

VT ADA Request

7 messages

**Hibbert, S. Lauren** <Lauren.Hibbert@vermont.gov>  
To: "\*\*\*\*\*" <\*\*\*\*\*>  
Cc: "Sheehan, Sean" <Sean.Sheehan@vermont.gov>

Fri, Jun 7, 2024 at 10:38 AM

Dear, Mr. Tyler,

I am responding to a letter that you sent our office on January 28, 2024. Our Office received the letter on February 28, 2024.

I understand from your letter that you are looking for an ADA accommodation for signatures for petitions to be on the ballot. I have several questions:

1. How does the ADA apply to the State's requirements for candidacy?

2. What is the nature of your disability?

3. What are the specific aspects of the requirements for candidacy you believe are a concern due to your disability?

4. Do you have specific reasonable accommodations in mind?

Thank you,  
  
Lauren

**S. Lauren Hibbert (she/her)**  
**Deputy Secretary of State, Secretary of State**

(802) 828-2124 | [sos.vermont.gov/](https://sos.vermont.gov/)  
  
128 State Street, Montpelier, VT 05602

**Mathew Tyler** <\*\*\*\*\*>  
To: "Hibbert, S. Lauren" <Lauren.Hibbert@vermont.gov>  
Cc: "\*\*\*\*\*" <\*\*\*\*\*>, "Sheehan, Sean" <Sean.Sheehan@vermont.gov>

Thu, Jun 13, 2024 at 10:11 AM

Ms. Hibbert,

Whilst I have more supporting information I can provide, currently I am trying not to overwhelm you with too much information.

1. How does the ADA apply to the State's requirements for candidacy?

Preemption of inconsistent state law when necessary to effectuate a required "reasonable modification" is established by the "Supremacy Clause" (Article 6, clause 2 of the US Constitution) and is affirmed by, *Mary Jo C. v. New York State and Local Retirement Sys.*, No. 11-2215, 35 at 6 - 36 at 2, 37 at 7 - 39 at 9 (2d Cir. 2013).

"Except as provided in paragraph (b) of this section, this part applies to all services, programs, and activities provided or made available by public entities." 28 C.F.R. § 35.102(a)

"The ADA is meant to ensure that people with disabilities can fully participate in all aspects of civic life. Under Title II, all state/local governments must follow the ADA regardless of their size." via <https://www.ada.gov/topics/title-ii/> (An official Department of Justice .gov website)

Congress's purpose for the ADA is promulgated in 42 U.S. Code § 12101(b)

"The primary purpose of the ADA Amendments Act is to make it easier for people with disabilities to obtain protection under the ADA. Consistent with the ADA Amendments Act's purpose of reinstating a broad scope of protection under the ADA, the definition of "disability" in this part shall be construed broadly in favor of expansive coverage to the maximum extent permitted by the terms of the ADA. The primary object of attention in cases brought under the ADA should be whether entities covered under the ADA have complied with their obligations and whether discrimination has occurred, not whether the individual meets the definition of "disability." The question of whether an individual meets the definition of "disability" under this part should not demand extensive analysis." 28 C.F.R. § 35.101(b)

The state is required by federal law to operate in the most integrated setting for the individual; 28 C.F.R. § 35.130(a), (d), 28 C.F.R. § 35.160(b)(1), 42 U.S.C. § 12182(b)(1)(B), 42 U.S.C. § 12182(b)(2)(A)(iii), 42 U.S.C. § 2000a(a), (d)

In violation of federal law, the state is imposing eligibility criteria that screens out or tends to screen out an individual with a disability; 28 C.F.R. § 35.130(b)(3), (6), (8); 42 U.S.C. § 12182(b)(1)(A) (i); 42 U.S.C. § 12182(b)(2)(A)(iii)

The state is required by federal law to make reasonable modifications; 28 C.F.R. § 35.130(b)(1)(i)-(iii), (iv)-(vii), (2), (7); 42 U.S.C. § 12182(b)(2)(A)(ii)

Prohibition of discrimination in any program or activity by recipients or applicants of Federal financial assistance pursuant to basically all federal policy; i.e., 42 U.S.C. § 12132; 42 U.S.C. § 12133; 42 U.S. Code § 2000a(a), (d); 42 U.S. Code § 2000a-1; 42 U.S. Code § 2000a-2(a); 42 U.S. Code § 2000d; 28 CFR § 42.503, 28 C.F.R. § 42.108

"Discrimination or segregation by an establishment is supported by State action within the meaning of this subchapter if such discrimination or segregation (1) is carried on under color of any law, statute, ordinance, or regulation; or (2) is carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof; or (3) is required by action of the State or political subdivision thereof." 42 U.S.C. § 2000a(d)

"The term "undue hardship" means an action requiring significant difficulty or expense, when considered in light of the factors set forth in subparagraph (B)." 42 U.S.C. § 12111(10)(A)

"The Americans with Disabilities Act (ADA) is a federal civil rights law that provides protections to people with disabilities to ensure that they are treated equally in all aspects of life. Title II of the ADA requires state and local governments ("public entities") to ensure that people with disabilities have a full and equal opportunity to vote. The ADA's provisions apply to all aspects of voting," <https://www.ada.gov/resources/polling-places-checklist/>

