Response to Your Request

19 messages

LegalSupport <legalsupport@sos.ca.gov> Fri, Jul 26, 2024 at 10:42 AM
To: "**********" <**********>

Mr. Tyler,

We are in receipt of your January and July 2024 requests for reasonable accommodations and/or modifications for ballot access as an independent presidential candidate and to the signature requirements related to having a measure placed on the ballot, among other things. Both of your requests were forwarded to our Elections Division and legal staff for review.

The Secretary of State's office has no legal authority to unilaterally waive or otherwise set aside signature requirements related to the independent presidential candidacy process or for the ballot measure process.

You may be interested in the write-in candidacy process for presidential candidates. The write-in candidacy process does not require nominations signatures: https://elections.cdn.sos.ca.gov/statewide-elections/2024-general/president-elector-write-in.pdf.

Legal Affairs Office

California Secretary of State

T: 916-695-1242

E: legalsupport@sos.ca.gov

SHIRLEY N. WEBER, Ph.D.
CALIFORNIA SECRETARY OF STATE

WWW.SOS.CA.GOV 

Mathew Tyler <**********> Fri, Jul 26, 2024 at 10:20 PM
To: LegalSupport <legalsupport@sos.ca.gov>
Cc: contact.center@calcivilrights.ca.gov, accommodations@calcivilrights.ca.gov

Dr. Weber,

I am not interested in being a "write-in," I am interested in being allowed to participate in an election that my taxes help fund.

In addition to the my requests which California Secretary of State is in receipt of, under what authority are these signature requirements even permitted? U.S. Const. art. I, § 4, cl. 1 does not include setting criteria; times, places, and manner, not qualifications or criteria.

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 certains 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 are being denied, 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. "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

Cal. Gov't Code § 11136-11139 prohibits State of California monies being used for disability discrimination.

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)

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,

Herschaft 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. *Herschaft 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

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
(2b) California law wise, Cal. Gov't Code § 11135
(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 <**********> Wed, Jul 31, 2024 at 8:30 AM
To: Mathew Tyler <**********>
Cc: LegalSupport <legalsupport@sos.ca.gov>, contact.center@calcivilrights.ca.gov, accommodations@calcivilrights.ca.gov

Dr. Weber,

As I hope you people are trying to include me rather than trying exclude me as required by federal and California anti-disability discriminations laws, I trust that you people have had sufficient time to confirm that I am correct:

1. that the State of California is acting unconstitutionally and as such unlawfully by attempting to impose eligibility criteria that conflicts with the US Constitution; and,
2. Even if the State of California has the ability to impose criteria, that my Section 504 / ADA Title I and Title II request for reasonable accommodations supersede the discriminatory criteria;
    1. required 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), (2)(A)(iii); 42 U.S.C. § 2000a(a), (d); 42 U.S.C. § 2000d; and,
    2. California Government Code § 11136-11139; and,
    3. prohibited from 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), (2)(A)(iii); and,
    4. required 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); and,
    5. Interfering with my ability to qualify and campaign as a candidate for elective office in any primary, special, or general election; 18 U.S.C. § 245(b)(1)(A); and,
    6. Interfering with my participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States; 18 U.S.C. § 245(b)(1)(B); and,
    7. Interfering with my participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; 18 U.S.C. § 245(b)(1)(E); and,
    8. 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
3. The State of California acting unconstitutionally and as such unlawfully, and/or being required by superseding federal law to make reasonable accommodations, there is no need for the California Secretary of State to "...unilaterally waive or otherwise set aside signature requirements..." as they are precluded pursuant to the US Constitution and superseding federal law, which is affirmed in the State of California with California's anti-discrimination laws such as the California Unruh Civil Rights Act.

I look forward to a timely confirmation that I will be included on the 2024 general election ballot.

-Mathew Tyler, US Presidential candidate (I), 2016-2084.
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CRD, Accommodations@CalCivilRights <Accommodations@calcivilrights.ca.gov> Wed, Jul 31, 2024 at 8:41 AM
To: Mathew Tyler <**********>

You have reached the ADA coordinator for the Civil Rights Department. I am not Dr. Webber. Please remove this e-mail address from your distribution list. Thank you for your anticipated cooperation.

