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BOARD OF ELECTIONS

IN
THE CITY OF NEW YORK
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TO: The Commissioners of Elections in the City of New York

FROM: Office of the General Counsel

DATE: April 12, 2021

COPY: Executive Management
Queens Chief Clerk & Deputy Chief Clerk

RE: COUNSEL'S REPORT

SPECIFICATION OF OBJECTIONS:

QN82-1 QN84-1, QN85-1, QN86-1, QN87-1, QN89, QN90-1, QN-92, QN-95,
QN96-1, QN-98, QN-99, QN100-1, QN-101, QN-102, QN-105, QN108-1,
QN110-1

CANDIDATE'S CONTACT
PERSON FOR ALL ABOVE
SPECIFICATIONS:

Daniel Maio
104-03 Union Turnpike
Forest Hills, NY 11375
2020@maio.net

OBJECTORS' CONTACT
PERSON FOR ALL ABOVE
SPECIFICATIONS:

Joann Ariola
71-20 Myrth Avenue
Glendale, NY 11385
info@queenscountygop.com

CANDIDATES AND OBJECTORS:

Specifications of Objection QN 82-1

Candidate: Margarete A. Wagner
79 West 18 Road
Broad Channel, NY 11693

Office Sought: Female Member, Republican State Committee,
State Assembly District, 23rd Assembly District

Objector: Barbara A. Elasser

Specifications of Objection QN 84-1

Candidate: Philip A. Mc Manus, Jr.
102-00 Shore Front Parkway, #11E
Rockaway Park, NY 11694

Office Sought: Male Member, Republican State Committee,
State Assembly District, 23rd Assembly District

Objector: Barbara A. Elasser

Specifications of Objection QN 85-1

Candidate: Kathy Wu Parrino
107-24 71 Road, #3E
Forrest Hills, NY 11375

Office Sought: Judge of the Civil Court, 3rd Municipal Court District,
Queens Vacancy #11

Objector: Anthony P. Nunziato

Specifications of Objection QN 86-1

Candidate: Stephen A. Singiunni
88-00 Shore Front Parkway, #11J
Rockaway Beach, NY 11693

