
Independent Presidential Candidate Follow-up

10 messages

Elections GV <elections@utah.gov>

Wed, Feb 28, 2024 at 12:59 PM

To: *****

Hi Mathew,

I hope this email finds you well. Thank you for reaching out to our office regarding a presidential candidate declaration.

To better help you with your request, I have one clarifying question that will determine what the requirements are in Utah Code and the associated deadlines.

In your paperwork you mention your desire to run as an "independent" but near the end you mention "write-in." Are you wanting to run as an unaffiliated (independent) candidate or a write-in candidate?

Once our office receives this information, we can discuss the next steps.

Thank you,

Karlee

Office of Lieutenant Governor

Deidre M. Henderson

Election Office

Phone - 801-538-1041

vote.utah.gov

Mathew Tyler <*****>

Fri, Mar 1, 2024 at 1:41 PM

To: Elections GV <elections@utah.gov>

Karlee,

The email found me well with great weather; hopefully you're getting good weather wherever you are.

My apologies for the typographical error, I wish to be listed as an unaffiliated (independent) candidate. As a disabled US citizen, I am also requesting ADA accommodations for an exception to any and all physical requirements that the State might impose to be listed on the ballot; including without limitation to: collecting signatures and submitting signatures. A number of states seem to have this requirement, which being required of some yet not all candidates seems to be a violation of the Equal protection clause of the 14th amendment to the US Constitution.

Thank you,

Mathew Tyler

[Quoted text hidden]

Elections GV <elections@utah.gov>

Mon, Mar 11, 2024 at 4:09 PM

To: Mathew Tyler <*****>

Hi Mathew,

Thank you for the clarification. I have gathered the two different pathways to the ballot as an unaffiliated candidate and more information on the filing fee for you.

Filing as an Unaffiliated Presidential Candidate in Utah

State law requires unaffiliated candidates to gather 1000 signatures to file as an unaffiliated candidate. The signature requirements apply to all unaffiliated candidates who, like all candidates for office, must show a modicum of support from voters to be given a spot on the ballot. Those candidates who are affiliated with a party can demonstrate the required modicum of support by being nominated at the party convention, or by gathering signatures. The candidates affiliated with a party must then campaign and be selected through the primary election. Unaffiliated candidates are not subject to a primary election. Regardless of the candidate's selected statutory path to the ballot, all candidates, affiliated and not, equally have to demonstrate some support for their candidacy. This is a requirement of the Utah Election Code. See Utah Code sections [20A-9-part 4 and 5](#). The Lieutenant Governor cannot unilaterally waive statutory requirements. Therefore, our office is unable to waive the signature gathering requirement.

The deadline for unaffiliated candidates to gather signatures and file has been extended to June 18, 2024 by 5:00 PM due to [SB107](#) passed recently in the 2024 legislative session. There is no requirement that the candidate has to gather signatures in person. Rather, it is common practice for candidates to engage volunteers and/or paid signature gatherers to solicit and obtain the requisite number of signatures. Inasmuch as you do not reside in Utah, we assume you will engage volunteers or others to obtain signatures in support of your campaign.

Similarly, you can designate another individual to file your declaration paperwork on your behalf, since you reside out of state. Your signature must be notarized on the declaration of candidacy—your designated agent cannot sign for you. To file on your behalf, the designated agent must file your notarized paperwork in-person with your filing officer during the declaration period. The designated agent must also use an electronic device that allows you and the filing officer to hear and see each other (e.g., Skype, Facetime). See [20A-9-503\(4\)](#).

If you would like to move forward with the process, the unaffiliated candidate petition can be found [here](#).

The declaration of candidacy for unaffiliated candidate for president can be found [here](#).

Filing as an Unaffiliated WRITE-IN Presidential Candidate in Utah

The process to become a write-in candidate is simple: you must declare candidacy with our office. As a write-in candidate, your name does not appear on the ballot. Voters must write or type your name on the write-in line for a vote to count.

The 2024 Write-In Declaration form for an unaffiliated write-in candidate for U.S. President can be found [here](#).

An unaffiliated write-in presidential candidate does not have to gather signatures prior to filing for office.