From: Mathew Tyler <**********>
Sent: Wednesday, July 31, 2024 8:31 AM
To: Mathew Tyler <**********>
Cc: LegalSupport <legalsupport@sos.ca.gov>; Center, Contact@CalCivilRights <contact.center@

calcivilrights.ca.gov>; CRD, Accommodations@CalCivilRights <accommodations@calcivilrights.ca.gov>
Subject: Re: Response to Your Request

[Quoted text hidden]

Mathew Tyler <**********> Wed, Jul 31, 2024 at 9:05 AM
To: "CRD, Accommodations@CalCivilRights" <Accommodations@calcivilrights.ca.gov>
Cc: Mathew Tyler <**********>, legalsupport@sos.ca.gov, contact.center@calcivilrights.ca.gov

ADA coordinator for the Civil Rights Department,

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

Thank you for stating the obvious, I am aware that you are not Dr. Weber.

Accommodations@calcivilrights.ca.gov and contact.center@calcivilrights.ca.gov are being cc'd as this matter deals with all disabled people's rights, which according to calcivilrights.ca.gov, is your job. Per calcivilrights.ca.gov, "I may not look like you, but we all deserve fair treatment." and "Keep California fair for everyone."

If you do not want to do your job, state funding will have to be curtailed for your job as required by Cal. Gov't Code § 11135-11139.

Accommodations@calcivilrights.ca.gov, contact.center@calcivilrights.ca.gov, and any other email addresses I deem appropriate will be included as I am working to establish a papertrail of your people's discriminatory treatment.

Have a nice day,

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

[Quoted text hidden]

Mathew Tyler <**********> Fri, Aug 2, 2024 at 10:55 AM
To: info@dralegal.org, asoltani@aclunc.org, eYoung@aclunc.org, aromero@aclu.org

---------- Forwarded message ---------
From: **Mathew Tyler** <**********>
Date: Wed, Jul 31, 2024 at 8:30 AM
Subject: Re: Response to Your Request
To: Mathew Tyler <**********>
[Quoted text hidden]
[Quoted text hidden]

Mathew Tyler <**********> Fri, Aug 2, 2024 at 10:59 AM
To: pschindler@aclunc.org

---------- Forwarded message ---------
From: **Mathew Tyler** <**********>
Date: Wed, Jul 31, 2024 at 8:30 AM
Subject: Re: Response to Your Request
To: Mathew Tyler <**********>
Cc: LegalSupport <legalsupport@sos.ca.gov>, <contact.center@calcivilrights.ca.gov>, <accommodations@calcivilrights.ca.gov>

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Mathew Tyler <**********> Fri, Aug 2, 2024 at 11:03 AM
To: dvance@commoncause.org

---------- Forwarded message ---------
From: **Mathew Tyler** <**********>
Date: Wed, Jul 31, 2024 at 8:30 AM
Subject: Re: Response to Your Request
To: Mathew Tyler <**********>
Cc: LegalSupport <legalsupport@sos.ca.gov>, <contact.center@calcivilrights.ca.gov>, <accommodations@calcivilrights.ca.gov>

[Quoted text hidden]

Mathew Tyler <**********> Fri, Aug 2, 2024 at 11:13 AM
To: digitaljustice@lawyerscommittee.org, president@mtholyoke.edu

---------- Forwarded message ---------
From: **Mathew Tyler** <**********>
Date: Wed, Jul 31, 2024 at 8:30 AM
Subject: Re: Response to Your Request
To: Mathew Tyler <**********>
Cc: LegalSupport <legalsupport@sos.ca.gov>, <contact.center@calcivilrights.ca.gov>, <accommodations@calcivilrights.ca.gov>

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President's Office <president+noreply@mtholyoke.edu> Fri, Aug 2, 2024 at 11:14 AM
To: **********

Thank you for writing to the President's Office. President Holley and her staff appreciate your engagement.