### **Violation of federally protected activities--**

- 18 U.S.C. § 245(b)(1)(A) Interfering with my ability to qualify and campaign as a candidate for elective office in any primary, special, or general election; and,
- 18 U.S.C. § 245(b)(1)(B) participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States; and,
- 18 U.S.C. § 245(b)(1)(E) participating in or enjoying the benefits of any program or activity receiving Federal financial assistance;

- Violating at least one international law, the 1990 Copenhagen Commitment; specifically sections: 5.1, 5.3, 5.4, 6, 7.1, 7.3, 7.5, 7.6, 7.7, 7.8

### **DOJ involvement in related matters--**

ADA stuff from the DOJ and ADA websites for the subsequent quotes is publicly accessible on my Google drive via the subsequent link. Please let me know if you have a problem accessing the files and I can email them to you; [https://drive.google.com/drive/folders/1eyOqitflj37wTdgDooXibhml2ZXUP4d3?usp=drive\\_link](https://drive.google.com/drive/folders/1eyOqitflj37wTdgDooXibhml2ZXUP4d3?usp=drive_link)

"...under the ADA, voters with disabilities must have an equal opportunity to vote ... this equal opportunity requirement is separate from the requirement that public entities make reasonable modifications" (*statement\_of\_interest-in\_re\_georgia\_sb\_202.pdf*)

"Under Title II of the ADA, no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity. 42 U.S.C. § 12132; 28 C.F.R. § 35.130(a). This means that the County must give individuals with disabilities an equal opportunity to participate in and benefit from any service provided to others. 42 U.S.C. § 12132; 28 C.F.R. § 35.130(b)(1). These legal requirements include providing equal access to the County's website and the public content posted there." (*letter\_of\_findings-upton\_county\_tx\_election\_website\_accessibility\_1.pdf*)

"...to avoid discrimination, a public entity must reasonably modify its policies, procedures, or practices when necessary to avoid disability discrimination, unless it can show that the modifications would fundamentally alter the nature of the service, program, or activity." (*statement\_of\_interest-in\_re\_georgia\_sb\_202.pdf*)

"...when a state law directly conflicts with the ADA, the state law must be interpreted in a way that complies with the ADA" (*American-Nurses-Assoc.-v.-ODonnell,-California-Superintendent-of-Schools-United-States-Amicus-Brief.pdf*)

"the ADA requires Wisconsin to make reasonable modifications in policies, practices, and procedures when the modifications are necessary to avoid discrimination on the basis of disability. " (*statement\_of\_interest-carey\_v\_wisconsin\_election\_commission.pdf*)

Qualification standards and selection criteria that screen out people based on their disabilities that are not job-related or consistent with business necessity violate the ADA (*complaint\_-united\_states\_v\_alabama\_department\_of\_transportation.pdf*)

Other relevant laws,

"Title VI of the Civil Rights Act of 1964," <https://www.justice.gov/crt/fcs/TitleVI>  
Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794

2. What is the nature of your disability? What do you mean? Pertaining to my being a qualified individual with a disability (42 U.S.C. § 12131[2]), for me personally, major life activities affected by Central core disease: performing manual tasks, walking, standing, lifting, bending, breathing, and stamina; ADHD: learning, reading, concentrating, thinking, communicating, time/appointments, and working leading to my being indigent thus unable to pay filing fees aka poll taxes or pay for campaign employees or able to acquire volunteers from a State that I am not a resident of.

3. What are the specific aspects of the requirements for candidacy you believe are a concern due to your disability? I want to be included, have the ability to participate, and enjoyment of activities in the 2024 general election. I wish to be listed as an unaffiliated (independent) Presidential candidate, not as a write-in. The unconstitutional[1] and illegal[2] requirement[3] of collecting and submitting signatures are not possible for me to satisfy.

4. Do you have specific reasonable accommodations in mind? A medical exception to the requirement for the collection and submission of signatures.

-Mathew Tyler  
<https://www.TylerPresident.com>

[1]

A state's presidential eligibility requirements (e.g., requiring candidates to get X amount of signatures of eligible voters from that state, PER state) are plainly unconstitutional, an illegal and illegitimate government overreach. Violating the tenth amendment to the US Constitution, by the state attempting to defraud or thieveryly conniving "the people" of the right to establish qualifications for the Presidency as explicitly conferred to the US Constitution pursuant to Article II, section 1, clause 5 of the US Constitution, as an original intention of forethought by our founding fathers, not an afterthought implemented by Congress amending the US Constitution. Violating my due process and equal protection rights. In accordance with the "Supremacy Clause" (Article 6, clause 2 of the US Constitution), the US Constitution is the supreme law of the land, superseding/preempting conflicting state laws, in this case inferior subordinate state laws conflict with all Presidency eligibility requirements as vested in the supreme law of the land; i.e., it is established, "Qualifications for the Presidency," not "Qualifications for the Presidency and inferior subordinate state requirements" Promulgated by *Trump v. Anderson, No. 23-719, 601 U.S. (2024)*, "It would be incongruous to read this particular Amendment as granting the States the power — silently no less — to disqualify a candidate for federal office," establishes: (1) States lack the power to disqualify a candidate for federal office and, (2) that not including a candidate on the ballot, even for a primary would be disqualifying the candidate. Constituting violations of: 18 U.S.C. § 595, 18 U.S.C. § 241, 18 U.S.C. § 242, and of Article 1, section 1 to the US Constitution; "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

