

# Fax Message

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**To:** 18883009263

**Fax:** 18883009263

**From:** Patricia J. Sansone

**Date:** 9/14/2015 12:15 PM

**Pages:** 1 of 9 (including this page)

**Subject:** Signed Order to Show Cause

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Doc ID: Type: COU  
Kind: ARTICLE 78  
Recorded: 09/11/2015 at 04:47:00 PM  
Fee Amt: \$305.00 Page 1 of 0  
Rockland County, NY  
Paul Piperato County Clerk

SU-2015-001553

~~Index RJP~~ JD-NOI

SEP 11 2015

Motion-Cross SOS-S/Disc  
Fee Pd \$ 350.

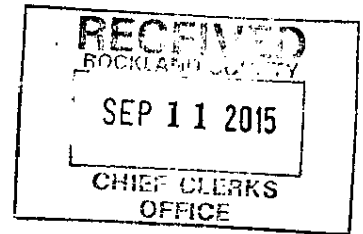
At I.A.S. Part 2 of the  
Supreme Court of the State of  
New York, held in and for the  
County of New York, at the  
Courthouse thereof, 1 South  
Main Street, New City, New  
York, on the 11th day of  
September 2015

PRESENT:

HON.

Margaret Garvey, J.S.C.  
SUPREME COURT STATE OF NEW YORK

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ROCKLAND



-----X  
)  
In the Matter of the Application of )  
**MICHAEL PARIETTI, ROBERT ROMANOWSKI and** )  
**DEBORAH SEIDMAN-MUNITZ,** )  
Petitioners, )  
)  
- against )  
)  
**TOWN OF RAMAPO, CHRISTIAN G. SAMPSON** )  
**As TOWN OF RAMAPO TOWN CLERK,** )  
Respondents. )  
-----X

ORDER TO SHOW CAUSE  
AND REQUEST FOR  
EXPEDITED RELIEF

Index No. 1553 /15

STATE OF NEW YORK )  
) ss:  
COUNTY OF ROCKLAND )

Upon reading and filing the Summons and Complaint, filed the 11th day of September 2015,  
and the affirmation in support of the Verified Petition and Complaint Pursuant CPLR Article 78  
and Declaratory Relief, sworn to the 11th day of September 2015, and the exhibits attached  
thereto, namely:

Let the party <sup>and his</sup> or attorney in opposition show cause at I.A.S. Part \_\_\_\_\_, Room \_\_\_\_\_, of this Court, to be held at the Courthouse, 1 South Main Street, New City, New York, on the ~~17th~~ <sup>22nd</sup> day of September 2015 at 2 PM o'clock in the ~~AFTERNOON~~ or as soon as the parties to this proceeding may be heard why an order should not be issued, providing the following relief:

1. Order to invalidate the Town of Ramapo's September 4, Certification of the Special Election conducted on September 30, 2014 on the Ward Referendum Propositions.
2. Order the Town of Ramapo to submit all necessary documents to Rockland County Board of Elections on or before September 28, 2015 to or by the date Board of Election must the necessary documentation s to place the Ward Referendum Propositions on the ballot for the Town's biannual election to be held November 3, 2015;
3. And, for such other and further relief as may to the court seem just and proper, for the reasons that include:
  - A. On September 6, 2012 the Petitioner's originally filed a Petition seeking to compel the Town to conduct a permissive referendum on the Ward propositions, and only upon this Court's order did the Town hold the referendum on July 25, 2014.
  - B. This relief is sought and warranted because the ward referendum process was so flawed, from beginning to end, due to the conduct of the Town, its Town Clerk and other employees, and this improper conduct disenfranchised voters in a way that cannot be cured and impacted the outcome of the special election. The Certification and report of

such canvass tend to show that both propositions failed, but that (i) the margin thereof is inadequate to overcome the uncertainty introduced into the election by gross errors, maladministration and misconduct by the said Clerk, all as more particularly set forth in the moving papers and summarized below, and (ii) but for the voting by persons not registered and who were not required to provide any proof of qualification, both propositions would have passed.

C. The election results for the two Ward Referendum Propositions were as follows:

Proposition 1: Should the number of Council members be increased from 4 to 6?

Registered voters:

13,858 Voted Yes (50.50%)

13,581 Voted No (49.49%)

Registered voters who submitted absentee ballots:

366 Voted Yes (63.65%)

209 Voted No (36.34 %)

Unregistered voters who used affidavits ballots:

420 Voted Yes (18.43%)

1,858 Voted No (81.56%)

Proposition 2: Should there be a Ward System in Ramapo?

Registered voters:

13,891 Voted Yes (50.66%)

13,526 Voted No (49.33%)

Registered voters who submitted absentee ballots:

377 Voted Yes (65.22%)

201 Voted No (34.77%)

Unregistered voters who used affidavit ballots:

419 Voted Yes (18.43%)

1,854 Voted No (81.56%)

These election results show that the population of registered and absentee voters supported the propositions by more than 50%, while the unregistered affidavit voters rejected the proposals by

more than 80%. That the affidavit ballot results are so strikingly different from the rest of the voting results it raises reasonable concern that the integrity, conduct, and outcome of this election were neither fair nor honest.

D. The gross errors, maladministration and misconduct includes, but is not limited to:

1. The Town's adoption of a misleading Resolution providing for voter registration "on or before September 23, 2014" in connection with the Town special election [or that providing that "that potentially eligible voters may register to vote at the Rockland County Board of Elections on or before September 23, 2014"] leading many voters to believe that personal registration was required to be eligible to vote.

