STATE OF NEW YORK
SUPREME COURT ONONDAGA COUNTY

THE COUNTY OF ONONDAGA; THE ONONDAGA COUNTY LEGISLATURE; and J. RYAN MCMAHON II, Individually and as a voter and in his capacity as Onondaga County Executive,

Plaintiffs,

-against-

THE STATE OF NEW YORK; KATHLEEN HOCHUL, in her capacity as Governor of the State of New York; DUSTIN M. CZARNY, in his capacity as Commissioner of the Onondaga County Board of Elections; and MICHELE L. SARDO, in her capacity as Commissioner of the Onondaga County Board of Elections,

Defendants.

Action No. 1:
Index No: 003095/2024

STATE OF NEW YORK
SUPREME COURT NASSAU COUNTY

THE COUNTY OF NASSAU, THE NASSAU COUNTY LEGISLATURE, and BRUCE A. BLAKEMAN, individually and as a voter and in his official capacity as Nassau County Executive,

Plaintiffs,

-against-

THE STATE OF NEW YORK and KATHY HOCHUL, in her capacity as the Governor of the State of New York,

Defendants.

Action No. 2:
Index No: 605931/2024

STATE OF NEW YORK
SUPREME COURT ONEIDA COUNTY

THE COUNTY OF ONEIDA; THE ONEIDA COUNTY BOARD OF LEGISLATORS, ANTHONY J. PICENTE, JR., Individually as a voter and in his capacity as Oneida County Executive; and ENESSA CARBONE, Individually and as a voter and in her capacity as Oneida County Comptroller,

Plaintiffs,

-against-

THE STATE OF NEW YORK and KATHLEEN HOCHUL, in her capacity as Governor of the State of New York,

Defendants.

Action No. 3:
Index No: EFCA2024-000920

STATE OF NEW YORK
SUPREME COURT RENSSELAER COUNTY

COUNTY OF RENSSELAER; STEVEN F. MCLAUGHLIN, Individually as a Voter, and in his Capacity as RENSSELAER COUNTY EXECUTIVE; and the RENSSELAER COUNTY LEGISLATURE,

Plaintiffs,

-against-

THE STATE OF NEW YORK and KATHLEEN HOCHUL, in her capacity as Governor of the State of New York,

Defendants.

Action No. 4:
Index No: EF2024-276591

STATE OF NEW YORK
SUPREME COURT JEFFERSON COUNTY

JASON ASHLAW, JOANN MYERS, TANNER RICHARDS, STEVEN GELLAR, EUGENE CELLA, ROBERT MATARAZZO, ROBERT FISCHER, JAMES JOST, KEVIN JUDGE, THE COUNTY OF SUFFOLK, THE TOWN OF HEMPSTEAD, THE TOWN OF BROOKHAVEN, THE TOWN OF HUNTINGTON, THE TOWN OF ISLIP, THE TOWN OF SMITHTOWN, THE TOWN OF CHAMPION, THE TOWN OF NORTH HEMPSTEAD, and THE TOWN OF NEWBURGH,

Plaintiffs,

-against-

THE STATE OF NEW YORK, KATHLEEN HOCHUL, in her capacity as Governor of the State of New York, MICHELLE LAFAVE, in her capacity as Commissioner of the Jefferson County Board of Elections, JUDE SEYMOUR, in his capacity as Commissioner of the Jefferson County Board of Elections, MARGARET MEIER, in her capacity as Commissioner of the Jefferson County Board of Elections, THE JEFFERSON COUNTY BOARD OF ELECTIONS, JOHN ALBERTS, in his capacity as Commissioner of the Suffolk County Board of Elections, BETTY MANZELLA, in her capacity as Commissioner of the Suffolk County Board of Elections, THE SUFFOLK COUNTY BOARD OF ELECTIONS, JOSEPH KEARNEY, in his capacity as Commissioner of the Nassau County Board of Elections, JAMES SCHEUERMAN, in his capacity as Commissioner of the Nassau County Board of Elections, THE NASSAU COUNTY BOARD OF ELECTIONS, LOUISE VANDEMARK, in her capacity as Commissioner of the Orange County Board of Elections, COURTNEY CANFIELD GREENE, in her capacity as Commissioner of the Orange County Board of Elections, THE ORANGE COUNTY BOARD OF ELECTIONS,

Defendants.

