

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

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In the Matter of the Application of
MARYANN CARR, Candidate Aggrieved,

Petitioner,

-against-

PETER S. KOSINSKI, DOUGLAS A. KELLNER,
ANDREW J. SPANO and ANTHONY J. CASALE,
Commissioners of the New York State Board of Elections;
TAJIAN M. NELSON and DOUGLAS A. COLETY,
Commissioners of the Westchester County Board of Elections;
KATHLEEN M. PIETANZA and PATRICIA A. GIBLIN,
Commissioners of the Rockland County Board of Elections;
HANNAH BLACK and ERIK J. HAIGHT,
Commissioners of the Dutchess County Board of Elections;
CATHERINE P. CROFT and KELLY K. PRIMAVERA,
Commissioners of the Putnam County Board of Elections;

VERIFIED PETITION

NEW YORK STATE DEMOCRATIC PARTY;
JAY S. JACOBS, Chair of the New York State Democratic Party;
CHRISTINE QUINN, Executive Committee Chair of the
New York State Democratic Party;

MONDAIRE JONES,
Candidate for the Public Office of US HOUSE OF
REPRESENTATIVES, State of New York, 17th District,

Respondents.

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TO THE SUPREME COURT OF THE STATE OF NEW YORK:

The Petitioner respectfully alleges,

PARTIES

1. Petitioner MaryAnn Carr (“PETITIONER”) is a duly qualified voter of the State of New York and in the 17th Congressional District. She resides at 633 Old Post Rd, Town of Bedford, County of Westchester, State of New York. At all times herein relevant, she was and still is enrolled in the Democratic Party. She is a candidate aggrieved and Objector as will more fully appear herein.

2. Upon information and belief, Respondent Candidate MONDAIRE JONES is a duly qualified voter of the State of New York and resides in the Town of Tarrytown, County of Westchester, State of New York. At all times herein relevant, he was and still is enrolled in the Democratic Party.

3. All relevant times herein, Respondents PETER S. KOSINSKI, DOUGLAS A. KELLNER, ANDREW J. SPANO and ANTHONY J. CASALE were and still are Commissioners of the New York State Board of Election and have an office at 40 North Pearl Street, Suite 5, City of Albany, County of Albany, State of New York.

4. All relevant times herein, Respondents TAJIAN M. NELSON and DOUGLAS A. COLETY were and still are Commissioners of the Westchester

County Board of Elections and have an office at 25 Quarropas Street, City of White Plains, County of Westchester, State of New York.

5. All relevant times herein, Respondents KATHLEEN M. PIETANZA and PATRICIA A. GIBLIN were and are still are Commissioners of the Rockland County Board of Elections and have an office at 11 New Hempstead Road, Town of Clarkstown, County of Rockland, State of New York.

6. All relevant times herein, Respondents HANNAH BLACK and ERIK J. HAIGHT were and still are Commissioners of the Dutchess County Board of Elections and have an office at 112 Delafield Street, City of Poughkeepsie, County of Dutchess, State of New York.

7. All relevant times herein, Respondents CATHERINE P. CROFT and KELLY K. PRIMAVERA were and still are Commissioners of the Putnam County Board of Elections and have an office at 25 Old Route 6, Town of Carmel, County of Putnam, State of New York.

8. Respondent NEW YORK STATE DEMOCRATIC PARTY is the official organization of the New York State Democratic Party and is responsible for promulgating rules and bylaws governing the procedures employed by the various Democratic Parties and organizations around the State of New York, including the

rules and bylaws for Judicial Conventions. It has an office at 64 Beaver Street, City of New York, County of New York, State of New York.

9. Respondent JAY S. JACOBS is the Chair of the New York State Democratic Party and on information and belief has an office at 64 Beaver Street, City of New York, County of New York, State of New York.

10. Respondent CHRISTINE QUINN, is the Executive Committee Chair of the New York State Democratic Party and on information and belief has an office at 64 Beaver Street, City of New York, County of New York, State of New York.

FACTS

11. Section 6-134 of the New York State Election Law provides the time frames for the filing of designating petitions for primary elections.

