

Exhibit 4

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

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Anthony S. Hoffmann; Marco Carrión; Courtney Gibbons;
Lauren Foley; Mary Kain; Kevin Meggett; Clinton Miller;
Seth Pearce; Verity Van Tassel Richard; and Nancy Van
Tassel,

Index No. 904972-22

Petitioners,

-against-

The New York State Independent Redistricting
Commission; Independent Redistricting Commission
Chairperson David Imamura; Independent Redistricting
Commissioner Ross Brady; Independent Redistricting
Commissioner John Conway III; Independent Redistricting
Commissioner Ivelisse Cuevas-Molina; Independent
Redistricting Commissioner Elaine Frazier; Independent
Redistricting Commissioner Lisa Harris; Independent
Redistricting Commissioner Charles Nesbitt; and
Independent Redistricting Commissioner Willis H.
Stephens,

Respondents.

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**PROPOSED INTERVENORS' VERIFIED ANSWER TO VERIFIED
AMENDED PETITION FOR WRIT OF MANDAMUS**

INTRODUCTION

Proposed Intervenor-Respondents 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 (hereinafter, collectively, “Proposed Intervenors”), are all New York residents and voters who successfully litigated *Harkenrider v. Hochul*, Index No.E2022-0116CV (Steuben Cnty. Sup. Ct.), resulting in the Supreme Court declaring the Legislature’s attempted 2022 congressional map procedurally and substantively unconstitutional and adopting a nonpartisan, constitutional map thereafter, which Proposed Intervenors have relied on in electioneering efforts ever since. Indeed, Proposed Intervenors regularly engage in campaign activity in support of Republican candidates running for Congress, have continued those efforts in the districts established by the Steuben County Supreme Court, operating under the belief that such districts will maintain throughout the decennial, and have expended significant time, energy, and funds based upon the continuation of the congressional map. Pursuant to CPLR 1014’s requirement that the intervention motion be accompanied by “a proposed pleading setting forth the claim or defense for which intervention is sought,” CPLR 1014, Proposed Intervenors hereby submit this proposed Answer. Proposed Intervenors do not waive any of their defenses, privileges, or immunities to this lawsuit, nor do they waive their right to amend this proposed Answer. CPLR 3025. In response to Petitioners’ Amended Verified Petition For Writ Of Mandamus, Proposed Intervenors answer as follows:

PRELIMINARY STATEMENT

1. Paragraph 1 cites and quotes provisions of the New York Constitution, which speak for themselves. To the extent the allegations in Paragraph 1 are inconsistent with these provisions,

those allegations are denied. Proposed Intervenors admit that the Petition seeks a writ of mandamus but deny that Petitioners are entitled to any such relief.

2. Admitted.

3. Paragraph 3 references provisions of the New York Constitution, which speak for themselves. To the extent the allegations in Paragraph 3 are inconsistent with these provisions, those allegations are denied. Proposed Intervenors admit that the 2014 Amendments substantially reformed the redistricting process in New York.

4. Paragraph 4 references provisions of the New York Constitution, which speak for themselves. To the extent the allegations in Paragraph 4 are inconsistent with these provisions, those allegations are denied.

5. Paragraph 5 cites a provision of the New York Constitution, which speaks for itself. Further, Paragraph 5 asserts legal conclusions for which no response is required. To the extent this paragraph asserts factual allegations, Proposed Intervenors admit that the IRC held multiple public hearings.

6. Paragraph 6 cites a provision of the New York Constitution, which speaks for itself. Further, Paragraph 6 asserts legal conclusions for which no response is required. To the extent Paragraph 6 makes factual allegations, Proposed Intervenors admit the allegations in Paragraph 6 insofar as the IRC submitted two first-round congressional maps to the Legislature in January 2022, and the Legislature rejected those maps out of hand.

7. Paragraph 7 asserts legal conclusions for which no response is required. Additionally, Paragraph 7 cites a provision of the New York Constitution, which speaks for itself. To the extent the allegations in Paragraph 7 differ from that provision, Proposed Intervenors deny

the allegations. Proposed Intervenors admit the allegations in this paragraph only insofar as the IRC failed to submit a second-round congressional map to the Legislature.

8. Paragraph 8 references a statute, which speaks for itself. To the extent the allegations in Paragraph 8 differ from that statute, Proposed Intervenors deny the allegations of Paragraph 8. Proposed Intervenors admit that the Legislature purported to pass legislation arrogating to itself the power to draw redistricting maps without complying with the constitutionally mandated procedures for doing so, but that such legislation failed as it is unconstitutional. *See Harkenrider v. Hochul*, ___ N.Y.3d ___, 2022 WL 1236822, at *9 (N.Y. Apr. 27, 2022).

