

SUPREME COURT OF THE STATE OF NEW YORK
ALBANY COUNTY

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In the Matter of the Application of

JENNIFER L. CABRERA,

Index No.:

Petitioner-Objector,

-and-

MONDAIRE L. JONES,

VERIFIED PETITION

Petitioner-Candidate
Aggrieved,

-against-

ANTHONY FRASCONI,

Respondent-Candidate,

-and-

NEW YORK STATE BOARD OF ELECTIONS,

Respondent,

For an Order and Judgment pursuant to Article 16 of the
Election Law, invalidating the Designating Petition filed By
or On Behalf of Respondent-Candidate in Connection with
the Working Families Party Primary Election for the Office
of Representative in Congress from the 17th Congressional
District, New York, to be held on June 25, 2024.

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Petitioners, by their attorney, DANIEL R. BRIGHT, respectfully allege as follows:

1. (a) Petitioner-Objector JENNIFER L. CABRERA, a duly qualified registered voter, resides at 17 Gates Avenue, Ossining, NY, and is entitled to vote for the public office of REPRESENTATIVE IN CONGRESS FROM THE 17TH CONGRESSIONAL DISTRICT, NEW YORK STATE at the general election for said office to be held on the 5th day of November, 2024.

(b) Petitioner-Candidate Aggrieved MONDAIRE L. JONES, a duly registered voter, resides at 2 Maxwell Drive, Sleepy Hollow, NY, and is entitled to vote for the public office of REPRESENTATIVE IN CONGRESS FROM THE 17TH CONGRESSIONAL DISTRICT, NEW

YORK STATE at the general election for said office to be held on the 5th day of November, 2024, and is a candidate for said office in said election.

2. Respondent Board of Election is charged with the responsibility of the supervision of the conduct of official elections held in New York State, including the duties of receiving and filing designating petitions for public office in political subdivisions geographically located within two or more counties of the State of New York and the review and determination of Objections (also known as “General Objections”) and Specifications of Objections to such designating petitions. Its main office is located in Albany County.

3. Designating petitions for the office of Representative in Congress from the 17th Congressional District of New York relating to the June 25, 2024 primary elections were required to be filed with Respondent Board of Elections because the 17th Congressional District includes all or part of multiple counties, including Rockland, Putnam, Westchester and Dutchess Counties.

4. Upon information and belief, on or about April 4, 2024, a purported Designating Petition was filed with Respondent Board of Elections purporting to designate Respondent-Candidate ANTHONY FRASCONI (“Respondent-Candidate”), as a candidate of the WORKING FAMILIES PARTY for the public office of REPRESENTATIVE IN CONGRESS FROM THE 17TH CONGRESSIONAL DISTRICT, NEW YORK STATE in the Working Families Party Primary Election to be held on the 25th day of June, 2024. A copy of this Designating Petition (together with the cover sheet that was attached to and filed with it) is attached as Exhibit 1.

5. Pursuant to Election Law Section 6-154, on or about April 8, 2024, Petitioner-Objector did file written general objections to the foregoing purported Designating Petition of Respondent-Candidate as candidate of the said party for said public office with Respondent Board of Elections. A copy of the General Objections is attached as Exhibit 2.

6. Also pursuant to Election Law Section 6-154, Specifications of Objections in support of the General Objections to the foregoing purported Designating Petition were timely filed with Respondent Board of Elections, on or about April 12, 2024. A copy of the Specifications of Objections is attached as Exhibit 3.

7. Also on or about April 12, 2024, a copy of the Specifications of Objections was served on the Respondent-Candidate by overnight delivery service (FedEx Priority Overnight), in accordance of the rules of the Board of Elections. A copy of the overnight delivery receipt is attached as Exhibit 4.

8. Upon information and belief, Respondent Board of Elections has not yet made a determination with regard to the aforesaid General Objections and Specifications of Objections.

9. Upon information and belief, the aforesaid Specifications of Objections will come on for a hearing before Respondent Board of Elections on a date in the near future and many of the allegations in the Specifications of Objections will, of necessity, have to come before this Court for determination.

10. The attention of the Court is respectfully drawn to Election Law Section 16-102 wherein it is provided that a proceeding with respect to a designating petition for a Primary Election shall be

instituted within fourteen (14) days after the last day to file the petitions for such Primary Election; the latest date for instituting this proceeding is therefore April 18, 2024, as the last day to file petitions was April 4, 2024.

11. Petitioners respectfully allege that the General Objections and Specifications of Objections filed with Respondent Board of Elections with respect to the purported Designating Petition are valid and proper objections, and respectfully request this Order to Show Cause be granted so that this anticipatory proceeding may be commenced in a timely fashion in the event Respondent Board of Elections should render a determination adverse to Petitioners.

12. Some of the matters raised in the said Specifications of Objections are exclusively within the jurisdiction of this Court and should be heard and determined by this Court.

13. It is possible that Respondent Board of Elections will not dispose of the abovementioned Objections and Specifications of Objections before April 18, 2024, the last day allowed by statute for the commencement and institution of this proceeding.

14. Upon information and belief, the aforesaid alleged Designating Petition filed by, or on behalf of, Respondent-Candidate is insufficient, ineffective, false, fraudulent, and invalid, does not conform to the provisions of the Election Law and other Laws of the State of New York, and the Rules and Regulations of the Board, and is null and void by reason of the facts and allegations set forth herein, including but not limited to the General Objections and Specifications of Objections incorporated by reference herein, and Respondent Board of Elections should be restrained and enjoined from printing the name of Respondent-Candidate upon the official ballots of the Working Families Party Primary Election to be held on the 25th day of June, 2024.