Mathew Tyler <**********> Fri, Aug 2, 2024 at 11:16 AM
To: kscally@commoncause.org

---------- Forwarded message ---------
From: **Mathew Tyler** <**********>
Date: Wed, Jul 31, 2024 at 8:30 AM
Subject: Re: Response to Your Request
To: Mathew Tyler <**********>

Cc: LegalSupport <legalsupport@sos.ca.gov>, <contact.center@calcivilrights.ca.gov>, <accommodations@calcivilrights.ca.gov>

[Quoted text hidden]

Mathew Tyler <**********> Fri, Aug 2, 2024 at 3:03 PM
To: legalsupport@sos.ca.gov
Cc: contact.center@calcivilrights.ca.gov, accommodations@calcivilrights.ca.gov, ismail.ramsey@usdoj.gov, pamela.johann@usdoj.gov

Dr. Weber,

Any state or federally imposed Presidential criteria is in conflict with Article II, section 1, clause 5 of the US Constitution; which in accordance with Article VI, section 2 of the US Constitution (the "supremacy clause") is superseded by the supreme law of the land, the US Constitution thereby precluded.

Perhaps you haven't considered how this has gone from a simple, private mandatory inclusion request for accommodations, to a perpetual public awareness campaign to destroy these unlawful acts, and I am not stopping there 😉😂. Perhaps you people should realize when you're beaten whilst there's still some of country left to save?

I look forward to a timely confirmation that I will be included on the 2024 general election ballot.

-Mathew Tyler, US Presidential candidate (I), 2016-2084. ♏
[Quoted text hidden]

Mathew Tyler <**********> Sat, Aug 3, 2024 at 7:40 AM
To: kgottesman@chicoer.com

---------- Forwarded message ---------
From: **Mathew Tyler** <**********>
Date: Wed, Jul 31, 2024 at 8:30 AM
Subject: Re: Response to Your Request
To: Mathew Tyler <**********>
Cc: LegalSupport <legalsupport@sos.ca.gov>, <contact.center@calcivilrights.ca.gov>, <accommodations@calcivilrights.ca.gov>

[Quoted text hidden]

Mathew Tyler <**********> Sat, Aug 3, 2024 at 7:53 AM
To: ayin@chicagotribune.com

---------- Forwarded message ---------
From: **Mathew Tyler** <**********>
Date: Wed, Jul 31, 2024 at 8:30 AM
Subject: Re: Response to Your Request
To: Mathew Tyler <**********>
Cc: LegalSupport <legalsupport@sos.ca.gov>, <contact.center@calcivilrights.ca.gov>, <accommodations@calcivilrights.ca.gov>

[Quoted text hidden]

CRD Contact Center (Comm Center) <contact.center@dfeh.zendesk.com> Mon, Aug 5, 2024 at 8:51 AM
Reply-To: Comm Center <contact.center+id149096@dfeh.zendesk.com>

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

##- Please type your reply above this line -##

Thank you for contacting the Civil Rights Department (CRD).

http://support.dfeh.ca.gov/hc/requests/149096

CRD Contact Center (CRD IT Support)
Aug 5, 2024, 8:51 AM PDT

Thank you for contacting the Civil Rights Department (CRD), **********.

Your email appears to have been sent to multiple recipients. Please do not copy the CRD Contact Center on any correspondence that is not directed specifically to us. We cannot assist you in corresponding with other parties and will not retain these emails for future reference.

If you have filed a complaint and would like these emails to be retained for future reference, please take care to include your CRD Case number in order for us to better assist you.

CRD Contact Center

Mathew Tyler
Aug 2, 2024, 3:04 PM PDT

[EXTERNAL] This email originated from outside CRD. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dr. Weber,

Any state or federally imposed Presidential criteria is in conflict with Article II, section 1, clause 5 of the US Constitution; which in accordance with Article VI, section 2 of the US Constitution (the "supremacy clause") is superseded by the supreme law of the land, the US Constitution thereby precluded.

Perhaps you haven't considered how this has gone from a simple, private mandatory inclusion request for accommodations, to a perpetual public awareness campaign to destroy these unlawful acts, and I am not stopping there 😉😂. Perhaps you people should realize when you're beaten whilst there's still some of country left to save?

I look forward to a timely confirmation that I will be included on the 2024 general election ballot.