*Powell v. McCormack*, 395 U.S. 486, 550 (1969) (invalidating House's decision not to seat a Member accused of misuse of funds) ("[I]n judging the qualifications of its members Congress is limited to the standing qualifications prescribed in the Constitution.")

*Exon v. Tiemann*, 279 F. Supp. 609, 613 (D. Neb. 1968) ("There being no such requirement in the Constitution itself, a state cannot require that a Representative live in the District from which he was nominated."); *State ex rel. Chavez v. Evans*, 446 P.2d 445, 448 (N.M. 1968) ("[The New Mexico statute,] by requiring that each candidate for representative in Congress be a resident of and a qualified elector of the district in which he seeks office, adds additional qualifications to becoming a candidate for that office.... [W]e must hold the provisions of the Federal Constitution prevail and that this statute unconstitutionally adds additional qualifications."); *Hellman v. Collier*, 141 A.2d 908, 912 (Md. 1958) (same); cf. *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779 (1995) (state may not impose term limits on its congressional delegation)

*Cook v. Gralike*, 531 U.S. 510 (2001), was a United States Supreme Court case in which the Court held that an attempt by the state of Missouri to influence Congressional elections in favor of candidates who supported term limits was unconstitutional. The Court held that the powers delegated to the states by the Elections Clause related only to the power over the procedural mechanisms of elections. Because this amendment sought to influence the outcome of elections, it exceeded state powers over national elections.

[2] 52 U.S. Code § 10501(a) via 52 U.S.C. § 10501(b)(4). I would also argue 52 U.S.C. § 10501(b)(1) as the residents presumably have to read where to write their information.

52 U.S.C. § 10502(a)(1), (3)-(6)

\* durational residency is established by the requirement of registered voters of the state to sign a petition

\*\* A durational-residency requirement is a rule that requires a person to be a resident of a particular state for a specific period before they can exercise a particular right or privilege

18 U.S.C. § 595

[3] 28 C.F.R. § 35.160(c)(2) "A public entity shall not rely on an adult accompanying an individual with a disability to interpret or facilitate communication except"

"Although [plaintiffs] were ultimately able to cast their vote with the fortuitous assistance of others, the purpose of the Rehabilitation Act is 'to empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society'.... The right to vote should not be contingent on the happenstance that others are available to help." *Nat'l Fed'n of the Blind v. Lamone*, 813 F.3d 494, 506-7 (4th Cir. 2016)

[Quoted text hidden]

Mathew Tyler &lt;\*\*\*\*\*&gt;

Mon, Jul 1, 2024 at 9:07 AM

To: Lauren.Hibbert@vermont.gov, Sean.Sheehan@vermont.gov

Ms. Hibbert,

Following up to confirm that the state is including me, a qualified individual with disabilities(1) in the 2024 General Election, with a medical exception to the unlawful eligibility criteria(2) that screens me out.

"...compelled to follow the directive from the state, but the Supremacy Clause of the Constitution requires a different order of priority. A **discriminatory state law** is **not a defense** to liability under federal law; **it is a source of liability under federal law**. *Williams v. General Foods Corp.*, 492 F.2d 399, 404 (7th Cir. 1974)"; (emphasis added) *Quinones v. City of Evanston*, 58 F.3d 275, 277 (7th Cir. 1995)

It's important to note, if the head of the public entity is actually able to **demonstrate** (as required by federal law [28 CFR § 35.164]) that my request causes an undue burden or fundamentally alters anything, the state is still required by law to not exclude me, a qualified individual with a disability from participation in or be denied the benefits of the services, programs, or activities of a public entity, 28 C.F.R. § 35.130(a); 28 C.F.R. § 35.130(b)(1)(i)-(iii), (v), (vii); (3), (6), (7)(i), (8); 42 U.S.C. § 2000d.