Action No. 5:
Index No: EF2024-00001746

STATE OF NEW YORK
SUPREME COURT ROCKLAND COUNTY

COUNTY OF ROCKLAND and EDWIN J. DAY, in his individual and official capacity as Rockland County Executive,

Plaintiffs,

-against-

Action No. 6:
Index No: 032196/2024

THE STATE OF NEW YORK,

Defendant.

STATE OF NEW YORK
SUPREME COURT ONONDAGA COUNTY

STEVEN M. NEUHAUS, Individually, and as a voter in his capacity as Orang County Executive, THE COUNTY OF ORANGE, THE ORANGE COUNTY LEGISLATURE, ORANGE COUNTY LEGISLATORS, KATHERINE E. BONELLI, THOMAS J. FAGGIONE, JANET SUTHERLAND, PAUL RUSZKIEWICZ, PETER V. TUOHY, BARRY J. CHENEY, RONALD M. FELLER, GLENN R. EHLERS, KATHY STEGENGA, KEVIN W. HINES, JOSEPH J. MINUTA, LEIGH J. BENTON, ROBERT C. SASSI, and JAMES D. O'DONNELL, Individually and as voters,

Action No. 7:
Index No: 004023/2024

Plaintiffs,

-against-

KATHLEEN HOCHUL, in her capacity as Governor of the State of New York, THE STATE OF NEW YORK, ORANGE COUNTY REPUBLICAN COMMITTEE, ORANGE COUNTY DEMOCRATIC COMMITTEE, CONSERVATIVE PARTY OF NEW YORK STATE, and NEW YORK WORKING FAMILY PARTY,

Defendants.

STATE OF NEW YORK
SUPREME COURT DUTCHESS COUNTY

THE COUNTY OF DUTCHESS, THE DUTCHESS COUNTY LEGISLATURE, and SUSAN J. SERINO, Individually and as a voter and in her capacity as DUTCHESS COUNTY EXECUTIVE,

Plaintiffs,

-against-

THE STATE OF NEW YORK, KATHLEEN HOCHUL, In her capacity as Governor of the State of New York,

Defendants.

Action No. 8:
Index No: 2024-51659

DEFENDANTS' REPLY MEMORANDUM OF LAW

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Attorney General, State of New York
Attorney for Defendants State of New York and Governor Kathleen Hochul
By: Assistant Attorneys General, of Counsel

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v

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PRELIMINARY STATEMENT

Defendants State of New York and Governor Kathleen Hochul (State Defendants) have moved to dismiss all eight complaints in these eight consolidated actions where Plaintiffs seek judgment declaring the so-called "Even Year Election Law." unconstitutional. All Plaintiffs have opposed the motion, relying primarily on the Home Rule protections for local governments under Article XI of the New York State Constitution. The State Defendants now submit this Reply in further support of their motion to dismiss the Plaintiffs' complaints. Plaintiffs' arguments are based on a misinterpretation of both the purpose and intent of the Even Year Election Law and the Home Rule provisions of the Constitution. The "Even Year Election Law" is a constitutionally valid exercise of the Legislature's authority and its substantial interest in promoting voter turnout and optimal participation in the electoral process and should therefore be upheld in its entirety.

ARGUMENT

I. The Even Year Election Law Is a General Law That Rationally Addresses Statewide Electoral Concerns

The Even Year Election Law is a general law because it "applies alike to all counties . . . all cities, all town or all villages." N.Y. Const. art. IX, sec. 3, subd. (d)(1); *see also Radich v. Council of City of Lackawanna*, 93 A.D. 2d 559, 564 (4th Dep't 1983). A law is deemed general if it applies uniformly to "a class, entry into which . . . [is] governed by conformity or compliance" with specified conditions related to the subject of the statute. *Farrington v. Pinckney*, 1. N.Y.2d 74, 79 (1956). In applying this principle in *Radich*, the Fourth Department found the General City Law at issue there to be general because the law applied "in every city in which the mayor and the president of the local legislative body are elected (1) at-large; (2) at the same time and (3) for the same term as their Mayor." *Radich*, 93 A.D.2d at 565. The law created a "recognizable class of

cities with special uniformity in the method of electing their chief executive and chief legislative officers." The Fourth Department dismissed easily the contention—made similarly by Plaintiffs in the instant case—that a law is transformed into a specific law merely because it does not apply to every single city in the state. *Id.* The court noted that "[a]ny city is free to enact local legislation changing the mode of election of local officials to one that meets the statute's conditions." *Id.*

