

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF STEUBEN

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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,

Index No.: E2022-0116CV

**AFFIDAVIT OF
PATRICK DONOHUE**

Petitioners,

v.

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.
-----X

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

I, Patrick Donohue, being duly sworn, depose and state the following:

1. I am a citizen of the State of New York, residing at 795 Columbus Avenue in New York County. I am registered to vote in the State of New York.

2. I have been involved in politics and other causes for decades. For example, I served as the Finance Director for the Former Governor of the State of New York, George Pataki, for twelve years. I am also an international civil rights lawyer and advocate for the millions of families

who must cope with the leading cause of death and disability for American youth, namely brain injury and brain-based disorders.

3. I am the Founder and Chairman of the Parent Party of New York (the “Parent Party”). The Parent Party is a new political party in New York State.

4. The Parent Party’s mission is to empower parents to take back control of their child’s education, empower citizens to take back control of our democracy, and support local law enforcement to take back control of our streets. The Parent Party is open to Republican candidates, Democratic candidates, and independents who make the following Parent Party Pledge:

Pledge #1: Educational Freedom and Independence

- I support educational freedom and independence for parents by having their education funds follow the students based on their parents’ choice of schooling.
- I support a full audit (academic, financial, and personnel) of the education system and schools to provide parents and the public with full transparency.

Pledge #2: Universal Term Limits

- I support universal term limits for elected offices.

Pledge #3: Safe streets and schools

- I support our local law enforcement, I oppose any efforts to defund police and public safety, knowing safe streets and safe schools are paramount to quality education.

5. In the State of New York, the Parent Party has been focused on the 2022 election cycle in which various elections are scheduled to be held. Those elections include Statewide offices, such as Governor, Lieutenant Governor, Attorney General and Comptroller. In addition, elections for U.S. Senate, Congress, State Senate, State Assembly, and local offices are scheduled to be held in New York this year.

6. For the 2022 election cycle in New York, one aim of the Parent Party is to recruit suitable candidates, get them on the ballot, and work with their campaigns with the goal of electing as many Parent Party candidates into office as possible.

7. As the Parent Party recently announced, it has endorsed a wide array of candidates running for Statewide offices, State Senate, State Assembly, and Congress. *See* Media Advisories available at <https://www.parentparty.org/media/> (last visited May 15, 2022). Some of the Parent Party candidates are Petitioners in connection with the related Motion to Intervene.

8. Another goal of the Parent Party is to become an official ballot access party in New York State, which would enable it to be deemed a “party” under the New York State Election Law. Currently, there are four ballot access parties in New York State: (1) the Democratic party; (2) the Republican party; (3) the Conservative party; and (4) the Working Families party.

9. If the Parent Party were to become a ballot access party, it would secure a number of benefits, including: (a) being able to form an official party apparatus and further build its fundraising operation; (b) allowing individuals, when they register to vote, to officially enroll in the Parent Party; and (c) allowing individuals to run as a Parent Party candidate as part of the designating petition process. In other words, becoming a ballot access party will increase the standing of the Parent Party and enhance its ability to elect qualified candidates into office.

10. In order to become a ballot access party in the State of New York, the Parent Party needs to obtain “excluding blank and void ballots . . . at least two percent of the total votes cast for its candidate for governor, or one hundred thirty thousand votes, whichever is greater, in the year in which a governor is elected . . .” N.Y. Elec. Law § 1-104(3).

11. As was recently reported by the New York Post, the Parent Party of New York has endorsed Lee Zeldin for Governor. *See* NY Post, Parent Party Endorses Lee Zeldin, GOP

Candidates for Top Statewide Offices, May 14, 2022, available at <https://nypost.com/2022/05/14/parent-party-endorses-lee-zeldin-gop-candidates-for-top-statewide-offices/>. Lee Zeldin is also (a) a candidate for governor in the Republican Primary Election currently scheduled to be held on June 28, 2022; and (b) the Conservative Party's candidate for governor in the General Election scheduled on November 8, 2022.

12. Given that Lee Zeldin will be the Parent Party candidate for governor, the Parent Party and its supporters will circulate independent nominating petitions that will nominate him to be on the ballot on the Parent Party line in the November 8, 2022 General Election.

13. The Parent Party has always intended to circulate these petitions as "slate petitions" on which not only Lee Zeldin's name would appear, but also, the names of the other statewide candidates would appear along with, when applicable, selected Parent Party candidates running for (a) Representative in Congress; (b) State Senate; (c) State Assembly; and (d) candidates running for local office. By utilizing this slate petitioning strategy—which is also used by both major political parties—the signatures gathered count for all of the candidates on each petition sheet, thus allowing the candidates to work with each other and make the process of gathering signatures a synergistic one.