Office Sought: Member of City Council, 32nd Council District

Objector: Barbara A. Elasser

Specifications of Objection QN 87-1

Candidate: Daniel Maio
104-03 Union Turnpike
Forest Hills, NY 11375

Office Sought: Borough President, Queens

Objector: Anthony P. Nunziato

Specifications of Objection QN 89

Candidate: Yanling Z. Wagner
74-02 Kessel Street
Forest Hills, NY 11375

Office Sought: Female Member, Republican State Committee, 28th Assembly District

Objector: Matthew D. Hunter

Specifications of Objection QN 90-1

Candidate: Angelo King
69-10 164th Street, Apt. 5G
Fresh Meadows, NY 11365

Office Sought: Member of City Council, 24th Council District

Objector: Lauren N. Rivera

Specifications of Objection QN 92

Candidate: David Abraham
15 Greenway South
Forest Hills, NY 11375

Office Sought: Male Member, Republican State Committee, 28th Assembly District

Objector: Matthew D. Hunter

Specifications of Objection QN-95

Candidate: Alex Amoroso
218-52 94 Road
Queens Village, NY 11428

Office Sought: Member of City Council, 23rd Council District

Objector: Hawiise Cabiri

Specifications of Objection QN-96-1

Candidate: Betty Ann Hogan
41-40 47 Street, 2 Fl
Sunnyside, NY 11104

Office Sought: Female Member, Republican State Committee, 37th Assembly District

Objector: Karen M. Kender

Specifications of Objection QN-98

Candidate: Catherine Anne Washell
245-01 91 Ave, 1st Floor
Bellrose, NY 11426

Office Sought: Female Member, Republican State Committee, 33rd Assembly District

Objector: Hawiise Cabiri

Specifications of Objection QN-99

Candidate: Daniel Noble
67-42 150th Street, #417A
Kew Gardens Hills, NY 11367

Office Sought: Male Member, Republican State Committee, 27th Assembly District

Objector: Lauren N. Rivera

Specifications of Objection QN 100-1

Candidate: Susan B. Erbachep
150-23 77 Road
Flushing, NY 11367

Office Sought: Female Member, Republican State Committee, 25th Assembly District

Objector: Winnie H. Eng

Specifications of Objection QN-101

Candidate: Stephen H. Weiner
41-40 47 Street
Sunnyside, NY 11104

Office Sought: Male Member, Republican State Committee, 37th Assembly District

Objector: Karen M. Kender

Specifications of Objection QN-102

Candidate: Joseph R. Concannon
89-11 237 Street
Bellrose, NY 11426

Office Sought: Male Member, Republican State Committee, 33rd Assembly District

Objector: Hawiise Cabiri

Specifications of Objection QN-105

Candidate: Craig Tyson
68-01 Cloverdale Lane
Oakland Gardens, NY 11364

Office Sought: 25th Assembly District

Objector: Winnie H. Eng

Specifications of Objection QN 108-1

Candidate: Phil Orenstein
224-12 Stronghurst Ave
Queens Village, NY 11427

Office Sought: Male Member, Republican State Committee, 24th Assembly District

Objector: William Horowitz

Specifications of Objection QN 110-1

Candidate: Anital Uppal
224-18 Hillside Avenue, 1
Queens Village, NY 11427

Office Sought: Female Member, Republican State Committee, 24th Assembly District

Objector: William Horowitz

FIRST SPECIFICATION— IDENTICAL ON ALL OF THE ABOVE OBJECTIONS:

- 1.) The face of all of the petition sheets contains additional information that is not contained in statute Election Law 6-132. The additional information consists of numbers that are not germane to the petition and are misleading and confusing to the signers. The form is defective and void *prima facie*.

In the middle of each page of the petition volumes, apparently submitted by Mr. Daniel Maio, there is a random series of unexplained numbers under where the names of candidates are listed (e.g. “21,22,23,24,25,26,27,28,29,30,31,32,33,34,35,36,37,38,39,42,71,72, 73,81,82,83,88”).

There is no mention of such markings in the Election Law section 6-132, which describes the form petition that shall be followed. The numbers on the petitions (copied above) do not appear to be relevant to the petition volumes and, as noted above, could certainly confuse or mislead the signers. As stated in the Matter of Roberta James v. Westchester BOE, 53 Misc. 3d 423 (supt Ct, Westchester 2016), departing from the statutory language on the petition presents peril.

This situation is akin to where a candidate fails to sufficiently describe the office being sought (*Lozano v Scaringe*, 253 AD2d 569 (3d Dept 1998), *lv denied* 92 NY2d 806; *see also Shafer v Norris*, 253 AD2d 569 (3rd Dept 1998). In the case of *Lozano*, the court noted that in such situations the description must “preclude any reasonable probability of confusing or deceiving the signers, voters or board of elections”. The same standard should be applied here. The instant matter is likewise similar to where a petition contains unexplained material alterations to the witness statement, in which the entire page should be invalid (*Jonas v Velez*, 65 NY2d 954 (1985); *McGuire v Gamache*, 22 AD3d 614 (2d Dept 2005)).

In light of the fact that the unexplained series of numbers could confuse the singers, voters or the Board of Election, the Office of General Counsel finds such extraneous markings to be a *prima facie* defect.

As such, this office did not reach the other Specifications of Objections, such those claiming that multiple Cover Sheets were submitted in an effort to intentionally deceive potential objectors or that candidates were included on the petition without their permission.

Attached - Samples of Petitions describe above

2021 - Republican Party Designating Petition - 2021

Queens County - State of New York Sec. 6-132, Election Law



I, the undersigned, am a duly enrolled voter of the Republican Party and entitled to vote at the next general election on June 22, 2021; that my place of residence is truly stated as 102-00 Shore Front Pkwy. Apt. 11E; that I designate the following named person (or persons) as a candidate for public office or for election to a party position of such party.

