

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

PAUL NICHOLS, GAVIN WAX, and GARY GREENBERG,

Petitioners,

Index No. _____

v.

AFFIDAVIT OF GAVIN WAX

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,

Respondents.

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

GAVIN WAX, being duly sworn, depose and state the following:

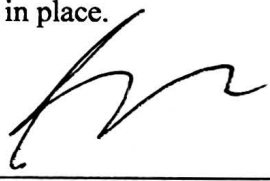
1. I am a citizen of the State of New York, residing at 1229 First Avenue, Apt. 11, New York, NY 10065 in New York County. I am registered to vote in the State of New York.
2. I bring this action so that my rights as a voter and a candidate will be protected and am moving by Order to Show Cause because election deadlines are fast approaching.
3. I am the President of the New York Young Republican Club. In addition to my political advocacy on behalf of Republican-related causes, I am a supporter of the ability of so-called "third parties" to organize in the State of New York and for candidates to seek third-party ballot lines in general elections. Our polarized, tribal political culture is broken, and I firmly believe that more voices deserve to be heard.

4. The entire redistricting process and the ongoing litigation has interfered with the ability of candidates for office to circulate petitions which would enable them to secure a third-party ballot line in a general election.

5. On April 27, 2022, the Court of Appeals issued a decision which concluded that the New York State Assembly map was subject to a procedurally unconstitutional process, although the Court of Appeals was unable to reach the constitutional issue related to the State Assembly Map because of a procedural technicality.

6. Earlier this month, I filed a motion to intervene in the related litigation in Steuben County Supreme Court, seeking to invalidate the State Assembly Map based on the Court of Appeals' decision. Even though the Supreme Court denied my request to intervene on timeliness grounds, the Supreme Court agreed that the State Assembly Map is unconstitutional and stated that an individual such as myself could file an action in another court, if I so desired.

7. Accordingly, I am commencing this action to request, among other things, (a) that the State Assembly Map be invalidated; (b) that a Special Master be engaged by this Court so that a proper State Assembly Map be redrawn; and (c) that the 2022 elections for New York State Assembly be held only when a proper, constitutional map is in place.

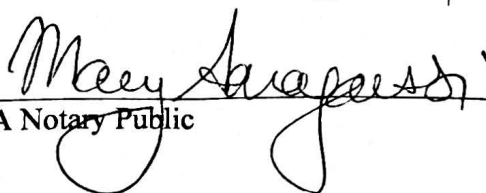


Gavin Wax

STATE OF NEW YORK
COUNTY OF NEW YORK

Sworn to and subscribed before me

this 15TH day of MAY 2022.


A Notary Public

MARY SARAGOSSI
Notary Public, State of New York
NO. 01SA6262738
Qualified in Kings County
Certificate filed in New York County
Commission Expires 05/29/2024

