details of form, there must be strict compliance with statutory commands as to matters of prescribed content. (see, Election Law § 6-134, subd. 2). As the failure to include the names and addresses of the candidates constituted a fatal defect, and not one of mere form, the nominating petition was invalid by the Court of Appeals.

The facts in Matter of Smith v. Mahoney, 60 NY2d 596 (1983) are similar, if not identical to the case at bar. In Smith v. Mahoney, the Court of Appeals held that

Petitioner's application to validate a petition designating him as a candidate for the office of Erie County Legislator in the Democratic party primary election was properly dismissed, since he failed to include the title of the office for which he was running on the cover sheet of his designating petition. The Court added that this information is required by statute (Election Law § 6-134, subd.2), with which there must be strict compliance, and petitioner's failure to include the necessary information was a violation of state election law, as and such, the nominating petition was invalidated. [see, Golata v. Mahoney, 60 NY2d 597 (1983)].

As such, Petitioner Mandel's failure to identify the office he was seeking and the specific district on the cover page of his purported designating petition is a fatal defect, which cannot be cured.

This Court also notes that the Petitioner could have always filed an amended cover page, but did not file an amended cover page until after the deadline time [see, Election Law 6-158 (1)]. As such, no cure can occur as the amended cover sheet was untimely filed and as such is a nullity under the law. Matter of Montgomery v. Jefferson, 122 AD2d 907 (2nd Dept. 1986).

Lastly, Petitioner claims the Nassau County Board of Elections failed to provide the Petitioner notice to cure his cover sheet defects, citing the 1996 Ballot Access Law. This, however, is a misinterpretation of the substance of the statute which only permits notice to cure for technical and form violations, not fatal defects as in the case at bar. (see, Matter of In Re Williams, 65 AD3d 653 (2nd Dept. 2009). In Matter of Saunders v. Egriu, 183 AD3d 1292 (4th Dept. 2020), the Appellate Division held that fatal defects in candidate Egriu's cover sheet for Congressional Office where he misstated his correct political party were a fatal defect and notice by the Board of Elections was improperly provided [see, Election Law 6-134(2)]. In Matter of Garrett v. McCloy, Jr. 109 AD3d 518 (2nd Dept. 2013) the Appellate Division reversed the trial judge and held that failure to file a cover sheet was not the subject to notice cure as it is a fatal defect. Similar in the case at bar, where although a defective cover sheet was filed, it completely left out the key information as to what office the Petitioner was seeking and what district he would seek to be a candidate.

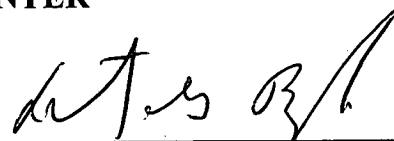
On April 22, 2026, the Respondent Board of Elections Commissioners determined, after bi-partisan review, that the Mandel Petition as submitted is invalid. The cover sheet fails to state the statutorily required information; specifically, it fails to identify the office and district being sought. (Citing Matter of Smith v. Mahoney, 60 NY2d 596 [1983]).

Accordingly, the Petitioner's Order to Show Cause and verified Petition is denied and dismissed in its entirety. This Court also holds that the decision of the Nassau County Board of Elections dated April 22, 2026, was based upon the law and the facts herein, was not arbitrary and capricious, and was therefore properly decided and as such, it is determined that the Designating Petition of Michael Mandel is fatally defective and that the candidate Michael Mandel shall not be placed on the ballot of the Republican primary on June 23, 2026.

This determination shall constitute the decision and Order of this Court.

It is, SO ORDERED.

ENTER



**HON. ROBERT G. BOGLE
Acting Supreme Court Justice**

**Dated: April 24, 2026
Mineola, New York**