12. Prior to the events described below, the petitioning period for candidates seeking to appear on the ballot for the public office of U.S. House of Representatives for New York's 17th Congressional District in the primary to be held on June 25, 2024, was February 27, through April 4, 2024. Those are the dates still contained in the political calendar published by the New York State Board of Elections.

<https://elections.ny.gov/system/files/documents/2024/03/2024-political-calendar-quad-fold-final-draftv3.pdf>

13. As is indicated on that calendar, pursuant to Chapter 93 of the Laws of 2024, the first day to circulate designating petitions for Member of Congress (House of Representatives) or any party position elected by Congressional District was changed to Thursday, February 29, 2024, making the petitioning period two days shorter than the law otherwise provided.

14. These changes resulted from the December 12, 2023, 4-3 decision, by the New York Court of Appeals, which ruled that the state's Independent Redistricting Commission (IRC) must redraw the state's congressional map before the 2024 elections.

15. On February 15, 2024, New York's Independent Redistricting Commission (IRC) voted to pass a new congressional map after the New York Court of Appeals ordered the IRC to draw a new congressional map for 2024.

16. The 2024 Congressional maps were approved by the New York State Legislature on February 26, 2024, but Governor Kathy Hochul did not sign the legislation into law until February 28, 2024, mandating legal petitioning period for congressional races were to begin no earlier than February 29, 2024.

17. The signing of the bill by the Governor finalizing the redistricting congressional maps on Feb 28, 2024 after the original date start date for petitioning period was set for February 27, 2024, and the resulting loss of two days of the

petitioning period, prejudiced Petitioner's ability to gain access to the ballot by being short by approximately 123 signatures.

18. Petitioner respectfully submits that the commencement of the petitioning process was contingent upon the formal approval of the congressional district lines by the Governor of New York State. The district lines, which are crucial for determining the geographical scope of the petitioning efforts, were not officially ratified until the Governor's signature was affixed to the legislative act. Consequently, the initiation of petitioning activities was necessarily delayed until such time as the district boundaries were definitively established and communicated to the relevant parties, which was a press conference. This delay was unavoidable and directly attributable to the legislative process governing the redistricting of congressional districts in the State of New York.

19. Petitioner hereby asserts that immediately following the official approval of the congressional district lines, diligent efforts were undertaken to commence the petitioning process without delay. In the course of these efforts, a total of 1,123 legally valid signatures were collected. These signatures were obtained in full compliance with the applicable legal requirements and regulations governing the petitioning process. The prompt initiation of petitioning activities and the successful collection of the aforementioned signatures underscore the Petitioner's commitment

to adhering to the procedural timelines and ensuring the integrity of the petitioning process.

20. Petitioner respectfully submits that extraordinary efforts were undertaken to collect the requisite number of signatures by the shortened deadline. Despite the constrained time frame, diligent and extensive petitioning activities were conducted, including but not limited to organizing teams of volunteers, conducting door-to-door campaigns, and hosting signature-gathering events. These efforts were executed with the utmost urgency and efficiency in order to meet the prescribed deadline.

21. Due to the unforeseen delay in the approval of the district lines and the subsequent compressed timeline for petitioning, Petitioner regrettably ran out of time to collect the remaining 113 required signatures. It is the Petitioner's contention that, had there been an additional two days allotted for the petitioning process, the necessary signatures would have been obtained. The shortfall in signatures is thus directly attributable to the abbreviated petitioning period and not to any lack of effort or commitment on the part of the Petitioner.

22. On April 4, 2023, Petitioner's petitions were sent by United States Postal Service Express Mail postmarked on April 4, 2024 and received April 5, 2024, by the State Board of Elections.

23. Petitioner was denied access to ballot given the untimeliness of last minute shorten petition period and if Petitioner doesn't get relief, it would violate Petitioner's rights under New York State law and the United States Constitution to be a candidate for office of US House of Representative in NY State 17th District.

24. The 2024 NY State Congressional ballot access laws were overly restrictive and applied in an arbitrary manner, and that they violate the due process rights of candidates or political parties seeking access to the ballot. In such cases, legal challenges might be brought forward on the basis that the laws are unconstitutional under the due process clause of the Fifth Amendment.

