

STATE OF NEW YORK
SUPREME COURT COUNTY OF SARATOGA

RICH AMEDURE, ROBERT SMULLEN, WILLIAM FITZPATRICK, NICK LANGWORTHY, THE NEW YORK STATE REPUBLICAN PARTY, GERARD KASSAR, THE NEW YORK STATE CONSERVATIVE PARTY, CARL ZIELMAN THE SARATOGA COUNTY REPUBLICAN PARTY, RALPH M. MOHR, and ERIK HAIGHT,

Petitioners/Plaintiffs,

ANSWER

-against-

STATE OF NEW YORK, BOARD OF ELECTIONS OF THE STATE OF NEW YORK, GOVERNOR OF THE STATE OF NEW YORK, SENATE OF THE STATE OF NEW YORK, MAJORITY LEADER AND PRESIDENT PRO TEMPORE OF THE SENATE OF THE STATE OF NEW YORK, MINORITY LEADER OF THE SENATE OF THE STATE OF NEW YORK, ASSEMBLY OF THE STATE OF NEW YORK, MAJORITY LEADER OF THE ASSEMBLY OF THE STATE OF NEW YORK, MINORITY LEADER OF THE ASSEMBLY OF THE STATE OF NEW YORK, SPEAKER OF THE ASSEMBLY OF THE STATE OF NEW YORK,

Index No.: 2022-2145

Respondents/Defendant,

Respondents/Defendants SENATE OF THE STATE OF NEW YORK and the MAJORITY LEADER AND PRESIDENT PRO TEMPORE OF THE SENATE OF THE STATE OF NEW YORK (collectively, the “**Answering Defendants**”) hereby Answer the allegations of the First Amended Verified Petition/Compliant (NYSCEF Doc. #7, the “**Complaint**”) as follows:

1. Deny knowledge or information sufficient to admit or deny the allegations in ¶1 the Complaint and refer questions of law to the Court.

2. Deny knowledge or information sufficient to admit or deny the allegations in ¶2 the Complaint and refer questions of law to the Court, except deny that the referenced laws are unconstitutional.

3. Deny the allegations in ¶3 of the Complaint.

4. Deny knowledge or information sufficient to admit or deny the allegations in ¶4 the Complaint and refer questions of law to the Court, except deny that the referenced laws are unconstitutional.

5. Deny knowledge or information sufficient to admit or deny the allegations in ¶5 the Complaint and refer questions of law to the Court, except deny that the referenced laws are unconstitutional.

6. Deny knowledge or information sufficient to admit or deny the allegations in ¶6 the Complaint and refer questions of law to the Court, except deny that the referenced laws are unconstitutional.

7. Deny knowledge or information sufficient to admit or deny the allegations in ¶7 the Complaint and refer questions of law to the Court., except deny that the referenced laws are unconstitutional.

8. Deny knowledge or information sufficient to admit or deny the allegations in ¶8 the Complaint.

9. Deny knowledge or information sufficient to admit or deny the allegations in ¶9 the Complaint.

10. Deny knowledge or information sufficient to admit or deny the allegations in ¶10 the Complaint.

11. Deny knowledge or information sufficient to admit or deny the allegations in ¶11 the Complaint.

12. Deny knowledge or information sufficient to admit or deny the allegations in ¶12 the Complaint.

13. Deny knowledge or information sufficient to admit or deny the allegations in ¶13 the Complaint.

14. Deny knowledge or information sufficient to admit or deny the allegations in ¶14 the Complaint.

15. Deny knowledge or information sufficient to admit or deny the allegations in ¶15 the Complaint.

16. Deny knowledge or information sufficient to admit or deny the allegations in ¶16 the Complaint.

17. Deny knowledge or information sufficient to admit or deny the allegations in ¶17 the Complaint.

18. Deny knowledge or information sufficient to admit or deny the allegations in ¶18 the Complaint.

19. Deny the allegations of ¶19 as written, except admit that the State of New York exists, and admit that the office of the Governor, the Senate, the Assembly, the Board of Elections and the Attorney General's office are each institutions within the State government.