It is also worth pointing out that I am not the one poised to be **criminally charged** with disability discrimination supported by state action, deprivation of civil rights, deprivation of federally protected activities (18 U.S.C. § 245(b)(1)(A), (B), (E)), **you and your colleagues are**; 42 U.S. Code § 12202, 42 U.S.C. § 1986, 18 U.S.C. § 595, 42 U.S.C. § 1983, 18 U.S.C. § 241, 18 U.S.C. § 242,

Qualification standards and selection criteria that screen out people based on their disabilities that are not job-related or consistent with business necessity violate the ADA (*complaint\_-\_united\_states\_v\_alabama\_department\_of\_transportation.pdf*)

"Under Title II of the ADA, no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity. 42 U.S.C. § 12132; 28 C.F.R. § 35.130(a). This means that the County must give individuals with disabilities an equal opportunity to participate in and benefit from any service provided to others. 42 U.S.C. § 12132; 28 C.F.R. § 35.130(b)(1). These legal requirements include providing equal access to the County's website and the public content posted there." (*letter\_of\_findings-upton\_county\_tx\_election\_website\_accessibility\_1.pdf*)

"...to avoid discrimination, a public entity must reasonably modify its policies, procedures, or practices when necessary to avoid disability discrimination, unless it can show that the modifications would fundamentally alter the nature of the service, program, or activity." (*statement\_of\_interest-in\_re\_georgia\_sb\_202.pdf*)

As mandated by federal law, 28 C.F.R. § 35.107(a), what is the contact information of the state's ADA coordinator / designated employee?

As mandated by federal law, 28 C.F.R. § 35.107(b), where are the grievance procedures providing for prompt and equitable resolution of complaints **published**?

In accordance with 28 C.F.R. § 35.105(c)(2)-(3), I also wish to inspect the state's self-evaluation report as mandated by 28 C.F.R. § 35.105(a).

-Mathew Tyler

[https://www.change.org/demand\\_justice](https://www.change.org/demand_justice)

(1) 28 C.F.R. § 35.130(a), (d); 28 C.F.R. § 35.160(b)(1); 42 U.S.C. § 12182(b)(1)(B), (2)(A)(iii); 42 U.S.C. § 2000a(a), (d); 42 U.S.C. § 2000d  
(2) 28 C.F.R. § 35.130(b)(3), (6), (8); 42 U.S.C. § 12182(b)(1)(A)(i), (2)(A)(iii)  
(3) 28 C.F.R. § 35.130(b)(1)(i)-(iii), (iv)-(vii), (2), (7); 42 U.S.C. § 12182(b)(2)(A)(ii)

[Quoted text hidden]

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Hibbert, S. Lauren <Lauren.Hibbert@vermont.gov>

Fri, Jul 5, 2024 at 11:10 AM

To: Mathew Tyler <\*\*\*\*\*>, "Sheehan, Sean" <Sean.Sheehan@vermont.gov>

Dear Mr. Tyler:

Even if the ADA applies here, you have not shown that your conditions constitute substantial limitations on your ability to complete the requirements. In addition, the accommodation you are seeking with relief from signature collection is unreasonable as it would fundamentally alter the nature of the election to have the election proceed according to one set of requirements for you and another set of requirements for the other candidates in the election. *Herschaff v. New York Bd. of Elections*, No. 00 CV 2748 (CBA), 2001 WL 940923, at \*6 (E.D.N.Y. Aug. 13, 2001), *aff'd sub nom. Herschaff v. NY Bd. of Elections*, 37 F. App'x 17 (2d Cir. 2002). The accommodation is also unreasonable because it would require the SOS to violate a state statute for which the SOS has no authority to waive. *Id.*

The authority to set requirements for presidential candidates to appear on ballots vests in the States. See U.S. Const. art. I, § 4, cl. 1 ("The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators."); see also *Gaining ballot access*, Federal Election Commission (last visited July 2, 2024), <https://www.fec.gov/help-candidates-and-committees/registering-candidate/gaining-ballot-access/> (explaining that "State law and procedures govern how candidates come to appear on election ballots" and directing presidential candidates to "[c]ontact the Secretary of State or appropriate election office in each state and territory for information on the requirements to get on the ballot in that state or territory.").

If you are interested in pursuing a reasonable accommodation, I invite you to submit additional documentation of the nature of your disability and a revised request for a reasonable accommodation that does not fundamentally alter the nature of the election or require the SOS to violate a state statute.

Sincerely,

Lauren Hibbert

**S. Lauren Hibbert (she/her)**  
**Deputy Secretary of State, Secretary of State**

(802) 828-2124 | [sos.vermont.gov/](https://sos.vermont.gov/)

128 State Street, Montpelier, VT 05602

**From:** Mathew Tyler <\*\*\*\*\*>

**Sent:** Monday, July 1, 2024 12:08 PM

**To:** Hibbert, S. Lauren <Lauren.Hibbert@vermont.gov>; Sheehan, Sean <Sean.Sheehan@vermont.gov>

**Subject:** Re: VT ADA Request

You don't often get email from \*\*\*\*\* . [Learn why this is important](#)

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

[Quoted text hidden]

**Mathew Tyler** <\*\*\*\*\*>

Mon, Jul 8, 2024 at 8:24 AM

To: Lauren.Hibbert@vermont.gov, Sean.Sheehan@vermont.gov

Ms. Hibbert,

Are you joking with me or are you violating my 14th amendment equal protection rights without first affording me due process whilst committing honest services fraud (18 U.S.C. § 1346)? 42 U.S.C. § 1986

Doctor's note attached.

