STATE OF NEW YORK
SUPREME COURT – COUNTY OF RICHMOND

Index No. 85007/2022

Assigned Judge: Hon. Ralph J. Porzio

VITO J. FOSSELLA, NICHOLAS A. LANGWORTHY, JOSEPH BORELLI, NICOLE MALLIOTAKIS, ANDREW LANZA, MICHAEL REILLY, MICHAEL TANNOUSIS, INNA VERNIKOV, DAVID CARR, JOANN ARIOLA, VICKIE PALADINO, ROBERT HOLDEN, GERARD KASSAR, VERALIA MALLIOTAKIS, MICHAEL PETROV, WAFIK HABIB, PHILLIP YAN HING WONG, NEW YORK REPUBLICAN STATE COMMITTEE, and REPUBLICAN NATIONAL COMMITTEE,

Plaintiffs,

-against-

ERIC ADAMS, in his official capacity as Mayor of New York City, BOARD OF ELECTIONS IN THE CITY OF NEW YORK, CITY COUNCIL OF THE CITY OF NEW YORK,

Defendants.

MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

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PRELIMINARY STATEMENT

This Memorandum of Law is respectfully submitted on behalf of Plaintiffs in support of their Motion for Summary Judgment (1) declaring that Local Law No. 11 of 2022 (the "Non-Citizen Voting Law"), enacted by the New York City Council and purporting to give non-citizens the right to vote in New York City municipal elections, is illegal, null, and void because it violates the State Constitution, the State Election Law, and the State Municipal Home Rule Law, and (2) permanently enjoining the Defendants from taking any steps to implement or enforce this law.

Article II, Section 1 of the New York State Constitution and the State Election Law expressly limit the franchise to American citizens. These constitutional and statutory limitations apply to *any election* — including city, county, and village elections — held within the State of New York. State law, too, prohibits local governments from expanding the franchise to non-citizens. Nevertheless, New York City pointedly rejected the authority of the Constitution and the legislature by enacting a local law purporting to allow non-citizens to vote in municipal elections. Moreover, even though the Non-Citizen Voting Law, if upheld, will dilute the electorate's power to select their representatives, the New York City electorate had no say about the law's adoption because the City Council failed to put it to a referendum as required by the Municipal Home Rule Law. The Non-Citizen Voting Law is therefore invalid for that reason as well.

The City Council defended its decision by declaring that non-citizens "have earned the right to participate in our city elections" by virtue of living and working in the City. New York City Council, *Council Votes on Historic Municipal Voting Rights Legislation*, Dec. 9, 2021, https://on.nyc.gov/3vuX2cK. The Council is entitled to its opinion, but it is not entitled to

disregard the Constitution and Laws of the State of New York. Because the Non-Citizen Voting Law flagrantly violates Article II, Section 1 of the New York State Constitution and multiple state laws, this Court should declare it invalid and enjoin its enforcement.

FACTUAL AND PROCEDURAL BACKGROUND

On December 9, 2021, the New York City Council, the legislative body for the City of New York, passed a bill, referred to as Intro 1867-A and entitled "A Local Law to amend the New York city charter, in relation to allowing lawful permanent residents and persons authorized to work in the United States in New York city to participate in municipal elections." SMF[1] ¶ 1. The bill was sent to then-Mayor Bill de Blasio the same day. SMF ¶ 2. Mayor de Blasio publicly questioned the legality of the bill, stating that the City's "Law Department is very clear on this. It's (not) legal for this to be decided at the city level. I really believe this has to be decided at the state level." SMF ¶ 3 (alteration in original). Despite "big legal questions" about its validity, Mayor de Blasio declined to veto the bill out of "respect [for] the City Council." SMF ¶ 3. Mayor de Blasio neither signed nor vetoed the bill before leaving office at the end of the year. SMF ¶ 4. Bill de Blasio was replaced as Mayor by Eric Adams on January 1, 2022. SMF ¶ 5.

The incoming Mayor Adams likewise neither signed nor vetoed the bill, ultimately returning it unsigned on January 10, 2022. SMF ¶ 6. As the bill was neither approved nor returned with objections within thirty days, the Non-Citizen Voting Law was deemed adopted pursuant to

[1] "SMF" refers to Plaintiffs' Statement of Material Facts, dated May 9, 2022.

