

SUPREME COURT STATE OF NEW YORK
COUNTY OF ALBANY

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In the Matter of the Application of
MARIO M. CASTRACAN and VINCENT F. BONELLI,
acting Pro Bono Publico,

Petitioners,

for an Order, pursuant to Sections
16-100, 16-102, 16-104, 16-106 and
16-116 of the Election Law,

-vs-

Answer

Index No.

ANTHONY J. COLAVITA, Esq., Chairman,
WESTCHESTER REPUBLICAN COUNTY COMMITTEE,
GUY T. PARISI, Esq., DENNIS MEHIEL, Esq.,
Chairman, WESTCHESTER DEMOCRATIC COUNTY
COMMITTEE, RICHARD L. WEINGARTEN, Esq.,
LOUIS A. BREVETTI, Esq., Hon. FRANCIS A.
NICOLAI, HOWARD MILLER, Esq., ALBERT J.
EMANUELLI, Esq., R. WELLS STOUT,
HELENA DONAHUE, EVELYN AQUILA, Commissioners
constituting the NEW YORK STATE BOARD
OF ELECTIONS, ANTONIA R. D'APICE,
MARION B. OLDI, Commissioners constituting
the WESTCHESTER COUNTY BOARD OF ELECTIONS,

Respondents,

for an Order declaring invalid the Certificates
purporting to designate respondents Hon. FRANCIS A.
NICOLAI and HOWARD MILLER, Esq. as candidates for
the office of Justice of the Supreme court of the
State of New York, Ninth Judicial District, and
the Petitions purporting to designate ALBERT J.
EMANUELLI, Esq., a candidate for the office of
Surrogate of Westchester County to be held in
the general election of November 6, 1990.

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Respondents R. Wells Stout, Helena Donahue and Evelyn Aquila,
constituting the New York State Board of Elections do hereby answer
the petition herein as follows:

1. Respondents deny information sufficient to form a belief
as to the allegations contained in paragraphs 1, 2, 6 through 10,
12, 15, 18 through 34 inclusive of the petition herein.

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2. Respondents admit the allegations contained in paragraphs 3, 4, 11, 13 and 14 inclusive of the petition herein.

3. With respect to the statutes and Constitution of the State of New York referred to in paragraphs 16 and 17 said authorities speak for themselves.

4. The New York State Board of Elections has made a determination on the objections referred to in paragraph 14 of the petition herein which is annexed hereto.

John Ciampoli, Esq.
Attorney for New York State
Board of Elections
P.O. Box 4
One Commerce Plaza
Albany, NY 12260
Tel. 518-474-6367

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October 1, 1990

In the Matter

of

The specifications of the objections of MARIO M. CASTRACAN and VINCENT F. BONELLI to the certificate of nomination purporting to nominate GEORGE H. ROBERTS, FRANCIS A. NICOLAI and HOWARD MILLER as candidates of the Republican Party for the office of Justice of the Supreme Court, 9th Judicial District.

DETERMINATION

After an examination of the specifications of objections to the certificate of nomination purporting to nominate GEORGE H. ROBERTS, FRANCIS A. NICOLAI and HOWARD MILLER as candidates of the Republican Party for the office of Justice of the Supreme Court, 9th J.D., the State Board of elections finds:

THAT the issues raised in the specifications of objections go behind the documents and records on file in this office and, as such, cannot be determined by this Board.

THEREFORE, the certificate of nomination is valid.

STATE BOARD OF ELECTIONS

By:


Thomas W. Wallace,
Executive Director

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-vs-

Affirmation

Index No.

ANTHONY J. COLAVITA, Esq., Chairman,
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GUY T. PARISI, Esq., DENNIS MEHIEL, Esq.,
Chairman, WESTCHESTER DEMOCRATIC COUNTY
COMMITTEE, RICHARD L. WEINGARTEN, Esq.,
LOUIS A. BREVETTI, Esq., Hon. FRANCIS A.
NICOLAI, HOWARD MILLER, Esq., ALBERT J.
EMANUELLI, Esq., R. WELLS STOUT,
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Surrogate of Westchester County to be held in
the general election of November 6, 1990.

-----X
JOHN CIAMPOLI, an attorney duly admitted to the practice of law
in the State of New York does hereby affirm under the penalties of
perjury that:

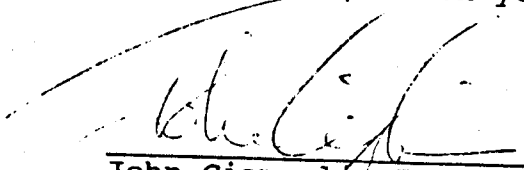
1. Your affirmant is Deputy Counsel to the Defendant New York
State Board of Elections.

2. Your affirmant has familiarized himself with the petition.

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herein and has prepared the Answer annexed hereto for submission to the Court.

3. All of the statements contained therein are true to the best of your Affirmant's knowledge, excepting those statements which are made upon information and belief, which your affirmant believes to be true.



John Ciampoli, Esq.
New York State Board of Elections
One Commerce Plaza, PO Box 4
Albany, New York 12260
518-474-6367

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