25. This objection is based on the grounds that Petitioner did not receive the full 33-day petition period as mandated by the New York State Constitution.

26. According to New York State Election Law Section 6-134(2), the period must be at least 33 days. This provision is designed to ensure a fair and democratic process, allowing candidates ample time to gather the necessary support for their candidacy.

27. Petitioner was allowed a petition period of only 31 days, which is in clear violation of the election statute and the shortening violated Petitioner's rights under the United States Constitution as well. This discrepancy not only undermines

the integrity of the electoral process but also disadvantages the candidate and their potential supporters.

28. Challengers to Petitioner's petitions in the New York State Board of Elections have challenged the number of signatures on Petitioner's petitions as being below the required number but have not challenged any of the petitions themselves of any signatures on them. The challengers have stated that Petitioner collected 1,123 signatures, and so that is the number of signatures now validly on file for the primary at issue in this proceeding.

29. To redress the prejudice Petitioner suffered from the shortening of the petitioning period, Petitioner respectfully requests the Court direct the New York State Board of Elections accept, as timely filed and as sufficient in number, the 1,123 uncontested signatures now on file with the State Board to place Petitioner's name on the ballot for the U.S. House of Representatives for New York's 17th Congressional District.

30. In the alternative, Petitioner respectfully requests the Court to allow Petitioner an additional days, the length of time petitioning period was cut short, to obtain the requisite 1,250 signatures necessary to place her name on such primary ballot.

31. Petitioner also respectfully requests that the Court to direct the Respondent Boards of Elections to print primary ballots that include Petitioner's name, MaryAnn Carr as a candidate in the Democratic Primary Election scheduled for June 25, 2024.

32. Ensuring compliance with the New York State Constitution is essential for maintaining public trust in our electoral system and upholding the principles of democracy.

33. Pursuant to New York Election Law, on or about April 9, 2024, Petitioner did file written objections with the State Board to the shortened petitioning period. Challengers objected to the shortfall of signatures on Petitioner's petitions. The objections of both sides are reproduced on the following pages of this petition.

Responding to ~~COVER PAGE~~ OBJECTION
Objection

April 9, 2024

To: NY State Board of Elections

Objector: From: MaryAnn Carr
maryanncarr98@gmail.com
Mobile: 914-843-2085

Candidate: MaryAnn Carr

Residence Address: 633 Old Post Rd
Bedford, NY 10506

Public Office: Member of Congress

District: 17th Congressional District, NY State

Party: Democratic

Objector's Signature: MaryAnn Carr

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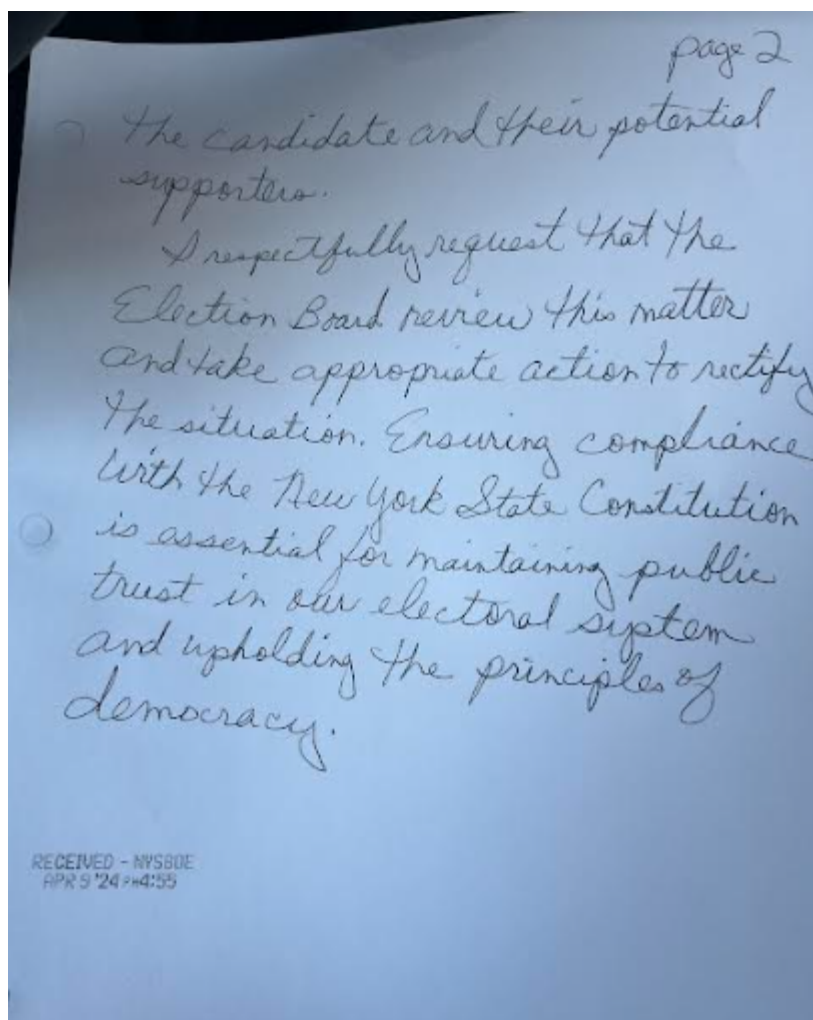
Page 7