Name of Candidates	Public Offices	Place of Residence
Curtis A. Sliwa	Office of Mayor City of New York	6 West 87th Street, Apt. 1 New York, NY 10024
John A. Tabacco	Office of Comptroller City of New York	120 Bayview Terrace Staten Island, NY 10312
Danniel Maio	Office of Borough President Queens County, City of New York	104-03 Union Turnpike Forest Hills, NY 11375
Kathy Wu Parrino	Judge of the Civil Court of NYC from the Boro of Queens 3rd Municipal District, Assignment Vacancy #11	107-24 71st Road, Apt. 3E Forest Hills, NY 11375
Stephen A. Sirgiiovanni	Member of NYC City Council 32nd Council District	88-00 Shore Front Parkway, Apt. 11J Far Rockaway, NY 11693

Name of Candidates	Party Positions	Place of Residence
Philip A. McManus, Jr.	Male Member, Republican State Committee from the 23rd Assembly District in NYS	102-00 Shore Front Parkway, Apt. 11E Rockaway Park, NY 11694
Margaret A. Wagner	Female Member, Republican State Committee from the 23rd Assembly District in NYS	79 West 18th Road Broad Channel, NY 11693

I do hereby appoint as a committee to fill vacancies in accordance with the provisions of the Election Law: **Joseph R. Concanon**, 89-11 237th St., Bellerose, NY 11426; **Phil Orenstein**, 224-12 Stronghurst Ave., Queens Village, NY 11427; **Danniel Maio**, 104-03 Union Turnpike, Forest Hills, NY 11375; and **Margaret A. Wagner**, 79 West 18th Road, Broad Channel, NY 11693.

In witness whereof, I have hereunto set my hand, the day and year placed opposite my signature.

DATE	NAME OF SIGNER	RESIDENCE	COUNTY
1 3/3/21	Signature: <u>Bernadette P. Schulken</u> Print: <u>Bernadette P. Schulken</u>	102-00 Shore Front Pkwy.	Queens
2 3/3/21	Signature: <u>Roxie L. Hickey</u> Print: <u>RONNIE L. HICKEY</u>	102-00 Shore Front Pkwy. 10M	Queens
3 3/3/21	Signature: <u>Christa M. Anastasiades</u> Print: <u>CHRISTA M. ANASTASIADES</u>	102-00 Shore Front Pkwy. 10S	Queens
4 3/3/21	Signature: <u>Zane Swade</u> Print: <u>Zane Swade</u>	102-00 Shore Front Pkwy 90	Queens
5 3/3/21	Signature: <u>Mahreen O'Connell</u> Print: <u>MAHREEN O'CONNOR</u>	102-00 Shore Front Pkwy. 8B	Queens
6 3/3/21	Signature: <u>Carol Di Carlo</u> Print: <u>CAROL DI CARLO</u>	102-00 Shore Front Pkwy. 8F	Queens

Statement of Witness: I (name of witness) Philip A. McManus Jr. state: I am a duly qualified voter of the State of New York and am an enrolled voter of the Republican Party. I now reside at (residence address) 102-00 Shore Front Pkwy. Apt. 11E Rockaway Park NY. 11694

Each of the individuals whose names are subscribed to this petition sheet containing (fill in number) 6 signatures, subscribed the same in my presence on the dates above indicated and identified himself or herself to be the individual who signed this sheet. I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

March 18, 2021 Date
Philip McManus Signature of Witness

Witness Identification Information: The following information for the witness named above must be completed prior to filing with the board of elections in order for this petition to be valid.
 Town or City Where Witness Resides: New York City; County Where Witness Resides: Queens

2021 - Republican Party Designating Petition - 2021

Queens County - State of New York Sec. 6-132, Election Law

PE *[Handwritten initials]*



I, the undersigned, do hereby appoint the following named person (or persons) as a candidate for public office or for election to a party position of such party.

I, the undersigned, do hereby appoint the following named person (or persons) as a candidate for public office or for election to a party position of such party.