29 C.F.R. § 1630.2(j)(iii), "The **primary object** of attention in cases brought under the ADA should be **whether covered entities** have **complied with their obligations** and whether discrimination has occurred, **not** whether an individual's impairment substantially limits a major life activity. Accordingly, the threshold issue of whether an impairment "substantially limits" a major life activity should not demand extensive analysis." (emphasis added)

If I spoke a different language than what the material the state provides, would I be disqualified from participating or would the state be required to provide translated materials? Even if not required, would the state be so unChristian that it would be unwilling to help a person asking for help?

Can the state deny some citizens from using its roads or certain lanes of the road whilst allowing others to use it? No. Why not? Because it's all paid for with the public purse. Some people being able to utilize public resources whilst others aren't, who haven't first been afforded due process, violates people's equal protection rights afforded by the 14th amendment to the US Constitution...

Why would I, a qualified individual with a disability, be excluded from participating solely from my legitimate medical inability to acquire the signatures? 42 U.S. Code § 12132; 42 U.S. Code § 12182(a); 42 U.S. Code § 12112(a)

What kind of people commit crimes (42 U.S.C. § 2000a[d]) against disabled people? Despite being required(2) to include me, you people are literally trying to exclude me; i.e., what alternatives to my request has the state proposed? Requiring me to provide people to facilitate communication is not lawful. "Discrimination or segregation by an establishment is supported by State action within the meaning of this subchapter if such discrimination or segregation (1) is carried on under color of any law, statute, ordinance, or regulation; or (2) is carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof; or (3) is required by action of the State or political subdivision thereof." 42 U.S.C. § 2000a(d)



"A public entity shall not rely on an adult accompanying an individual with a disability to interpret or facilitate communication..." 28 C.F.R. § 35.160(c)(2)

"Although [plaintiffs] were ultimately able to cast their vote with the fortuitous assistance of others, the purpose of the Rehabilitation Act is 'to empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society'.... The right to vote should not be contingent on the happenstance that others are available to help."  
*Nat'l Fed'n of the Blind v. Lamone*, 813 F.3d 494, 506-7 (4th Cir. 2016)

The world will know your names; [the perpetuity of the Internet](#).

### **Prohibition of discrimination when federal financial assistance is involved--**

Prohibition of discrimination in any program or activity by recipients or applicants of Federal financial assistance pursuant to basically all federal policy; i.e., 42 U.S.C. § 12132; 42 U.S.C. § 12133; 42 U.S. Code § 2000a(a), (d); 42 U.S. Code § 2000a-1; 42 U.S. Code § 2000a-2(a); 42 U.S. Code § 2000d; 28 CFR § 42.503, 28 C.F.R. § 42.108

Disability discrimination, "Subject to the provisions of this subchapter, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." 42 U.S.C. § 12132

"It shall be discriminatory to subject an individual or class of individuals on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements, to a denial of the opportunity of the individual or class to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of an entity." 42 U.S.C. § 12182(b)(1)(A)(i)

"the imposition or application of eligibility criteria that screen out or tend to screen out an individual with a [disability](#) or any class of individuals with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages, or accommodations, unless such criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, advantages, or accommodations being offered;" 42 U.S.C. § 12182(b)(2)(A)(i)

"a failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such goods, services, facilities, privileges, advantages, or accommodations;" 42 U.S.C. § 12182(b)(2)(A)(ii)

"a failure to take such steps as may be necessary to ensure that no individual with a [disability](#) is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of [auxiliary aids and services](#), unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the good, service, facility, privilege, advantage, or accommodation being offered or would result in an undue burden;" 42 U.S.C. § 12182(b)(2)(A)(iii)

### **Why you're incorrect--**

Article VI, clause 2 of the US Constitution (the "Supremacy Clause") establishes that the US Constitution is the supreme law of the law. Followed by federal laws. Followed then by state laws. e.g. and i.e., although some states have legalized/decriminalized marijuana, marijuana is still federally illegal in those states and as such the federal government can choose to enforce the law in those states. A state can't pass a law that would exempt its residents from IRS/federal taxes because the state lacks the authority to supersede federal law. If a person, like a bureaucrat and their family are put on the federal do not fly list, the state can do nothing about that. In accordance with the US Constitution, in case of conflict, federal law supersedes state law thus the SOS would not be violating state law as state law is precluded.

"...compelled to follow the directive from the state, but the Supremacy Clause of the Constitution requires a different order of priority. A **discriminatory state law** is **not a defense** to liability under federal law; **it is a source of liability under federal law**. *Williams v. General Foods Corp.*, 492 F.2d 399, 404 (7th Cir. 1974)"; (emphasis added) *Quinones v. City of Evanston*, 58 F.3d 275, 277 (7th Cir. 1995)



"A public entity shall administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities. ," 28 C.F.R. § 35.130(d)

"Except as provided in paragraph (b) of this section, this part **applies to all services, programs, and activities provided or made available by public entities.**" 28 C.F.R. § 35.102(a)

"Under Title II of the ADA, **no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.** 42 U.S.C. § 12132; 28 C.F.R. § 35.130(a). This means that the County must give individuals with disabilities an equal opportunity to participate in and benefit from any service provided to others. 42 U.S.C. § 12132; 28 C.F.R. § 35.130(b)(1). These legal requirements include providing equal access to the County's website and the public content posted there." ([letter\\_of\\_findings-upton\\_county\\_tx\\_election\\_website\\_accessibility\\_1.pdf](#))