The deadline for filing as a write-in candidate is September 3, 2024.

As a write-in candidate you can designate another individual to file your declaration paperwork on your behalf. Your signature must be notarized on the declaration of candidacy—your designated agent cannot

sign for you.

To file on your behalf, the designated agent must file your paperwork in-person with your filing officer during the declaration period. The designated agent must also use an electronic device that allows you and the filing officer to hear and see each other (e.g., Skype, Facetime). See [20A-9-601.](#)

Filing Fee

You have requested that the fee be waived. Please review and fill out the [affidavit of impecuniosity](#) to have your fee waived.

Please let me know if you have any questions.

Thank you,

Karlee

Office of Lieutenant Governor

Deidre M. Henderson

Election Office

Phone - 801-538-1041

vote.utah.gov

[Quoted text hidden]

Mathew Tyler <*****>

Mon, Mar 11, 2024 at 5:06 PM

To: Elections GV <elections@utah.gov>

Karlee,

What the State of Utah's law provides for and doesn't provide for is inconsequential as I am making an ADA request for reasonable accommodations under federal law (42 U.S.C. §§ 12101 et seq.) which supersedes state law (Article 6, clause 2 to the US Constitution); thus any conflicting State law is precluded .

The State is mandated to either honor my ADA request or pursuant to 42 U.S.C. §§ 12101 et seq. the State must "...demonstrate that making such modifications would fundamentally alter the nature of such goods, services, facilities, privileges, advantages, or accommodations."

If the State does not honor my request for reasonable accommodations and the State does not satisfy the aforementioned demonstration requirement, how honoring my request would fundamentally alter the nature of such goods, services, facilities, privileges, advantages, or accommodations, **you and the State** will be committing a **hate crime (18 U.S.C. § 249)** against me by **discriminating** against me for **my disability** in my enjoyment of **federally protected activities (18 U.S.C. § 245)** which will also violate my civil rights (18 U.S.C. § 241 and 18 U.S.C. § 242 [United States v. Price, 383 U.S. 787 (1966)]).

Interfering with my:

18 U.S.C. § 245(b)(1)(A) ability to qualify 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

What's more, state imposed requirements for federal office violate my Equal protection rights of the 14th amendment to the US Constitution (Williams v. Rhodes, 393 U.S. 23 (1968)) and the State lacks the power to determine federal candidate eligibility; i.e., Trump v. Anderson, No. 23-719, 601 U.S. (2024); A "...state can't disqualify a presidential candidate, in part because it doesn't have that power and in part because having such power would lead to chaos"; "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" via <https://www.washingtonpost.com/politics/2024/03/04/takeaways-supreme-court-trump-ruling/>

Fees imposed by the State violate my Equal protection rights of the 14th amendment to the US Constitution [Harper v. Virginia State Board of Elections, 383 U.S. 663 (1966)] and the 24th amendment to the US Constitution.

Would the State of Utah like to proceed by making the reasonable accommodations I've requested by including my name on the ballot as an unaffiliated (independent) candidate or would the State of Utah rather proceed by having me file criminal complaints for a hate crime and disability discrimination with the appropriate State of Utah and federal law enforcement agencies?

-Mathew Tyler

[Quoted text hidden]

Mathew Tyler <*****>
 To: Mathew Tyler <*****>
 Cc: Elections GV <elections@utah.gov>

Tue, Mar 26, 2024 at 5:42 AM

Pertaining to my being a qualified individual with disability, 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.

As a qualified individual with a disability, I should not be reliant on others being available for help; "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 purpose of the ADA and 504 is to empower persons with disabilities.

` 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 Hawaii'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])

"...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*)

"...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*)

The Department of Justice offers the following pertaining to undue burden and fundamentally altering anything, 42 U.S.C. § 12182(b)(2)(A)(ii) and 42 U.S.C. § 12182(b)(2)(A)(iii);

1. "The decision that an action would result in an undue burden must be made by a high level official, no lower than a Department head, having budgetary authority and responsibility for making spending decisions, after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in an undue burden, a public entity must take any other action that would not result in an undue burden but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity."
2. "There are some situations where it simply is not possible to integrate people with disabilities without fundamentally altering the nature of a program, service, or activity. For example, moving a beach volleyball program into a gymnasium, so a player who uses a wheelchair can participate on a flat surface without sand, would "fundamentally alter" the nature of the game. The ADA does not require changes of this nature."