15. Attached as Exhibit 5 are copies of voter registration records or “buff cards”, also referred to by the Board of Elections as “Voter Record Reports”, pertaining to the signatures on the challenged Designating Petition that were specifically objected to in the Specifications of Objections. These records are maintained by the Rockland County Board of Elections and were obtained from the Rockland County Board of Elections on or about the dates indicated on each “Voter Record Report” or buff cards, in April of 2024. Voter Record Reports for 21 of the 23 signatures identified as invalid in the Specifications of Objections are attached; Petitioners have thus far been unable to locate or obtain copies of Voter Record Reports corresponding to the signatures on Page 10, Line 2 and Page 12, Line 5 of the Designating Petition.

16. Upon information and belief, the purported Designating Petition of the Respondent-Candidate is invalid for the reasons set forth in the General Objection and Specifications of Objections and/or that:

- (a) the petition does not contain the minimum number of required valid signatures;
- (b) some or many of the signatures were not personally signed by the persons whose names appear upon the petition, but their names were signed by others;
- (c) some or many of the signers were not registered from the addresses stated in the petition;

- (d) some or many of the signers did not sign their names to the Designating Petition in the presence of the subscribing witness on the dates indicated in the Designating Petition;
- (e) signatures were obtained by fraud;
- (f) signatures have been altered;
- (g) witness statements have been altered;
- (h) dates have been altered;
- (i) signatures have been forged;
- (j) subscribing witnesses' initials have been forged;
- (k) dates and/or addresses have been omitted or are incomplete;
- (l) signatures and/or dates and/or addresses are illegible;
- (m) signers are not enrolled as in the proper political party;
- (n) subscribing witnesses are not registered at the address indicated or do not actually reside at said address;
- (o) subscribing witnesses are not enrolled in the proper political party;
- (p) signers do not live in the proper political district;
- (q) witness statements were signed before completed;
- (r) notaries public failed to properly administer oaths or comply with appropriate or required procedures when taking signatures;
- (s) the Designating Petition is paginated improperly;
- (t) the number of signatures on various pages is omitted or wrong;
- (u) signatures were obtained prior to first day for circulation of the Designating Petition;
- (v) signers previously signed another candidate's Designating Petition;
- (w) the Designating Petition is permeated with fraud; and/or
- (x) the Designating Petition is invalid on other grounds which will be established at the hearing of this application.

17. In the event Respondent Board of Elections renders a determination adverse to Petitioners, said determination will be arbitrary, capricious, and in violation of the provisions of the Election Law so as to be reviewable pursuant to Election Law Section 16-102.

18. Petitioners intend to prove to this Court that any decisions rendered by Respondent Board of Elections in favor of Respondent-Candidate on particular Specifications of Objections filed with the Board of Elections are erroneous, and Petitioners intend to substantiate said Specifications of Objections which are not sustained by Respondent Board of Elections.

19. In accordance with prior decisions of this and other courts, whose decisions are controlling, Petitioners retain the right to submit proof establishing invalidity of any and all signatures and sheets on the purported Designating Petition, as well as the Designating Petition itself, and the ineligibility of Respondent-Candidate. Petitioners intend to exercise such right.

20. Petitioners request leave and reserve their right to submit upon the argument and hearing of this application, evidence by way of affidavits, testimony, and documentary proof to substantiate and support this application.

21. Petitioners request that Respondent Board of Elections, in accordance with Section 3-220(6) of the New York State Election Law and the duly adopted Rules of the Board of Elections, shall make available at the hearing of the instant proceeding the aforesaid designating petition, cover sheet, and any amended cover sheet, identification number application forms, and any other documents in support of or related to designation of the Respondent-Candidate; together with the General Objections and Specifications of Objections relating to the aforesaid designating petition; any written notification of a determination of non-compliance as well as the determinations of the Board of Elections on any Specifications of Objections. Any party seeking copies of the aforesaid documents shall, upon payment of the applicable fee as established by law and/or regulation, receive the same in the ordinary course of business.

22. A copy of Page 35 of the designating petition filed on behalf of Petitioner-Candidate Aggrieved Mondaire L. Jones in connection with the June 25, 2024 Working Families Party Primary Election for the office of REPRESENTATIVE IN CONGRESS FROM THE 17TH CONGRESSIONAL DISTRICT, NEW YORK STATE, which was a single-volume petition, is (together with a copy of the designating petition's cover sheet) attached as Exhibit 6.

23. Petitioners have no adequate remedy at law.

24. No previous application has been made for the relief sought herein or for the Order to Show Cause hereto annexed, or for any similar relief.

WHEREFORE, Petitioners respectfully pray for a final Order and Judgment, granting the relief requested in the Order to Show Cause, and for such other and further relief as this Court deems just and proper.

Dated: New York, New York
April 12, 2024

DANIEL R. BRIGHT
Attorney-at-Law

By: *Daniel R. Bright*

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Attorney for Petitioners

ATTORNEY'S VERIFICATION

DANIEL R. BRIGHT, an attorney duly admitted to the practice of law before the Courts of the State of New York, does hereby affirm under the penalties of perjury:

1. I am the attorney for the Petitioners in this proceeding.
2. I have personally reviewed the contents of this Petition and am personally familiar with the facts alleged therein and they are true to my knowledge, except as to matters alleged on information and belief, in which case I believe them to be true.
3. This affirmation/verification is being used pursuant to CPLR § 3020(d) and applicable case law, due to the fact that Petitioners and I are in different counties. My office is in the County of New York and Petitioners are each located in the County of Westchester.

DATED: New York, New York
April 12, 2024

Daniel R. Bright

DANIEL R. BRIGHT