

At a Special Term of the Supreme Court of the State of New York, held in and for the County of Steuben, at Three East Pulteney Square, Bath, New York, on the 17 day of May 2022.

PRESENT: HON. PATRICK F. MCALLISTER, J.S.C.

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TIM HARKENRIDER, GUY C. BROUGHT,
LAWRENCE CANNING, PATRICIA CLARINO,
GEORGE DOOHER, JR., STEHPAN EVANS, LINDA
FANTON, JERRY FISHMAN, JAY FRANTZ,
LAWRENCE GARVEY, ALAN NEPHEW, SUSAN
ROWLEY, JOSEPHINE THOMAS, and MARIANNE
VIOLANTE,

Petitioners,

- against -

GOVERNOR KATHY HOCHUL, LIEUTENANT
GOVERNOR AND PRESIDENT OF THE SENATE BRIAN
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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UPON the emergency motion of Mark Braiman to intervene in this action on the ground that his interests are or may be inadequately represented and that he may be bound by the judgment entered herein; the annexed affidavits of Mark Braiman, Cody Anderson, and Jonathan Howe; the Proposed Answer to Amended Petition with Additional Cause of Action Seeking to Modify Provisions for Independent Congressional and State Senate Candidates; and the accompanying Memorandum of Law of Gary L. Donoyan, Esq, Petitioners and Respondents are hereby

ORDERED TO SHOW CAUSE, on the 26 day of May 2022, at 9:30 or as soon

thereafter as counsel can be heard, at Part _____ [Room 3] at the Courthouse located at Three East Pulteney Square, Bath, New York 14810, under CPLR 1012 and 1013,

- (a) WHY PETITIONER-INTERVENOR should not be allowed to intervene to protect his rights as a voter and independent Congressional candidate, and
- (b) WHY AN ORDER should not be issued modifying this Court's May 11, 2022 Decision and Order, which set "political calendar dates" for "the independent nominating process for Member of Congress and New York State Senate, for the November 8, 2022 General Election for State Senate and Member of [United States] House of Representatives," so to set the same such dates for independent statewide and independent New York State Assembly candidates as well; and
- (c) WHY AN ORDER should not be issued modifying the May 11, 2022 Decision and Order, which ordered "the signature requirements provided for by current law to be unchanged," so to provide for a 50% reduction in signatures required for independent candidates for Congress from 3,500 to 1,750 signatures, and for independent candidates for State Senate from 3,000 to 1,500; and
- (d) WHY AN ORDER should not be issued modifying the May 11, 2022 Decision and Order, which set May 21, 2022 as "First day to sign" for independent Congressional and State Senate candidates' petitions, so to provide that valid signatures gathered on otherwise valid petitions between April 19 and April 27, by the same candidates of voters residing within the newly-created districts, as the case may be, shall also count towards the required total number of signatures; and
- (e) WHY THIS COURT should not grant such other and further relief as is just and equitable, and it is further

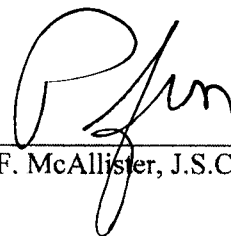
ORDERED that service of a copy of this Order and accompanying documents be made on counsel for all parties by NYSCEF, on or before the 19th day of May 2022, and that such service be deemed sufficient, and it is further

ORDERED that Petitioners and Respondents, including Respondent New York State Board of Elections, shall file with this Court, by NYSCEF, a copy of their opposition papers, if any, in connection with the above motion to intervene and/or any of the accompanying requests for relief, on or before May 24th, 2022.

Dated: Bath, New York

May 17, 2022

ENTER:



Hon. Patrick F. McAllister, J.S.C.