

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DCCC,

Plaintiff,

v.

PETER S. KOSINSKI, in his official capacity as
Co-Chair of the State Board of Elections;
DOUGLAS A. KELLNER, in his official capacity
as Co-Chair of the State Board of Elections;
ANDREW J. SPANO, in his official capacity as
Commissioner of the State Board of Elections;
ANTHONY J. CASALE, in his official capacity
as Commissioner of the State Board of Elections;
TODD D. VALENTINE, in his official capacity
as Co-Executive Director of the State Board of
Elections; and KRISTEN ZEBROWSKI-
STAVISKY, in her official capacity as Co-
Executive Director of the State Board of
Elections,

Defendants,

and

REPUBLICAN NATIONAL COMMITTEE,
NATIONAL REPUBLICAN CONGRESSIONAL
COMMITTEE, and NEW YORK REPUBLICAN
STATE COMMITTEE,

Intervenor-Defendants.

No. 1:22-cv-01029 (RA)

PLAINTIFF DCCC'S NOTICE OF MOTION FOR PRELIMINARY INJUNCTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of a Motion for Preliminary Injunction, dated May 27, 2022, and all exhibits attached thereto, Plaintiff DCCC moves this Court, before the Honorable Ronnie Abrams, at the United States Courthouse, 40 Foley Square, New York, NY, for an Order granting Plaintiff a preliminary injunction.

Plaintiff specifically seeks an order requiring Defendants to: (1) direct the local boards of elections to (a) refrain from enforcing practices or policies that require the rejection of absentee ballots timely submitted to an official poll place location outside of the voter's county of registration; (b) implement policies, regulations, guidance and procedures by which county election officials must canvas and count those ballots cast when a voter appears in the correct county and a polling place that includes their correct assembly district, even if the voter casts their ballot at a polling place for which they are not assigned; (c) count absentee ballots submitted in envelopes that the United States Postal Service fails to postmark or, in the alternative, give voters who submit such ballots the same notice and pre-rejection opportunity to cure as other technical deficiencies currently deemed curable; (d) implement procedures by which eligible voters who submit absentee ballots that are rejected for any reason that could be cured but that is not currently defined as "curable" under state law be given the same notice and pre-rejection opportunity to cure their ballots presently available to voters who submit ballots with technical defects that are currently designated "curable"; and (2) implement mandatory guidance and training for local boards of elections to ensure that the canvass of absentee and affidavit ballots under N.Y. Elec. Law § 9-209 is conducted consistent with federal law and any orders of this Court; and (3) for such other and further relief as the Court deems just and proper.

Plaintiff understands from counsel for the Defendants that to the extent that relief consists of certain instructions or directives to County Boards of Election that do not require extensive technical changes, such directives could be issued and implemented within thirty days, but relief involving technical changes may take longer. Accordingly, Plaintiff seeks preliminary relief on or before July 13, 2022.

This motion is brought pursuant to Federal Rules of Civil Procedure Rule 65, the First and Fourteenth Amendments to the U.S. Constitution, and 52 U.S.C. § 10101.

Dated: May 27, 2022

Respectfully submitted,

/s/ Aria C. Branch

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Counsel for Plaintiff DCCC

**Admitted Pro Hac Vice*

*** Pro Hac Vice Forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that on May 27, 2022, I filed the foregoing with the Clerk of Court through the ECF filing system which will serve a copy of same on all counsel of record.

/s/ Aria C. Branch

Aria C. Branch

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