

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,

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.

Index No.: E2022-0116CV

**WITNESS AFFIDAVIT OF MARK
BRAIMAN IN SUPPORT OF REQUEST
FOR LEAVE TO INTERVENE**

STATE OF NEW YORK)
) ss:
COUNTY OF MADISON)


I, Mark Braiman, being duly sworn, depose and state the following,

1. I am a candidate for the US House of Representatives, 22nd District of New York having been endorsed by the Libertarian Party of New York.
2. I am a registered, eligible, and active voter in the State of New York, Madison County, residing at 4775 East Lake Road, Cazenovia, NY, 13035
3. I submit this affidavit as a witness and interested party in support of proposed intervenors emergency request to intervene in the above-captioned action. I am fully familiar with the facts and circumstances stated therein.

4. I support this motion for leave to intervene by order to show cause so that my rights as a voter and candidate of a non-recognized party will be protected.
5. The Legislature’s unconstitutional redistricting has harmed voters’ and candidates’ interests in fair representation. There has been no guidance from the New York State Board of Elections or the Court of Appeals in its April 27 decision about whether signatures gathered before April 27, 2022 will be valid, given the change and current absence of district lines. My supporters and I spent hundreds of hours attempting to gather the requisite signatures, and will be prevented from voting for our preferred candidates if the situation is not remedied. What’s more, their efforts, and mine, have been disrupted by the voiding of district lines, and we must wait until at least May 20 to know within which lines I may be a candidate, and whether further petitioning for my candidacy may also support the statewide Libertarian candidates, which seems unlikely.
6. The redrawing of district lines makes it likely that the signatures independent-congressional candidates must gather will not be gathered until after May 31, 2022. Petitioning for independent statewide candidates running as a non-recognized party candidate, consequently has been harmed. What’s more, this is the first election cycle when statewide candidates of non-recognized parties face a trebling of the signature requirement, from 15,000 to 45,000.
7. Unless the Court applies a remedy by reducing the signature requirement, or by extending the period for petitioning beyond the May 31, 2022 deadline, statewide independent candidates will face the impossible task of having had only 11 days to gather the requisite signatures together with joint congressional, and state senate candidates, with fewer petition gatherers during the remaining 34 days of the statutory petitioning period due to lack of local candidates and health concerns and venue restrictions related to Covid-19.


 Mark Braiman

Sworn to and subscribed before me
 This 10th day of May 2022.


 Notary Public

ELIZABETH F. SILLIMAN
 Lic. # 01SI034591
 Notary Public-State of New York
 Qualified in Onondaga County
 My Commission Expires DECEMBER 13, 2025
 -2-

EXHIBIT A

to

Affidavit of Witness-Candidate Mark Braiman

(Statewide Candidate Petition Sheet)

Independent Nominating Petition



I, the undersigned, do hereby state that I am a registered voter of the political unit for which a nomination for public office is hereby being made, that my present place of residence is truly stated opposite my signature hereto, and that I do hereby nominate the following named persons as candidates for election to public offices to be voted for at the election to be held on the 8th day of November, 2022, and that I select the name Libertarian Party as the name of the independent body making the nominations and the image to the right as the emblem of such body.

<u>Name of Candidate</u>	<u>Public Office</u>	<u>Place of Residence</u> (also Post Office address if not identical)
Larry Sharpe	Governor of New York	23-14 24th Ave., Astoria, NY 11102
Andrew C. Hollister	Lieutenant Governor of New York	710 Janes Road, Rochester, NY 14612
Sean C. Hayes	Attorney General of New York	200 Rector Place Apt. 19L, New York, NY 10280
William K. Schmidt	Comptroller of New York	1874 Crompond Rd., Apt. 3 B7, Peekskill, NY 10566
Thomas D. Quiter	U.S. Senator from New York	1789 State Highway 8, Mount Upton, NY 13809
Mark S. Braiman	Representative in Congress, 22nd District	4775 East Lake Road, Cazenovia, NY 13035

I do hereby appoint:

Willam Cody Anderson	P.O. Box 910, Middleburgh, NY 12122	Robert M. Arrigo	24 Preserve Way, Saratoga Springs, NY 12866
Anthony D'Orazio	122 West Filbert Street, East Rochester, NY 14445	Gabrielle S. Cordova	65-60 Wetherole Street, Apt. 4A, Rego Park, NY 11374
Duane J. Whitmer	5806 East Lane, Lakeview, NY 14085	Pietro S. Geraci	26 Rockwood Drive, Newburgh, NY 12550
Andrew M. Kolstee	35 Fairfield Avenue, Jamestown, NY 14701	Paul M. Grindle	157 Starr Street, Apt. 4R, Brooklyn, NY 11237
Lora L. Newell	P.O. Box 321, Middleburgh, NY 12122	Richard F. Purtell	4 Holmes Avenue, Apalachin, NY 13732

as a committee to fill vacancies in accordance with the provisions of the election law.

In witness whereof, I have hereunto set my hand, the day and year placed opposite my signature.

	Date	Name of Signer (printed name may be added)	Residence	Town or City Except in NYC, County
1	/ /2022	X		
	Printed name:			
2	/ /2022	X		
	Printed name:			
3	/ /2022	X		
	Printed name:			
4	/ /2022	X		
	Printed name:			
5	/ /2022	X		
	Printed name:			
6	/ /2022	X		
	Printed name:			
7	/ /2022	X		
	Printed name:			
8	/ /2022	X		
	Printed name:			

STATEMENT OF WITNESS

I, _____ (name of witness) state: I am a duly qualified voter of the State of New York and now reside at _____ (residence address).

Each of the individuals whose names are subscribed to this petition sheet containing _____ (fill in number) signatures, subscribed the same in my presence on the dates above indicated and identified himself or herself to be the individual who signed this sheet. I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

Date Signature of Witness

WITNESS IDENTIFICATION INFORMATION: The following information must be completed prior to filing with the board of elections in order for this petition to be valid.

Town or City: _____ County: _____