"The ADA is meant to ensure that people with disabilities can fully participate in all aspects of civic life. Under Title II, all state/local governments must follow the ADA regardless of their size." via <https://www.ada.gov/topics/title-ii/> (An official Department of Justice .gov website)

"The Americans with Disabilities Act (ADA) is a federal civil rights law that provides protections to people with disabilities to **ensure that they are treated equally in all aspects of life. Title II of the ADA requires state and local governments ("public entities") to ensure that people with disabilities have a full and equal opportunity to vote. The ADA's provisions apply to all aspects of voting.**" <https://www.ada.gov/resources/polling-places-checklist/>

Again for any Dunning–Kruger effect imbeciles and/or ignoramuses alike,

"...**all aspects of voting.**"

"The primary purpose of the ADA Amendments Act is to **make it easier** for people with **disabilities** to obtain **protection** under the ADA. Consistent with the ADA Amendments Act's purpose of reinstating a broad scope of protection under the ADA, the definition of "disability" in this part shall be **construed broadly in favor of expansive coverage to the maximum extent permitted by the terms of the ADA.** The primary object of attention in cases brought under the ADA should be **whether entities covered under the ADA** have complied with **their obligations and whether discrimination has occurred**, not whether the individual meets the definition of "disability." The question of whether an individual meets the definition of "disability" under this part should not demand extensive analysis. " 28 C.F.R. § 35.101(b)

**No state immunity;** "A **State** shall **not** be **immune** under the **eleventh amendment** to the Constitution of the United States ... in **Federal** or State court ... **violation** of this chapter. In any action against a State for a violation of the requirements of this chapter, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in an action against any public or private entity other than a State." (emphasis added) 42 U.S. Code § 12202

It is also worth pointing out that I am not the one poised to be **criminally charged** with disability discrimination supported by state action, deprivation of civil rights, deprivation of federally protected activities (18 U.S.C. § 245(b)(1)(A), (B), (E)), **you and your colleagues are;** 42 U.S. Code § 12202, 42 U.S.C. § 1986, 18 U.S.C. § 595, 42 U.S.C. § 1983, 18 U.S.C. § 241, 18 U.S.C. § 242,

*Herschafft v. New York Bd. of Elections*, No. 00 CV 2748 (CBA), 2001 WL 940923, at \*6 (E.D.N.Y. Aug. 13, 2001), *aff'd sub nom. Herschafft v. NY Bd. of Elections*, 37 F. App'x 17 (2d Cir. 2002) is not applicable. Not only does it not deal with an ADA request for reasonable accommodations, it predates the "ADA Amendments Act of 2008" which Congress enacted to restore and strengthen the ADA from court decisions weakening it; i.e., [https://en.wikipedia.org/wiki/ADA\\_Amendments\\_Act\\_of\\_2008#Reasons\\_for\\_enactment](https://en.wikipedia.org/wiki/ADA_Amendments_Act_of_2008#Reasons_for_enactment)

#### **Preemption / preclusion of conflicting state laws--**

Preemption of inconsistent state law when necessary to effectuate a required "reasonable modification" is established by the "Supremacy Clause" (Article 6, clause 2 of the US Constitution) and is affirmed by,

*Mary Jo C. v. New York State and Local Retirement Sys.*, No. 11-2215, 35 at 6 - 36 at 2, 37 at 7 - 39 at 9 (2d Cir. 2013).

`The "natural effect" of Title II's "reasonable modification" requirement, Crosby, 530 U.S. at 373, in light of the foregoing observations, requires preemption of inconsistent state law when necessary to effectuate a required "reasonable modification." Congress clearly meant Title II to sweep broadly. If all state laws were insulated from Title II's reasonable modification requirement solely because they were state laws, "state law [would serve as] an obstacle to the accomplishment and execution of the full purposes and objectives of Congress" in enacting Title II. Marsh, 499 F.3d at 177. Far from "provid[ing] a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities," 42 U.S.C. § 12101(b)(1), the ADA would be powerless to work any reasonable modification in any requirement imposed by state law, no matter how trivial the requirement and no matter how minimal the costs of doing so. We conclude that the ADA's reasonable modification requirement contemplates modification to state laws, thereby permitting preemption of inconsistent state laws, when necessary to effectuate Title II's reasonable modification provision.[8]` (*Mary Jo C. v. New York State and Local Retirement Sys.*, No. 11-2215 [2d Cir. 2013])