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

On Wed, Jul 31, 2024 at 8:30 AM Mathew Tyler <**********> wrote:

> Dr. Weber,
>
> As I hope you people are trying to include me rather than trying exclude me as required by federal and California anti-disability discriminations laws, I trust that you people have had sufficient time to confirm that I am correct:
>
> 1. that the State of California is acting unconstitutionally and as such unlawfully by attempting to impose eligibility criteria that conflicts with the US Constitution; and,
> 2. Even if the State of California has the ability to impose criteria, that my Section 504 / ADA Title I and Title II request for reasonable accommodations supersede the discriminatory criteria;
>   1. required 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), (2)(A)(iii); 42 U.S.C. § 2000a(a), (d); 42 U.S.C. § 2000d; and,
>   2. California Government Code § 11136-11139; and,
>   3. prohibited from 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), (2)(A)(iii); and,
>   4. required 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); and,
>   5. Interfering with my ability to qualify and campaign as a candidate for elective office in any primary, special, or general election; 18 U.S.C. § 245(b)(1)(A); and,
>   6. Interfering with my participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States; 18 U.S.C. § 245(b)(1)(B); and,
>   7. Interfering with my participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; 18 U.S.C. § 245(b)(1)(E); and,
>   8. 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
> 3. The State of California acting unconstitutionally and as such unlawfully, and/or being required by superseding federal law to make reasonable accommodations, there is no need for the California Secretary of State to "...unilaterally waive or otherwise set aside signature requirements..." as they are precluded pursuant to the US Constitution and superseding federal law, which is affirmed in the State of California with California's anti-discrimination laws such as the California Unruh Civil Rights Act.
>
> I look forward to a timely confirmation that I will be included on the 2024 general election ballot.
>
> -Mathew Tyler, US Presidential candidate (I), 2016-2084.

On Fri, Jul 26, 2024 at 10:20 PM Mathew Tyler <**********> wrote:

> Dr. Weber,
>
> I am not interested in being a "write-in," I am interested in being allowed to participate in an election that my taxes help fund.
>
> In addition to the my requests which California Secretary of State is in receipt of, under what authority are these signature requirements even permitted? U.S. Const. art. I, § 4, cl. 1 does not include setting criteria; times, places, and manner, not qualifications or criteria.
>
> 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 certains 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 are being denied, 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. "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

Cal. Gov't Code § 11136-11139 prohibits State of California monies being used for disability discrimination.

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)

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,

Herschaft 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. *Herschaft 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

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 ArticleII, 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 subordinatestate 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 subordinatestate 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 Article1, 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 withArticleII, 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
(2b) California law wise, Cal. Gov't Code § 11135
(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.

On Fri, Jul 26, 2024 at 10:42 AM LegalSupport <legalsupport@sos.ca.gov> wrote:

> Mr. Tyler,
>
> We are in receipt of your January and July 2024 requests for reasonable accommodations and/or modifications for ballot access as an independent presidential candidate and to the signature requirements related to having a measure placed on the ballot, among other things. Both of your requests were forwarded to our Elections Division and legal staff for review.
>
> The Secretary of State's office has no legal authority to unilaterally waive or otherwise set aside signature requirements related to the independent presidential candidacy process or for the ballot measure process.
>
> You may be interested in the write-in candidacy process for presidential candidates. The write-in candidacy process does not require nominations signatures: https://elections.cdn.sos.ca.gov/statewide-elections/2024-general/president-elector-write-in.pdf.
>
> Legal Affairs Office
>
> California Secretary of State
>
> T: 916-695-1242
>
> E: legalsupport@sos.ca.gov

SHIRLEY N. WEBER, Ph.D.
CALIFORNIA SECRETARY OF STATE

WWW.SOS.CA.GOV    

Mathew Tyler
Jul 31, 2024, 9:06 AM PDT

ADA coordinator for the Civil Rights Department,

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

Thank you for stating the obvious, I am aware that you are not Dr. Weber.

Accommodations@calcivilrights.ca.gov and contact.center@calcivilrights.ca.gov are being cc'd as this matter deals with all disabled people's rights, which according to calcivilrights.ca.gov, is your job. Per calcivilrights.ca.gov, "I may not look like you, but we all deserve fair treatment." and "Keep California fair for everyone."

If you do not want to do your job, state funding will have to be curtailed for your job as required by Cal. Gov't Code § 11135-11139.