9. Paragraph 9 asserts legal conclusions for which no response is required; however, if a response is required, Proposed Intervenors deny all legal conclusions in Paragraph 9. Proposed Intervenors admit that the Legislature introduced and adopted a congressional map for use in the 2022 congressional primary election, but note that doing so was unconstitutional and that the resulting map was an unconstitutional gerrymander. *See id.*

10. Paragraph 10 references a Court of Appeals decision, which speaks for itself. Proposed Intervenors deny the rest of Paragraph 10 to the extent it is not consistent with that decision. Proposed Intervenors admit that the *Harkenrider* decision declared the legislation unlawful, and that the Steuben County Supreme Court thereafter rescheduled the primary date for congressional and State Senate elections to allow time to draw remedial maps.

11. Paragraph 11 references a Court of Appeals decision, which speaks for itself. Proposed Intervenors deny the rest of Paragraph 11 to the extent it is not consistent with that decision.

12. Paragraph 12 asserts legal conclusions for which no response is required. Additionally, Paragraph 12 cites and references a provision of the New York Constitution, which provision speaks for itself. To the extent the allegations in Paragraph 12 differ from that provision, Proposed Intervenors deny the allegations. To the extent Paragraph 12 asserts the intent of New Yorkers in enacting the 2014 Amendments to the Constitution regarding redistricting, Proposed Intervenors lack sufficient knowledge or information to form a belief about the allegations in Paragraph 12, and so deny. Proposed Intervenors deny the allegation that the Steuben County Supreme Court process “was not transparent, did not adequately consider the views of minority voters, and tore apart longstanding communities of interest.”

13. Paragraph 13 asserts legal conclusions for which no response is required. To the extent Paragraph 13 asserts factual allegations, Proposed Intervenors lack sufficient knowledge or information to form a belief about the allegations in Paragraph 13, and so deny. Proposed Intervenors deny any allegation that the remedy they obtained before the Steuben County Supreme Court is in any way constitutionally deficient.

14. Paragraph 14 asserts legal conclusions for which no response is required. Additionally, Paragraph 14 cites and references a provision of the New York Constitution, which provision speaks for itself. Proposed Intervenors admit Paragraph 14 only insofar as the Court of Appeals determined that elections in 2022 and for the remainder of the decade must occur under a court-drawn congressional plan. Proposed Intervenors deny that subsequent congressional elections can constitutionally occur under plans adopted by the IRC and Legislature and further deny that Petitioners are entitled to any relief whatsoever under their Article 78 Petition for a writ of mandamus.

PARTIES

15. Proposed Intervenors lack sufficient knowledge or information to form a belief about the allegations in Paragraph 15, and so deny.

16. Proposed Intervenors lack sufficient knowledge or information to form a belief about the allegations in Paragraph 16, and so deny. Further, Proposed Intervenors specifically deny that the Steuben County Supreme Court failed to take into account communities of interest.

17. Proposed Intervenors lack sufficient knowledge or information to form a belief about the allegations in Paragraph 17, and so deny. Further, Proposed Intervenors specifically deny that the Steuben County Supreme Court failed to take into account communities of interest.

18. Proposed Intervenors lack sufficient knowledge or information to form a belief about the allegations in Paragraph 18, and so deny. Further, Proposed Intervenors specifically deny that the Steuben County Supreme Court failed to take into account communities of interest.

19. Proposed Intervenors lack sufficient knowledge or information to form a belief about the allegations in Paragraph 19, and so deny. Further, Proposed Intervenors specifically deny that the Steuben County Supreme Court failed to take into account communities of interest.

20. Paragraph 20 cites and references provisions of the New York Constitution, which provisions speak for themselves. Additionally, Paragraph 20 asserts legal conclusions for which no response is required. Proposed Intervenors specifically deny that Respondents' failure to submit a second proposed map to the Legislature prevented New York from completing its constitutional process for redrawing congressional districts.

VENUE

21. Paragraph 21 asserts legal conclusions for which no response is required. Paragraph 21 references New York statutes, which speak for themselves. Proposed Intervenor deny any allegations in Paragraph 21 that are not consistent with those statutes. Proposed Intervenor deny that venue is proper in this Court, given that the request in this case should have been brought, if anywhere, before the Steuben County Supreme Court.