`...the ADA preempts inconsistent state law when appropriate and necessary to effectuate a reasonable accommodation under Title II is also consistent with decisions from our sister Circuits. See, e.g., Barber v. Colorado Dep't of Revenue, 562 F.3d 1222, 1232-33 (10th Cir. 2009) (ultimately concluding that there was no conflict between state law and the ADA in the case before it, but observing that the court "in no way affirm[ed] the district court's conclusion that `[a]n accommodation that would have required defendants to willfully ignore or violate the law is per se not reasonable.'" (citation omitted)); Quinones v. City of Evanston, Ill., 58 F.3d 275, 277 (7th Cir. 1995) ("[The defendant] believes that it is compelled to follow the directive from the state, but the Supremacy Clause of the Constitution requires a different order of priority. A discriminatory state law is not a defense to liability under federal law; it is a source of liability under federal law." (emphasis in original)); Williams v. Gen. Foods Corp., 492 F.2d 399, 404 (7th Cir. 1974) (similar). As the Ninth Circuit explained:

The court's obligation under the ADA . . . is to ensure that the decision reached by the state authority is appropriate under the law and in light of proposed alternatives. Otherwise, any state could adopt requirements imposing unreasonable obstacles to the disabled, and when haled into court could evade the antidiscrimination mandate of the ADA merely by explaining that the state authority considered possible modifications and rejected them...

The NYSLRS argues that "Title II . . . requires reasonable modification only of `rules, policies, or practices' — not state statutes," NYSLRS Br. 19, and seeks to distinguish Crowder, which contemplated the modification of a mandatory Hawaii State administrative regulation rather than a state statute, see Crowder, 81 F.3d at 1481-85, on this ground, NYSLRS Br. 21 n.6. But as a general rule, duly promulgated state regulations have the force of law for these purposes as do statutes. See, e.g., State v. Kotis, 91 Hawai'i 319, 331, 984 P.2d 78, 90 (1999) (Under Hawaii law, "[a]dministrative rules, like statutes, have the force and effect of law."); Allstate Ins. Co. v. Rivera, 12 N.Y.3d 602, 608, 911 N.E.2d 817, 820, 883 N.Y.S.2d 755, 758 (2009) (under New York law, "[a] duly promulgated regulation . . . has the force of law." (internal quotation marks omitted)). From the standpoint of the ADA's preemptive force, we can discern no reason to distinguish between the preemption of state statutes and state regulations. Cf. Crosby, 530 U.S. at 372 n.6 (noting that "a variety of state laws and regulations may conflict with a federal statute" and be preempted). And for the reasons discussed above, we do not read the ADA to prohibit reasonable modifications to state statutes when appropriate.` (*Mary Jo C. v. New York State and Local Retirement Sys.*, No. 11-2215 [2d Cir. 2013])

Qualification standards and selection criteria that screen out people based on their disabilities that are not job-related or consistent with business necessity violate the ADA ([complaint\\_-\\_united\\_states\\_v\\_alabama\\_department\\_of\\_transportation.pdf](#))

"...to avoid discrimination, a public entity must reasonably modify its policies, procedures, or practices when necessary to avoid disability discrimination, unless it can show that the modifications would fundamentally alter the nature of the service, program, or activity." ([statement\\_of\\_interest-in\\_re\\_georgia\\_sb\\_202.pdf](#))

### **Constitutionally--**

The state does not even have the authority to require criteria for federal level jobs; the entire notion is probably the most absurdly preposterous, delusional lunacy ideas devoid of reality I have heard in my entire life.

U.S. Const. art. I, § 4, cl. 1 does not include setting criteria; times, places, and manner, not qualifications or criteria.

If states lack the power to impose criteria for the House and the Senate(3)(4)(5), why would states have the power to impose criteria for the highest job of the land? In accordance with the supreme law of the land, specifically the "[Supremacy Clause](#)" (Article 6, clause 2 of the US Constitution), the state would have to be above the US Constitution to supersede the Constitutional requirements as established by Article II, section 1, clause 5 of the US Constitution. Which would also contradict the Founding fathers original intention. Absent a US Constitutional amendment establishing otherwise, the power for states to require criteria has never been allocated to the states. This is the literal letter of the law; which has never even been disproven or even refuted by the state.

*"...until the late 1800's, all ballots cast in this country were write-in ballots. The system of state-prepared ballots, also known as the Australian ballot system, was introduced in this country in 1888. See L.E. Fredman, The Australian Ballot: The Story of an American Reform ix (1968). Prior to this, voters prepared their own ballots or used preprinted tickets offered by political parties. Since there were no state-imposed restrictions on whose name could appear on a ballot, individuals could always vote for the candidates of their choice." [Burdick v. Takushi](#), 504 U.S. 428, 446 (1992)*

A state's presidential eligibility requirements (e.g., requiring candidates to get X amount of signatures of eligible voters from that state, PER state) are plainly unconstitutional, an illegal and illegitimate government overreach. Violating the tenth amendment to the US Constitution, by the state attempting to defraud or thievingly conniving "the people" of the right to establish qualifications for the Presidency as explicitly conferred to the US Constitution pursuant to Article II, section 1, clause 5 of the US Constitution, as an original intention of forethought by our founding fathers, not an afterthought implemented by Congress amending the US Constitution. Violating my due process and equal protection rights. In accordance with the "Supremacy Clause" (Article 6, clause 2 of the US Constitution), the US Constitution is the supreme law of the land, superseding/preempting conflicting state laws, in this case inferior subordinate state laws conflict with all Presidency eligibility requirements as vested in the supreme law of the land; i.e., it is established, "Qualifications for the Presidency," not "Qualifications for the Presidency and inferior subordinate state requirements" Promulgated by *Trump v. Anderson*, No. 23-719, 601 U.S. (2024), "It would be incongruous to read this particular Amendment as granting the States the power — silently no less — to disqualify a candidate for federal office," establishes: (1) States lack the power to disqualify a candidate for federal office and, (2) that not including a candidate on the ballot, even for a primary would be disqualifying the candidate. Constituting violations of: 18 U.S.C. § 595, 18 U.S.C. § 241, 18 U.S.C. § 242, and of Article 1, section 1 to the US Constitution; "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