So, too, is the case with the Even Year Election Law. The Even Year Election Law is appropriately designed to align local elections with other state and federal elections to ensure more coherent and efficient elections across the state. The focus on counties with elected executives—those most directly accountable to voters—is both rational and necessary. *See Rozler v. Franger*, 61 A.D.2d 46, 51 (4th Dep't 1978) ("The fact that twelve chartered villages are . . . exempted from operation of the Village Law does not . . . make it any less a general law. The exception to the operation of the Village Law for chartered villages is based on a reasonable classification and the law applies uniformly to all other villages throughout the state."), *aff'd sub nom. Rozler v Franger.*, 46 N.Y.2d 760 (1978). Additionally, as with the mayors in *Radich*, any county is free to enact local legislation that would change the specific mode of selecting officials targeted by the Even Year Election Law, and so the Even Year Election Law allows affected entities to retaining the ability to join or depart from the class created by the legislation. *See also Buenos Hill Inc. v. Saratoga Springs Planning Bd.*, 83 Misc. 3d 494, 500 (Sup. Ct. 2024) (noting that section 131 of the Cannabis Law provided an opt-out option, and therefore "all localities are treated equally under the statute and the opt-out is general in application.").

The Even Year Election Law's provisions are carefully crafted to address statewide concerns in a way that balances local governance with the broader public good. "[I]n areas of State-wide significance, the State may freely legislate, notwithstanding the fact that the concern of

the State may also touch upon local matters. Thus, such State legislation which also affects local concerns does not implicate local governmental home rule powers." *Radich* at 566 (*citing Matter of Kelley v. McGee*, 457 N.Y.S.2d 434, 443 N.E.2d 908) (additional citations omitted). By focusing on counties where election timing has the most impact, the Even Year Election Law remains a valid exercise of the legislature's power to enact general laws that serve significant state interests.

Ashlaw Plaintiffs' reliance on Exhibit B (NYSCEF Doc. 199), the "Report of the Attorney General 1899," to support their claims is misplaced. The 1899 Report does not substantiate the assertion that towns like Hempstead have held odd-year elections for over a century. Instead, the circular letter references legislative changes, including shifts from annual to biennial town meetings and the timing of elections, demonstrating the state's historical flexibility in adjusting election schedules. See Exhibit M, Annual Report of the Attorney General of the State of New York, January 1, 1900. The report discusses past legislative changes, such as the shift from spring to fall elections in 1899, which was part of a broader effort to standardize election timings and align them with November elections. This historical context underscores the State's authority to modify election schedules, reinforcing the Even Year Election Law's consistency with historical practices and its validity as a general law addressing significant statewide concerns.

II. Increasing Voter Participation In All Elections Is A Substantial State Interest

Plaintiffs in all eight cases before the Court generally concede that under Article IX §2(b)(2) of the New York Constitution, the state legislature "Shall have the power to act in relation to the property, affairs or government of any local government" provided the legislation in question is a matter of substantial interest to the state. "Property, affairs or government' are words of art with a special limited meaning to be defined by judicial gloss and not by any dictionary definition.

Adler v Deegan, 251 NY 467. While it is proper to analyze custom and to ascertain which matters are considered state affairs and those which are purely those of local government, the lines of demarcation are not precise, and definition must be on a case-by-case basis. *Baldwin v City of Buffalo*, 6 NY2d 168. One definitive principle in such analysis has been settled upon by the Court of Appeals: "that a proper concern of the State may also touch upon local concerns does not mean that the State may not freely legislate with respect to such concerns" (citing *Adler v Deegan*, 251 NY 467, 491, *supra; Town of Brookhaven v Parr Co. of Suffolk*, 76 Misc 2d 378, 380-381, (mod on other grounds 47 AD2d 554). "Restated, the phrase 'property, affairs or government' of a locality has not served to paralyze the State Legislature where to a substantial degree, in depth or extent, a matter of State concern is involved (see *Manes v Golain*, 400 F Supp 23, 27-28, affd 423 U.S. 1068)". *Wambat Realty Corp. v. State*, 41 N.Y.2d 490, 494. Likewise, the Court of Appeals has concluded "…what constitutes a substantial state interest is not dependent on what historically has been the domain of a given locality. Rather, our determination is dependent on the 'stated purpose and legislative history of the act in question' (citing, *PBA I*, 89 NY2d at 392; *see City of New York v State of New York*, 94 NY2d 577, 590, 730 NE2d 920, 709 NYS2d 122 [2000])". *Greater N.Y. Taxi Assn. v. State*, 21 N.Y.3d 289, 302. Here Plaintiffs seemingly urge the Court to accept that the state is disinterested in fostering maximum voter participations in elections and supporting the democratic process at all levels effecting the quality of life throughout the state.