§ 37(b) of the New York City Charter as Local Law No. 11 of 2022 and is codified in the City Charter as the new Chapter 46-A. SMF ¶ 7.

This law creates a new class of persons called "municipal voters," defined as non-citizens who are lawful permanent residents or otherwise authorized to work in the United States, "have lived in New York City for at least 30 consecutive days," and "meet[] all qualifications for registering or pre-registering to vote under the election law, except for possessing United States citizenship." N.Y.C. Charter § 1057-aa(a); SMF ¶ 8. Under the law, "eligible municipal voters shall have the right to vote in municipal elections and shall be entitled to the same rights and privileges as U.S. citizen voters with regard to municipal elections." § 1057-bb(a). SMF ¶ 9.

The New York City Board of Elections is tasked with "adopt[ing] all necessary rules and carry[ing] out all necessary staff training to carry out the provisions of this chapter." § 1057-cc; SMF ¶ 10. These provisions include creating a parallel non-citizen voter registration form, § 1057-ee(a); maintaining a unified voter registration list that distinguishes between citizen and non-citizen voters, § 1057-dd(a); creating parallel non-citizen ballots and absentee ballots, § 1057-dd(b), § 1057-hh(d); and allowing citizens and non-citizens to vote at the same polling places, § 1057-dd(a). SMF ¶ 11. In addition to voting in elections, the Non-Citizen Voting Law allows registered non-citizen voters to enroll in political parties, § 1057-ff; and to sign and witness petitions for municipal offices and referenda, § 1057-uu. SMF ¶ 12.

The Non-Citizen Voting Law purports to expand voting rights to roughly 900,000 non-citizens who live in the City. SMF ¶ 29. The Executive Director of the Board of Elections estimated that the law could result in as much as "a 20 percent increase in the number of voters." SMF ¶ 30.

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On January 10, 2022, Plaintiffs filed their Complaint in this action, alleging that the Non-Citizen Voting Law is invalid under both the New York State Constitution and under statutory provisions of the Election Law and the Municipal Home Rule Law, and seeking declaratory and injunctive relief. SMF ¶ 13.

Defendants Eric Adams and the City Council of the City of New York filed their Answer on February 25, 2022. SMF ¶ 14. Defendant Board of Elections in the City of New York filed its Answer on April 11, 2022. SMF ¶ 15. Also on April 11, 2022, several individual non-citizen residents of New York City filed a motion to intervene as defendants with a proposed answer. SMF ¶ 16. This Court granted the unopposed motion to intervene on April 13, 2022. SMF ¶ 17.

Plaintiffs now move this Court for summary judgment. Plaintiffs ask this Court to declare that the Non-Citizen Voting Law violates the New York State Constitution, the Election Law, and the Municipal Home Rule Law and is therefore invalid, and to issue an injunction prohibiting the New York City Board of Elections from implementing it.

ARGUMENT

POINT I

PLAINTIFFS HAVE STANDING TO BRING THIS ACTION

The Court may reach the merits of Plaintiffs' motion for summary judgment if "at least one plaintiff" has standing. *See Empire State Chapter of Associated Builders & Contractors, Inc. v. Smith*, 21 N.Y.3d 309, 315 (2013). The requirements for standing under New York law are analogous to those required by Article III of the U.S. Constitution, and New York courts look to

federal caselaw for guidance in this area. *Soc'y of Plastics Indus., Inc. v. Cty. of Suffolk*, 77 N.Y.2d 761, 772–73 (1991). A plaintiff has standing if he establishes an injury in fact and that his injury is "capable of judicial resolution." *Id.* at 772. For statutory purposes, the injury-in-fact requirement is satisfied if the injury "fall[s] within the zone of interests protected by the statute invoked." *Id.* at 773.

Plaintiffs easily satisfy these requirements.

A. Voter Plaintiffs have standing to challenge the Non-Citizen Voting Law.

Individual Plaintiffs Vito J. Fossella, Joseph Borelli, Michael Reilly, Michael Tannousis, Robert Holden, Gerard Kassar, and Phillip Yan Hing Wong are United States citizens who are registered voters in the City of New York. SMF ¶¶ 18, 20–25. These Plaintiffs have regularly voted in past New York City municipal elections and intend to continue doing so in the future. SMF ¶ 28.