Accommodations@calcivilrights.ca.gov, contact.center@calcivilrights.ca.gov, and any other email addresses I deem appropriate will be included as I am working to establish a papertrail of your people's discriminatory treatment.

Have a nice day,

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

On Wed, Jul 31, 2024 at 8:41 AM CRD, Accommodations@CalCivilRights <Accommodations@calcivilrights.ca.gov> wrote:

> You have reached the ADA coordinator for the Civil Rights Department. I am not Dr. Webber. Please remove this e-mail address from your distribution list. Thank you for your anticipated cooperation.

From: Mathew Tyler <**********>
Sent: Wednesday, July 31, 2024 8:31 AM
To: Mathew Tyler <**********>
Cc: LegalSupport <legalsupport@sos.ca.gov>; Center, Contact@CalCivilRights <contact.center@calcivilrights.ca.gov>; CRD, Accommodations@CalCivilRights <accommodations@calcivilrights.ca.gov>
Subject: Re: Response to Your Request

Dr. Weber,

As I hope you people are trying to include me rather than trying exclude me as required by federal and California anti-disability discriminations laws, I trust that you people have had sufficient time to confirm that I am correct:

1. that the State of California is acting unconstitutionally and as such unlawfully by attempting to impose eligibility criteria that conflicts with the US Constitution; and,
2. Even if the State of California has the ability to impose criteria, that my Section 504 / ADA Title I and Title II request for reasonable accommodations supersede the discriminatory criteria;

    1. required 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), (2)(A)(iii); 42 U.S.C. § 2000a(a), (d); 42 U.S.C. § 2000d; and,
    2. California Government Code § 11136-11139; and,
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    8. 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

3. The State of California acting unconstitutionally and as such unlawfully, and/or being required by superseding federal law to make reasonable accommodations, there is no need for the California Secretary of State to "...unilaterally waive or otherwise set aside signature requirements..." as they are precluded pursuant to the US Constitution and superseding federal law, which is affirmed in the State of California with California's anti-discrimination laws such as the California Unruh Civil Rights Act.

I look forward to a timely confirmation that I will be included on the 2024 general election ballot.

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

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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

Cal. Gov't Code § 11136-11139 prohibits State of California monies being used for disability discrimination.

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)

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,

Herschaft 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. *Herschaft 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

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

(2b) California law wise, Cal. Gov't Code § 11135

(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.

On Fri, Jul 26, 2024 at 10:42 AM LegalSupport <legalsupport@sos.ca.gov> wrote:

> Mr. Tyler,
>
> We are in receipt of your January and July 2024 requests for reasonable accommodations and/or modifications for ballot access as an independent presidential candidate and to the signature requirements related to having a measure placed on the ballot, among other things. Both of your requests were forwarded to our Elections Division and legal staff for review.
>
> The Secretary of State’s office has no legal authority to unilaterally waive or otherwise set aside signature requirements related to the independent presidential candidacy process or for the ballot measure process.
>
> You may be interested in the write-in candidacy process for presidential candidates. The write-in candidacy process does not require nominations signatures: https://elections.cdn.sos.ca.gov/statewide-elections/2024-general/president-elector-write-in.pdf.
>
> Legal Affairs Office
>
> California Secretary of State
>
> T: 916-695-1242
>
> E: legalsupport@sos.ca.gov
>
> 
> SHIRLEY N. WEBER, Ph.D.
> CALIFORNIA SECRETARY OF STATE
>
> WWW.SOS.CA.GOV 

Mathew Tyler

Jul 31, 2024, 8:31 AM PDT

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The world will know your names; the perpetuity of the Internet.

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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

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> "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)
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> "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)
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"...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)

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"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,

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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 ArticleII, 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 subordinatestate 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 subordinatestate 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 Article1, 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 withArticleII, 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
(2b) California law wise, Cal. Gov't Code § 11135
(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.

