

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

JAMES C. QUINN, aka JIM QUINN,

Petitioner,

vs.

ANDREW M. CUOMO, Governor of the State of  
New York; NEW YORK STATE BOARD OF  
ELECTIONS; NEW YORK CITY BOARD OF  
ELECTIONS; and NEW YORK CITY  
CAMPAIGN FINANCE BOARD,

Respondents.

EMERGENCY AFFIDAVIT

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JIM QUINN, PETITIONER

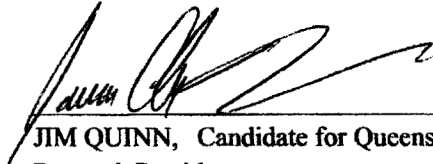
I, Jim Quinn, am the Petitioner in the above-named special proceeding. I request immediate judicial review of my Petition and order to show cause on the following grounds:

I am a candidate for the office of President of Queens Borough. This office was slated to be filled in a Special Election held on June 23, 2020, in which thousands of New Yorkers have already voted, and for which I have already been granted up to \$440,000 in matching public funds due to the early successes of my candidacy.

However, on April 23, 2020, Governor Cuomo issued Executive Order 202.23, cancelling the Special Election under authority purportedly granted under the Executive Law by virtue of the outbreak of COVID-19. The order violated its enabling statute, as it was neither "necessary" to address the emergency, nor the "minimum deviation" from the Election Law and New York City Charters, and also ran afoul of the New York State and federal constitutions. Indeed, under highly analogous circumstances, the Southern District of New York granted an emergency temporary restraining order against a similar cancellation of the New York State Democratic Primaries. See *Yang v. Kellner*, 2020 WL 2129597, at \*7 (S.D.N.Y., May 5, 2020) (finding a "substantial likelihood of success" matched with "irreparable harm" without immediate relief). Absent immediate relief here, I will lose my chance to run for the political office for which I was duly qualified to be on the ballot under the Election Law, and thousands of New Yorkers will lose ballot access for this important local election.

Indeed, New York has declined to cancel the Democratic Primary election for Queens Borough President held on the same date at the same polling sites, in which I am not on the ballot; so left in place, the provision of Executive Order 202.23 cancelling the Special Election for Queens Borough President will disfranchise non-democrat voters, who are ineligible to participate in the election process the Governor has allowed to proceed.

For a comprehensive review of these circumstances, I respectfully incorporate my Verified Petition and supporting order to show cause, which express not only the background events surrounding the Governor's Executive Order, but also the series of reasons why the order is illegal while causing irreparable harm by the hour.

  
JIM QUINN, Candidate for Queens  
Borough President

Sworn to before me this 8<sup>th</sup> day  
of May 2020

  
NOTARY PUBLIC

LENKA RODRIGUEZ  
NOTARY PUBLIC, State of New York  
No. 01RO6147462  
Qualified in Suffolk County  
Commission Expires June 5, 2022