

STATE OF NEW YORK  
SUPREME COURT WARREN COUNTY

RICHARD CAVALIER, ANTHONY MASSAR,  
CHRISTOPHER TAGUE AND THE SCHOHARIE  
COUNTY REPUBLICAN COMMITTEE,  
Plaintiffs,

v.

**AFFIRMATION IN SUPPORT  
OF MOTION FOR  
PRELIMINARY INJUNCTION  
Index No.: EF2022-70359**

WARREN COUNTY BOARD OF ELECTIONS,  
BROOME COUNTY BOARD OF ELECTIONS,  
SCHOHARIE COUNTY BOARD OF ELECTIONS  
AND NEW YORK STATE BOARD OF ELECTIONS  
Defendants.

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STATE OF NEW YORK            )  
COUNTY OF MONROE         )    SS.

**Peter J. Glennon**, an attorney duly admitted to practice before the Courts of the State of New York, affirms under penalty of perjury:

1. That I am the attorney for the above-named Plaintiffs and makes this affirmation in support of their application for a preliminary injunction, pursuant to CPLR art. 63.
2. This action is brought to obtain judgment that N.Y. Election Law §8-400(1)(b)'s definition of "illness" is contrary to Article II, Section 2 of the New York Constitution.
3. Plaintiffs are registered and qualified voters in the State of New York.
4. New York Election Law §8-400(1)(b)'s definition of "illness" to include instances where a voter is unable to appear personally at the polling place of the election district in which they are a qualified voter because there is a risk of contracting or spreading a disease that may cause illness to the voter or other members of the general public is contrary to Article II, Section 2 of the New York Constitution.

5. Plaintiffs fear that pending a determination by this Court of the validity of Plaintiffs' claims, Defendants may distribute absentee ballots to voters who are not "ill," but only fear "contracting or spreading" a disease.

6. Time is of the essence. Plaintiffs now require immediate injunctive relief before absentee ballots are distributed on September 23, 2022, to voters for the general election on November 8, 2022.

7. If absentee ballots are distributed to voters who are not "ill," and thereafter those ballots are cast and tabulated, Plaintiff's votes will be diluted, the value of the ballots cast by Plaintiffs will be affected, and the results of the elections will be infected.

8. No other provisional remedy pursuant to CPLR 6001 has been secured or sought in this action, and no prior motion has been made for the same or similar relief as is sought herein.

**WHEREFORE**, Plaintiffs respectfully request that this Court grant a preliminary injunction, enjoining and restraining Defendants from distributing or tabulating any absentee ballots cast by voters who are not "ill," but only fear contracting disease.

/s/ Peter J. Glennon

Peter J. Glennon

Rochester, New York

August 18, 2022