UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CONSERVATIVE PARTY OF NEW YORK STATE And WORKING FAMILIES PARTY,

Plaintiffs,

-against-

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.

AFFIDAVIT OF TODD D. VALENTINE IN OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Civil Action No. **10-CV-6923** (JSR)

STATE OF NEW YORK)
) ss.:

COUNTY OF ALBANY)

TODD D.VALENTINE being duly sworn, deposes and states as follows:

- 1. I am a Co-Executive Director for defendant New York State Board of Elections (the "State Board"). I have held the position of Co-Executive Director since 2008, and in such capacity I am fully familiar with the facts and circumstances of this proceeding. I make this affidavit on behalf of the State Board in opposition to plaintiffs' motion for a preliminary injunction for an order enjoining the State Board's practice, in accordance with Election Law §9-112(4) of crediting a "double vote" for a single candidate to the candidate's party line which appears first on the ballot.
- 2. I have reviewed and am fully familiar with the affidavit submitted by the State Board's Co-Executive Director, Robert A. Brehm, in opposition to the plaintiffs' motion. I am

in full agreement with the statements contained therein and adopt them as my own for purposes of this affidavit. For the reasons stated by Mr. Brehm in his affidavit, I join in his request that plaintiffs' motion for a preliminary injunction enjoining the State Board's practice, in accordance with Election Law §9-112(4) of crediting a "double vote" for a single candidate to the candidate's party line which appears first on the ballot, be denied.

WHEREFORE, plaintiffs' motion for a preliminary injunction should be denied in its entirety.

/s/ Todd D. Valentine
TODD D. VALENTINE

Sworn to before me this 8th day of October, 2010.

/s/ ANNA E. SVIZZERO
Notary Public, State of New York
Qualified in Rensselaer County
No. 01SV4894387
Commission Expires June 1, 2011