On Fri, Jul 26, 2024 at 10:42 AM LegalSupport <legalsupport@sos.ca.gov> wrote:

> Mr. Tyler,
>
> We are in receipt of your January and July 2024 requests for reasonable accommodations and/or modifications for ballot access as an independent presidential candidate and to the signature requirements related to having a measure placed on the ballot, among other things. Both of your requests were forwarded to our Elections Division and legal staff for review.
>
> The Secretary of State's office has no legal authority to unilaterally waive or otherwise set aside signature requirements related to the independent presidential candidacy process or for the ballot measure process.
>
> You may be interested in the write-in candidacy process for presidential candidates. The write-in candidacy process does not require nominations signatures: https://elections.cdn.sos.ca.gov/statewide-elections/2024-general/president-elector-write-in.pdf.
>
> Legal Affairs Office

California Secretary of State

T: 916-695-1242

E: legalsupport@sos.ca.gov

SHIRLEY N. WEBER, Ph.D.
CALIFORNIA SECRETARY OF STATE

WWW.SOS.CA.GOV

Mathew Tyler
Jul 26, 2024, 10:21 PM PDT

Dr. Weber,

I am not interested in being a "write-in," I am interested in being allowed to participate in an election that my taxes help fund.

In addition to the my requests which California Secretary of State is in receipt of, under what authority are these signature requirements even permitted? U.S. Const. art. I, § 4, cl. 1 does not include setting criteria; times, places, and manner, not qualifications or criteria.

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 certains 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 are being denied, 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. "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--
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`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 ArticleII, 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 subordinatestate 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 subordinatestate 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 Article1, 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 withArticleII, 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
(2b) California law wise, Cal. Gov't Code § 11135
(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.

On Fri, Jul 26, 2024 at 10:42 AM LegalSupport <legalsupport@sos.ca.gov> wrote:

> Mr. Tyler,
>
> We are in receipt of your January and July 2024 requests for reasonable accommodations and/or modifications for ballot access as an independent presidential candidate and to the signature requirements related to having a measure placed on the ballot, among other things. Both of your requests were forwarded to our Elections Division and legal staff for review.
>
> The Secretary of State's office has no legal authority to unilaterally waive or otherwise set aside signature requirements related to the independent presidential candidacy process or for the ballot measure process.
>
> You may be interested in the write-in candidacy process for presidential candidates. The write-in candidacy process does not require nominations signatures: https://elections.cdn.sos.ca.gov/statewide-elections/2024-general/president-elector-write-in.pdf.
>
> Legal Affairs Office
>
> California Secretary of State
>
> T: 916-695-1242
>
> E: legalsupport@sos.ca.gov
>
> SHIRLEY N. WEBER, Ph.D.
> CALIFORNIA SECRETARY OF STATE
>
> WWW.SOS.CA.GOV
>
>

Attachment(s)

scanned-0139.png

Your request has been solved. To reopen this request, reply to this email or click the link below:
https://support.dfeh.ca.gov/hc/requests/149096

Thank you,
CRD Contact Center

Mathew Tyler <**********> Mon, Aug 5, 2024 at 12:02 PM
To: Comm Center <contact.center+id149096@dfeh.zendesk.com>

Civil Rights Department,

The email was correctly directed to the Civil Rights Department (CRD). I was making a complaint with it to the Civil Rights Department.

I am also requesting an ADA reasonable accommodation from the Civil Rights Department for an exception to policies, practices, and procedures for filing a complaint to allow the submission of complaints from me, a qualified individual with a disability to make complaints via email as that is easier for me.

Thank you in advance for your cooperation and for the federally and California mandatory accommodations that you have no choice but to make 👍🏾

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

On Mon, Aug 5, 2024 at 8:52 AM CRD Contact Center (Comm Center) <contact.center@dfeh.zendesk.com> wrote:

##- Please type your reply above this line -##

Thank you for contacting the Civil Rights Department (CRD).

http://support.dfeh.ca.gov/hc/requests/149096

CRD Contact Center (CRD IT Support)
Aug 5, 2024, 8:51 AM PDT

Thank you for contacting the Civil Rights Department (CRD), **********.

Your email appears to have been sent to multiple recipients. Please do not copy the CRD Contact Center on any correspondence that is not directed specifically to us. We cannot assist you in corresponding with other parties and will not retain these emails for future reference.

If you have filed a complaint and would like these emails to be retained for future reference, please take care to include your CRD Case number in order for us to better assist you.

