

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
BRIAN D. MILLER**

Index No.
154213/2022

Respondents.

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

BRIAN D. MILLER, being duly sworn, deposes and says:

1. I am a Minority member of the New York State Assembly,
representing the 101st Assembly District. My District includes parts of Oneida, Herkimer,
Otsego, Delaware, Ulster, Sullivan, and Orange counties.

2. I was first elected to the Assembly in 2016 and have served as a
member of the Assembly ever since.

3. I currently serve as the Ranking Minority member on the Real Property Tax Committee and as a member of several 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 in favor of the Bill, as did 14 of my Republican colleagues: Representatives Angelino, Barclay, Brabenec, Fitzpatrick, Goodell, Giglio, Hawley, Jensen, Lalor, Lemondes, Morinello, Norris, and Tague. Thus, the Bill was enacted with bipartisan support in the Assembly.

9. I voted in favor of the Bill because I believe the Assembly district maps contained therein to be fair.

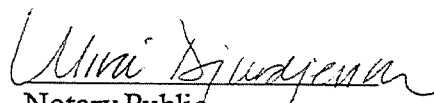
10. When I voted for the Bill, I recognized the possibility that a lawsuit would be filed challenging the Senate and Congressional maps. I was unaware of any intention for a lawsuit to challenge the Assembly map.

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

Dated: Albany, New York
May 20, 2022


Brian D. Miller

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


Notary Public

MIRA DJURDJEVICH
Notary Public, State of New York
Otsego County Reg. No. 01DJ5000618
Commission Expires Aug. 17, 2022