"Voter standing arises when the right to vote is eliminated or votes are diluted." *Saratoga Cty. Chamber of Com. Inc. v. Pataki*, 275 A.D.2d 145, 156 (3d Dep't 2000), *aff'd*, 100 N.Y.2d 801 (2003). "The right of suffrage . . . can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise." *Landes v. Town of N. Hempstead*, 20 N.Y.2d 417, 421 (1967) (cleaned up). Accordingly, voters have standing to challenge laws that cause "dilution by a false tally, or by a refusal to count votes from arbitrarily selected precincts, or by a stuffing of the ballot box." *Baker v. Carr*, 369 U.S. 186, 208 (1962) (cleaned up). By adding 900,000 non-citizens to the eligible electorate, the Non-Citizen Voting Law dilutes the votes of citizen voters. SMF ¶ 29–31. Furthermore, these Plaintiffs' claims

are plainly "within the zone of interests" protected by the Municipal Home Rule Law's referendum requirement, which was enacted to "to ensure that electors have a voice" regarding any significant changes to local governance. *Gizzo v. Town of Mamaroneck,* 36 A.D.3d 162, 168 (2d Dep't 2006), *lv denied*, 8 N.Y.3d 806 (2007).

B. Municipal officeholder Plaintiffs have standing to challenge the Non-Citizen Voting Law.

Individual Plaintiffs Vito J. Fossella, Joseph Borelli, and Robert Holden are current municipal officeholders in the City of New York. SMF ¶¶ 18, 20, 23.

A candidate for office "suffers a consequent present harm" if he is "forced to structure his campaign to offset [a] potential disadvantage" created by an election law. *Becker v. Fed. Election Comm'n*, 230 F.3d 381, 386 (1st Cir. 2000). The Non-Citizen Voting Law, by significantly altering the electorate of the City of New York, will require candidates to alter the way they campaign for reelection to attempt to attract, or to offset the effects of, the influx of new voters.[2] SMF ¶ 32.

An officeholder and future candidate for reelection suffers injury sufficient to confer standing where "the rules of the game" are set "in violation of statutory directives," giving an electoral advantage to opposing candidates. *Shays v. Fed. Election Comm'n*, 414 F.3d 76, 85 (D.C. Cir. 2005). Here, a law allowing non-citizens to vote in direct violation of the Election Law and

[2] Observers have noted the dramatic effects the Non-Citizen Voting Law is expected to have on future New York City municipal elections, including, for example, the potential that non-citizen voting blocs will "affect the outcome of not just City Council races but even the next mayoral race." *See* Erin Durkin, *New York is about to let noncitizens vote. It could reshape local politics forever*, Politico, March 2, 2022, https://politi.co/3N8VSdd.

the State Constitution will place candidates who depend on citizen voters for their electoral support at a decided disadvantage.

C. Political party and party chair Plaintiffs have standing to challenge the Non-Citizen Voting Law.

Plaintiffs New York Republican State Committee and Republican National Committee are state and national political parties that directly support Republican candidates in New York City municipal elections, through developing and selecting candidates, fundraising, coordinating election strategy, political advertising, and organizing voter turnout efforts. SMF ¶ 26–27, 33–36. An organization may bring suit to vindicate its own rights to the same extent as any other "person … seeking to vindicate a legal right." *N.Y. Civil Liberties Union v. N.Y.V. Transit Auth.*, 684 F.3d 286, 294 (2d Cir. 2012). It is well established that political parties have "standing to challenge" election laws that affect their ability to "campaign for office." *Green Party of Tennessee v. Hargett*, 767 F.3d 533, 544 (6th Cir. 2014).

New York courts have repeatedly held that the "diversion [of] organizational resources" constitutes an injury that confers standing. *See, e.g., Animal Legal Def. Fund, Inc., v. Aubertine*, 119 A.D.3d 1202, 1205 (3d Dep't 2014). Thus, an increased need to raise and spend money for political campaign purposes is a quintessential economic injury that creates direct standing for a political party. *Texas Democratic Party v. Benkiser*, 459 F.3d 582, 586 (5th Cir. 2006). Here, the alteration of the electorate caused by the Non-Citizen Voting Law will require the Plaintiff political parties to change the way they conduct their activities with respect to New York City municipal elections, including creating more non-English-language advertising to target non-citizen communities, recruiting volunteers from non-citizen communities for canvassing and voter turnout

efforts, and informing non-citizens about which ballots they are purportedly allowed to cast on Election Day (e.g., municipal election ballots) and which ballots they aren't (e.g., statewide election ballots). SMF ¶ 37–39. And, of course, the mere addition of nearly one million people to the voter pool necessarily forces parties to spend additional resources to help their candidates obtain a plurality of votes. All these requirements will drastically increase the bottom line for parties that wish to compete in City elections.

