

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 VIOLANTE,

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.

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

I, William Cody Anderson, being duly sworn, depose and state the following,

1. I am Chair and de facto President of the Libertarian Party of New York, an independent body and unincorporated association.
2. I am a registered, eligible, and active voter of the State of New York, residing at 106 Nickerson Drive, Middleburgh, New York 12122.
3. I, on behalf of the Libertarian Party of New York, submit this affidavit in support of its emergency request to intervene in the above-captioned action. I am fully familiar with the facts and circumstances stated therein.

4. The Libertarian Party of New York, currently a non-recognized party, moves for leave to intervene by order to show cause so that its rights will be protected.
5. Four years ago the Libertarian Party crossed the vote threshold for recognized party status, the first time in its fifty year history the party achieved such status. That status ended after the Legislature passed a new election law in 2020 truncating two years of recognized party status from what had been won in 2018 and promised through 2022. Under the new law, the Libertarian candidate for President did not obtain sufficient votes in 2020, reducing the Libertarian Party to independent body status. Its Governor candidate now provides the only opportunity for the Libertarian Party to regain its recognized party status, and must gather a minimum of 45,000 signatures in order to even appear on the ballot.
6. The Libertarian Party of New York seeks to intervene as of right as its interests are not adequately represented by the present parties and since it may be bound by any judgment rendered herein. NY CPLR § 1012(a)(2) (“Upon timely motion, any person shall be permitted to intervene in any action...when the representation of the person’s interest by the parties is or may be inadequate and the person is or may be bound by the judgment.”)
7. In the alternative, the Libertarian Party of New York seeks to intervene by permission in this action, on the ground that CPLR § 1013 permits intervention “when the person’s claim or defense and the main action have a common question of law or fact.” The Legislature’s unconstitutional redistricting has harmed voters’ and candidates’ interests in fair representation.
8. The redrawing of district lines makes it likely that the signatures candidates must gather will not meet the statutory requirements and reduced signatures will be gathered between elimination of the old district lines as affirmed by the Court of Appeals on April 27, 2022 and the deadline for petitioning on May 31, 2022. Since that voiding of state Senate and Congressional districts, those candidates and their petitioners have been discouraged and unable to gather signatures, not knowing the parameters of their respective districts. Petitioning for state-wide candidates endorsed by the Libertarian Party of New York consequently has been harmed, since the situation has resulted in a loss of cooperation and

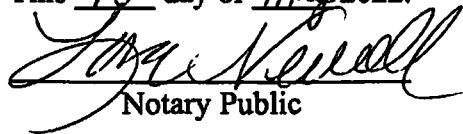
coordination with down-ballot candidates in the party. What's more, this is the first election cycle when candidates of non-recognised parties face a tripling of the signature requirement, from 15,000 to 45,000.

- 9. Unless the Court applies a remedy by reducing the signature requirement, and by extending the period for petitioning beyond the May 31, 2022 deadline, the state-wide candidates endorsed by the Libertarian Party of New York will face a significantly increased burden not contemplated by the legislature when it imposed its recent drastic increase in our signature requirements, with fewer petition gatherers due to the lack of local candidates and health concerns and venue restrictions related to Covid-19.
- 10. I have not submitted any prior application for the relief requested herein, in this or any court.



William Cody Anderson

Sworn to and subscribed before me  
This 10<sup>th</sup> day of May 2022.

  
Notary Public

LORA L. NEWELL  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01NE6269660  
Qualified in Schoharie County  
By Commission Expires October 01, 2024