

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT

Matter of Baldeo v. Addabbo

2026 NY Slip Op 03097 · No. 2026-04374 · Decided May 14, 2026

SUMMARY

The Appellate Division, Second Department, affirmed an order denying a petition to invalidate Joseph P. Addabbo, Jr.'s designating petition for the Democratic primary for New York State Senator in the 15th Senatorial District. The court held that the petitioner failed to prove by clear and convincing evidence that Addabbo did not reside at the Ozone Park address listed on the petition.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Betsy Barros, J.P.; Cheryl E. Chambers; Paul Wooten; James P. McCormack; Lisa S. Ottley
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	May 14, 2026
DOCKET	2026-04374
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a final order of the Supreme Court, Queens County, in a proceeding under Election Law § 16-102 seeking, among other relief, to invalidate a designating petition for a state legislative primary candidate.
STANDARD OF REVIEW	The petitioner was required to prove by clear and convincing evidence that Addabbo did not reside at the address listed on the designating petition.
PRECEDENTIAL VALUE	Published
PARTIES	Albert Baldeo v. Joseph P. Addabbo, Jr., et al.

TOPICS

- election contests
- election law
- appellate procedure
- standard of review

PRACTICE AREAS

election law

appellate procedure

QUESTIONS PRESENTED

1. Whether Addabbo's residence in Ozone Park satisfied the Election Law residence requirement despite his also living at a home in Howard Beach.
2. Whether Baldeo proved by clear and convincing evidence that Addabbo did not reside at the address listed on the designating petition, warranting invalidation of the petition.

HOLDINGS

1. An individual having two residences may choose as an Election Law residence the home to which the individual has legitimate, significant, and continuing attachments, provided the individual manifests an intent to reside there, has physical presence there, and the residence is not sham.
2. The designating petition should not be invalidated because Baldeo failed to prove by clear and convincing evidence that Addabbo did not reside at the Ozone Park address listed on the petition.

KEY QUOTATIONS

"Pursuant to Election Law § 1-104(22), a residence is "that place where a person maintains a fixed, permanent and principal home and to which he [or she], wherever temporarily located, always intends to return." (1)

"[A]n individual having two residences may choose one to which she [or he] has legitimate, significant and continuing attachments as her [or his] residence for purposes of the Election Law" (1)

"The crucial factor in determining whether a particular residence complies with the requirements of the Election Law is that the individual must manifest an intent [to reside there], coupled with physical presence, without any aura of sham" (1)

FACTUAL BACKGROUND

Joseph P. Addabbo, Jr. designated himself as a Democratic primary candidate for New York State Senator for the 15th Senatorial District. Albert Baldeo alleged that Addabbo did not reside at the Ozone Park address listed on the designating petition, but instead resided in Howard Beach. The evidence established that Addabbo lived at homes in both locations, but also showed that he had legitimate, significant, and continuing attachments to the Ozone Park home and intended to reside there.

PROCEDURAL HISTORY

Joseph P. Addabbo, Jr. filed a designating petition for the Democratic nomination for New York State Senator for the 15th Senatorial District. Albert Baldeo commenced an Election Law § 16-102 proceeding challenging Addabbo's claimed residence and seeking invalidation of the designating petition. After a hearing, the Supreme Court, Queens County, denied the petition and dismissed the proceeding; the Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- Matter of Gashi v. Branda, 216 A.D.3d 854, 855
- Matter of McArdle v. Weis, 142 A.D.3d 567, 568
- Matter of McArdle v. Weis, 142 A.D.3d 567, 569
- Matter of Glickman v. Laffin, 27 N.Y.3d 810, 815

OPINION

Matter of Baldeo v. Addabbo 2026 NY Slip Op 03097

PER CURIAM.

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May 14, 2026

Appellate Division, Second Department

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In the Matter of Albert Baldeo, appellant,

v

Joseph P. Addabbo, Jr., respondent-respondent, et al., respondent.

Supreme Court of the State of New York, Appellate Division, Second Judicial Department

Decided on May 14, 2026

2026-04374, (Index No. 709115/26)

Betsy Barros, J.P.

Cheryl E. Chambers

Paul Wooten

James P. McCormack

Lisa S. Ottley, JJ.

