

SUPREME COURT OF NEW YORK
COUNTY OF WARREN

RICHARD CAVALIER, ANTHONY MASSAR,
CHRISTOPHER TAGUE AND THE SCHOHARIE
COUNTY REPUBLICAN COMMITTEE

Plaintiffs,

ANSWER

vs.

**INDEX No.
EF2022-70359**

WARREN COUNTY BOARD OF ELECTIONS,
BROOME COUNTY BOARD OF ELECTIONS,
SCHOHARIE COUNTY BOARD OF ELECTIONS
and, NEW YORK STATE BOARD OF ELECTIONS

Defendants.

The Defendant, Broome County Board of Elections, by and through their attorney, Robert

G. Behnke, Broome County Attorney, for its Answer to the Complaint alleges as follows:

1. Admits the allegations in contained in Paragraphs 11, 20, 21, 22 and 23 of the Complaint.
2. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraphs 1, 2, 5, 6, 7, 8, 9, 10, 12, 13, 14, 17, 18, 19 and 25 of the Complaint.
3. Denies the allegations contained in Paragraphs 3, 4, 15, 24, 29, 30 and 31 of the Complaint.
4. With respect to the allegations contained in Paragraphs 16, 27 and 28 of the Complaint, these allegations are legal arguments and/or their characterizations of this proceeding

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and the grounds therein and no response is required and to the extent a response is required denies said allegations.

5. Denies each and every allegation not specified admitted, denied or controverted.

As and For a First Affirmative Defense

6. The Complaint fails to state a cause of action.

As and For a Second Affirmative Defense

7. The Complaint is barred by the doctrine of laches.

As and For a Third Affirmative Defense

8. The Plaintiffs lack standing to bring this action.

As and For a Fourth Affirmative Defense

9. This action presents a non-justiciable controversy not properly before the Courts.

As and For a Fifth Affirmative Defense

10. Election Law § 8-400 is consistent with the State Constitution and therefore the Complaint must be dismissed.

As and For a Sixth Affirmative Defense

11. Pursuant to CPLR§511, the Answering Defendant is entitled to a change of venue to Broome County.

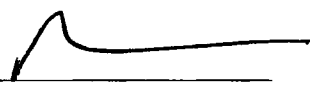
As and For a Seventh Affirmative Defense

12. The Complaint fails to name a necessary party and the Complaint must therefore be dismissed.

WHEREFORE, Defendant Broome County Board of Elections respectfully requests that a judgment be entered declaring that Election Law § 8-400 is constitutional, and that the Complaint

is dismissed with costs and disbursements together with such other and further relief as to the Court may seem just and proper.

Dated: August 15, 2022



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