20. Admit the allegations in ¶20 of the Complaint.

21. Deny knowledge or information sufficient to admit or deny the allegations in ¶21 of the Complaint.

22. Admit the allegations in ¶22 of the Complaint.

23. Deny the allegations of ¶23 of the Complaint as written, except admit that the State Constitution describes powers and duties of the Governor, and that the Governor signed the Statute.

24. Deny the allegations of ¶24 of the Complaint as written, except admit that the Senate is a house of the New York State Legislature, it is sometimes called the “upper house,” it performs legislative functions that are oversimplified in Complaint ¶24, and the Senate adopted the Statute.

25. Admit the allegations in ¶25 of the Complaint.

26. Admit the allegations in ¶26 of the Complaint.

27. Deny the allegations of ¶27 of the Complaint as written, except admit that the Assembly is a house of the New York State Legislature, it is sometimes called the “lower house,” it performs legislative functions that are oversimplified in Complaint ¶27, and the Assembly adopted the Statute.

28. Admit the allegations in ¶28 of the Complaint.

29. Admit the allegations in ¶29 of the Complaint.

30. Deny knowledge or information sufficient to admit or deny the allegations in ¶30 of the Complaint, and refer questions of law to the Court.

31. Deny knowledge or information sufficient to admit or deny the allegations in ¶31 of the Complaint, and refer questions of law to the Court.

32. Deny knowledge or information sufficient to admit or deny the allegations in ¶32 of the Complaint, and refer questions of law to the Court.

33. Deny knowledge or information sufficient to admit or deny the allegations in ¶33 of the Complaint, and refer questions of law to the Court.

34. Deny knowledge or information sufficient to admit or deny the allegations in ¶34 of the Complaint, and refer questions of law to the Court.

35. Deny knowledge or information sufficient to admit or deny the allegations in ¶35 of the Complaint, and refer questions of law to the Court.

36. Deny knowledge or information sufficient to admit or deny the allegations in ¶36 of the Complaint, and refer questions of law to the Court.

37. Deny knowledge or information sufficient to admit or deny the allegations in ¶37 of the Complaint, and refer questions of law to the Court.

38. Deny the allegations in ¶38 of the Complaint.

39. Deny the allegations in ¶39 of the Complaint as written, except admit that the NYS Constitution exists, and refer said document for a complete statement of its terms.

40. Deny the allegations in ¶40 of the Complaint as written, except admit that the NYS Constitution exists, and refer said document for a complete statement of its terms.

41. Deny the allegations in ¶41 of the Complaint as written, except admit that the NYS Constitution exists, and refer said document for a complete statement of its terms.

42. Deny the allegations in ¶42 of the Complaint as written, except admit that the NYS Constitution exists, and refer said document for a complete statement of its terms.

43. Deny the allegations in ¶42 of the Complaint as written, except admit that the NYS Constitution exists, and refer said document for a complete statement of its terms.

44. Deny the allegations in ¶44 of the Complaint as written, except admit that the NYS Constitution exists, and refer said document for a complete statement of its terms.

45. Deny the allegations in ¶45 of the Complaint as written, except admit that the Chapter Laws exist, and refer said document for a complete statement of its terms.

46. Deny the allegations in ¶46 of the Complaint as written, except admit that the NYS Constitution exists, and refer said document for a complete statement of its terms.

47. Deny the allegations in ¶47 of the Complaint as written, except admit that the NYS Constitution exists, and refer said document for a complete statement of its terms.

48. Deny the allegations in ¶48 of the Complaint.

49. Deny the allegations in ¶49 of the Complaint as written, except admit that the NYS Constitution and Election Law exist, and refer said documents for a complete statement of their terms.

50. Deny the allegations in ¶50 of the Complaint as written, except admit that the Election Law Article 8, Title 4 exists, and refer said document for a complete statement of its terms.

51. Deny the allegations in ¶51 of the Complaint as written, except admit that the Election Law Article 8, Title 5 exists, and refer said document for a complete statement of its terms.

52. Deny the allegations in ¶50 of the Complaint as written, except admit that the Election Law Article 9 exists, and refer said document for a complete statement of its terms.

