SUPREME COURT OF THE STATE OF NEW YORK
SARATOGA COUNTY

_____X

In the matter of
RICH AMEDURE,
GARTH SNIDE, ROBERT SMULLEN,
EDWARD COX,
THE NEW YORK STATE REPUBLICAN PARTY,
GERARD KASSAR,
THE NEW YORK STATE CONSERVATIVE PARTY,
JOSEPH WHALEN,
THE SARATOGA COUNTY REPUBLICAN PARTY,
RALPH M. MOHR, ERIK HAIGHT & JOHN QUIGLEY,

Petitioners / Plaintiffs,

-against-

INDEX NO.
20232099

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,

Respondents / Defendants.

_____X

AFFIRMATION

TO: THE SUPREME COURT OF THE STATE OF NEW YORK

JOHN CIAMPOLI, ESQ., an attorney, duly admitted to the practise of law before the Courts of the State of New York does hereby affirm pursuant to the provisions of the CPLR:

1. He is an attorney for the Plaintiff / Petitioners in the above captioned proceedings.
2. This affirmation is offered in opposition to the application of the proposed intervenors, DCCC, Kirsten Gillibrand, Paul Tonko and Declan Taintor to be made parties to these proceedings.
3. Proposed Intervenors offer nothing to support their application to be made parties as of right, pursuant to CPLR 1012.
4. As to an application for intervention as a matter of discretion pursuant to CPLR 1013, this application too, must fail.
5. Most relevant here is the feeble attempt of the DCCC to establish some sort of tangible interest in the subject matter of this case.
6. The keystone to the DCCC's application is the affidavit of Kate Magill, Doc. 13, Ex. 6, p. 29.
7. In short, the claims advanced by the DCCC, and other proposed intervenors, is that they would be inconvenienced by restoring New York's Election process to Constitutional standards. The Intervenors would have to

adjust their plans for an election more than one year away – as it relates to post election proceedings.

8. We must agree with McGill, the challenged law has standardized the canvassing process – it has eliminated the rights of party committees, candidates and poll watchers to object to illegal and even fraudulent ballots. It has made the review of commissioners of elections meaningless as a commissioner who believes a ballot is not compliant with the law has no say in determining its validity. Finally, it has streamlined the post-election litigation process by removing the Judiciary from the process and essentially prohibiting judicial review of administrative determinations.
9. In short, the Intervenors' position is grounded in the holdings in Tenney v. Oswego Co. Bd. of Elections, 71 Misc. 3d 421 (Sup. Ct., Oswego Co. 2021) and the related decisions which preceded it, wherein the litigation process exposed dozens of voters who were being disenfranchised by the improper acts of the Board of Elections.
10. In Tenney, supra, the Court ordered the Board to perform its duty. The voters were given their righ to vote, ballots were counted, and Tenney, on the basis of these votes was elected to Congress.
11. Intervenors did not like the results, the voters be damned, and pushed to change the law, the Constitution be damned.

12. The only interest the Intervenors have in this case is the diminution of the rights of candidates, party committees, poll watchers and voters who will have their votes diluted by virtue of making the election process vulnerable to fraudulent and illegal ballots. All of this for what they perceive to be a political advantage.

13. None of this has any place in this litigation.

14. This case must be decided on the basis of the Constitution.

15. What the proposed intervenors have failed to show to this Court is that the Attorney General, the Governor, the Speaker of the Assembly and the Leader of the State Senate are not capable of adequately representing their position.

16. All of those parties to this proceeding are politically aligned with the intervenors' political party. All are in lockstep with the Intervenors' position.

17. Using past history as prolog, we can look to last year's litigation, Amedure v. New York State, Index No. 20222145. Counsel for these intervenors offered nothing new and nothing different from the other Respondents already parties to the proceeding.

18. Indeed the attached motion to dismiss accompanying the application for intervenor status offers nothing beyond the motions already filed by named parties.

19. We annex hereto and incorporate herein as EXHIBIT A our letter from last year in opposition to the same counsel's application for intervention, we also respectfully direct the Court's attention to NYSCEF Doc. 16, index No. 20222145.

20. There is no meaningful difference in the 2022 application from the one at bar EXCEPT that counsel's past and current acts demonstrate beyond any doubt that he offers nothing additional to these proceedings. The Intervenors would only serve to clutter the record and echo the positions already adequately represented to the Court by the adverse Defendants.

21. We do not object to amicus status, as that would not bog down any hearing conducted by the Court.

WHEREFORE, it is respectfully demanded that the application for Intervenor Status be denied in all respects as is specified herein , together with such other, further and different relief as this Court may deem to be just and

proper in the premises.

DATED: September 27, 2023

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