

STATE OF NEW YORK
SUPREME COURT : COUNTY OF NEW YORK

PAUL NICHOLS, GAVIN WAX, and GARY
GREENBERG

Petitioners,

-against-

GOVERNOR KATHY HOCHUL, 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,

**AFFIDAVIT OF
ASSEMBLYMAN
ROBERT SMULLEN**

Index No.
154213/2022

Respondents.

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

ROBERT SMULLEN, being duly sworn, deposes and says:

1. I am a Minority member of the New York State Assembly,
representing the 118th Assembly District. My District includes all of Fulton and Hamilton
counties and parts of Herkimer, Oneida, and St. Lawrence counties.

2. I was first elected to the Assembly in November 2018 and have served
as a member of the Assembly ever since.

3. I am currently the Ranking Minority Member on the Environmental Conservation Committee and a member on several other Assembly standing committees.

4. I make this affidavit based on my personal knowledge.

Bipartisan Enactment of the Assembly Map

5. On January 24, 2022, the Independent Redistricting Commission announced it would not submit a second set of proposed legislative-district maps, despite its constitutional obligation to do so.

6. In response, on February 3, 2022, the Assembly passed Bill Number A09040A (the "Bill"), which established the Assembly and State Senate district maps for the 2022 and subsequent elections.

7. The Bill passed in the Assembly by a vote of 118 to 29.


8. I voted against the Bill, as did 28 of my Republican colleagues. While I voted against the bill; I did so due to concerns regarding the redistricting process.

9. Nonetheless, I believe the Assembly district maps contained therein to be fair.

10. When I voted on the Bill, I recognized the possibility that a lawsuit would be filed challenging the Senate and Congressional maps. I was unaware of any intention for a lawsuit to challenge the Assembly map.

11. I make this affidavit in support of the respondents' Motion to Dismiss.

Dated: Albany, New York
May 20, 2022


Robert Smullen

Sworn to before me this
20th day of May, 2022

This remote notarial act involved the use of communication technology


Notary Public

Adam Fusco, Esq.
NOTARY PUBLIC, State of New York
Qualified in Fulton County
No. 02FU6325525
MCE 5-26-20**23**