2. The Town's adoption of a resolution allowing for absentee ballot voting, which NY Town Law requires "for all special town elections for which personal registration is required", but makes no provision for the use of absentee ballots in Town special elections for which personal registration is not required, further misleading the public into believing that personal registration was required to vote in the town special election.

3. The Town never provided notice that unregistered voters would be allowed to vote by affidavit ballot, nor did the Town provide notice as to what criteria would be used to qualify unregistered voters.

4. The Town's election inspectors, who were hired to run the polling locations on the day of the special election, were never advised by the Town during their training sessions that the Town had determined to allow unregistered voters to vote in the Town special election.

5. These same election inspectors were not even advised by the Town at the start of the special election that unregistered voters would be able to vote and, as a result, were turning

away potential voters who were unregistered. Many election inspectors learned from the public over the course of election day, and from an unofficial newspaper article published that day, that the Town was purportedly allowing unregistered voters to vote; many election inspectors did not learn until many hours after the polls opened, even as late as 2:00 PM, that unregistered voters could vote.

6. Due to the lack of election inspector training or guidance, there was inconsistency and confusion among the polling places as what proof of person, age and/or residency, if any, would be required for unregistered voters to vote. At some polling locations unregistered voters were required to provide identification; other polling locations did not require any identification at all. Where identification was required, it varied among polling locations, some locations required standard issuance identification while others took bills and even cell phone documentation. In other polling locations election inspectors denied some people an opportunity to vote, even when they showed utility bills and other forms of normally acceptable proof of residency. At certain polling locations the Town Clerk instructed election inspectors, at differing times throughout the day, to allow unregistered voters to vote by affidavit ballot without any proof of their qualifications, such as, residency or age.

7. Polling locations with a heavy turnout were understaffed and had election inspectors who were overwhelmed, and thus did not ask for identification or fill in challenge reports; while at least one location required Hispanic voters to prove citizenship, and were turned away when they did not have such proof on them.

8. Election inspectors reported such chaos and confusion that in one location, which

was severely understaffed, the chairperson allowed unauthorized individuals to work “hand-in-hand” with her processing unregistered voters and handling ballots.

9. Adding to the confusion and chaos on election day, the Town’s supply and distribution of the affidavit ballot envelopes needed to process unregistered voters was insufficient and improper. Pro-proposition polling places ran out of affidavit ballot forms and had difficulties getting replenishment, causing voters to be turned away. By contrast, polling places where anti-proposition voting was expected, were supplied with large numbers of affidavit ballot forms that appear to have been more readily replenished throughout day.

10. The Town put an employee, its Director of Purchasing, in charge of preparing the election databases, fielding election questions on the day of the referendum, even though she had been fundraising, including sending written requests for donations ranging up to \$20,000 each, for an anti-ward political action committee, and she had issued a public press release against the propositions.

11. Although the Appellate Division ordered the Town of Ramapo to canvass the election on June 24, 2014, it took the Town over two months to canvass the votes, even though the Rockland County Board of Elections had proposed to canvass and certify the election in less than ten business days. The Town purposeful delay in canvassing and certifying the election seems to be a tactic to prevent a Court ordered new referendum election from being conducted by the Board of Elections, during the biannual general election to be held on November 3, 2015.

12. The Town’s repeated misconduct has prevented a fair and honest Ward Referendum election. The manner in which the Town conducted the Special Election, whether by intent or sheer ineptitude, was so badly flawed and biased, and the outcome was so corrupted

and unreliable, that an unknown number of voters were disenfranchised and validation of voters eligibility never occurred.

E. For the reasons set forth in the prior Court decision invalidating the special election and for the additional reasons set forth herein, (i) the Town Clerk's Certification, dated September 4, 2015, of the results of the Town of Ramapo ("Town") special election held on September 30, 2014 should be set aside, and the results of the Town special election should be invalidated in its entirety once again; and, (ii) a new election should be ordered by the Court to be held at the time of the Town's biennial election on November 3, 2015.

E. Time is of the essence, in order to prevent further delay and to prevent additional expense to the Town of Ramapo taxpayers, therefore it is requested that the Court order the Town to immediately provide all necessary documentation to the Board of Elections for the Ward Referendum Propositions to be included in the Town's biennial election of November 3, 2015, no later than September 27, 2015.

Sufficient cause appearing therefor, let personal <sup>delivery</sup> ~~service~~ a copy of this order, the affidavit in support, and all other papers upon which this order is granted upon the attorneys for all parties and all unrepresented parties who have appeared in this action on or before the <sup>5PM ON</sup> ~~the~~ <sup>14<sup>th</sup></sup> day of September, 2015, be deemed good and sufficient. An affidavit or other proof of service to be presented to this Court on the return date fixed above. ~~A copy of this order, the verified petition in support, and all other papers upon which this order is granted upon the attorneys for all parties~~



~~and all unrepresented parties who have appeared in this action on or before the 17th day of September, 2015 be deemed good and sufficient. An affidavit or other proof of service shall be presented to this Court on the return date fixed above.~~

ORDERED OPPOSITION PAPERS shall be served and filed by 12pm on 9/18/15; and it is further ORDERED that appearances are required on the return date  
ENTER

*Margaret Gevey*  
J.S.C.