53. Deny the allegations in ¶53 of the Complaint.

54. Deny the allegations in ¶54 of the Complaint as written, except admit that Chapter 763 exists, and refer said document for a complete statement of its terms.

55. Deny the allegations in ¶55 of the Complaint.

56. Deny the allegations in ¶56 of the Complaint.

57. Deny the allegations in ¶57 of the Complaint.

58. Deny the allegations in ¶58 of the Complaint.

59. Deny the allegations in ¶59 of the Complaint.
60. Deny the allegations in ¶60 of the Complaint.
61. Deny the allegations in ¶61 of the Complaint.
62. Deny knowledge or information sufficient to admit or deny the allegations in ¶62 of the Complaint, inasmuch as the Complaint does not explain its term “vote dilution.”
63. Deny the allegations in ¶63 of the Complaint, except admit that voters should not mislead, and deny that the law at issue mislead voters.
64. Deny the allegations in ¶64 of the Complaint.
65. Deny the allegations in ¶65 of the Complaint.
66. Restate and incorporate by reference each of the Answering Defendants’ in the foregoing paragraphs as though fully stated in this paragraph.
67. Deny the allegations in ¶67 of the Complaint.
68. Deny the allegations in ¶68 of the Complaint as written, except admit that the NYS Constitution exists, and refer to said document for a complete and accurate statement of its terms.
69. Deny knowledge or information sufficient to admit or deny the allegations in ¶69 of the Complaint, and refer questions of law to the Court.
70. Deny knowledge or information sufficient to admit or deny the allegations in ¶71 of the Complaint, and refer questions of law to the Court.
71. Deny knowledge or information sufficient to admit or deny the allegations in ¶71 of the Complaint, and refer questions of law to the Court.
72. Deny ¶72 of the Complaint as written except admit that Election Law §8-500 exists, and refer to said document for a complete and accurate statement of its terms.

73. Deny the allegations of ¶73 of the Complaint.
74. Deny the allegations of ¶74 of the Complaint.
75. Deny the allegations of ¶75 of the Complaint.
76. Deny the allegations of ¶76 of the Complaint.
77. Deny the allegations of ¶77 of the Complaint as written except admit that Chapter 763 exists, and refer to said document for a complete and accurate statement of its terms.
78. Deny the allegations of ¶78 of the Complaint as written except admit that Chapter 763 exists, and refer to said document for a complete and accurate statement of its terms.
79. Deny the allegations in ¶79 of the Complaint.
80. Deny the allegations of ¶80 of the Complaint.
81. Restate and incorporate by reference each of the Answering Defendants' in the foregoing paragraphs as though fully stated in this paragraph.
82. Deny knowledge or information sufficient to admit or deny the allegations in ¶82 and refer questions of law to the Court.
83. Deny knowledge or information sufficient to admit or deny the allegations in ¶83 of the Complaint.
84. Deny the allegations in ¶84 of the Complaint.
85. Deny the allegations in ¶85 of the Complaint.
86. Deny the allegations in ¶86 of the Complaint.
87. Deny the allegations in ¶87 of the Complaint.
88. Deny the allegations in ¶88 of the Complaint.
89. Restate and incorporate by reference each of the Answering Defendants' in the foregoing paragraphs as though fully stated in this paragraph.

90. Deny the allegations in ¶90 of the Complaint.

91. Deny the allegations in ¶91 of the Complaint.

92. Deny the allegations in ¶92 of the Complaint.

93. Deny the allegations in ¶93 of the Complaint.

94. Deny the allegations in ¶94 of the Complaint.

95. Deny the allegations in ¶95 of the Complaint.

96. Deny the allegations in ¶96 of the Complaint.

97. Deny the allegations in ¶97 of the Complaint as written, except admit that Election Law §9-209 exists, and refer to said document for a complete and accurate statement of its terms.

