

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

D81778
C/

_____AD3d_____

Argued - September 11, 2026

FRANCESCA E. CONNOLLY, J.P.
DEBORAH A. DOWLING
JANICE A. TAYLOR
PHILLIP HOM, JJ.

2026-04740
2026-04742

DECISION & ORDER

In the Matter of Susan M. Hansen, respondent, v
Suffolk County Board of Elections, et al., appellants.

(Index No. 621918/25)

In a hybrid proceeding pursuant to CPLR article 78 and Election Law article 16, inter alia, to validate a petition designating the petitioner/plaintiff as a candidate in a primary election held on June 24, 2025, for the party position of Member of the Suffolk County Republican Committee for the Brookhaven Election District #187, and action for declaratory relief, the respondents/defendants appeal from (1) stated portions of an order of the Supreme Court, Suffolk County (C. Stephen Hackeling, J.), dated April 6, 2026, and (2) a final order and judgment (one paper) of the same court entered April 16, 2026. The order, inter alia, denied the respondents/defendants' motion to dismiss the hybrid proceeding and action. The final order and judgment denied the respondents/defendants' motion to dismiss the hybrid proceeding and action, granted those branches of the petition which were, inter alia, to validate the designating petition, vacated a determination of the respondent/defendant Suffolk County Board of Elections dated April 17, 2025, invalidating the petitioner/plaintiff's designating petition, and directed the respondent/defendant Suffolk County Board of Elections to certify the petitioner/plaintiff as duly elected to the party position of Member of the Suffolk County Republican Committee for the Brookhaven Election District #187.

ORDERED that the appeal from the order is dismissed, without costs or disbursements; and it is further,

ORDERED that the final order and judgment is reversed, on the law, without costs or disbursements, the respondents/defendants' motion to dismiss the hybrid proceeding and action is granted, the hybrid proceeding and action is dismissed, and the order is modified accordingly.

September 14, 2026

Page 1.

MATTER OF HANSEN v SUFFOLK COUNTY BOARD OF ELECTIONS

The petitioner/plaintiff (hereinafter the petitioner) filed a petition with the respondent/defendant Suffolk County Board of Elections (hereinafter the Board) designating herself as a candidate in a primary election to be held on June 24, 2025, for the party position of Member of the Suffolk County Republican Committee (hereinafter the Committee) for the Brookhaven Election District #187. At a meeting held on April 17, 2025, the Board invalidated the petitioner's designating petition. On August 17, 2025, the petitioner commenced this hybrid proceeding, inter alia, to validate the designating petition and action for declaratory relief. The respondents/defendants (hereinafter the respondents) moved to dismiss the hybrid proceeding and action. In an order dated April 6, 2026, the Supreme Court, inter alia, denied the respondents' motion. A final order and judgment entered April 16, 2026, denied the respondents' motion, granted those branches of the petition which were, inter alia, to validate the designating petition, vacated the Board's determination dated April 17, 2025, invalidating the designating petition, and directed the Board to certify the petitioner as duly elected to the party position of Member of the Committee for the Brookhaven Election District #187. The respondents appeal.

The appeal from the order must be dismissed because the right of direct appeal therefrom terminated with the entry of the final order and judgment in the matter (*see Matter of Aho*, 39 NY2d 241, 248). The issues raised on the appeal from the order are brought up for review and have been considered on the appeal from the final order and judgment (*see* CPLR 5501[a][1]).

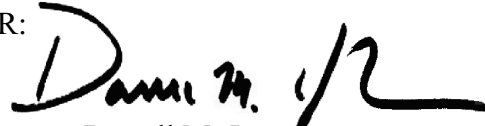
Insofar as the petitioner sought to be designated as a candidate based on the respondents' alleged failure to comply with the designation procedures of the Election Law, this hybrid proceeding and action is governed by the time limitations set forth in Election Law article 16 (*see Matter of Sweat v Dutchess County Bd. of Elections*, 220 AD3d 828, 829; *Matter of Ciotti v Westchester County Bd. of Elections*, 109 AD3d 988, 989). Pursuant to that statute, "[a] proceeding with respect to a petition shall be instituted within fourteen days after the last day to file the petition . . . or within three business days after the officer or board with whom . . . such petition was filed, makes a determination of invalidity with respect to such petition . . . , whichever is later" (*Matter of Sweat v Dutchess County Bd. of Elections*, 220 AD3d at 829, quoting Election Law § 16-102[2]). "A proceeding with respect to a primary . . . shall be instituted within ten days after the holding of such primary" (Election Law § 16-102[2]; *see Matter of Levy v Nassau County Bd. of Elections*, 208 AD2d 786, 786). The time limitations of Election Law article 16 "shall not be so construed . . . as to preclude [a] proceeding, promptly instituted after petitioner first had notice of the determination of the Board of Elections" (*Matter of Pell v Coveney*, 37 NY2d 494, 496; *see Matter of Merber v Board of Elections in the City of N.Y.*, 172 AD3d 624, 625).

Here, assuming that the Board did not notify the petitioner of its determination invalidating the designating petition within the time limitations provided by Election Law § 16-102(2), it is nevertheless undisputed that the petitioner had notice of the Board's determination invalidating the designating petition by April 27, 2025, but did not commence the instant hybrid proceeding and action until August 17, 2025, while the subject primary election was to be held on June 24, 2025. Contrary to the petitioner's contention, *Matter of Pell v Coveney* (37 NY2d at 496) is distinguishable, as the instant hybrid proceeding and action was not "promptly instituted after petitioner first had notice of the determination of the Board of Elections" (*see Matter of Wilson v Garfinkle*, 5 AD3d 409, 410; *cf. Matter of Fortes v English*, 133 AD2d 193, 193).

In light of our determination, we need not reach the parties' remaining contentions.

CONNOLLY, J.P., DOWLING, TAYLOR and HOM, JJ., concur.

ENTER:

A handwritten signature in black ink, appearing to read "Darrell M. Joseph", followed by a long horizontal flourish.

Darrell M. Joseph
Clerk of the Court