

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF STEUBEN

TIM HARKENRIDER, GUY C. BROUGHT,
LAWRENCE CANNING, PATRICIA CLARINO,
GEORGE DOOHER, JR., STEPHEN EVANS, LINDA
FANTON, JERRY FISHMAN, JAY FRANTZ,
LAWRENCE GARVEY, ALAN NEPHEW, SUSAN
ROWLEY, JOSEPHINE THOMAS, and MARIANNE
VOLANTE,

Petitioners,

-against-

GOVERNOR KATHY HOCHUL, LIEUTENANT
GOVERNOR AND PRESIDENT OF THE SENATE
BRIAN A. BENJAMIN, SENATE MAJORITY LEADER
AND PRESIDENT PRO TEMPORE OF THE SENATE
ANDREA STEWART-COUSINS, SPEAKER OF THE
ASSEMBLY CARL HEASTIE, NEW YORK STATE
BOARD OF ELECTIONS, and THE NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
RESEARCH AND REAPPORTIONMENT,

Respondents.

AFFIRMATION

Index No. E2022-0116CV

McAllister, J.S.C.

HEATHER L. MCKAY, an attorney duly licensed to practice law in the courts of the State of New York, affirms as follows under penalty of perjury:

1. I am an Assistant Attorney General in the Office of LETITIA JAMES, Attorney General of the State of New York, and am fully familiar with this case based upon personal knowledge and review of the file. On behalf of the respondents, Kathy Hochul, Governor of the State of New York, and Brian A. Benjamin, Lieutenant Governor and President of the Senate (collectively, "Executive Respondents"), I make this affirmation in opposition to Petitioners' Supplemental Brief Addressing Remedies, filed on March 18, 2022. NYSCEF 232.

2. Attached hereto and made a part hereof as **Exhibit A** is the Affidavit of Thomas Connolly, the Director of Operations of the New York State Board of Elections, sworn to March 21, 2022.

3. I did not draft, edit, or dictate Director Connolly's affidavit. After receiving it, I determined using word count software that it consists of 2,203 words, excluding the caption, signature block, and notary stamp, in accordance with Rule 202.8-b of the Uniform Rules of Supreme and County Courts. *See Exhibit A.*

4. As explained in **Exhibit A** and the accompanying Memorandum of Law, the Executive Respondents respectfully submit that Petitioners' request "that this Court grant Petitioners' Requested Timing And Scope Of Remedy" should be denied in its entirety.

DATED: Rochester, New York
March 21, 2022

LETITIA JAMES
Attorney General
State of New York
Attorney for Executive Respondents

/s/ Heather L. McKay
HEATHER L. MCKAY
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To: All parties of record
(Via NYSCEF)

CERTIFICATION

In accordance with Rule 202.8-b of the Uniform Rules of Supreme and County Courts, the undersigned certifies that the word count in this Affirmation of Heather McKay (excluding the caption, signature block, and this certification), as established using the word count on the word-processing system used to prepare it, is 230 words.

Dated: March 21, 2022
Rochester, NY

/s Heather L. McKay
By: Heather L. McKay
Assistant Attorney General