LEGAL BACKGROUND

22. Paragraph 22 cites and references provisions of the New York Constitution, which provisions speak for themselves. Proposed Intervenor deny the allegations in Paragraph 22 to the extent they are inconsistent with the constitutional provisions cited therein.

23. Paragraph 23 cites and references provisions of the New York Constitution, which provisions speak for themselves. Proposed Intervenor deny the allegations in Paragraph 23 to the extent they are inconsistent with the constitutional provisions cited therein.

24. Paragraph 24 cites and references provisions of the New York Constitution, which provisions speak for themselves. Proposed Intervenor deny the allegations in Paragraph 24 to the extent they are inconsistent with the constitutional provisions cited therein.

25. Paragraph 25 cites and references provisions of the New York Constitution, which provisions speak for themselves. Proposed Intervenor deny the allegations in Paragraph 25 to the extent they are inconsistent with the constitutional provisions cited therein.

26. Paragraph 26 cites and references provisions of the New York Constitution, which provisions speak for themselves. Proposed Intervenor deny the allegations in Paragraph 26 to the extent they are inconsistent with the constitutional provisions cited therein.

27. Paragraph 27 cites and references provisions of the New York Constitution, which provisions speak for themselves. Proposed Intervenors deny the allegations in Paragraph 27 to the extent they are inconsistent with the constitutional provisions cited therein.

28. Paragraph 28 asserts legal conclusions for which no response is required. To the extent a response is required, Proposed Intervenors deny the allegations in Paragraph 28. Proposed Intervenors further answer that the *Harkenrider* decision is explicitly contrary to the assertions in Paragraph 28. *See Harkenrider*, 2022 WL 1236822, at *8.

29. Paragraph 29 cites and references a statute and decision of the Court of Appeals, which speak for themselves. Proposed Intervenors deny the allegations in Paragraph 29 to the extent they are inconsistent with the statute and decision cited therein. Proposed Intervenors further answer that the *Harkenrider* decision explicitly found this statute unconstitutional. *Id.* at *9.

30. Paragraph 30 cites and references a statute, which speaks for itself. Proposed Intervenors deny the allegations in Paragraph 30 to the extent they are inconsistent with the statute cited therein. Paragraph 30 asserts legal conclusions for which no response is required.

31. Paragraph 31 cites and references provisions of the New York Constitution, which provisions speak for themselves. Proposed Intervenors deny the allegations in Paragraph 31 to the extent they are inconsistent with the constitutional provisions cited therein.

32. Paragraph 32 cites and quotes a provision of the New York Constitution, which provision speaks for itself. Proposed Intervenors deny the allegations in Paragraph 32 to the extent they are inconsistent with the constitutional provision cited therein.

33. Paragraph 33 cites and quotes a provision of the New York Constitution, which provision speaks for itself. Proposed Intervenors deny the allegations in Paragraph 33 to the extent they are inconsistent with the constitutional provision cited therein.

FACTUAL BACKGROUND

34. Paragraph 34 asserts legal conclusions for which no response is required. To the extent a response is required, Proposed Intervenors admit the factual allegations in Paragraph 34.

35. Proposed Intervenors admit the allegations in Paragraph 35.

36. Paragraph 36 cites and quotes a provision of the New York Constitution, which provision speaks for itself. Paragraph 36 asserts legal conclusions for which no response is required. To the extent a response is required, Proposed Intervenors admit the factual allegations in Paragraph 36.

37. Proposed Intervenors admit the allegations in Paragraph 37.

38. Paragraph 38 cites and quotes a joint statement given by the Democratic commissioners on the IRC, which statement speaks for itself. Proposed Intervenors admit that the Democratic commissioners made such a statement, but lack sufficient knowledge or information to form a belief about the substance of the statement, and so deny.

39. Paragraph 39 references a statute, which speaks for itself. Paragraph 39 asserts legal conclusions for which no response is required. Proposed Intervenors deny the factual allegations in Paragraph 39 to the extent it claims that it was “not clear whether the redistricting process had failed,” and further deny that the referenced legislation was valid or had any bearing on the mandatory redistricting process established in the Constitution.

40. Paragraph 40 cites and references bills passed by the Legislature and signed by the Governor, which bills speak for themselves. Paragraph 40 asserts legal conclusions for which no response is required. Proposed Intervenors admit the factual allegations in Paragraph 40, to the extent that the Governor purported to enact redistricting legislation on February 3, 2022.