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The objection is based upon the grounds that the candidate, MaryAnn Carr did not receive the full 33-day petition as mandated by the NY State Constitution.

According to New York State Election Law Section 6-134(2), the period must be at least 33 days. This provision is designed to ensure a fair and democratic process, allowing candidates ample time to gather the necessary support for their candidacy.

However, it came to my attention that our campaign was only allowed a petition period of 31 days, which is in clear violation of the election statute. This discrepancy not only undermines the integrity of the electoral process, but also disadvantages



TO: The New York State Board of Elections

OBJECTOR: Name: Schenky Vital

Residence Address: 59 Waldron Avenue

NYack, NY 10960

OBJECTOR'S CONTACT PERSON:

Name: Daniel R. Bright, Esq.

Mailing Address: 1115 Broadway - 11th Floor
New York, New York 10010

Telephone Number: (917) 273-5904

Fax no. &/or Email: dan@thebrightfirm.law

The objector submits the following specifications in support of the General Objection to the designating petition for:

CANDIDATE:

Name: MaryAnn Carr

Residence Address: 633 Old Post Road
Bedford, NY 10506

Public Office: Representative in Congress

District: 17th Congressional District, New York

Political Party: Democratic

PETITION VOLUME IDENTIFICATION NUMBERS: 1 of 1

24 APR 2024 9:44:22
NYSCEF

CANDIDATE'S CONTACT PERSON:

Name: MaryAnn Carr
Mailing Address: 633 Old Post Road
Bedford, NY 10506
Telephone Number: 914-843-2085
Fax no. &/or Email: MaryAnnCarr98@gmail.com

TOTAL NUMBER OF SIGNATURES ON PETITION: 1123

NUMBER OF INVALID SIGNATURES ON PETITION:

TOTAL SIGNATURES REQUIRED: 1250

The line-by-line and other specific objections are attached:

Specific objection: Pursuant to Election Law § 6-136(2), the designating petition is required to contain a minimum of 1250 valid signatures. The challenged petition contains only 1123 (or approximately 1123) putative signatures, which is less than the number of valid signatures required by the Election Law. The candidate therefore fails to qualify for the ballot even if all of the signatures on the petition are valid signatures.


Objector's Signature

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

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

36. 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 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 that could be is April 18, 2024.

37. Petitioner respectfully alleges that the Objections filed with the Respondent Board of Elections to request Petitioner's name, MaryAnn Carr be placed on the Primary ballot for 1,123 signatures filed with the Board of Elections due to shorten petitioning period that was allowed. The purported Designating Petition of Respondent-Candidate are valid and proper objections, and respectfully requests this Order to Show Cause be granted so that this anticipatory proceeding may be commenced in a timely fashion in the event the Respondent Board of Elections should render a determination adverse to Petitioner.