The legislative history of the even year elections law clearly states the law's purpose and intent to foster greater engagement of the citizenry in elections:

> "New York's current system of holding certain town and other local elections on election day, but in odd-numbered years leads to voter confusion and contributes to low voter turnout in local elections. Studies have consistently shown that voter turnout is the highest on the November election day in even-numbered years when elections for state and/or federal offices are held. Holding local elections at the same time will make the process less confusing for voters and will lead to greater citizen

> participation in local elections" (Defendants' Exhibit D – Assembly Sponsor's Memo).
>
> "New York's current system of holding certain town and other local elections on election day, but in odd-numbered years leads to voter confusion and contributes to low voter turnout in local elections. Studies have consistently shown that voter turnout is the highest on the November election day in even-numbered years when elections for state and/or federal offices are held. Holding local elections at the same time will make the process less confusing for voters and will lead to greater citizen participation in local elections" (Defendants' Exhibit B – Senate Sponsor's Memo).

In cases where the Court of Appeals has found a special law to be unconstitutional, it did so, at least in part, because the legislation failed to identify a substantial state interest and/or the legislative history did not support the State's reason for enacting it. *Greater N.Y. Taxi Assn., supra. at* 302. Here, the legislative history clearly and explicitly identifies the state's substantial interest in an issue fundamental to a healthy democracy – "greater citizen participation in local elections"

Discounting the legislative history and stated intent of the sponsors, the Onondaga County plaintiffs counter that "…there is no authority to support the proposition that increased voter turnout or decreased voter confusion *for local elections* is a matter of state concern, and the State's conclusory assertions of state concern are insufficient" (Docket No. 167, p. 7). The Rockland County plaintiffs argue that increasing voter participation and turnout "…does not address a state-wide concern of sufficient importance to override the home rule provision." (Docket No. 195, p.15). The Nassau County plaintiffs add, "The State has no valid interest, much less a substantial interest, in regulating the timing of elections and terms of office of the county executive or county legislators because they indisputably are purely local offices that do not touch upon any issue of State concern." (Docket No. 193, p.16). None of the plaintiffs dispute that moving county and town elections to even years will significantly increase voter participation in those elections (See, Affirmation of Defendant Commissioner Czarney). Rather, they uniformly contend that the state

has no substantial or justifiable interest in having decidedly more citizens cast ballots in these elections.

By passing the Even Year Election Law, the Legislature acted in recognition of the majority of their constituents support for increased voter participation in elections by moving some local races to even years. A scientific statewide poll of New Yorkers conducted soon after the law was passed concluded: "Pluralities of Republicans and independents join a majority of Democrats as voters say better than two-to-one that moving most local elections from their current odd years to even years, same as Federal and state elections, will be good for New York".[1]

III. The Savings Clause Does Not Bar Implementation of the Even Year Election Law

The County Plaintiffs argue that Article IX's Savings Clause (art IX § 3[b]) preserves their Charter provisions setting elections in odd-numbered years because the provisions of their respective County Charters were enacted prior to the 1963 amendments to Article IX and are therefore valid, pre-existing laws that remain valid until repealed, amended, modified or superseded by the same legislative bodies that enacted them. *See* Docket No. 167 at 20-23; Docket No. 164 at 22 – 23); Docket No. 182 at 21; Docket No. 196 at 20 – 23 They further argue that the State cannot pre-empt their charter provisions.

