

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 SENATOR
ROBERT G. ORTT IN
SUPPORT OF PETITION**

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.

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ROBERT G. ORTT, being duly sworn, says under penalty of perjury as follows:

1. I am a member of the New York State Senate elected to represent District 62.
2. I make this declaration based on my personal knowledge, and if called upon to

testify, I could and would testify to the following facts.

3. I have served as Senate Minority Leader since June 19, 2020.

4. Given my position as Senate Minority Leader, I have a leadership role within the Republican caucus in the New York State Senate on issues relating to redistricting, including playing a key role in determining the approach that Senate Republicans will follow.

5. In 2014, New Yorkers voted to implement a new, nonpartisan redistricting process and banned partisan gerrymandering.

6. On January 3, 2022, the New York Independent Redistricting Commission (IRC) sent two sets of redistricting maps (Plan A and Plan B) to the New York State Legislature (“Legislature”). The Democratic IRC members developed Plan A without input from the Republican members, while the full IRC worked on Plan B until negotiations broke down.

7. On January 10, 2022, the Senate voted on Plan A and Plan B without amendment. Both plans failed to pass. Plan A received no votes in favor of enactment. Seventeen senators voted in favor of Plan B’s Senate and Assembly maps, and forty-six voted against. Nineteen senators voted in favor of Plan B’s congressional map, with forty-four voting against. On the same day, the New York State Assembly voted against both plans.

8. Senate Republicans expected the IRC to send a revised redistricting plan to the Legislature for another round of voting without amendment by January 25, 2022.

9. However, on January 24, 2022, the IRC announced that it would not be submitting a new plan.

10. Instead, Democrats in Legislature, unilaterally, secretly, and without any public input, drafted new maps, in spite of the mandatory redistricting process in Article III, Section 4 of the New York State Constitution.

11. Democrats in the Senate and Assembly completed new maps in a matter of days, releasing the congressional map on January 30 and the state Senate map on February 1.

12. Legislative Democrats drafted the maps behind closed doors, without a single public hearing or any bipartisan cooperation.

13. In violation of the New York Constitution, the Legislature adopted the Democrats' partisan and incumbent favoring maps with all Senate Republicans voting against them. The congressional map passed on a vote of 103-45 in the Assembly and 43-20 in the Senate. The Senate map passed on a vote of 118-29 in the Assembly and 43-20 in the Senate.

14. Senate Republicans were not given any input or involvement in the drafting or creating of the congressional or state Senate maps that the Legislature adopted.

15. On February 3, 2022, Governor Hochul signed into law the Legislature's congressional and state Senate maps. 2021-2022 N.Y. Reg. Sess. Leg. Bills S.8196, A.9039-A, A.9040-A, and A.9168.

DATED: 2/14, 2022

Sworn to before me this the 14 day of February, 2022
Kristin J. Frank
Notary Public - State of New York

KRISTIN L FRANK
Notary Public, State of New York
Reg. No. 02FR6367761
Qualified in ~~Albany~~ Schenectady County
Commission Expires 11/27/2025