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

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

40. The following provisions of the United States Constitution, among others in it, would be violated if Petitioner is not granted an additional two days to obtain the requisite number of signatures on her nominating petitions.

US Constitution 14th Amendment

Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United

States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

41. WHEREFORE, Petitioner respectfully demands a judgment of this Court:

A. Reducing the number of signatures required to qualify Petitioner as a candidate, and to have Petitioner's name placed on the ballot, for the Democratic Party primary for nomination the public office of U.S. House of Representatives in New York State's 17th Congressional District to 1,123 signatures; or in the alternative,

B. Granting Petitioner an additional two days to obtain any additional signatures needed to qualify Petitioner as a candidate, and to have Petitioner's name placed on the ballot, for the Democratic Party primary for nomination the

public office of U.S. House of Representatives in New York State's 17th Congressional District;

C. Directing the New York State Board of Elections to accept as timely filed and as legally sufficient 1,123 signatures or such additional signatures that Petitioner may obtain during any extended two-day period;

C. Enjoining, restraining and prohibiting Respondent PETER S. KOSINSKI, DOUGLAS A. KELLNER, ANDREW J. SPANO and ANTHONY J. CASALE, Commissioners of the New York State Board of Elections (the "STATE COMMISSIONERS"); TAJIAN M. NELSON and DOUGLAS A. COLETY, Commissioners of the Westchester County Board of Elections; KATHLEEN M. PIETANZA and PATRICIA A. GIBLIN, Commissioners of the Rockland County Board of Elections; HANNAH BLACK and ERIK J. HAIGHT, Commissioners of the Dutchess County Board of Elections; CATHERINE P. CROFT and KELLY K. PRIMAVERA, Commissioners of the Putnam County Board of Elections; and the Board of Elections for which they each serve as Commissioners (collectively the "COUNTY COMMISSIONERS") from printing, distributing or permitting to be used at said election any official voting machine strip and/or ballot bearing the name of MONDAIRE JONES as a candidate of the Democratic Party for

the public office of US House of Representative, New York State 17th District
unless such ballot also includes the name of Petitioner as a candidate of the
Democratic Party for the public office of US House of Representative, New
York State 17th District; and

D. Granting PETITIONER such other and further relief as the Court may
deem just and proper.

Dated: April 12, 2024
Bedford, New York



MaryAnn Carr

Pro Se
633 Old Post Road
Bedford, New York 10506
(914) 843-2085 (phone)

Maryanncarr98@gmail.com

TO:

PETER S. KOSINSKI, DOUGLAS A. KELLNER,
ANDREW J. SPANO and ANTHONY J. CASALE
New York State Board of Elections
40 North Pearl Street, Suite 5
Albany, NY 12207-2729
Tel: (518) 474-8100

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Westchester County Board of Elections

25 Quarropas Street

White Plains, NY 10601

Tel: (914) 995-5706/5703

KATHLEEN M. PIETANZA and PATRICIA A. GIBLIN

Rockland County Board of Elections

11 New Hempstead Road

New City, NY 10956

Tel: (845) 638-5172

HANNAH BLACK and ERIK J. HAIGHT

Dutchess County Board of Elections

112 Delafield Street

Poughkeepsie, NY 12601

Tel: (845) 486-2473

CATHERINE P. CROFT and KELLY K. PRIMAVERA

Putnam County Board of Elections

25 Old Route 6

Carmel, NY 10512

Tel: (845) 808-1300

NEW YORK STATE

DEMOCRATIC PARTY

New York State Democratic Party

64 Beaver Street

New York, NY 10004

JAY S. JACOBS and CHRISTINE QUINN

New York State Democratic Party

64 Beaver Street

New York, NY 10004

MONDAIRE JONES
Sleepy Hollow, NY

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

MARYANN CARR, being duly sworn deposes and says that he is the
Petitioner in the above-entitled action; he has read the foregoing Petition and knows
the contents thereof; that the same is true to his own knowledge, except as to the
matters therein stated to be alleged on information and belief, and as to those matters,
he believes them to be true.

Dated: April 12, 2024
 Bedford, New York



MARYANN CARR