

SUPREME COURT IN THE STATE OF NEW YORK  
APPELLATE DIVISION: FOURTH DEPARTMENT

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TIM HARKENRIDER, GUY C. BROUGHT,  
LAWRENCE CANNING, PATRICIA CLARINO,  
GEORGE DOOHER, JR., STEVEN EVANS, LINDA  
FANTON, JERRY FISHMAN, JAY FRANTZ,  
LAWRENCE GARVEY, ALAN NEPHEW, SUSAN  
ROWLEY, JOSEPHINE THOMAS, AND MARIANNE  
VOLANTE,

Steuben County  
Index No. E2022-0166CV  
A.D. No. CAE 22-00506

**AFFIRMATION IN  
SUPPORT**

Petitioners-Respondents,

– against –

GOVERNOR KATHY HOCHUL, LIEUTENANT  
GOVERNOR AND PRESIDENT OF THE SENATE  
BRIAN A. BENJAMIN, SENATE MAJORITY  
LEADER AND PRESIDENT PRO TEMPORE OF  
THE SENATE ANDREA STEWART-COUSINS,  
SPEAKER OF THE ASSEMBLY CARL HEASTIE,  
and NEW YORK STATE LEGISLATIVE TASK  
FORCE ON DEMOGRAPHIC RESEARCH AND  
REAPPORTIONMENT,

Respondents-Appellants.

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PAUL M. SMITH, an attorney duly admitted to practice before the Courts of the State of New York, hereby affirms the following to be true under penalty of perjury pursuant to CPLR 2106:

1. I am Senior Vice President of Campaign Legal Center (“CLC”) and an attorney representing the same proposed amicus curiae CLC.
2. I submit this affirmation in support of CLC’s motion for an order: (a) granting CLC permission to file an amicus brief in support of neither party in the instant appeal (a copy of which is attached hereto as Exhibit A) and (b) granting such other relief as the Court may deem just and proper.

3. CLC is a nonpartisan, nonprofit organization dedicated to ensuring that the democratic process is free and fair for all voters. CLC has litigated or been involved in approximately 100 voting rights and redistricting cases. CLC represents clients in numerous ongoing cases addressing partisan gerrymandering, and served as lead counsel in *Gill v. Whitford*, 138 S. Ct. 1916 (2018), and *Rucho v. Common Cause*, 139 S. Ct. 2484 (2019). CLC has a strong interest in ensuring that state constitutional provisions banning partisan gerrymandering are given force by the courts so that extreme partisan gerrymandering does not go unchecked.

4. CLC respectfully submits that its motion should be granted because, *inter alia*, (a) CLC – as demonstrated in the attached proposed brief – can provide a perspective on partisan gerrymandering that might otherwise escape the Court’s consideration; and (b) CLC’s proposed brief would otherwise be of assistance to the Court in deciding this appeal.

5. Amicus curiae may assist a court with the law, facts, or circumstances of a case. *See Matter of Temco Serv. Inc. v. Liu*, 39 Misc. 3d 1240[A] (Sip. Ct. NY Cnty. 2003).

6. “In cases involving questions of important public interest[,] leave is generally granted to file a brief as amicus curiae.” *Kruger v. Bloomberg*, 1 Misc. 3d 192, 196 (N.Y. Sup. Ct. 2003).

7. Partisan gerrymandering deeply impacts the way in which New Yorkers will or will not have their voices heard by their government for the next decade, and is a topic of important public interest. CLC will assist the Court by, *inter alia*, providing its expertise on the problem of and solutions to partisan gerrymandering.

8. No party or counsel for any party contributed content to CLC’s brief or participated in the preparation of the brief in any other manner; and no person or entity contributed money for such a purpose.

9. As noted, a copy of CLC's proposed amicus brief is attached hereto as Exhibit A.

10. I am authorized to inform the Court that Petitioners take no position on the relief requested. The Governor, the Speaker of the Assembly, and the Senate Majority Leader and President Pro Tempore of the Senate object to this relief as untimely. Counsel for the Board of Elections has not responded to CLC's request for a position.

11. An attorney for CLC spoke with the Supreme Court, Appellate Division: Fourth Department Clerk's Office on April 18, 2022, and the Office confirmed that the filing of this request and brief would be timely prior to the Court's resolution of this matter.

12. Based upon the foregoing, I respectfully request that CLC's motion be granted in its entirety.

Dated: Washington, DC  
April 19, 2022

A handwritten signature in cursive script, appearing to read "Paul M. Smith", is written over a horizontal line.

PAUL M. SMITH