Non ADA cases:

1. *Trump v. Anderson*, No. 23-719, 601 U.S. (2024) 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; "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"

2. [Arbitrary and capricious] candidate requirements are not in line with founding, quintessential principles of America, historical tradition, or the rights enshrined by the U.S. Constitution; New York State Rifle & Pistol Association, Inc. v. Bruen, 597 U.S. 1 establishes that "historical tradition" is a means in which law can be determined; and,
3. [heavy] burdens on minor parties seeking to be placed on the ballot for presidential electors violates the Equal protection clause, Williams v. Rhodes, 393 U.S. 23 (1968); and,
4. Fees imposed by the State violate my equal protection rights (Harper v. Virginia State Board of Elections, 383 U.S. 663 [1966]), due process, and the 24th amendment to the U.S. Constitution

United States Constitution, Art. I § 4, cl. 1 Pertains to Senator and Representatives, not the President of the United States of America; "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 chusing Senators."

-Mathew Tyler

(1) <https://www.ada.gov/resources/title-ii-primer/>

[Quoted text hidden]

Elections GV <elections@utah.gov>
To: Mathew Tyler <*****>

Mon, Apr 15, 2024 at 3:51 PM

Mathew,

Thank you for your patience as our office reviewed your request that was received via mail. Please see the attached letter in response.

Thank you,

Office of Lieutenant Governor

Deidre M. Henderson

Election Office

Phone - 801-538-1041

vote.utah.gov

[Quoted text hidden]

 **Mathew Tyler Letter.pdf**
841K

Mathew Tyler <*****>
To: Elections GV <elections@utah.gov>

Mon, Apr 15, 2024 at 5:24 PM

Upon further investigation, the 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 thievinly 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 intent of forethought, not an afterthought of our founding fathers; determined by it being an article rather than an amendment. Violating my due process and equal protection rights. In accordance with the "Supremacy Clause" to the US Constitution (Article 6, clause 2), the US Constitution is the supreme law of the land, superseding/preempting conflicting state laws, in this case inferior state requirements 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 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, and 18 U.S.C. § 242

In accordance with federal law, 28 C.F.R. § 35.164, what other actions/alternatives to my request for reasonable modifications is the state proposing to make to satisfy the state's obligation to operate in an inclusive manner; providing me, a qualified individual with disabilities with an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of the state?

What is the contact information of the designated employee? 28 C.F.R. § 35.107(a)

Where are the grievance procedures providing for prompt and equitable resolution of complaints published? 28 C.F.R. § 35.107(b)

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

Federal law, 28 C.F.R. § 35.107, can be viewed at, <https://www.law.cornell.edu/cfr/text/28/35.107>. Disability discrimination codified can be viewed at, <https://www.law.cornell.edu/uscode/text/42/12132>

Or should federal financial assistance be withheld or terminated pursuant to: 42 U.S.C. § 12132 -> 42 U.S.C. § 12133 -> 29 U.S.C. § 794 -> 29 U.S.C. § 794a(a)(2) -> 42 U.S.C. § 2000d -> 42 U.S.C. § 2000d-1(1)?

-Mathew Tyler

[Quoted text hidden]

Mathew Tyler <*****>
To: uag@agutah.gov

Mon, Apr 15, 2024 at 5:28 PM

Civil rights violations, disability discrimination perpetuated by Utah. Request for criminal prosecution and promulgation of federal policy and obligations of the state.

[Quoted text hidden]

Office of the Utah Attorney General <uag@agutah.gov>
Reply-To: Office of the Utah Attorney General <uag@agutah.gov>
To: Mathew Tyler <*****>

Wed, Apr 17, 2024 at 1:03 PM

STATE OF UTAH
OFFICE OF THE ATTORNEY GENERAL



SEAN D. REYES
ATTORNEY GENERAL

Thank you for contacting the Utah Attorney General's office. We are sorry to hear of the trouble you have experienced.

