

STATE OF NEW YORK
SUPREME COURT : COUNTY OF NEW YORK

PAUL NICHOLS, GAVIN WAX, and GARY GREENBERG

Petitioners,

-against-

GOVERNOR KATHY HOCHUL, 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,

AFFIDAVIT OF ASSEMBLYMAN DOUG SMITH

Index No. 154213/2022

Respondents.

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

DOUG SMITH, being duly sworn, deposes and says:

1. I am a Minority member of the New York State Assembly, representing the 5th Assembly District. My District spans the townships of Brookhaven, Islip, and includes Holbrook, Holtsville, Ronkonkoma, Lake Ronkonkoma, Lake Grove, Centereach, Selden, and Farmingville, Islandia, North Patchogue, and Stony Brook.

2. I was first elected to the Assembly in April 2018 and have served as a member of the Assembly ever since.

3. I am currently the Ranking Minority Member on the Education Committee and serve as a member on 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 against the Bill, as did 28 of my Republican colleagues. While I voted against the bill; I did so due to concerns regarding the redistricting process.

9. Nonetheless, I believe the Assembly district maps contained therein to be fair.

10. When I voted on the Bill, I recognized the possibility that a lawsuit would be filed challenging the Senate and Congressional maps. I was unaware of any intention for a lawsuit to challenge the Assembly map.

10. When I voted on the Bill, I recognized the possibility that a lawsuit would be filed challenging the Senate and Congressional maps. I was unaware of any intention for a lawsuit to challenge the Assembly map.

11. I make this affidavit in support of the respondents' Motion to Dismiss.

Dated: Albany, New York
May 20, 2022



Doug Smith

Sworn to before me this
20th day of May, 2022

This remote notarial act involved the use of communication technology



Notary Public

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