41. Paragraph 41 cites court filings, which speak for themselves. Proposed Intervenors deny the factual allegations in Paragraph 41 to the extent they are inconsistent with those cited court filings.

42. Proposed Intervenors admit the allegations in Paragraph 42.

43. Paragraph 43 cites a court order and constitutional provision, which speak for themselves. Proposed Intervenors deny the allegations in Paragraph 43 to the extent they are inconsistent with the cited court order and constitutional provision.

44. Paragraph 44 cites and quotes a court order, which speaks for itself. Proposed Intervenors deny the allegations in Paragraph 44 to the extent they are inconsistent with the cited court order.

45. Paragraph 45 cites court orders, which speak for themselves. Proposed Intervenors deny the allegations in Paragraph 45 to the extent they are inconsistent with the cited court orders.

46. Paragraph 46 references a Court of Appeals decision, which speaks for itself. Proposed Intervenors deny the allegations in Paragraph 46 to the extent they are inconsistent with the referenced decision.

47. Paragraph 47 cites and quotes a Court of Appeals decision, which speaks for itself. Proposed Intervenors deny the allegations in Paragraph 47 to the extent they are inconsistent with the referenced court decision.

48. Paragraph 48 cites and quotes a Court of Appeals decision, which speaks for itself. Proposed Intervenors deny the allegations in Paragraph 48 to the extent they are inconsistent with the referenced court decision.

49. Paragraph 49 references a Court of Appeals decision, which speaks for itself. Proposed Intervenors deny the allegations in Paragraph 49 to the extent they are inconsistent with the referenced court decision, including to the extent that those allegations allege that the Court of Appeals ordered the remedial map to apply only to the 2022 elections.

50. Paragraph 50 references a Court of Appeals decision, which speaks for itself. Proposed Intervenors deny the allegations in Paragraph 50 to the extent they are inconsistent with the referenced court decision.

51. Paragraph 51 references a court order, which speaks for itself. Proposed Intervenors deny the allegations in Paragraph 51 to the extent they are inconsistent with the referenced court order.

52. Paragraph 52 references a court order, which speaks for itself. Proposed Intervenors deny the allegations in Paragraph 52 to the extent they are inconsistent with the referenced court order. Proposed Intervenors further deny that the remedial process before the Steuben County Supreme Court “provided no meaningful opportunity for the public to comment on maps submitted to the court without traveling to Bath *in person*.” Proposed Intervenors lack sufficient knowledge or information to form a belief about the remaining allegations in Paragraph 52, and so deny.

53. Paragraph 53 references and quotes a provision of the New York Constitution, which provision speaks for itself. Proposed Intervenors deny the allegations in Paragraph 53 to

the extent they are inconsistent with the constitutional provision cited therein. Proposed Intervenor lack sufficient knowledge or information to form a belief about the remaining allegations in Paragraph 53, and so deny.

54. Paragraph 54 references a court order, which speaks for itself. Proposed Intervenor deny the allegations in Paragraph 54 to the extent they are inconsistent with the court order cited therein. Proposed Intervenor specifically deny that the public was not given a sufficient opportunity to comment on the remedial mapdrawing process.

55. Paragraph 55 cites and quotes a court order, which speaks for itself. Proposed Intervenor deny the allegations in Paragraph 55 to the extent they are inconsistent with the constitutional provision cited therein. Proposed Intervenor specifically deny that the “judicial map-drawing process” had a “lack of transparency.”

56. Paragraph 56 references a court order, which speaks for itself. Proposed Intervenor deny the allegations in Paragraph 56 to the extent they are inconsistent with the referenced court order. Paragraph 56 asserts legal conclusions for which no response is required. Proposed Intervenor specifically deny that the court-adopted “congressional plan . . . splits longstanding communities of interest for reasons that remain unclear.” Proposed Intervenor lack sufficient knowledge or information to form a belief about the remaining allegations in Paragraph 56, and so deny.

57. Paragraph 57 references a provision of the New York Constitution, which provision speaks for itself. Paragraph 57 asserts legal conclusions for which no response is required. Proposed Intervenor deny that the congressional map does not properly reflect the procedures and substantive redistricting criteria required by the New York Constitution.

PETITION FOR WRIT OF MANDAMUS AGAINST RESPONDENTS**Failure to Fulfill Constitutional Duty Under
Article III, Sections 4 and 5 of the New York Constitution**

58. Proposed Intervenors reallege and reincorporate their responses to all prior paragraphs of the Amended Petition as though fully set forth herein.

