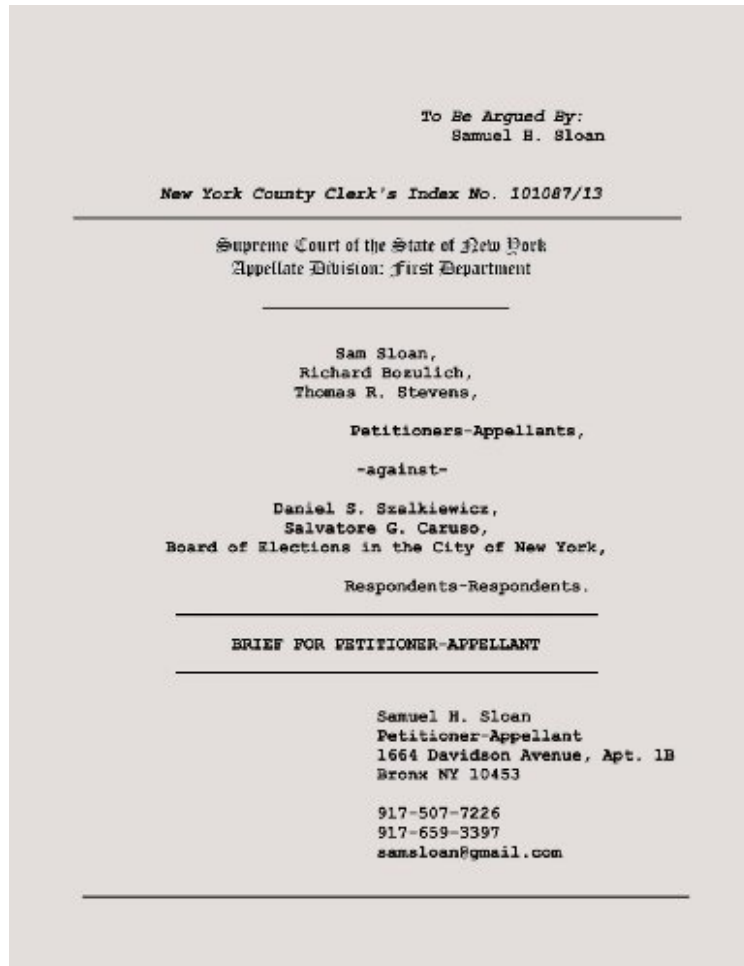


# Sloan vs Szalkiewicz and Board of Elections in the City of New York Appeal Brief

*Samuel H Sloan*

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**Samuel H Sloan : Sloan vs Szalkiewicz and Board of Elections in the City of New York Appeal Brief** before purchasing it in order to gage whether or not it would be worth my time, and all praised Sloan vs Szalkiewicz and Board of Elections in the City of New York Appeal Brief:

This is an Appeal to the Appellate Division First Department of the Supreme Court of the State of New York following a decision of the Board of Elections in the City of New York to kick Sam Sloan off the ballot as a candidate for Mayor of the City of New York and also to kick two other candidates for lower offices off the ballot. At the Hearing on the Order to Show Cause before Justice Wooten on August 5, 2013, Defendant Board of Elections in the City of New York provided only one grounds for throwing the petitioners of the ballot. That ground was that under

Section 132 (2) of New York Election law the subscribing witnesses to a Designating Petition must be registered to vote as a member of the Party whose nomination is being sought, and the subscribing witnesses were not Republicans with only one exception. Petitioners had submitted approximately 4500 signatures to run for election whereas only 3750 are required. (There are some differences in the count of the total number of signatures but all counts agree that more than 4200 were filed.) A few of the 4500 signatures collected were found invalid for various reasons including bad address or not registered to vote. However, a core of 3905 signatures were found to be good but invalid for one reason only which is that the Subscribing Witnesses to those petitions were not registered to vote as members of the Republican Party. In other words, had those 3905 signatures been witnessed by a Registered Republican Party Voter, then all three petitioners would be on the ballot. However, because they were witnessed by other voters, including Democrats, Libertarians and Blanks, those 3905 signatures were deemed invalid. There is a rule as interpreted by the Board of Elections that says that petitions for Republican Party Candidates must be witnessed (as well as being signed) by REGISTERED voters in the Republican Party, petitioners contend that such a requirement is unconstitutional under the First Amendment right "To Petition the Government". It seems obvious that a requirement that the signatures to a petition of any type are deemed valid if and only if they are witnessed by Registered Republicans. This is an infringement to the constitutional right "to Petition the Government". This law is obviously unconstitutional as applied in the circumstances of this case because it deprives the petition signers of the First Amendment right to petition the Government. The First Amendment states: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances. It is difficult to imagine a more blatant and obvious violation of a Constitutional Right than to make a rule that one may not petition the Government unless the petition is witnessed by Republicans!! What nonsense!!!!