14. The entire redistricting process and the ongoing litigation has interfered with the Parent Party's ability to form petition slates and gather signatures on slate petitions. This interferes with the Parent Party's attempt to (a) get Parent Party candidates to get on the ballot and (b) qualify the Parent Party as a ballot access party in the State of New York. Significant uncertainty has existed in connection with the petitioning process since this action was initiated on February 3, 2022, and particularly after this Court's March 31, 2022 Decision and Order striking down the Congressional map, State Senate ap, and State Assembly map, and the subsequent appeals and

motion practice that followed.

15. According to the New York State Board of Elections Political Calendar, the independent nominating petition process was originally due to start on April 19, 2022. *See* <https://www.elections.ny.gov/NYSBOE/law/2022PoliticalCalendar.pdf/> (last visited May 15, 2022).

16. However, as of April 19, the Congressional map, State Senate map, and State Assembly map were all in question, thus leaving few, if any, of the Parent Party candidates with clear guidance as to whether to begin petitioning then. Statewide candidates, such as Mr. Zeldin, need to obtain signatures by Congressional district (in addition to gathering a certain total number of signatures). Thus, it did not make sense for statewide candidates to start then, particularly when many of their “boots on the ground” to gather signatures—e.g., candidates for Congress, State Senate, State Assembly—could not feasibly start slate petitioning at that time (given that their district lines were unknown) and since it was not clear if any signatures gathered by anyone, including a Statewide candidate, would count at all.

17. Additional uncertainty followed the Appellate Division’s decision on April 21, 2022 and the Court of Appeals’ decision on April 27, 2022. The eyes of the political world then focused on both this Court and the Board of Elections for guidance as to the future of all petitioning, including independent nominating petitions—even while motions to intervene were pending before this Court concerning the constitutionality of the State Assembly map.

18. While the various appeals and other motions to intervene were pending in late-April and during the first two weeks of May, the Board of Elections provided no official guidance as to what candidates should do, including with respect to those candidates and political parties, such as the Parent Party Intervenors, who were contemplating circulating independent nominating

petitions. The first potential guidance received was from this Court in its May 5, 2022 Advisory Opinion (NYSCEF Doc. No. 409), and that Advisory Opinion commented on only the independent nominating petition process for statewide candidates.

19. It was only when the Court issued its ballot access order on May 11, 2022 (NYSCEF Doc. No. 524) (the “Ballot Access Order”) that candidates for office and political advocates (including advocates such as myself, as the Founder and Chairman of the Parent Party) began to have some guidance as to the future of the independent nominating petitioning process. This, again, is crucial to the Parent Party, because the independent nominating petition process is precisely how Parent Party candidates will get on the ballot, and the path through which the Parent Party can become a ballot access party in the State of New York.

20. In this Motion to Intervene, the Parent Party of New York is asking for several modifications to the Ballot Access Order (as described in more detail in other papers filed with the Court) to vindicate the Parent Party’s (and their candidates’) right to associate with the political party of one’s choice pursuant to the United States Constitution.

21. Among other issues, as the Ballot Access Order is now written, it is impossible for Lee Zeldin and the other Statewide candidates to slate petition with other candidates, and it is impossible for State Assembly candidates to slate petition with other candidates. In addition, the Parent Party contends that it is inequitable, and unnecessary, to require Statewide, State Assembly, and local candidates to file their independent nominating petitions by May 31 pursuant to the political calendar, when there was so much uncertainty concerning the process, and while, at the same time, Congressional and State Senate candidates are given more time to circulate independent nominating petitions.

22. In addition, only now is there some reasonable certainty concerning the parameters

of the Assembly Map, given that this Court ruled on an unrelated Motion to Intervene on this question on May 11, 2022.

23. No one will be prejudiced by the relief requested by the Parent Party Intervenors, given that the relief requested concerns only the identity of the candidates on the ballot in the November 8, 2022 General Election. Thus, there are no timing issues that would impact Respondent State Board of Elections, local boards of elections, or otherwise.

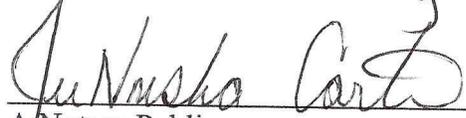
24. I have not submitted any prior application for the relief I seek.



Patrick Donohue

Sworn to and subscribed before me

this 15th day of May 2022.


A Notary Public