In accordance with Article II, section 1, clause 5 of the US Constitution, as a legitimate 2024-2084 US Presidential candidate; in your opinion and something I'm wondering is, with a ~~reasonable accommodation~~ amendment stripping any applicable statute of limitation protections or maybe just blatantly violating it, if found guilty, should those, especially in government that violate the US Constitution be hanged for high treason or [renditioned](#) to the latest unknown/unnamed gitmo? 🙄

-Mathew Tyler, US Presidential candidate (I), 2016-2084. 

(1) *United States v. Price*, 383 U.S. 787 (1966) aka "'Mississippi Burning' Trial."

(2) 28 C.F.R. § 35.130(a), (d); 28 C.F.R. § 35.160(b)(1); 42 U.S.C. § 12182(b)(1)(B), (2)(A)(iii); 42 U.S.C. § 2000a(a), (d); 42 U.S.C. § 2000d

(3) *Powell v. McCormack*, 395 U.S. 486, 550 (1969) (invalidating House's decision not to seat a Member accused of misuse of funds) ("[I]n judging the qualifications of its members Congress is limited to the standing qualifications prescribed in the Constitution.")

(4) *Exon v. Tiemann*, 279 F. Supp. 609, 613 (D. Neb. 1968) ("There being no such requirement in the Constitution itself, a state cannot require that a Representative live in the District from which he was nominated."); *State ex rel. Chavez v. Evans*, 446 P.2d 445, 448 (N.M. 1968) ("[The New Mexico statute,] by requiring that each candidate for representative in Congress be a resident of and a qualified elector of the district in which he seeks office, adds additional qualifications to becoming a candidate for that

office.... [W]e must hold the provisions of the Federal Constitution prevail and that this statute unconstitutionally adds additional qualifications."); *Hellman v. Collier*, 141 A.2d 908, 912 (Md. 1958) (same); cf. *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779 (1995) (state may not impose term limits on its congressional delegation)

(5) *Cook v. Gralike*, 531 U.S. 510 (2001), was a United States Supreme Court case in which the Court held that an attempt by the state of Missouri to influence Congressional elections in favor of candidates who supported term limits was unconstitutional. The Court held that the powers delegated to the states by the Elections Clause related only to the power over the procedural mechanisms of elections. Because this amendment sought to influence the outcome of elections, it exceeded state powers over national elections.

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**Mathew Tyler** <\*\*\*\*\*>

Mon, Jul 8, 2024 at 11:41 AM

To: Mathew Tyler <\*\*\*\*\*>

Cc: Lauren.Hibbert@vermont.gov, Sean.Sheehan@vermont.gov

Ms. Hibbert,

Since you people want to FAFO, I am hereby amending my original [Section 504](#) / ADA Title II request for reasonable accommodations to a Section 504 / ADA Title I and Title II request for accommodations for an exception to the collection and submission of signatures, for both being a presidential candidate on the ballot AND to introduce a ballot measure 🤔.

The ballot measure I am now introducing herein, under my amended request, is to the elimination / repeal of the unconstitutional, unlawful, and illegitimate state imposed signature requirement for anything to be on the ballot. 🤔 Please let me know if there are any other requirements for having a ballot measure added as the signature collection and submission is now precluded under federal law for accessibility.

All of this could have been avoided had you people honored the law and not tried to discriminate against me... Keep fucking around and I'll broaden my efforts even more.

-Mathew Tyler, US Presidential candidate (I), 2016-2084. 

[Quoted text hidden]

**Mathew Tyler** <\*\*\*\*\*>

Fri, Jul 19, 2024 at 12:10 PM

To: Mathew Tyler <\*\*\*\*\*>

Cc: Lauren.Hibbert@vermont.gov, Sean.Sheehan@vermont.gov

[Section 504 of the Rehabilitation Act of 1973](#) mandates "...effective communication..." by the perpetrator state. It has been 11 days ... stop breaking the law trying to exclude me and uphold the law by including me.

-Mathew Tyler, US Presidential candidate (I), 2016-2084. 

1/27/25, 9:46 PM

Gmail - VT ADA Request

"Section 504 of the Rehabilitation Act," [https://en.wikipedia.org/wiki/Section\\_504\\_of\\_the\\_Rehabilitation\\_Act](https://en.wikipedia.org/wiki/Section_504_of_the_Rehabilitation_Act)

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