

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BELINDA DE GAUDEMAR, ANTHONY
HOFFMANN, SUSAN SCHOENFELD, NANCY
PASCAL, and MICHAEL CORBETT

Plaintiffs,

v.

PETER S. KOSINSKI, in his official capacity as
Co-Chair of the State Board of Elections;
DOUGLAS A. KELLNER, in his official capacity
as Co-Chair of the State Board of Elections;
ANDREW J. SPANO, in his official capacity as
Commissioner of the State Board of Elections;
ANTHONY J. CASALE, in his official capacity as
Commissioner of the State Board of Elections;
TODD D. VALENTINE, in his official capacity as
Co-Executive Director of the State Board of
Elections; and KRISTEN ZEBROWSKI-
STAVISKY, in her official capacity as Co-
Executive Director of the State Board of Elections,

Defendants.

Case No. 22 Civ. 3534

**DECLARATION OF ARIA C. BRANCH IN SUPPORT OF PLAINTIFFS' ORDER TO
SHOW CAUSE FOR TEMPORARY RESTRAINING ORDER**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows.

My name is Aria C. Branch. I am an attorney with the law firm of Elias Law Group LLP, and I am counsel for Plaintiffs. I submit this affidavit to provide the Court true and correct copies of documents submitted in support of Plaintiffs' Order to Show Cause for Temporary Restraining Order and Preliminary Injunction.

Exhibit 1 is a true and correct copy of the Order in *United States v. New York*, 1:10-cv-01214, ECF No. 59 (Jan. 27, 2012).

Exhibit 2 is a true and correct copy of the Declaration of Laura P. Costello and Jerry O.

Eaton, Officers of the New York State Election Commissions' Association, submitted in *United States v. New York*, 1:10-cv-01214, ECF No. 45-2 (Dec. 6, 2011).

Exhibit 3 is a true and correct copy of the March 31, 2022 Order from the Steuben County Supreme Court in *Harkenrider v. Hochul*, No. E2022-0166CV.

Exhibit 4 is a true and correct copy of the April 27, 2022 Opinion from the New York Court of Appeals in *In the Matter of Tim Harkenrider, et al. v. Hochul*, No. 60.

Exhibit 5 is a true and correct copy of the April 29, 2022 Order from the Steuben County Supreme Court in *Harkenrider v. Hochul*, No. E2022-0166CV.

Exhibit 6 is a true and correct copy of the New York Legislature's legislation fixing 26 congressional districts for the state of New York (A.9039-A / S.8172-A), dated January 30, 2022.

Exhibit 7 is a true and correct copy of the New York Legislature's legislation providing a technical amendment for the congressional districts for the state of New York (A.9167 / S.8196), dated February 1, 2022.

Exhibit 8 is a true and correct copy of the transcript from the March 3, 2022 hearing in *Harkenrider v. Hochul*, No. E2022-0166CV, at the Steuben County Supreme Court.

Exhibit 9 is a true and correct copy of the Order Adopting Remedial Plan, *Favors v. Cuomo*, No. 1:11-cv-05632, ECF No. 242 (E.D.N.Y Mar. 19, 2012)

Exhibit 10 is a true and correct copy of the April 27, 2021 article entitled, "Surprising upside in NY census total points to bigger shift in Albany" from the Empire Center.

Exhibit 11 is a true and correct copy of the November 2021 Report entitled "2020 Census: Municipal Population Shifts in New York State" from the Office of the New York State Comptroller.

Exhibit 12 is a true and correct copy of the April 26, 2021 article entitled, "For the lack of

89 people, New York will lose 1 House seat” from Politico.

Exhibit 13 is a true and correct copy of the Consent Decree in *United States v. New York*, 1:10-cv-01214, ECF No. 9 (Jan. 27, 2012).

Exhibit 14 are true and correct copies of election results of congressional primary elections conducted in New York State from 2012 to 2020, demonstrating all occurred on the fourth Tuesday in June, which are publicly available at: <https://www.elections.ny.gov>.

Exhibit 15 is a true and correct copy of the notarized affidavit of Plaintiff Susan Schoenfeld.

Exhibit 16 is a true and correct copy of the notarized affidavit of Plaintiff Anthony Hoffman.

Exhibit 17 is a true and correct copy of the notarized affidavit of Plaintiff Nancy Pascal.

Exhibit 18 is a true and correct copy of the notarized affidavit of Plaintiff Michael Corbett.

Exhibit 19 is a true and correct copy of the New York State Board of Elections Website, as of May 1, 2021, which is publicly available at: <https://www.elections.ny.gov/>.

Exhibit 20 is a true and correct copy of the August 25, 2021 article entitled, “Where America Gained and Lost Population Could Help Democrats in Redistricting” from FiveThirtyEight.

Exhibit 21 is a true and correct copy of the August 4, 2020 article entitled, “After 6 Weeks, Victors Are Declared in 2 N.Y. Congressional Primaries,” from the New York Times.

Exhibit 22 is a true and correct copy of the signed declaration of Belinda de Gaudemar.

Exhibit 23 is a true and correct copy of the webpage for New York on the Federal Voting Assistance Program as of May 2, 2022, which is available at: <https://www.fvap.gov/new-york>.

Exhibit 24 is a true and correct copy of the webpage for Federal Election Commission’s

primary calendar as of May 2, 2022, which is available at: <https://www.fec.gov/calendar/>

Exhibit 25 is a true and correct copy of the declaration of Jackie Gordon, candidate for New York's First Congressional District.

Exhibit 26 is a true and correct copy of the declaration of Representative Sean Patrick Maloney.

There have been no previous requests for this relief.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 2, 2022

A handwritten signature in dark ink, appearing to be 'Aria C. Branch', written over a horizontal line.

Aria C. Branch