Harm to the election prospects of a party's candidates is another basis for direct standing by a political party. *Benkiser*, 459 F.3d at 586 (party had standing to challenge action that would affect "its congressional candidate's chances of victory" in an upcoming election); *see also Smith v. Boyle*, 144 F.3d 1060, 1063 (7th Cir. 1998) (political party has standing to challenge election law that decreases electoral prospects of party's candidates). The Non-Citizen Voting Law may materially affect the likelihood of electoral victory by Republican candidates in New York City municipal elections. SMF ¶ 40.

Plaintiffs Nicholas A. Langworthy and Gerard Kassar are the chairmen of the New York Republican State Committee and the New York State Conservative Party, respectively. SMF ¶ 19, 24. The New York State Conservative Party, like the New York Republican State Committee is directly involved in supporting its candidates for municipal elections in the City of New York, including through developing and selecting candidates, fundraising, coordinating election strategy, political advertising, and organizing voter turnout efforts. SMF ¶ 33–34. The New York State Conservative Party will be similarly injured by the Non-Citizen Voting Law's alteration of the electorate. SMF ¶ 37–40.

Courts have routinely held that chairs of political parties have standing to bring actions on behalf of the interests of their parties. *See Schulz v. Williams*, 44 F.3d 48, 52 (2d Cir. 1994) (chairman of Conservative Party of the State of New York has standing to challenge actions that "adversely affect the interests of the Conservative Party"); *Smith v. Boyle*, 144 F.3d 1060, 1063 (7th Cir. 1998) (party chairman has standing); *Owen v. Mulligan*, 640 F.2d 1130, 1133 (9th Cir. 1981) (party chairman has standing). Because their parties suffer injuries sufficient to give them standing, the Plaintiff chairmen necessarily have standing to the same extent.

POINT II

THE NON-CITIZEN VOTING LAW VIOLATES THE NEW YORK STATE CONSTITUTION

The New York State Constitution expressly establishes voting qualifications for local elections. Under Article II, Section 1, voting is defined as a right of citizens:

> Every citizen shall be entitled to vote at every election for all officers elected by the people and upon all questions submitted to the vote of the people provided that such citizen is eighteen years of age or over and shall have been a resident of this state, and of the county, city, or village for thirty days next preceding an election.

N.Y. Const. Art. II, § 1.

By positively declaring that "[e]very citizen shall be entitled to vote," it necessarily follows that non-citizens are *not* permitted to vote. "Where a statute describes the particular situations in which it is to apply and no qualifying exception is added, 'an irrefutable inference must be drawn that what is omitted or not included was intended to be omitted or excluded.'" *Matter of Jose R.*, 83 N.Y.2d 388, 394 (1994) (quoting N.Y. Statutes § 240). And "[t]he same rules apply to the construction of a Constitution as to that of statute law." *Wendell v. Lavin*, 246 N.Y. 115, 123

(1927). Thus, Article II, Section 1's enumeration of particular characteristics of voters — i.e., citizens who meet the minimum age and residency requirement — necessarily excludes those who do not meet these criteria. As a result, *"*[t]he qualifications of voters are prescribed by section 1 of article 2 of the Constitution, and those qualifications are exclusive." *Hopper v. Britt,* 203 N.Y. 144 (1911).

This same approach to Constitutional construction was taken by Second Department in *Hoerger v. Spota*, 109 A.D.3d 564 (2d Dep't 2013), *aff'd*, 21 N.Y.3d 549 (2013). That case involved a county's attempt to impose term limits on the office of district attorney that were less than the maximum length provided by the Constitution. *Id.* at 565. But the Second Department declined to read the Constitution as permitting a more restrictive term, holding instead that "in light of the fact that the New York Constitution and state law speak to the duration and term of office of the District Attorney, there is an irrefutable inference that the imposition of any limit on the duration of that office was intended to be omitted or excluded." *Id.* at 568. *See also Hopper*, 203 N.Y. at 150 ("[I]t is well settled that legislation contravening what the Constitution necessarily implies is void equally with the legislation contravening its express commands.").