NOT FOR REPRODUCTION

Name of Candidates	Public Offices	Place of Residence
Curtis A. Sliwa	Office of Mayor City of New York	6 West 87th Street, Apt. 1 New York, NY 10024
John A. Tabacco	Office of Comptroller City of New York	120 Bayview Terrace Staten Island, NY 10312

I do hereby appoint: Steven Matteo, 331 Natlack Street, Staten Island, NY 10306; Joseph C. Borelli, 291 Shirley Avenue, Staten Island, NY 10312; David M. Carr, 109 Stonegate Drive, Staten Island, NY 10304; Nancy Beth Silwa, 6 West 87th Street, Apt 1, New York, NY 10024; Vito J. Bruno, 15 Oliver Street, Apt. 6B, Brooklyn, NY 11209; all who are enrolled voters of the Republican Party, as a committee to fill vacancies in accordance with the provisions of the Election Law.

Danniel Maio	Office of Borough President Queens County, City of New York	104-03 Union Turnpike Forest Hills, NY 11375
Kathy Wu Parrino	Judge of the Civil Court of NYC from the Boro of Queens 3rd Municipal District, Assignment Vacancy #11	107-24 71st Road, Apt. 3E Forest Hills, NY 11375
Vanessa Simon	Member of NYC City Council 31st Council District	137-41 231st Street Laurelton, NY 11413

Name of Candidates	Party Positions	Place of Residence
Philip A. McManus, Jr.	Male Member, Republican State Committee from the 23rd Assembly District in NYS	102-00 Shore Front Parkway, Apt. 11E Rockaway Park, NY 11694
Margaret A. Wagner	Female Member, Republican State Committee from the 23rd Assembly District in NYS	79 West 18th Road Broad Channel, NY 11693

21,22,23,24,25,26,27,28,29,30,31,32,33,34,35,36,37,38,39,42,71,72,73,81,82,83,88

RECEIVED
BOARD OF ELECTIONS
COUNTY OF QUEENS
2021

I do hereby appoint as a committee to fill vacancies in accordance with the provisions of the Election Law: Joseph R. Conigan, non, 89-11 237th St., Bellerose, NY 11426; Phil Orenstein, 224-12 Stronghurst Ave., Queens Village, NY 11427; Danniel Maio, 104-03 Union Turnpike, Forest Hills, NY 11375; and Margaret A. Wagner, 79 West 18th Road, Broad Channel, NY 11693.

In witness whereof, I have hereunto set my hand, the day and year placed opposite my signature.

DATE	NAME OF SIGNER	RESIDENCE
1 3/16/21	Signature: <i>[Signature]</i> Print: ESTER VAYSHETZ	ADDRESS 125 Beach 19 St. Apt 22G, Far Rockaway NY
2 3/16/21	Signature: <i>[Signature]</i> Print: John Rocchetti	ADDRESS 125 Beach 19 St. Apt 22A, Far Rockaway NY
3 3/16/21	Signature: <i>[Signature]</i> Print: RICARDO ALBERTO GASTOT	ADDRESS 125 Beach 19th St. Apt 20G, FAR ROCKAWAY, NY
4 3/16/21	Signature: <i>[Signature]</i> Print: Galina Satyanovskaya	ADDRESS 125 Beach 19 St. Apt. 19B Far Rockaway NY
5 3/16/21	Signature: <i>[Signature]</i> Print: Nudel Fira	ADDRESS 125 Beach 19 St. Apt 19C Far Rockaway NY
6 3/16/21	Signature: <i>[Signature]</i> Print: Nud del Leonid	ADDRESS 125 Beach 19 St. Apt 19C Far Rockaway NY

Statement of Witness: I (name of witness) John W. Rocchetti state: I am a duly qualified voter of the State of New York and am an enrolled voter of the Republican Party. I now reside at (residence address)

125 Beach 19 St Apt 22A Far Rockaway NY 11691

Each of the individuals whose names are subscribed to this petition sheet containing (fill in number) 4 signatures, subscribed the same in my presence on the dates above indicated and identified himself or herself to be the individual-