

At Supreme Court of the State of New York  
Held in and for the County of Saratoga,  
At the Courthouse located at 30 McMaster  
Street – Building #3, Ballston Spa, New York  
12020 on the 12<sup>th</sup> day of December, 2024.

PRESENT: Hon. James E. Walsh, J.S.C.

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SARATOGA**

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In the Matter of

MICHAEL BRANDI,

Petitioner,

and

CHARLES MARSHALL, Candidate Aggrieved,

Petitioner,

-against-

SARATOGA COUNTY BOARD OF ELECTIONS,  
CASSANDRA BAGRAMIAN, Commissioner of Elections, and  
JOSEPH SUHRADA, Commissioner of Elections,

Respondents

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**DECISION AND ORDER**

RJI # 45-1-2024-1571

INDEX #EF20243992

Petitioners, having filed a hybrid Petition under Election Law Article 16 and Civil Practice Law and Rules (CPLR) Article 78, on December 9, 2024, seeking an Order to compel Respondents to undertake a duty imposed by law, and the Court having issued an Order to Show Cause directing the parties to appear before the Court on December 12, 2024, and all parties having been served with the Order to

Show Cause as directed by the Court, and all parties having submitted written Answers to the Petition, and all parties having appeared before the Court on December 12, 2024, with Petitioners, having been represented by Christopher Obstarczyk, Esq. of the Obstarczyk Firm, PLLC, Respondent Saratoga County Board of Elections, having been represented by George P. Conway, Esq., and Ann Flower E. Stitt, Esq., of the Saratoga County Attorney's Office, Respondent Cassandra Bagramian, Commissioner of Elections, having been represented by Ronnie White, Jr., Esq., of RWJ Esq, PLLC, and Respondent Joseph Suhrada, Commissioner of Elections, having been represented by John D. Aspland, Esq., FitzGerald Morris Baker Firth, P.C., and oral argument from each party having been heard before the Court and each party having the opportunity to submit post-argument submissions to the Court, and the Court having reviewed the papers filed in this matter and the arguments put forth by the parties, and after due consideration and deliberation, the Court, having a great deal of experience in this area of law, finds as follows:

**THAT** the City Counsel for the City of Saratoga Springs having declared a vacancy in the position of Commissioner of Public Works and having passed a Resolution by Proclamation on or about the 15<sup>th</sup> day of October, 2024, "that a Special Election for the Commissioner of Public Works... is to be held in the City of Saratoga Springs on the twenty-eighth day of January, two-thousand twenty-five, and such election is to be conducted in the matter prescribed by the Charter of the City of Saratoga Springs and in recognition of the intent of the New York State Constitution, the New York State Public Officers Law and New York State Election Law" and

**THAT** the City of Saratoga Springs, having published a calendar setting timeframes for candidates to file certificates of party nomination in accordance with Election Law §6-158(6), or “not later than ten days following the issuance of a proclamation for such election”, or not later than October 25, 2024, based on the October 15, 2024 proclamation, and

**THAT** Petitioner Marshall having filed a certificate of nomination with Respondent Saratoga County Board of Election on October 25, 2024, and

**THAT**, pursuant to Election Law §4-114, Respondents are to determine candidates for the ballot for the Special Election of January 28, 2025 no later than the 53<sup>rd</sup> day preceding said Special Election, or December 6, 2024, and

**THAT** Respondents have failed to determine the candidates for said Special Election as of the date of the filing of the Petition on December 9, 2024, and

**THAT**, despite the argument put forth by Respondent Bagramian, §18.2 of the City Charter of the City of Saratoga Springs provides that “provisions of the Election Law of the State of New York shall apply to all municipal elections and special elections of the City of Saratoga Springs and shall guide in all matters not provided in the Charter,” and

**THAT** this Court’s authority is limited only to the power delegated to it by the New York State Legislature, and the relief requested is vested by New York State Election law §§16-100 and 16-102(1)(2), *see Pell v. Coveney*, 37 NY2d 494 [1975]; *see*

*also, Skartados v. Orange County Bd. of Elections*, 81 AD3d 757 [2<sup>nd</sup> Dept. 2011], and no objection to the Court's jurisdiction having been raised, and

**THAT**, despite Respondent Bagramian's request that a new calendar be established this Court as part of the equitable desire to not disenfranchise voters, as only one party put forth a candidate in the timetable established by Election Law §6-158(6), the action currently before the Court seeks a writ of mandamus to compel Respondents to determine the candidates and to prepare the ballot for the January 28, 2025 Special Election for the position of Commissioner of Public Works for the City of Saratoga Springs, according to the filings received by Respondent Saratoga County Commissioner of Elections, and

**THAT**, as this proceeding concerns a Special Election and not a primary election, this Court is without authority to grant the remedy of an opportunity to ballot, as provided in *Landry v. Mansion*, 65 AD3d 803 [3<sup>rd</sup> Dept 2009],

**THEREFORE, it is DETERMINED and ADJUDGED**

**THAT** Petitioner Marshall filed the certificate of nomination with the Saratoga County Board of Elections for the position of Commissioner of Public Works within the deadlines established by Election Law §6-158(6) and referenced by the City of Saratoga Springs in the calendar established for purposes of this Special Election, and


**THAT** no objections to the certificate of nomination were filed, and thus the certificate is deemed valid, and

**THAT** Election Law §4-114 requires Respondents to determine the candidates for the ballot for the Special Election of January 28, 2025 for Commissioner of Public Works no later than December 6, 2024, and

**THAT** Respondents have not done so as of December 9, 2024, therefore, it is hereby

**ORDERED** that Respondents are directed to perform the ministerial task to determine the candidates and to prepare the ballot for the January 28, 2025 Special Election for the position of Commissioner of Public Works for the City of Saratoga Springs.

Signed at Ballston Spa, New York  
this 13<sup>th</sup> day of December, 2024

  
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Hon. James E. Walsh  
Supreme Court Justice

ENTER: