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Hon. Jonathan Lippman
Chief Judge of the State of New York
Court of Appeals Hall
20 Eagle Street
Albany, New York 12207-1095

Dear Chief Judge Lippman:

For reasons which follow, I write for the purpose of requesting that the New York State Unified Court System take appropriate steps to ensure that election-related litigation involving the three undecided State Senate races be resolved as expeditiously as possible.

Today, more than two weeks after Election Day, several lawsuits have already been commenced, and numerous courts, election workers and lawyers throughout the State are busily engaged in the process of resolving the elections at issue.

As you know, the very nature of matters implicating election laws and proceedings routinely requires expeditious consideration and disposition by the courts. And, New York's court system has a long and proud tradition of carrying out this vitally important responsibility.

This year, I believe, there is particular urgency for an expeditious resolution of the three undecided State Senate races (in the 7th, 37th and 60th Districts), which will determine the balance of power in that House of the Legislature. In the absence of such a resolution, when the Legislature assembles on Wednesday, January 5, 2011 to begin the new legislative term, the Senate may lack a functioning majority. That would complicate, if not render impossible, the conduct of day-to-day business in the Senate Chamber. Moreover, a non-functioning Senate would stymie the ability of the Legislature as a whole to pass bills, fulfill it's responsibilities in enacting a timely and balanced budget, and otherwise do the people's business.

In my view, a Senate in limbo is not only undesirable, but also unacceptable. The challenges now facing the State are immense and impact the lives of all New Yorkers. Rarely in our history has it been more important that the State has a fully functional

Legislature. To that end, it is imperative the three pivotal Senate races be decided as soon as possible, consistent with applicable statutory and constitutional requirements.

Accordingly, I respectfully request that the court system proactively address the scheduling of litigation related to the three Senate seats to ensure they are promptly and fairly resolved. I am firmly of the belief that if these cases are not fast-tracked — through appropriate scheduling orders and procedures — some or all of them may take months to resolve, and delays of that length could cripple the orderly operations of the Legislature. Obviously every vote must be counted accurately and fairly; but, they must also be counted expeditiously. I make this request without regard to any political considerations, and solely out of a desire to ensure that our State government is capable of addressing the grave problems that lay before us.

Thank you in advance for your professionalism, understanding and attention to this matter.

Respectfully yours,

Andrew M. Cuomo
Attorney General
and Governor-Elect of the State of New York