

NEW YORK STATE SUPREME COURT
COUNTY OF ROCKLAND

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Spring Valley Branch of the NAACP,
Nyack Branch of the NAACP, Glenda Davis,
Jeremiah Conway, Tomara Aldrich, Nancy Phillips

EMERGENCY AFFIRMATION

Petitioners,

Index No.: _____

-against-

Date Purchased: October 29, 2020

Rockland County Board of Elections, Rockland County
Board of Elections Commissioner Patricia Giblin,
and Rockland County Board of Elections
Commissioner Kristen Stavisky

Respondents,

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Perry Grossman, an attorney being duly admitted to practice law before the Courts of the State of New York, hereby affirms the truth of the following:

1. I am the attorney for the Petitioners in this proceeding, and as such I am fully familiar with the facts and circumstances contained herein. I make this Affirmation because the within Order to Show Cause should be deemed an emergency application.
2. The within application should be entertained forthwith, pursuant CPLR §6301, as an application for a Temporary Restraining Order (TRO).
3. Respondents have violated the “Obligations of the county Boards of Elections” provided in 9 NYCRR 6210.19(d).
4. Specifically, and as more fully explained in the Verified Petition, Respondents are aware that waiting times at Rockland County early voting sites are significantly in excess of 30 minutes, frequently by one or more hours. The law requires that “If the voter waiting

time at an early voting site exceeds 30 minutes the Board of Elections shall deploy such additional voting equipment, election workers and other resources necessary to reduce the wait time to less than 30 minutes **as soon as possible but no later than the beginning of the next day of early voting.**” 9 NYCRR 6210.19(d)(1) (emphasis added).

Notwithstanding that, Commissioner Giblin has decided unilaterally that there is no need to take any action to address the hours of waiting time.

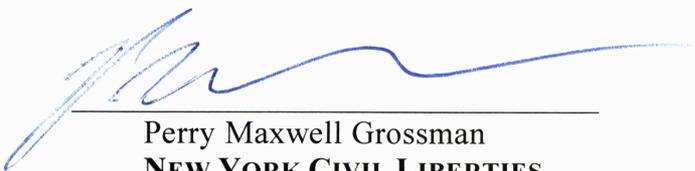
5. Respondents have also violated Executive Law § 296(2) and Civil Rights Law § 40-c, both of which prohibit discrimination on the basis of disability. Specifically, and as more fully explained in the Verified Petition, Respondents have failed to provide notice to people with disabilities that they are entitled to reasonable modifications and accommodations necessary to afford them access to the early voting process, which may include the right to advance to the front the line, be provided a chair, have their place held in line, or whatever other “reasonable” modification would enable them to vote.
6. This application could not have been brought to the Court’s attention earlier because Respondents the obligations at stake arise from the length of time voters wait during early voting, which only began on October 24 – and Petitioners only confirmed that Respondents were not complying with their obligations to act to reduce waiting times under the law after multiple days with waiting times significantly in excess of 30 minutes with no reduction in waiting time at multiple sites or to provide reasonable notice of accommodations from the long lines for voters with disabilities.
7. Accordingly, Petitioners request leave, as is routinely granted in Election Law cases, to effect service of a copy of the annexed Order to Show Cause, together with a copy of the

papers upon which it is granted, upon Respondent as indicated in the accompanying Order to Show Cause;

8. In election matters governed by Election Law, this Court in accordance with the statute and controlling case law routinely grants orders granting alternative and expedited methods of service.
9. I have made a good faith effort to reach out to all Respondents. Specifically, I have emailed copies of these papers to Respondents (given the timeframe at issue, mail would be futile).
10. Petitioners have no adequate remedy at law.
11. No prior application for the relief sought herein has been made to this or any other Court.

WHEREFORE, it is respectfully requested that this Court entertain this emergency Order to Show Cause, and grant the relief sought herein.

Dated: Bronx, New York
October 29, 2020.



Perry Maxwell Grossman
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