Plaintiffs' argument is incompatible with the "untrammeled primacy of the Legislature to act . . . with respect to matters of State concern" (*Albany Area Builders Assn. v. Town of Guilderland*, 74 N.Y.2d 372, 377 [1989]) and fails to account for the fact that "the preemption doctrine represents a fundamental limitation on home rule power where the State has an overriding

[1] "https://scri.siena.edu/2023/06/28/nyers-oppose-using-suny-dorms-to-temporarily-house-new-migrants-to-new-york-54-33-oppose-relocating-migrants-from-nyc-to-housing-in-other-counties-that-is-paid-for-by-nyc-46-40/

interest" (*MHC Greenwood Vil. NY, L.L.C. v. County of Suffolk*, 18 Misc.3d 312, 319 [Sup Ct Suffolk County 2007]). As Defendants established, the Even Year Election Law is a substantial State concern and neither article IX § 3 nor Municipal Home Rule Law § 56 insulate county charters or any other local legislation. Simply put, the Savings Clause does not permit the County Plaintiffs to circumvent the Even Year Election law.

IV. Even Year Elections Does Not Violate The Legislative Equivalency Doctrine

The Rensselaer County Plaintiffs also argue in their opposition that the Even Year Election Law violates the Legislative Equivalency Doctrine. This argument is completely lacking in merit. The Legislative Equivalency Doctrine states that existing legislation can only be modified or abolished by a correlative legislative act. *See Matter of New York Pub. Interest Research Group v Dinkins,* 83 NY2d 377, 385 (1994); *Matter of Moran v La Guardia,* 270 NY 450, 452 (1936); *Noghrey v Town of Brookhaven,* 214 AD2d 659 (2d Dept. 1995). However, the doctrine applies to the legislative process within the same level of government. *See Torre v County of Nassau*, 86 NY2d 421 (1995); *Paradis v Town of Schroeppel*, 289 AD2d 1027 (4th Dept. 2001); *Stearns v Mariani*, 294 AD2d 808 (4th Dept. 2002). It is well settled that the State Legislature has the authority to override or modify local laws as local governments derive their powers from the State. *See Albany Area Builders Ass'n v Town of Guilderland,* 74 NY2d 372 (1989) ("It is a familiar principle that the lawmaking authority of a municipal corporation, which is a political subdivision of the State, can be exercised only to the extent it has been delegated by the State."); *DJL Rest. Corp. v City of New York*, 96 NY2d 91(2001); *Zakrzewska v New School*, 14 NY3d 469 (2010); NY Const. art IX, §2(c)(i), (ii); Municipal Home Rule Law §10(1). Thus, the Legislative Equivalency Doctrine does not restrict the State Legislature from enacting law that would

amending or modifying local laws and Rensselaer County has failed to cite to any legal authority to support this contention.

V. The Governor Is Entitled To Legislative Immunity

The Speech or Debate Clause of the New York State Constitution "not only shields legislators from the consequences of litigation, but also protects them from the burden of defending themselves in court … as long as their actions fall within the sphere of legitimate legislative activity." *Urbach v. Farrell*, 229 A.D.2d 275, 277 (3d Dep't 1997) (internal citations and quotations omitted). *See also Coads v. Nassau County*—Misc.3d—, 2024 NY Slip Op 24173 at *7-8 (Sup Ct Nassau County Jun. 7, 2024) ("the Speech or Debate Clause renders State legislators absolutely immune from suit challenging legitimate legislative activity"). Legislative immunity encompasses acts that are "an integral part of the legislative process." *Urbach*, 229 A.D.2d at 278. Thus, in *Urban Justice Ctr. v. Pataki*, the court found that "signing and transmitting a message of necessity are legislative acts, inasmuch as they are permissible steps in the legislative process." 10 Misc.3d 939, 949-950 (Sup Ct New York County 2005) *affd as modified* 38 A.D.3d 20 (1st Dep't 2006). Without question, the Governor's decision to sign or veto legislation is integral to the legislative process as her signature is necessary for the bill to become law (*see* NY Const art IV § 7).

