

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

Matter of Schultz v. Nassau County Bd. of Elections

2026 NY Slip Op 03110 · No. 2026-04377 · Decided May 14, 2026

SUMMARY

The Appellate Division, Second Department affirmed the denial of a petition seeking to validate a designating petition for a New York State Assembly primary election. The court held that numerous signatures were invalid because the petition failed to accurately identify the signers' towns or cities, leaving fewer than the required 500 valid signatures. The court also rejected the petitioner's free-speech challenge and declined to consider the equal-protection claim because it was raised for the first time on appeal.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Lara J. Genovesi, J.P.; Deborah A. Dowling; Lillian Wan; Carl J. Landicino; Susan Quirk
JURISDICTION	New York Supreme Court, Appellate Division, Second Judicial Department
DECIDED	May 14, 2026
DOCKET	2026-04377
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a final order denying a petition to validate a designating petition and, in effect, dismissing an Election Law § 16-102 proceeding.
PRECEDENTIAL VALUE	Published
PARTIES	Paul J. Schultz v. Nassau County Board of Elections, James D. Conroy

TOPICS

- election contests
- ballot access
- election law
- appellate procedure
- statutory interpretation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the designating petition was invalid because numerous signatures failed to accurately identify the signer's town or city.
2. Whether Election Law §§ 6-130 and 6-132 violate the petitioner's constitutional right to free speech.
3. Whether the petitioner's Equal Protection Clause challenge was preserved for appellate review.

HOLDINGS

1. Because a designating petition must include the signer's town or city as legislatively mandated content, failure to include or accurately identify that information invalidates the affected signature and supports denial of validation of the petition.
2. The petitioner's contention that Election Law §§ 6-130 and 6-132 violate the constitutional right to free speech is without merit.
3. The petitioner's Equal Protection Clause challenge was improperly raised for the first time on appeal and was therefore not considered.

KEY QUOTATIONS

*"Therefore, 'the failure to accurately identify a signer's town or city, or county in the City of New York, will invalidate the signature involved'" (*1)*

FACTUAL BACKGROUND

Paul J. Schultz submitted a designating petition containing 1,139 signatures for the Republican Party nomination for Member of the New York State Assembly for the 14th Assembly District. James D. Conroy objected to the signatures, and the Nassau County Board of Elections sustained 1,124 objections, many based on a signer's town or city being wrong or missing. The objections left Schultz with fewer than the 500 signatures required for the petition.

PROCEDURAL HISTORY

Schultz filed a designating petition containing 1,139 signatures for the Republican primary nomination for New York State Assembly District 14. After Conroy filed objections, the Nassau County Board of Elections sustained 1,124 objections, leaving fewer than the 500 required signatures. The Supreme Court, Westchester County, denied Schultz's petition to validate the designating petition and effectively dismissed the proceeding. Schultz appealed, and the Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- Matter of Frome v. Board of Elections of Nassau County, 57 N.Y.2d 741, 742
- Matter of Stoppenbach v. Sweeney, 98 N.Y.2d 431, 433
- Matter of Tischler v. Hikind, 98 A.D.3d 926, 927
- Matter of Henry v. Trotto, 54 A.D.3d 424, 426
- Matter of Carlow v. Irwin, 76 A.D.3d 648, 650
- Matter of Stark v. Kelleher, 32 A.D.3d 663, 665
- Shmeria, LLC v. Sea Gate Assn., 2026 NY Slip Op 02862, *2
- State of N.Y. Mtge. Agency v. Costanza, 215 A.D.3d 990, 991

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