[*1]

DECISION & ORDER

In a proceeding pursuant to Election Law § 16-102, inter alia, to invalidate a petition designating Joseph P. Addabbo, Jr., as a candidate in a primary election to be held on June 23, 2026, for the nomination of the Democratic Party as its candidate for the public office of New York State Senator for the 15th Senatorial District, the petitioner appeals from a final order of the Supreme Court, Queens County (Kevin J. Kerrigan, J.), entered April 30, 2026. The final order, after a hearing, denied the petition, inter alia, to invalidate the designating petition and dismissed the proceeding.

ORDERED that the final order is affirmed, without costs or disbursements.

Joseph P. Addabbo, Jr., filed a petition with the Board of Elections in the City of New York designating himself as a candidate in a primary election to be held on June 23, 2026, for the nomination of the Democratic Party as its candidate

for the public office of New York State Senator for the 15th Senatorial District. The petitioner, Albert Baldeo, commenced this proceeding pursuant to Election Law § 16-102, inter alia, to invalidate the designating petition on the grounds that Addabbo did not reside at the address in Ozone Park listed on the designating petition but rather resided in Howard Beach. In a final order entered April 30, 2026, the Supreme Court, after a hearing, denied the petition, inter alia, to invalidate the designating petition and dismissed the proceeding. The petitioner appeals.

Pursuant to Election Law § 1-104(22), a residence is "that place where a person maintains a fixed, permanent and principal home and to which he [or she], wherever temporarily located, always intends to return." "[A]n individual having two residences may choose one to which she [or he] has legitimate, significant and continuing attachments as her [or his] residence for purposes of the Election Law" (*Matter of Gashi v Branda*, 216 AD3d 854, 855 [internal quotation marks omitted]; *see* *Matter of McArdle v Weis*, 142 AD3d 567, 568). "The crucial factor in determining whether a particular residence complies with the requirements of the Election Law is that the individual must manifest an intent [to reside there], coupled with physical presence, without any aura of sham" (*Matter of Gashi v Branda*, 216 AD3d at 855 [internal quotation marks omitted]; *see* *Matter of Glickman v Laffin*, 27 NY3d 810, 815).

Here, although the petitioner established that Addabbo lived both at a home in Howard Beach and a home in Ozone Park, the evidence demonstrated that Addabbo had legitimate, significant, and continuing attachments to the home in Ozone Park and intended to reside there. The [2] Supreme Court therefore properly determined that the petitioner failed to prove by clear and convincing evidence that Addabbo did not reside at the address listed as his residence on the designating petition (*see* *Matter of Gashi v Branda*, 216 AD3d at 855; *Matter of McArdle v Weis*, 142 AD3d at 569).

The petitioner's remaining contentions are without merit.

Accordingly, the Supreme Court properly denied the petition, inter alia, to invalidate the designating petition and dismissed the proceeding.

BARROS, J.P., CHAMBERS, WOOTEN, MCCORMACK and OTTLEY, JJ., concur.

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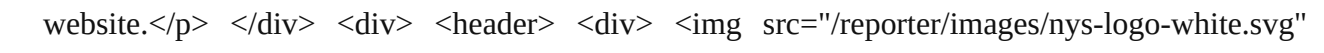
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PER CURIAM.

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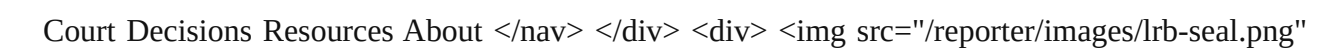
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Betsy Barros, J.P.

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DECISION & ORDER

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Joseph P. Addabbo, Jr., filed a petition with the Board of Elections in the City of New York designating himself as a candidate in a primary election to be held on June 23, 2026, for the nomination of the Democratic Party as its candidate for the public office of New York State Senator for the 15th Senatorial District. The petitioner, Albert Baldeo, commenced this proceeding pursuant to Election Law § 16-102, inter alia, to invalidate the designating petition on the grounds that Addabbo did not reside at the address in Ozone Park listed on the designating petition but rather resided in Howard Beach. In a final order entered April 30, 2026, the Supreme Court, after a hearing, denied the petition, inter alia, to invalidate the designating petition and dismissed the proceeding. The petitioner appeals.