59. Paragraph 59 cites and quotes a provision of the CPLR, which speaks for itself. Proposed Intervenors deny the allegations in Paragraph 59 to the extent they are inconsistent with the referenced CPLR provision. Paragraph 59 asserts legal conclusions for which no response is required.

60. Paragraph 60 cites and quotes a provision of the New York Constitution, which provision speaks for itself. Proposed Intervenors deny the allegations in Paragraph 60 to the extent they are inconsistent with the constitutional provision cited therein.

61. Proposed Intervenors admit the allegations in Paragraph 61.

62. Paragraph 62 cites and quotes a statute, which speaks for itself. Proposed Intervenors deny the allegations in Paragraph 62 to the extent they are inconsistent with the statute cited therein. Paragraph 62 asserts legal conclusions for which no response is required.

63. Paragraph 63 cites a Court of Appeals decision, which speaks for itself. Proposed Intervenors deny the allegations in Paragraph 63 to the extent they are inconsistent with the decision cited therein. Proposed Intervenors admit that the Court of Appeals declared the 2021 Legislation unconstitutional, invalidated the Legislature's congressional redistricting plan as procedurally and substantively unlawful, and ordered the Steuben County Supreme Court to enact a new congressional map to control for the decade.

64. Paragraph 64 cites and quotes a Court of Appeals decision, which speaks for itself. Proposed Intervenors deny the allegations in Paragraph 64 to the extent they are inconsistent with the decision cited therein.

65. Paragraph 65 references a Court of Appeals decision, which speaks for itself. Proposed Intervenors deny the allegations in Paragraph 65 to the extent they are inconsistent with the decision cited therein. Paragraph 65 asserts legal conclusions for which no response is required. To the extent a response is required, Proposed Intervenors admit that the Court of Appeals determined that the IRC had failed to submit a second-round map to the Legislature, as required by the Constitution.

PRAYER FOR RELIEF

Proposed Intervenors deny that Petitioners are entitled to any of the relief they claim on page 20, or to any other relief.

Proposed Intervenors deny any and all allegations not expressly admitted herein, including any allegations in headings.

AFFIRMATIVE DEFENSES

1. Petitioners lack standing to assert their claims.
2. Petitioners' Amended Petition fails to state a claim for which relief can be granted.
3. Petitioners' Amended Petition is an impermissible collateral attack on the Steuben County Supreme Court's judgment in *Harkenrider v. Hochul*.
4. Petitioners' Amended Petition is untimely.
5. Petitioners' Amended Petition is brought in an improper venue.
6. Proposed Intervenors reserve the right to identify additional affirmative defenses.

PROPOSED INTERVENORS' PRAYER FOR RELIEF

WHEREFORE, Proposed Intervenor request that this Court:

- A. Dismiss this proceeding in its entirety;
- B. Grant Proposed Intervenor their attorneys' fees and reasonable costs expended in defending this case; and
- C. Grant Proposed Intervenor such other relief as this Court deems just and proper.

Dated: New York, New York
August 23, 2022

TROUTMAN PEPPER HAMILTON
SANDERS LLP

By: 

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VERIFICATION


State of New York)

: ss.:

County of Rockland

Lawrence A. Garvey, being duly sworn, deposes and says:

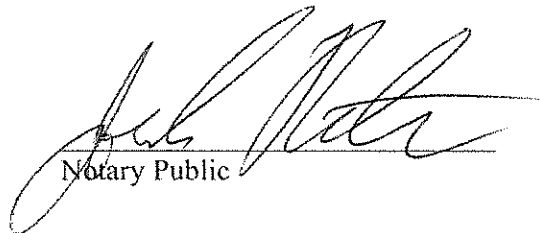
- 1. I am a Proposed Intervenor-Respondent in the above-entitled action.
- 2. I am united in interest and plead together with the other Proposed Intervenor-Respondents in this actions.
- 3. I have read the contents of the foregoing Proposed Intervenor's Verified Answer To Verified Amended Petition For Writ Of Mandamus.
- 4. The information stated therein is true to my own knowledge except as to those matters stated to be alleged upon information and belief, and as to those matters I believe the information to be true.



Lawrence A. Garvey

Sworn to before me this

22 day of August, 2022



Notary Public

JOSEPH REITER
 NOTARY PUBLIC-STATE OF NEW YORK
 No. 02RE6035108
 Qualified in Rockland County
 My Commission Expires 10-24-2022