This understanding of Article II, Section 1 is confirmed by the language of Article II, Section 5, which provides that "[l]aws shall be made for ascertaining, by proper proofs, *the citizens* who shall be entitled to the right of suffrage hereby established, and for the registration of voters." N.Y. Const. Art. II, § 5 (emphasis added). This language makes clear that the Constitution's drafters understood the right to vote to inhere only in citizens. *Cf. Ginsberg v. Purcell,* 51 N.Y.2d 272, 276 (1980) (construction of constitutional provision was "warranted by its compatibility with . . . other provisions" of the New York State Constitution).

Nor is Article II, Section 1 limited to statewide elections. Its text requires that "such citizen" voter be a resident of "*the* county, city, or village" (emphasis added) for at least thirty days prior to the election, a provision that is unintelligible unless this section applies to county, city, and village elections. *Cf. Nadkos, Inc. v. Preferred Contractors Ins. Co. Risk Retention Grp. LLC*, 34 N.Y.3d 1, 7 (2019) (noting that it is "well-established" that courts should "avoid[] a construction that treats a word or phrase as superfluous").

But even if we were to assume, contrary to its plain language, that Article II, Section 1 could be construed to permit non-citizens to vote in local elections, Article IX independently limits voting in local elections to citizens. Article IX, Section 1 provides that "[e]very local government, except a county wholly included within a city, shall have a legislative body elective by the people thereof," and "[a]ll officers of every local government whose election or appointment is not provided for by this constitution shall be elected by the people of the local government, or of some division thereof, or appointed by such officers of the local government as may be provided by law." N.Y. Const. Art. IX, § 1. Under these provisions, officers and city council members must be elected by "the people" of the City of New York. Article IX, Section 3(d)(3) of the New York State Constitution defines the term "People" to mean "Persons entitled to vote as provided in section one of article two of this constitution." N.Y. Const. Art. IX, § 3(d)(3). Together, these provisions unambiguously state that "the people" of New York City who "shall" elect municipal officeholders are those *citizens* eighteen years of age or over who have resided in the City for thirty days preceding the election.

All these constitutional provisions — Article II, Section 1; Article II, Section 5; Article IX, Section 1; and Article IX, Section 3 — together confirm that voters in local elections must be

citizens. "The courts should not strain for distinctions to avoid the plain and simple provisions of the Constitution." *Wendell v. Lavin*, 246 N.Y. 115, 127 (1927). Because the Non-Citizen Voting Law flouts these requirements, it is unconstitutional. This Court should enjoin its operation.

POINT III

THE NON-CITIZEN VOTING LAW VIOLATES THE ELECTION LAW

"[T]he strongest indication of [a] statute's meaning is in its plain language." *People v. Badii*, 36 N.Y.3d 393, 399 (2021). Like the State Constitution, the plain language of the Election Law limits voting rights to citizens. It categorically states that "[n]o person shall be qualified to register for and vote at any election unless he is a citizen of the United States." Election Law § 5-102(1). Notably, the law applies to "all elections at which voters of the state of New York may cast a ballot for the purpose of electing an individual to any party position or nominating or electing an individual to *any federal, state, county, city, town, or village office*." Election Law § 1-102 (emphasis added). The law is clear: voting in "any" public election in New York is limited to U.S. citizens. *Cf. Kimmel v. State*, 29 N.Y.3d 286, 401 (2017) ("It is not for this Court to engraft limitations onto the plain language of the statute.").

Although Section 1-102 contains a discrete exception for instances "[w]here a specific provision of law exists in any other law which is inconsistent with the provisions of this chapter," that provision does not save the Non-Citizen Voting Law. As the court noted in *Castine v. Zurlo*, 46 Misc. 3d 995, 1000–01 (N.Y. Sup. Ct. 2014), the phrase "any other law" is properly understood to mean any other *state* law. Any other interpretation would be inconsistent with "the spirit and

purpose of the legislation, which requires examination of the statutory context of the provision as well as its legislative history." *Nostrom v. A.W. Chesterton Co.*, 15 N.Y.3d 502, 507 (2010).