Pursuant to Election Law § 1-104(22), a residence is "that place where a person maintains a fixed, permanent and principal home and to which he [or she], wherever temporarily located, always intends to return." "[A]n individual having two residences may choose one to which she [or he] has legitimate, significant and continuing attachments as her [or his] residence for purposes of the Election Law" (*Matter of Gashi v Branda*, 216 AD3d 854, 855 [internal quotation marks omitted]; *see* *Matter of McArdle v Weis*, 142 AD3d 567, 568). "The crucial factor in determining whether a particular residence complies with the requirements of the Election Law is that the individual must manifest an intent [to reside there], coupled with physical

presence, without any aura of sham" (*Matter of Gashi v Branda*, 216 AD3d at 855 [internal quotation marks omitted]; *see* *Matter of Glickman v Laffin*, 27 NY3d 810, 815).

Here, although the petitioner established that Addabbo lived both at a home in Howard Beach and a home in Ozone Park, the evidence demonstrated that Addabbo had legitimate, significant, and continuing attachments to the home in Ozone Park and intended to reside there. The Supreme Court therefore properly determined that the petitioner failed to prove by clear and convincing evidence that Addabbo did not reside at the address listed as his residence on the designating petition (*see* *Matter of Gashi v Branda*, 216 AD3d at 855; *Matter of McArdle v Weis*, 142 AD3d at 569).

The petitioner's remaining contentions are without merit.

Accordingly, the Supreme Court properly denied the petition, inter alia, to invalidate the designating petition and dismissed the proceeding.

BARROS, J.P., CHAMBERS, WOOTEN, MCCORMACK and OTTLEY, JJ., concur.

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PER CURIAM.

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and dismissed the proceeding. ORDERED that the final order is affirmed, without costs or disbursements. Joseph P. Addabbo, Jr., filed a petition with the Board of Elections in the City of New York designating himself as a candidate in a primary election to be held on June 23, 2026, for the nomination of the Democratic Party as its candidate for the public office of New York State Senator for the 15th Senatorial District. The petitioner, Albert Baldeo, commenced this proceeding pursuant to Election Law § 16-102, inter alia, to invalidate the designating petition on the grounds that Addabbo did not reside at the address in Ozone Park listed on the designating petition but rather resided in Howard Beach. In a final order entered April 30, 2026, the Supreme Court, after a hearing, denied the petition, inter alia, to invalidate the designating petition and dismissed the proceeding. The petitioner appeals. Pursuant to Election Law § 1-104(22), a residence is "that place where a person maintains a fixed, permanent and principal home and to which he [or she], wherever temporarily located, always intends to return." "[A]n individual having two residences may choose one to which she [or he] has legitimate, significant and continuing attachments as her [or his] residence for purposes of the Election Law" (Matter of Gashi v Branda , 216 AD3d 854, 855 [internal quotation marks omitted]; see Matter of McArdle v Weis , 142 AD3d 567, 568). "The crucial factor in determining whether a particular residence complies with the requirements of the Election Law is that the individual must manifest an intent [to reside there], coupled with physical presence, without any aura of sham" (Matter of Gashi v Branda , 216 AD3d at 855 [internal quotation marks omitted]; see Matter of Glickman v Laffin , 27 NY3d 810, 815). Here, although the petitioner established that Addabbo lived both at a home in Howard Beach and a home in Ozone Park, the evidence demonstrated that Addabbo had legitimate, significant, and continuing attachments to the home in Ozone Park and intended to reside there. The [*2] Supreme Court therefore properly determined that the petitioner failed to prove by clear and convincing evidence that Addabbo did not reside at the address listed as his residence on the designating petition (see Matter of Gashi v Branda , 216 AD3d at 855 ; Matter of McArdle v Weis , 142 AD3d at 569). The petitioner's remaining contentions are without merit. Accordingly, the Supreme Court properly denied the petition, inter alia, to invalidate the designating petition and dismissed the proceeding. BARROS, J.P., CHAMBERS, WOOTEN, MCCORMACK and OTTLEY, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court Court Decisions All Court Decisions Official Reports Service Bound Volumes Decision Search Resources RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index About About the Law Reporting Bureau About our Operations Contact Us Twitter Quick Contact Info 17 Lodge Street Albany, NY 12207 Phone: (518) 453-6900 Links to or from other sites do not signify endorsement or relationship with them.