By law, our Office represents the State of Utah in cases involving the state's interest. The Attorney General's

office is prohibited from offering legal advice to private citizens or organizations and does not have the authority to investigate or prosecute your individual case. The Utah AG also does not direct or supervise state agencies. Questions or complaints about other state agencies should be directed to the specific agency.

For legal advice, please consult with an attorney of your choice. If you would like to contact the Utah State Bar for referrals of attorneys, please call them at (801) 531-9077 or visit them online at: <https://www.utahbar.org/>. If you can't afford legal representation, please visit the [Utah Legal Help](#) website (or call 801-297-7049) to see if you qualify for reduced or free legal services. You can also find more [free legal resource organizations here](#).

We trust this information will be helpful to you.

Sincerely,

Constituent Services
Utah Attorney General's Office
801-366-0260

Subscribe to Updates

Utah Attorney General Office Address
Utah State Capitol Complex
PO Box 142320
SLC UT 84114-2320

<https://attorneygeneral.utah.gov/>



For media inquiries click [here](#).
Contact us at 1-801-366-0260 or via email at uag@agutah.gov.

Mathew Tyler <*****>

Wed, Apr 17, 2024 at 1:58 PM

To: Office of the Utah Attorney General <uag@agutah.gov>

Utah Attorney General's Office,

What law(s) was the Utah Attorney General's Office referring to in its previous email? What law(s) prohibit the Utah Attorney General's Office from providing legal advice? "By law, our Office represents the State of Utah in cases involving the state's interest. The Attorney General's office is prohibited from

offering legal advice to private citizens or organizations and does not have the authority to investigate or prosecute your individual case."

When did I ask for legal advice? My previous letter to uag@agutah.gov indicated, "Request for criminal prosecution and promulgation of federal policy and obligations of the state;" as in I was requesting Utah Attorney General's Office to promulgate to the State of Utah's Lieutenant Governor's Office about the federal government's policies about discrimination, disability discrimination, unconstitutionality of Utah's laws, and the state's obligations under Section 504 and the ADA to provide reasonable modifications to me, a qualified individual with a disability, 28 C.F.R. § 35.164 which according to Utah AG Office's previous email, is exactly what Utah AG Office does, "...our Office represents the State of Utah in cases involving the state's interest..."

Honest services fraud? 18 U.S.C. § 1346 *"To uphold the constitutions of the United States and the State of Utah, to enforce the law, and to protect the interests of the State of Utah and its people, environment, and resources."*

Perpetuating the State of Utah defrauding (28 C.F.R. § 35.164; 28 C.F.R. § 35.105(a); 28 C.F.R. § 35.107) the United States? 18 U.S.C. § 286; 18 U.S.C. § 287; 18 U.S.C. § 1001(a)(1), (2); 18 U.S.C. § 371 via 42 U.S.C. § 12132 and 29 U.S.C. § 794 -> 42 U.S.C. § 12133 -> 29 U.S.C. § 794a(a)(2) -> 42 U.S.C. § 2000d -> 42 U.S.C. § 2000d-1(1)

"Efficiency, ethics, and transparency are key components to the foundation of good government. It is vital that citizens know what their public officials do. The Utah Attorney General's Office itself is committed to best practices of proper government and providing the best possible legal representation while carefully using public funds and being accountable to the people who vest the AGO with authority."

Disability discrimination? *"The AGO works hard through its task forces and with law enforcement partners to fight the illegal ... government corruption, and many other types of serious criminal activity. The office investigates and prosecutes these crimes to make the state safe for Utah families while protecting victims and empowering them to reclaim their lives."* 42 U.S.C. § 12132; 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; 29 U.S.C. § 794; 18 U.S.C. § 249(a)(2) (Disability discrimination is a hate crime).

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

Where are the grievance procedures providing for prompt and equitable resolution of complaints published for Utah AG's Office? 28 C.F.R. § 35.107(b)

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

Quotes via: *"Mission & Priorities - Utah Attorney General,"* <https://attorneygeneral.utah.gov/about/utah-attorney-generals-mission/>

-Mathew Tyler

[Quoted text hidden]