

Elisa Sumner
Dutchess County Democratic Committee
PO Box 578
Pleasant Valley, NY 12569
dutchessdemocrats@gmail.com
845-797-9042

January 25, 2021

Dutchess County District Attorney's Office
ATTN: William Grady, Matthew Weishaupt
236 Main Street
Poughkeepsie, NY 12601

District Attorney Grady:

On January 15, 2021, Dutchess County Republican Elections Commissioner Erik Haight emailed you, District Attorney Grady, to urge you to investigate any allegations of illegal conduct by himself or former Commissioner Soto.

We wholeheartedly agree.

It has come to our attention through public court filings and court hearings that Commissioner Haight appears to have intentionally misled the court during a lawsuit adjudicated in September and October of 2020.

In an October 23, 2020 decision ordering the Dutchess County Board of Elections to relocate a voting site to Bard Campus, State Supreme Court Judge Maria Rosa referred to a statement previously made by Haight:

In opposition to the petition Elections Commissioner Eric Haight submitted an affidavit stating that the election was too close in time to enable a change in the polling site that would be fair to all voters in the 5th District including by giving them timely and effective notice of the change. This court relied upon Commissioner Haight's assertions in this regard including that notification of a new polling place at this late date would likely cause voter confusion and result in voters going to the wrong polling place.

In fact, simultaneous to Commissioner Haight's claims that it was too late to move the District 5 location, plans were underway to change other locations. Less than 24 hours after Judge Rosa's original decision on Oct. 13, Commissioner Haight agreed to move two other voting locations within Red Hook. In reversing her initial decision issued on Oct. 13, Judge Rosa is clear that she relied on the validity of Haight's assertion (emphasis ours):

*The basis for this court's decision and order has now been eliminated since the primary factor identified by Commissioner Haight and relied upon by this court **was simply***

***untrue.** Apparently there was, and is, time to move the polling place for District 5 in Red Hook. The court notes that Commissioner Haight submitted no affidavit in opposition to this motion. Only his attorney's affirmation was provided.*

During the Oct. 28 hearing of Appellate Division Second Judicial Department, Justice Leonard Austin of Nassau County characterized Rosa's take on Haight's affidavit as a lie perpetrated on the court:

*"I think part of the problem was that the Judge felt that **your side was lying to her.** That it's impossible to do. In fact, she used that word in her decision, on renewal: 'They said it's impossible, I bought it and then you turned around and changed one or two other districts...'"*

Separately, in his appeal to the Appellate Court, Commissioner Haight's attorney David Jensen affirmed:

Yesterday (Sunday), Respondent Commissioner Haight drove past the "closed" signs that surround Bard's campus and attempted to inspect the Student Center as a polling place. Security forced him to leave campus, notwithstanding his attempt to explain that he was from the Board and was attempting to inspect a polling place.

An affidavit from the head of security at Bard states that Commissioner Haight was stopped by security after returning to his vehicle and that he refused to identify himself. **This is a second and separate instance of making a false claim to mislead the court** in mischaracterizing Bard College's security staff as hostile to his visit.

We ask that you open a fair, impartial and thorough investigation into these matters to determine whether perjury and other charges or sanctions are warranted.

We have included documents and links to facilitate your investigation. We look forward to hearing from you.

Sincerely,

Elisa Sumner
Chair, Dutchess County Democratic Committee