In response to Defendants' arguments that Governor Hochul must be dismissed from this case on the basis of legislative immunity, Plaintiffs seemingly admit that "Governor Hochul acted in a legislative capacity when she signed the Even Year Election Law into law." *See e.g.*, NYSCEF No. 164 at 36; NYSCEF No. 167 at 32-33. Nevertheless, Plaintiffs assert that Governor Hochul is a proper defendant because their Complaints seek, *inter alia*, a permanent injunction enjoining her from enforcing the Even Year Election Law. Plaintiffs' distinction, however, is of no practical import as it completely ignores the threshold issue of whether the Even Year Election Law is

constitutional. Before the Court can determine whether an injunction should issue, it will necessarily have to decide whether the Even Year Election Law violates the New York Constitution. To the extent the Court finds the law is constitutional, Plaintiffs' injunction will necessarily fail. Similarly, were the Court to determine the law is unconstitutional, the Governor's duty to enforce the Constitution will require her to refrain from enforcing the Even Years Election Law. In either case, Plaintiffs' request for injunctive relief would be moot and the Court would have no occasion to consider whether legislative immunity should apply. *See Lamar Adv. of Penn, LLC v Town of Orchard Park, New York*, 356 F3d 365, 375 [2d Cir 2004] (finding that the voluntary cessation of allegedly illegal conduct usually will render a case moot).

In addition to arguing their request for injunctive relief somehow overcomes Governor Hochul's legislative immunity, Plaintiffs cite *Betzler v Carey* for the proposition that the Governor is a proper defendant to a declaratory judgment where the Governor's "statutory duties" are at issue. *See Betzler v Carey*, 109 Misc. 2d 881, 887 [Sup Ct 1981], *aff'd,* 91 A.D.2d 1116 [3d Dept 1983]. However, Plaintiffs' reliance on *Betzler* is misplaced. *Betzler* involved an Article 78 petition seeking an order compelling respondents, including then-Governor Carey, to pay salary withheld from correction officers following a strike at a New York State correctional facility. In holding that the Governor was a proper party, the *Betzler* court first noted that "the Governor is charged with the statutory duty of making those determinations required by section 210," including whether correction officers engaged in strikes. *Id*. at 886. Thus, because the petitioners were essentially challenging the Governor's determination that they had engaged in strikes, the court found that "[the Governor] is a proper party to this proceeding." *Id*.

Here, unlike in *Betzler*, Plaintiffs make no allegations that Governor Hochul violated any duty imposed on her by the Even Years Election Law. Indeed, the Even Years Election Law places

no statutory duties on Governor Hochul whatsoever, and, thus, Plaintiffs have no basis to argue she has violated such duties. Further, rather than establishing an exception to legislative immunity, *Betzler* is in fact a standard application of the longstanding rule that "in the absence of a clear violation of the Constitution or statutory mandate . . . the defendant enjoy[s] immunity as the Governor of the State[.]" *See Levitt v Rockefeller*, 69 Misc. 2d 337 [Sup Ct 1972]; *see also Matter of Gournet v Lefkowitz*, 27 A D 2d 809 [1st Dept 1967] ("The public policy of the courts is not to review the exercise of discretion of public officials absent a clear violation of the Constitution or statutory mandate.").

Recognizing the obvious logical flaw in their argument, Plaintiffs attempt to rely on the Governor's duty to faithfully execute the laws under the New York Constitution. However, such artful arguments must also fail for simple reason that Plaintiffs do not allege or identify any constitutional violation by Governor Hochul. Indeed, such omission is the fundamental difference between this case and *Levitt v Rockefeller* on which Plaintiffs rely. In *Levitt*, the Comptroller of the State of New York sued then-Governor Rockefeller alleging that certain appropriation bills submitted to the Legislature failed to comply with their constitutional requirements. *See Levitt v Rockefeller*, 69 Misc 2d 337, 338 [Sup Ct 1972]. Thus, while Plaintiffs attempt to rely on *Levitt* as an exemption to the doctrine of legislative immunity, like *Betzler*, it is a standard application of the basic precept that the Governor enjoys immunity from suit absent allegations of a constitutional or statutory violation.

CONCLUSION

It is respectfully submitted that based upon the forgoing analysis, Defendants are entitled to dismissal of all the complaints as consolidated, or alternatively, a declaration that the Even year Election Law is constitutional.

Dated: Syracuse, New York
August 30, 2024

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CERTIFICATION OF WORD COUNT

I hereby certify that the word count of this document complies with the word limits of 22 NYCRR § 202.8-b(a). According to the word-processing system used to prepare this document, the total word count for all printed text exclusive of the material omitted under 22 NYCRR § 202.8-b(b), is 3,346 words.

DATED: August 30, 2024

/s/ *Timothy P. Mulvey*
Timothy P. Mulvey