



December 4, 2023

VIA NYSCEF

Hon. Christina Ryba
Justice of the Supreme Court, Albany County
Albany County Courthouse
16 Eagle Street, Room 38
Albany, NY 12207

Re: Elise Stefanik et al. v. Kathy Hochul et al.
Index No. 908840-23

Dear Justice Ryba,

We represent the Plaintiffs in the above-captioned case.

We write to inform the Court of a change in circumstances relevant to the pending motion for preliminary injunction argued on October 13, 2023.

On Friday, December 1, the United States House of Representatives voted to expel Representative George Santos, leaving a vacancy in New York's 3rd Congressional District.

Pursuant to N.Y. Public Officers Law § 42(3), the Governor is required to proclaim a special election within the next ten days, and that election must take place between 70 and 80 days from the Governor's proclamation. This means that an important and high-profile special election will occur sometime in February of 2024. The Mail-Voting Law that is the subject of this litigation is applicable to all elections on or after January 1, 2024.

Because this election is rapidly approaching, and under the Mail-Voting Law mail-voting ballot applications must be provided in advance and ballots must be mailed to applicants "as soon as practicable," N.Y. Election Law § 8-704, it is all the more important that a decision on the pending motion for preliminary injunction is issued as soon as possible.

Thank you for your consideration.

EDWARD J. O'CONNELL
1925-1939
SAMUEL E. ARONOWITZ
1925-1973
LEON ARONOWITZ
1941-1969
LEWIS A. ARONOWITZ
1951-1979

IN MEMORIAM:
HON. LEONARD A. WEISS
2020-2022

STEPHEN R. COFFEY
THOMAS J. DiNOVO
PAMELA A. NICHOLS
DAVID R. ROSS
KURT E. BRATTEN
MICHAEL P. McDERMOTT
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Respectfully submitted,

O'CONNELL AND ARONOWITZ, P.C.

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cc: All Counsel via NYSCEF

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