CRD Contact Center

Mathew Tyler

Aug 2, 2024, 3:04 PM PDT

[EXTERNAL] This email originated from outside CRD. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dr. Weber,

Any state or federally imposed Presidential criteria is in conflict with Article II, section 1, clause 5 of the US Constitution; which in accordance with Article VI, section 2 of the US Constitution (the "supremacy clause") is superseded by the supreme law of the land, the US Constitution thereby precluded.

Perhaps you haven't considered how this has gone from a simple, private mandatory inclusion request for accommodations, to a perpetual public awareness campaign to destroy these unlawful acts, and I am not stopping there 😉😂. Perhaps you people should realize when you're beaten whilst there's still some of country left to save?

I look forward to a timely confirmation that I will be included on the 2024 general election ballot.

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

On Wed, Jul 31, 2024 at 8:30 AM Mathew Tyler <**********> wrote:

> Dr. Weber,
>
> As I hope you people are trying to include me rather than trying exclude me as required by federal and California anti-disability discriminations laws, I trust that you people have had sufficient time to confirm that I am correct:
>
> 1. that the State of California is acting unconstitutionally and as such unlawfully by attempting to impose eligibility criteria that conflicts with the US Constitution; and,
> 2. Even if the State of California has the ability to impose criteria, that my Section 504 / ADA Title I and Title II request for reasonable accommodations supersede the discriminatory criteria;
>   1. required 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), (2)(A)(iii); 42 U.S.C. § 2000a(a), (d); 42 U.S.C. § 2000d; and,
>   2. California Government Code § 11136-11139; and,
>   3. prohibited from 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), (2)(A)(iii); and,
>   4. required 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); and,

5. Interfering with my ability to qualify and campaign as a candidate for elective office in any primary, special, or general election; 18 U.S.C. § 245(b)(1)(A); and,
6. Interfering with my participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States; 18 U.S.C. § 245(b)(1)(B); and,
7. Interfering with my participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; 18 U.S.C. § 245(b)(1)(E); and,
8. 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

3. The State of California acting unconstitutionally and as such unlawfully, and/or being required by superseding federal law to make reasonable accommodations, there is no need for the California Secretary of State to "...unilaterally waive or otherwise set aside signature requirements..." as they are precluded pursuant to the US Constitution and superseding federal law, which is affirmed in the State of California with California's anti-discrimination laws such as the California Unruh Civil Rights Act.

I look forward to a timely confirmation that I will be included on the 2024 general election ballot.

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

On Fri, Jul 26, 2024 at 10:20 PM Mathew Tyler <**********> wrote:

> Dr. Weber,
>
> I am not interested in being a "write-in," I am interested in being allowed to participate in an election that my taxes help fund.
>
> In addition to the my requests which California Secretary of State is in receipt of, under what authority are these signature requirements even permitted? U.S. Const. art. I, § 4, cl. 1 does not include setting criteria; times, places, and manner, not qualifications or criteria.
>
> 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 certains 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 are being denied, 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. "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

Cal. Gov't Code § 11136-11139 prohibits State of California monies being used for disability discrimination.

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)

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,

Herschaft 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. *Herschaft 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

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 ArticleII, 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 subordinatestate 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 subordinatestate 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 Article1, 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 withArticleII, 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
(2b) California law wise, Cal. Gov't Code § 11135
(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.

On Fri, Jul 26, 2024 at 10:42 AM LegalSupport <legalsupport@sos.ca.gov> wrote:

Mr. Tyler,

We are in receipt of your January and July 2024 requests for reasonable accommodations and/or modifications for ballot access as an independent presidential candidate and to the signature requirements related to having a measure placed on the ballot, among other things. Both of your requests were forwarded to our Elections Division and legal staff for review.

The Secretary of State's office has no legal authority to unilaterally waive or otherwise set aside signature requirements related to the independent presidential candidacy process or for the ballot measure process.

You may be interested in the write-in candidacy process for presidential candidates. The write-in candidacy process does not require nominations signatures: https://elections.cdn.sos.ca.gov/statewide-elections/2024-general/president-elector-write-in.pdf.

Legal Affairs Office

California Secretary of State

T: 916-695-1242

E: legalsupport@sos.ca.gov

California Secretary of State Logo

Facebook Link Instagram Link Twitter Link

Youtube Link

Mathew Tyler

Jul 31, 2024, 9:06 AM PDT

ADA coordinator for the Civil Rights Department,

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

Thank you for stating the obvious, I am aware that you are not Dr. Weber.