98. Deny the allegations in ¶98 of the Complaint.

99. Deny knowledge or information sufficient to admit or deny ¶99 of the Complaint.

100. Deny the allegations in ¶100 of the Complaint.

101. Deny knowledge or information sufficient to admit or deny the allegations in ¶101 of the Complaint.

102. Deny knowledge or information sufficient to admit or deny the allegations in ¶102 of the Complaint.

103. Deny the allegations in ¶103 of the Complaint.

104. Deny the allegations in ¶104 of the Complaint.

105. Deny the allegations in ¶105 of the Complaint.

106. Deny the allegations in ¶106 of the Complaint.

107. Restate and incorporate by reference each of the Answering Defendants' in the foregoing paragraphs as though fully stated in this paragraph.

108. Admit the allegations in ¶108 of the Complaint.

109. Deny ¶109 of the Complaint as written, except admit that Article VI, §7 of the NYS Constitution exists, and refer to said section for a complete and accurate statement of its terms.

110. Deny knowledge and information sufficient to admit or deny the allegations in ¶110 of the Complaint, except that that courts sometimes exercise judicial review of administrative decisions.

111. Deny the allegations of ¶111 of the Complaint as written except admit that the CPLR and the Election Law exist, and refer to said authorities for a complete and accurate statement of their terms.

112. Deny the allegations in ¶111 of the Complaint.

113. Deny knowledge or information sufficient to admit or deny the allegations in ¶113 of the Complaint.

114. Deny the allegations in ¶114 of the Complaint as written except that Article 16 of the Election Law exists, and refer to said Article for a complete and accurate statement of its terms.

115. Deny the allegations of ¶115 of the Complaint as written, except admit that the referenced document exists, and refer to same for a complete and accurate statement of its terms.

116. Deny the allegations of ¶116 of the Complaint as written, except admit that Election Law §16-112 exists, and refer to same for a complete and accurate statement of its terms.

117. Deny the allegations of ¶117 of the Complaint as written, except admit that Election Law §16-102 exists, and refer to same for a complete and accurate statement of its terms.

118. Deny the allegations in ¶117 of the Complaint.

119. Deny the allegations of ¶119 of the Complaint.

120. Deny the allegations of ¶120 of the Complaint.

121. Deny the allegations of ¶121 of the Complaint.

122. Deny the allegations of §122 of the Complaint.

123. Deny the allegations of §123 of the Complaint.

124. Deny the allegations of §124 of the Complaint.

125. Restate and incorporate by reference each of the Answering Defendants' in the foregoing paragraphs as though fully stated in this paragraph.

126. Admit the allegations in ¶126 of the Complaint.

127. Deny the allegations of §127 of the Complaint.

128. Deny the allegations of §128 of the Complaint.

129. Deny the allegations of §129 of the Complaint.

130. Deny the allegations of §130 of the Complaint.

131. Restate and incorporate by reference each of the Answering Defendants' in the foregoing paragraphs as though fully stated in this paragraph in response to ¶131 of the Complaint.

132. Deny the allegations of §132 of the Complaint.

133. Deny the allegations of §133 of the Complaint.

134. Deny the allegations of §134 of the Complaint.

135. Deny the allegations of §135 of the Complaint.

136. Deny the allegations of §136 of the Complaint.

137. Deny the allegations of §137 of the Complaint.

138. Deny the allegations of §138 of the Complaint.

139. Restate and incorporate by reference each of the Answering Defendants' in the foregoing paragraphs as though fully stated in this paragraph in response to ¶139 of the Complaint.

140. Deny the allegations in ¶140 of the Complaint.

141. Deny the allegations of §141 of the Complaint.

142. Deny the allegations of §142 of the Complaint.

143. Restate and incorporate by reference each of the Answering Defendants' in the foregoing paragraphs as though fully stated in this paragraph, in response to ¶143 of the Complaint.

144. Deny the allegations of ¶144 of the Complaint as written, except admit that Title V of Article 8 of the Election Law exists, and refer to said Title for a complete and accurate statement of its terms.

145. Deny the allegations of ¶145 of the Complaint as written, except admit that Election Law §8-502 exists, and refer to said section for a complete and accurate statement of its terms.

146. Deny the allegations of ¶146 of the Complaint as written, except admit that Election Law §8-506 exists, and refer to said section for a complete and accurate statement of its terms.

147. Deny the allegations of ¶147 of the Complaint as written, except admit that Election Law §8-506 exists, and refer to said section for a complete and accurate statement of its terms.

