

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF DELAWARE**

In the Matter of MIKE MARTUCCI,

Petitioner,

-against-

THE NEW YORK STATE BOARD OF ELECTIONS;  
THE BOARD OF ELECTIONS OF SULLIVAN COUNTY;  
THE BOARD OF ELECTIONS OF DELAWARE COUNTY;  
THE BOARD OF ELECTIONS OF ORANGE COUNTY;  
THE BOARD OF ELECTIONS OF ULSTER COUNTY; and  
JEN METZGER, Candidate for the New York State Senate, 42nd  
Senate District,

Respondents.

Index No. EF2020-640

**AFFIDAVIT OF JOHN MELLITT**

I, Fr. John Mellitt, being duly sworn, say:

1. I am 81 years old and a member of the Capuchin Franciscan Friars of the Province of Saint Mary.
2. I was born in New York State and been a registered voter in New York State since 1960. Since then, I have moved around the state and the world, but have remained a registered voter in New York and have cast a ballot in all or almost all elections over the past 60 years.
3. I previously was registered to vote in White Plains in Westchester County, but moved in 2020 from the provincial headquarters of my religious order in White Plains to New Paltz in Ulster County, where I now reside at St. Joseph Catholic Church, 34 South Chestnut Street.
4. On November 3, 2020, I went to the polling place assigned for my new address and talked to a poll worker who informed me that I could cast an affidavit ballot that would serve both to change my voter registration to Ulster County and act as a valid ballot in this election. I

then filled out an affidavit ballot—noting my date of birth, current and immediate prior address, and New York State DMV number—and submitted the ballot.

5. Given my age, it would be extremely burdensome for me to travel to this Court in person to defend my right to vote.

6. I have not received any notice describing any purported defect in my ballot or providing an opportunity to cure any such defect.

7. I have talked with attorneys at the New York Civil Liberties Union about what it means to be a class representative. Should the Court deem it necessary for this lawsuit to be in the form of a class action in order to secure relief to me and all other similarly situated voters, I have decided I want to take on the role of class representative should the Court permit me to do so. I want to speak up for all the voters whose ballots have been unfairly challenged, and I am asking the Court to allow me to speak for them. I am willing to participate in this case as necessary to do so. I am willing to participate in this lawsuit until the end, and I am able to keep working on it in the future and to be a spokesperson for other voters facing similar situations, even if the challenge to my particular ballot is withdrawn.

For John P. Mellitt  
(Signature)

John P. Mellitt  
(Print Name)

Sworn to before me this

24th day of November, 2020

Molly K. Biklen

(Notary public)

MOLLY K. BIKLEN  
Notary Public-State of New York  
No. 02BI6356621  
Qualified in New York County  
Commission Expires 04/03/2021

\*Sworn to me via videoconferencing pursuant to N.Y. Executive Order 202.67.