If the carve-out in Section 1-102 "was interpreted to mean any other law whatsoever, municipalities would have the ability to rewrite all but 12 sections of the Election Law," effectively preventing its uniform statewide application. *Castine*, 46 Misc. 3d at 1001. That outcome would be wholly inconsistent with law's stated purpose of "govern[ing] the conduct of all elections at which voters of the State of New York may cast a ballot," including any election for "federal, state, county, city, town or village office," Election Law § 1-102, and would render the law's application to local elections virtually meaningless, *cf. Branford House, Inc. v. Michetti*, 81 N.Y.2d 681, 688 (1993) ("A construction rendering statutory language superfluous is to be avoided." (cleaned up)); *see also* 49 N.Y. Jur. 2d Elections § 2 ("This [carve-out] provision [of Election Law § 1-102] does not include local law, but rather applies only to state law.").

Moreover, "legislative history buttresses the conclusion that is evident from the [Election Law's] plain language." *Badii*, 36 N.Y.3d at 399. Legislative history confirms that the Election Law governs local law, not the other way around. When the Election Law was recodified in 1976, the exception in § 1-102 was limited to "[w]here a specific provision of law exists in the education law." *Castine*, 46 Misc. 3d at 1000. Soon after, the legislature enacted a set of "technical and typographical corrections [to] the recodification," which included the alteration of "the education law" to "any other law." *Id.* These amendments, however, were accompanied by multiple legislative statements declaring that the alterations were intended only to correct minor defects without making any significant or controversial changes. *Id.* at 1000–01. In other words, the legislature's insertion of the phrase "any other law" was intended to be a minor correction

clarifying that other, existing state laws (i.e., provisions codified outside of the Education Law) would be also unaffected by the Election Law. *See id.* at 1001. Furthermore, § 1-102 is itself a provision of state statutory law. In this context, the legislature's mention of "any other law" naturally referred to any other *state* law.

At bottom, the Election Law flatly prohibits any person from voting in any state or local election unless that person is a citizen of the United States. New York City cannot disregard that restriction simply because it believes it has a better idea. Because the Non-Citizen Voting Law purports to authorize what the Election Law forbids, it is invalid.

POINT IV

THE NON-CITIZEN VOTING LAW VIOLATES THE MUNICIPAL HOME RULE LAW

As noted above, the Non-Citizen Voting Law is substantively incompatible with both the New York State Constitution and the Election Law. But in addition, it was adopted in a procedurally improper manner under the Municipal Home Rule Law. Under § 23 of the Municipal Home Rule Law, any law that "changes the method of nominating, electing, or removing an elective officer," must be approved by a public referendum held within sixty days after the law's adoption. Municipal Home Rule Law §§ 23(1), 23(2)(e). This provision provides a fundamental check against efforts by municipal officials to entrench themselves by changing the rules of the game without public approval.

The referendum requirement has been interpreted to apply, for example, to "changes including the requirement of enrollment, form of petition, [and] number of signatures required,"

which "together constitute a change in method of nominating elective officers." 1967 N.Y. Op. Att'y Gen. No. 73 (Apr. 5, 1967); *see also* 1966 N.Y. Op. Att'y Gen. No. 71 (Apr. 6, 1966) (referendum required to "change of method of selection of the Acting City Judge from appointment by the Mayor to election by the people"). Here, in enacting the Non-Citizen Voting Law, the City Council has similarly changed the method by which all municipal elective officers are elected by effectively replacing the existing electorate with a differently constituted population. Under Municipal Home Rule Law § 23(2)(e), this change can be made only by referendum.

"[W]here a local law is subject to mandatory referendum, the failure to conduct the referendum invalidates the law." 1986 N.Y. Op. Att'y Gen. (Inf.) 57 (1986). Because the Non-Citizen Voting Law was never submitted for approval via a public referendum, it is invalid under Section 23(1) of the Municipal Home Rule Law.

CONCLUSION

For the foregoing reasons, this Court should grant Plaintiffs' Motion for Summary Judgment, declare the Non-Citizen Voting Law unconstitutional under Article II and Article IX of the New York State Constitution and unlawful under the Election Law and the Municipal Home Rule Law, and enjoin Defendants from enforcing any part of the law.

DATED: May 9, 2022

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CERTIFICATE OF COMPLIANCE

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Dated: May 9, 2022

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