148. Deny the allegations of ¶148 of the Complaint as written, except admit that Election Law §8-506 exists, and refer to said section for a complete and accurate statement of its terms.

149. Deny the allegations in ¶149 of the Complaint.

150. Deny the allegations in ¶150 of the Complaint.

151. Deny the allegations in ¶151 of the Complaint.

152. Deny the allegations in ¶152 of the Complaint.

153. Deny the allegations in ¶153 of the Complaint.

154. Deny the allegations in ¶154 of the Complaint.

155. Deny the allegations of ¶155 of the Complaint as written, and refer to the Election Law for a complete and accurate statement of its terms.

156. Deny the allegations in ¶156 of the Complaint.

157. Restate and incorporate by reference each of the Answering Defendants' in the foregoing paragraphs as though fully stated in this paragraph in response to ¶157 of the Complaint.

158. Deny knowledge or information sufficient to admit or deny the allegations in ¶158 of the Complaint.

159. Deny knowledge or information sufficient to admit or deny the allegations in ¶159 of the Complaint.

160. Deny knowledge or information sufficient to admit or deny the allegations in ¶160 of the Complaint.

161. Deny the allegations in ¶161 of the Complaint.

162. Deny the allegations in ¶162 of the Complaint.

163. Deny the allegations in ¶163 of the Complaint.

164. Deny the allegations in ¶164 of the Complaint.

165. Deny the allegations in ¶165 of the Complaint as written, except admit that the NYS Constitution exists, and refer to said document for a complete and accurate statement of its terms.

166. Deny the allegations in ¶166 of the Complaint as written, except admit that the referenced proposal existed, , and refer to said document for a complete and accurate statement of its terms.

167. Deny the allegations in ¶167 of the Complaint.

168. Deny the allegations in ¶168 of the Complaint.

169. Deny the allegations in ¶169 of the Complaint.

170. Deny the allegations in ¶170 of the Complaint.

171. Deny the allegations in ¶171 of the Complaint.

172. Deny the allegations in ¶172 of the Complaint.

173. Deny knowledge or information sufficient to admit or deny the allegations in ¶173 of the Complaint.

174. Deny knowledge or information sufficient to admit or deny the allegations in ¶174 of the Complaint.

175. Deny knowledge or information sufficient to admit or deny the allegations in ¶175 of the Complaint.

176. Restate and incorporate by reference each of the Answering Defendants' in the foregoing paragraphs as though fully stated in this paragraph in response to ¶176 of the Complaint.

177. Deny the allegations of ¶177 of the Complaint as written, except admit that the Constitution exists and refer to said document for a complete and accurate statement of its terms.

178. Deny the allegations of ¶178 of the Complaint.

179. Deny the allegations of ¶179 of the Complaint as written, except admit that Chapter 2 of the Laws of 2022 exist, and refer thereto for a complete and accurate statement of their terms.

180. Deny knowledge or information sufficient to admit or deny the allegations in ¶180 of the Complaint, except deny that Chapter 2 of the Laws of 2022 is unconstitutional.

181. Deny the allegations in ¶181 of the Complaint except admit that Election Law §8-400 exists, and refer to said statute for a complete and accurate statement of its terms.

182. Deny the allegations in ¶182 of the Complaint.

183. Deny the allegations in ¶183 of the Complaint.

184. Deny the allegations in ¶184 of the Complaint as written except admit that the Sponsor's Memo exists, and refer to said document for a complete and accurate statement of its terms.

185. Deny the allegations in paragraph ¶185 of the Complaint.

186. Deny the allegations in paragraph ¶186 of the Complaint.

187. Deny the allegations in paragraph ¶187 of the Complaint.

188. Deny the allegations in ¶188 of the Complaint.

RESIDUAL DENIAL

189. The Answering Defendants hereby deny any and all allegations in the Complaint that are not otherwise expressly answered in ¶¶1 – 188 above.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

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

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

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

Dated: Schenectady, New York
October 24, 2022

Respectfully submitted,

E. STEWART JONES HACKER MURPHY LLP



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