

SUPREME COURT OF THE STATE OF NEW YORK
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 VIOLANTE,
Petitioners,

Index No.:
E2022-0116CV

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.

**MOTION OF UPSTATE JOBS PARTY AND UNITE NEW YORK
FOR LEAVE TO FILE BRIEF AS *AMICUS CURIAE***

Upstate Jobs Party and Unite New York respectfully move this Court for leave to file the attached brief as amicus curiae in support of the Libertarian Party.¹ In support of the Motion, they state:

¹ No party’s counsel authored the attached brief in whole or in part, and no one other than Amicus contributed money to fund the brief’s preparation or submission.

INTEREST OF AMICUS CURIAE

Upstate Jobs Party (“UJP”) and Unite New York (“UNY”) are two related entities that form one independent body under New York law. This independent body is currently circulating independent nominating petitions under the brand name Unite. This independent body is currently circulating petitions on behalf of candidates for governor, senate, and state assembly. UJP first circulated independent nominating petitions in 2016.

UJP and UNY submit this brief in support of the Libertarian Party’s Motion to Intervene and to suggest the Court consider additional relief beyond that requested in the Motion. UJP and UNY further submit this brief to inform the Court about various issues pertaining to the ability of independent bodies to comply with New York’s statutory requirements for the submission of independent candidate nominating petitions, and to urge the Court to consider alternative relief sufficient to enable independent bodies to qualify their candidates for statewide office on the November 2022 general election ballot.

ARGUMENT

UJP and UNY’s brief will be helpful to the Court because it outlines unique challenges impinging on the ability of independent bodies to satisfy statutory petitioning requirements for the 2022 general election. The most important factor is the continuing lack of a congressional district map, despite the fact that signature collection for independent bodies depends on circulators knowing in which districts petition signers live. A recent upsurge in COVID-19 cases and severe winter weather in upstate New York have further compounded independent bodies’ dilemma. Despite these intersecting crises, each of which has made signature collection in compliance with New York’s statutory requirements more difficult, thus far no relief in terms of reduced signature thresholds or extended deadlines has been awarded for independent statewide candidates. Similar

relief to that already awarded for congressional and state senate candidates is necessary in this context as well.

CONCLUSION

For the foregoing reasons, UJP and UNY respectfully move this Court for leave to file the accompanying brief as amicus curiae in this case.

DATED: May 18, 2022

Respectfully submitted,

/s/ Michael Burger

Michael Burger

Fernando Santiago

SANTIAGO BURGER LLP

2280 East Avenue

Rochester, NY 14610

Phone: (585) 563-2400

Fax: (585) 563-7526

mike@litgrp.com

fernando@litgrp.com

Counsel for Amicus Curiae