

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CONSERVATIVE PARTY OF NEW
YORK STATE and WORKING FAMILIES
PARTY,

10 Civ. 6923 (JSR)

Plaintiffs,

-against-

DECLARATION OF
MICHAEL LONG
IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION

NEW YORK STATE BOARD OF ELECTIONS;
JAMES A. WALSH, DOUGLAS A. KELLNER,
EVELYN J. AQUILA, and GREGORY P.
PETERSON, in their official capacities as
Commissioners of the New York State Board of
Elections; TODD D. VALENTINE and
ROBERT A. BREHM, in their official capacities
as Co-Executive Directors of the New York State
Board of Elections

Defendants.
-----X

MICHAEL LONG declares as follows:

1. I am the Chairman of the Conservative Party of New York State [hereinafter the "Conservative Party"], a Plaintiff in the case. I submit this declaration in support of Plaintiffs' motion for a preliminary injunction.

2. I first joined the Conservative Party in 1964 and have served in the capacities of State Committeeman, District Leader, county chairman, vice chairman of the state, executive vice chairman of the state, and my current position as Chairman. I am familiar with the party's history, platform, practices, and operations. I am also a registered voter in Brooklyn, New York.

3. The Conservative Party is a political party organized under the laws of New York State since 1962. The party seeks to protect the traditional American

values of individual freedom, individual responsibility, and individual effort. The party currently has approximately 155,000 members. There are currently thirty-one (31) State Senators and forty (40) Assembly Members designated by the Conservative Party in the New York State Legislature for 2009-2010.

4. New York's fusion voting system allows the Conservative Party to endorse candidates from other political parties on our ballot lines. In order to advance the interest of the party and its members, the Conservative Party frequently cross-endorses candidates from other political parties on the ballot.

5. Since its founding, the Conservative Party has cross-endorsed gubernatorial candidates from other political parties on the ballot and has consistently received over 50,000 votes for those candidates on its party line. For example, in 1994, the Conservative Party cross-endorsed Republican Party candidate George Pataki for governor; the party received 326,605 votes for Mr. Pataki, and as a result, secured a line on the ballot for the following four years. In 1998 and 2002, the Conservative Party again cross-endorsed George Pataki for governor and received 348,272 and 176,848 votes respectively, securing a place on the ballot for two more four-year periods. And in 2006, the Conservative Party cross-endorsed Republican Party gubernatorial candidate John Faso, receiving 168,654 votes and again securing a place on the ballot for another four years.

6. The Conservative Party also frequently cross-endorses candidates from other political parties in other state, federal, and local races. For example, in 1994, the Conservative Party cross-endorsed Republican candidate Dennis Vacco for State Attorney General, receiving 305,961 votes for Mr. Vacco on its ballot line. In 2008, the

Conservative Party cross-endorsed Republican candidate John McCain for U.S. President, receiving 170,475 votes for Mr. McCain on its ballot line.

7. In the November 2010 elections, the Conservative Party is cross-endorsing Republican Party gubernatorial candidate Carl Paladino, as well as other parties' candidates for U.S Senate, U.S. Congress, and State Comptroller.

8. When the Conservative Party cross-endorses the candidate of another political party, the Conservative Party still competes with that party for votes for that candidate. The Conservative Party's political agenda is distinct from those of other political parties, including the Republican Party.

9. It is critical for the Conservative Party that all votes cast for our party be counted and reported fairly and accurately. A full accounting of the votes we obtain for any office is critical to our ability to attract new members, raise money for our campaigns, and organize for future elections.

10. In addition, the more support we can demonstrate for the Conservative Party at the ballot box for any office, the better our ability to advance the party's issues with elected officials.

11. If the Conservative Party's votes are discounted or discarded, we will lose the ability to associate with our members and supporters and to demonstrate support for our agenda and our party.

12. A full and fair accounting of the votes we receive for our gubernatorial candidates is also critical to our ability to access the ballot and to maintain our ranking on the ballot. If the Conservative Party does not receive or is not credited with receiving 50,000 votes for its gubernatorial candidate on its party line, then it will

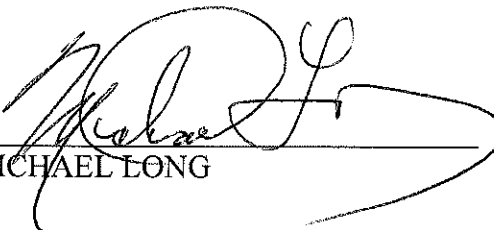
lose its status as a “party” under New York law and will have to go through a cumbersome petitioning process in order to secure a place on the ballot in the future.

13. Although I understand that the state has in the past refused to credit the Conservative Party for any votes cast on paper ballots for gubernatorial candidates on both the Conservative Party and another party’s lines, the injury to our party was relatively small because previously only a small fraction of votes were cast on paper ballots. Because New York has adopted a new voting system requiring all votes to be cast on paper ballots, the injury to the Conservative Party from this practice will be severe.

14. If the state persists in its policy of crediting only the “first” or major political party and not the Conservative Party for votes cast on two parties’ lines this year, the Conservative Party of New York State will lose a significant number of votes to the Republican Party. As a result, Conservative Party will be severely impaired in its ability to compete, advance its agenda, build the party, and associate with its members and supporters. This will seriously injure the rights of the Conservative Party and our members.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
September 29, 2010


MICHAEL LONG