



December 4, 2023

**VIA NYSCEF**

Hon. Christina Ryba  
Justice of the Supreme Court, Albany County  
Albany County Courthouse  
16 Eagle Street, Room 38  
Albany, NY 12207

**Re: Elise Stefanik et al. v. Kathy Hochul et al.**  
**Index No. 908840-23**

Dear Justice Ryba,

We represent the Plaintiffs in the above-captioned case.

We write to inform the Court of a change in circumstances relevant to the pending motion for preliminary injunction argued on October 13, 2023.

On Friday, December 1, the United States House of Representatives voted to expel Representative George Santos, leaving a vacancy in New York's 3rd Congressional District.

Pursuant to N.Y. Public Officers Law § 42(3), the Governor is required to proclaim a special election within the next ten days, and that election must take place between 70 and 80 days from the Governor's proclamation. This means that an important and high-profile special election will occur sometime in February of 2024. The Mail-Voting Law that is the subject of this litigation is applicable to all elections on or after January 1, 2024.

Because this election is rapidly approaching, and under the Mail-Voting Law mail-voting ballot applications must be provided in advance and ballots must be mailed to applicants "as soon as practicable," N.Y. Election Law § 8-704, it is all the more important that a decision on the pending motion for preliminary injunction is issued as soon as possible.

Thank you for your consideration.

EDWARD J. O'CONNELL  
1925-1939  
SAMUEL E. ARONOWITZ  
1925-1973  
LEON ARONOWITZ  
1941-1969  
LEWIS A. ARONOWITZ  
1951-1979

**IN MEMORIAM:**  
HON. LEONARD A. WEISS  
2020-2022

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MATTHEW J. DORSEY  
FRANCIS J. SMITH, JR.  
PAUL C. PASTORE  
GRAIG F. ZAPPIA  
DANIEL J. TUCZINSKI

OF COUNSEL  
CORNELIUS D. MURRAY  
JEFFREY J. SHERRIN  
JEFFREY A. SIEGEL  
RICHARD S. HARROW  
FLORENCE M. RICHARDSON  
KAREN MARTINO VALLE  
BRIAN M. CULNAN  
CRISTINA D. COMMISSO  
MICHAEL Y. HAWRYLCHAK

SAMANTHA L. FEMIA  
REBECCA M. DUNNING  
NICHOLAS M. CERVINI  
MICHAEL J. LAWSON  
JENNA M. DiBENEDETTO

HOLLY E. VEGAS\*  
(DIRECTOR, HEALTHCARE  
CONSULTING GROUP)

\*NOT A MEMBER OF THE  
LEGAL PRACTICE

54 STATE STREET • ALBANY, NY 12207 • (p) 518-462-5601 • (f) 518-462-2670  
SERVICE BY FAX NOT ACCEPTED.

With offices in Albany and Saratoga Springs.

www.oalaw.com

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Respectfully submitted,

O'CONNELL AND ARONOWITZ, P.C.

By: 

Michael Y. Hawrylchak

cc: All Counsel via NYSCEF