

AT A SPECIAL TERM OF THE SUPREME  
COURT OF THE STATE OF NEW YORK  
FOR THE COUNTY OF MONROE, ON  
THE \_\_\_\_\_ DAY OF DECEMBER 2019

PRESENT, \_\_\_\_\_ J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF MONROE

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In the Matter of  
NICHOLAS A. LANGWORTHY, New York  
Republican State Committee Chairman,  
TODD SHERO, aggrieved voter, and  
ED MORGAN, aggrieved voter

Petitioners.

-against-

ORDER TO SHOW CAUSE  
INDEX NO.

ANDREW CUOMO, in his official capacity as  
Governor of the State of New York

Respondent

-and-

DOUGLAS KELLNER, PETER KOSINSKI,  
ANDREW SPANO AND GREGORY PETERSON,  
Commissioners constituting the NEW YORK  
STATE BOARD OF ELECTIONS

Respondent Board of Elections.

For an ORDER, pursuant to Sections 16-100, 16-104  
of the Election Law, directing the respondent New York  
State Board of Elections to produce a political calendar and  
election ballot for a special election for the 27<sup>th</sup> Congressional  
District and pursuant to CPLR Section 7803 (1), CPLR sec.  
3001, New York State Constitution Article XIII, Section 3, the  
U.S. Constitution and Public Officers Law Section 42 (3)  
compelling and directing respondent Governor to immediately  
fix a date for a special election for the 27<sup>th</sup> Congressional District

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Upon the annexed petition, verified on the 11th day of December, 2019, and upon all of the papers and proceedings heretofore had herein, it is hereby

ORDERED, that Respondents herein show cause before a Justice of this court held in and for the County of Monroe, at the Supreme Court Courthouse thereof, more specifically, at the Courthouse at 99 Exchange Blvd., Hall of Justice, Rochester, New York 14614, at

\_\_\_\_\_ in the forenoon/afternoon of the \_\_\_\_\_

Day of \_\_\_\_\_, 20\_\_\_\_\_, or as soon thereafter as counsel may be heard, why an order of this court should not be made and entered pursuant to the provisions of Sections 16-100 and 16-104 of the Election Law, Sections 3001 and 7803 of the Civil Practice Law and Rules, the U.S. Constitution and the New York State Constitution:

1. Declaring that the failure of the respondent Governor to promptly issue a writ/proclamation for a special election for 27<sup>th</sup> Congressional District and causing the residents of the 27<sup>th</sup> Congressional District to go without representation in the U.S. Congress is a violation of equal protection clause of Article I, Section XI of the New York State Constitution, the U.S. Constitution and the First and Fourteenth Amendments thereto and 42 U.S.C. Section 1983;

2. Declaring that the failure of the respondent Governor to issue the required writ/proclamation is a violation of the constitutional and civil rights of petitioners pursuant to Article I, Section XI of the New York State Constitution, the U.S. Constitution and the First and Fourteenth Amendments thereto and 42 U.S.C. Section 1983;

3. Ordering respondent Governor to issue a writ/proclamation for a special election for the office of Member U.S. House of Representatives, 27<sup>th</sup> Congressional District within five (5) days of entry of the Order;

4. Directing the respondent New York State Board of Elections to immediately produce a political calendar and election ballot for a special election for the 27<sup>th</sup> Congressional District called by the respondent Governor within five (5) days of entry of the Order; and

5. Awarding to petitioners attorneys fees and costs as may be deemed reasonable by the Court pursuant to 42 U.S.C. Section 1988; and

6. Granting Petitioners such other and further relief as this Court deems just and proper.

ORDERED, that proof of service may be filed with the Court on the return date specified herein; and it is further,

ORDERED, that this Court finds venue properly placed in Monroe County, as it is the county of residence for petitioner(s) Todd Shero, and any related proceedings commenced by the Respondents hereto shall be made returnable in Monroe County, and

Sufficient reason appearing therefore, leave is hereby granted to the petitioners to submit on the date set for the hearing or the trial of this matter additional witnesses, exhibits, proofs and other evidence as may be necessary, and,

Sufficient cause appearing therefore, it is further

ORDERED, that petitioners shall cause copies of this order together with all of the ancillary papers thereto, upon which this order was granted upon Respondent State Board of Elections, by personally delivering same to the offices thereof at 40 North Pearl St., Suite 5, Albany, NY 12144 or by personally delivering same to any of the Commissioners, their deputies or any employee designated to accept service thereof, or any Counsel thereof on or before December \_\_\_\_\_, 2019, and upon the respondent Governor, by personally delivering same to him or to the Office of the Counsel to the Governor, at the Executive Chamber, 2<sup>nd</sup> Floor, The Capitol, Albany, New York on or before December \_\_\_\_\_, 2019, and that such service shall be deemed good and sufficient service thereof.

DATED: December \_\_\_\_\_, 2019                      ENTER,

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JUSTICE OF THE SUPREME COURT