

STATE OF NEW YORK
SUPREME COURT : COUNTY OF STEUBEN

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,

**AFFIRMATION OF
CRAIG R. BUCKI**

Petitioners,

-against-

Index No.
E2022-0116CV

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,

Assigned Justice:
Hon. Patrick F.
McAllister, A.J.S.C.

Respondents.

CRAIG R. BUCKI, an attorney duly admitted to practice in the Courts of
New York State, affirms the following upon information and belief and under penalty of
perjury, pursuant to CPLR 2106:

1. I am a partner of Phillips Lytle LLP, attorneys for Respondent Carl Heastie, Speaker of the New York State Assembly.
2. I am familiar with the facts stated in this affirmation.

3. Pending are motions to intervene filed by Gavin Wax and Gary Greenberg (NYSCEF Dkt. Nos. 316-19; Dkt. Nos. 346-49). I respectfully submit this affirmation in opposition to those motions.

4. Both Mr. Wax and Mr. Greenberg seek, among other things, to invalidate the New York State Assembly District lines enacted in Chapter 14, § 1, of the New York Laws of 2022 on February 3, 2022. These Assembly District lines bear great similarity to the previous lines that took effect with the 2012 general election, and that received pre-clearance from the United States Department of Justice pursuant to the Voting Rights Act of 1965.

5. For months before April 1, 2022, Mr. Wax commented on New York's redistricting and this lawsuit numerous times on his Twitter account. True copies of some of these Twitter posts are attached as Exhibit A.

6. During the same time, Mr. Greenberg also posted about New York's redistricting and this lawsuit on his Twitter account. True copies of some of these Twitter posts are attached as Exhibit B.

7. On April 15, 2022, the Fourth Department denied a motion to intervene filed by various Congressional members, candidates for office, and voters. Petitioners opposed that motion, and a true copy of their opposing affirmation is attached as Exhibit C. A true copy of the Fourth Department Order denying the motion is attached as Exhibit D.

8. On May 4, 2022, the New York State Board of Elections certified the designating petitions of hundreds of candidates for New York State Assembly, and the positions of delegates and alternate delegates to a variety of conventions that would

nominate candidates for New York State Supreme Court, thus qualifying those candidates for this year's primaries. A true copy of the certification of those candidates by the State Board of Elections is attached as Exhibit E.

9. As per New York Election Law § 6-144, petitions designating candidates for public office or party positions: (1) to be voted for solely within a particular county outside New York City are filed at the Board of Elections for that county; (2) to be voted for solely within New York City are filed at the New York City Board of Elections; and (3) "to be voted for in a district greater than one county, or portions of two or more counties, in the office of the state board of elections."

10. Hence, the certification attached as Exhibit E does not include the certifications made by the New York City Board of Elections or the other 57 county Boards of Elections throughout New York State to qualify for the primary ballot thousands of candidates for New York State Assembly, party District Leaders in New York City, representatives to the New York State Democratic Committee, representatives to various county party committees, and the positions of delegates and alternate delegates to a variety of conventions that would nominate candidates for New York State Supreme Court, for which those candidates' designating petitions were filed with the New York City Board of Elections or the other 57 county Boards of Elections throughout the State.

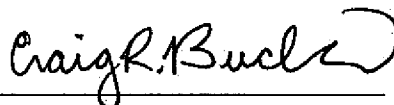
11. Attached as Exhibit F is a true and accurate copy of the current Rules of the New York State Democratic Committee.

12. In an article published by the New York Law Journal on May 4, 2022, counsel for Mr. Greenberg makes clear that Mr. Greenberg seeks to "invalidate petitions

submitted by existing candidates for any office, including for the New York State Assembly." A true copy of that article is attached as Exhibit G.

13. For the reasons described in the accompanying memorandum of law, this Court should deny Mr. Wax's and Mr. Greenberg's motions to intervene.

Dated: Buffalo, New York
May 9, 2022



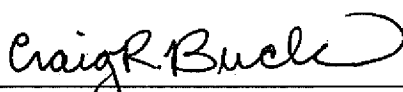
Craig R. Bucki, Esq.

CERTIFICATE OF COMPLIANCE WITH 22 N.Y.C.R.R. § 202.8-b

This affirmation complies with 22 N.Y.C.R.R. § 202.8-b because it contains 678 words, excluding the caption, table of contents, table of authorities, and signature block. The word count was generated by the word-processing system used to prepare this document.

Dated: Buffalo, New York
May 9, 2022

PHILLIPS LYTLE LLP

By: 
Craig R. Bucki
Steven B. Salcedo
Rebecca A. Valentine
Attorneys for Respondent
Speaker of the Assembly Carl Heastie
One Canalside
125 Main Street
Buffalo, New York 14203-2887
Telephone No. (716) 847-8400
cbucki@phillipslytle.com
ssalcedo@phillipslytle.com
rvalentine@phillipslytle.com