

STATE OF NEW YORK
SUPREME COURT : COUNTY OF STEUBEN

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

Petitioners,

-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,
NEW YORK STATE BOARD OF ELECTIONS, and
THE NEW YORK STATE LEGISLATIVE TASK
FORCE ON DEMOGRAPHIC RESEARCH AND
REAPPORTIONMENT,

Respondents.

**AFFIDAVIT OF
ASSEMBLYMAN
MICHAEL J.
FITZPATRICK**

Index No.
E2022-0116CV

Assigned Justice:
Hon. Patrick F.
McAllister, A.J.S.C.

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

MICHAEL J. FITZPATRICK, being duly sworn, deposes and says:

1. I am a Minority member of the New York State Assembly,
representing the 8th Assembly District. My District includes parts of Suffolk County.

2. I was first elected to the Assembly in November 2002 and have been a member of the Assembly ever since.

3. I am currently the Ranking Minority Member on the Housing Committee and serve as member of several other Assembly standing committees.

4. I make this affidavit based on my personal knowledge.

Bipartisan Enactment of the Assembly Map

5. On January 24, 2022, the Independent Redistricting Commission announced it would not submit a second set of proposed legislative-district maps, despite its constitutional obligation to do so.

6. In response, on February 3, 2022, the Assembly passed Bill Number A09040A (the "Bill"), which established the Assembly and State Senate district maps for the 2022 and subsequent elections.

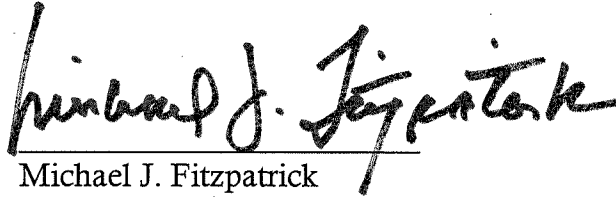
7. The Bill passed in the Assembly by a vote of 118 to 29.

8. I voted in favor of the Bill, as did 14 of my Republican colleagues: Representatives Angelino, Barclay, Brabenec, Giglio, Goodell, Hawley, Jensen, Lalor, Lemondes, Miller, Morinello, Norris, and Tague. Thus, the Bill was enacted with bipartisan support in the Assembly.

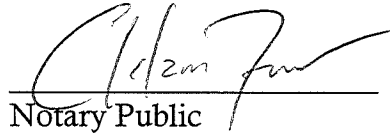
9. I voted in favor of the Bill because I believe the Assembly district maps contained therein to be fair.

10. When I voted for the Bill, I recognized the possibility that this lawsuit would be filed. I was and remain unaware of any intention for the lawsuit to challenge the Assembly map.

Dated: Albany, New York
May 5, 2022


Michael J. Fitzpatrick

Sworn to before me this
5TH day of May, 2022


Notary Public

Adam Fusco, Esq.
NOTARY PUBLIC, State of New York
Qualified in Fulton County
No. 02FU6325525
MCE 5-26-2023