Accommodations@calcivilrights.ca.gov and contact.center@calcivilrights.ca.gov are being cc'd as this matter deals with all disabled people's rights, which according to calcivilrights.ca.gov, is your job. Per calcivilrights.ca.gov, "I may not look like you, but we all deserve fair treatment." and "Keep California fair for everyone."

If you do not want to do your job, state funding will have to be curtailed for your job as required by Cal. Gov't Code § 11135-11139.

Accommodations@calcivilrights.ca.gov, contact.center@calcivilrights.ca.gov, and any other email addresses I deem appropriate will be included as I am working to establish a papertrail of your people's discriminatory treatment.

Have a nice day,

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

On Wed, Jul 31, 2024 at 8:41 AM CRD, Accommodations@CalCivilRights <Accommodations@calcivilrights.ca.gov> wrote:

> You have reached the ADA coordinator for the Civil Rights Department. I am not Dr. Webber. Please remove this e-mail address from your distribution list. Thank you for your anticipated cooperation.
>
> ---
>
> **From:** Mathew Tyler <**********>
> **Sent:** Wednesday, July 31, 2024 8:31 AM
> **To:** Mathew Tyler <**********>
> **Cc:** LegalSupport <legalsupport@sos.ca.gov>; Center, Contact@CalCivilRights <contact.center@calcivilrights.ca.gov>; CRD, Accommodations@CalCivilRights <accommodations@calcivilrights.ca.gov>
> **Subject:** Re: Response to Your Request
>
> > You don't often get email from **********. Learn why this is important
>
>
>
> Dr. Weber,

As I hope you people are trying to include me rather than trying exclude me as required by federal and California anti-disability discriminations laws, I trust that you people have had sufficient time to confirm that I am correct:

1. that the State of California is acting unconstitutionally and as such unlawfully by attempting to impose eligibility criteria that conflicts with the US Constitution; and,
2. Even if the State of California has the ability to impose criteria, that my Section 504 / ADA Title I and Title II request for reasonable accommodations supersede the discriminatory criteria;

    1. required 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), (2)(A)(iii); 42 U.S.C. § 2000a(a), (d); 42 U.S.C. § 2000d; and,
    2. California Government Code § 11136-11139; and,
    3. prohibited from 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), (2)(A)(iii); and,
    4. required 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); and,
    5. Interfering with my ability to qualify and campaign as a candidate for elective office in any primary, special, or general election; 18 U.S.C. § 245(b)(1)(A); and,
    6. Interfering with my participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States; 18 U.S.C. § 245(b)(1)(B); and,
    7. Interfering with my participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; 18 U.S.C. § 245(b)(1)(E); and,
    8. 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

3. The State of California acting unconstitutionally and as such unlawfully, and/or being required by superseding federal law to make reasonable accommodations, there is no need for the California Secretary of State to "...unilaterally waive or otherwise set aside signature requirements..." as they are precluded pursuant to the US Constitution and superseding federal law, which is affirmed in the State of California with California's anti-discrimination laws such as the California Unruh Civil Rights Act.

I look forward to a timely confirmation that I will be included on the 2024 general election ballot.

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

On Fri, Jul 26, 2024 at 10:20 PM Mathew Tyler <**********> wrote:

> Dr. Weber,
>
> I am not interested in being a "write-in," I am interested in being allowed to participate in an election that my taxes help fund.
>
> In addition to the my requests which California Secretary of State is in receipt of, under what authority are these signature requirements even permitted? U.S. Const. art. I, § 4, cl. 1 does not include setting criteria; times, places, and manner, not qualifications or criteria.
>
> 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 certains 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 are being denied, 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. "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

Cal. Gov't Code § 11136-11139 prohibits State of California monies being used for disability discrimination.

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)

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,

Herschaft 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. *Herschaft 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

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)

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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.

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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. ♏

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On Fri, Jul 26, 2024 at 10:42 AM LegalSupport <legalsupport@sos.ca.gov> wrote:

Mr. Tyler,

We are in receipt of your January and July 2024 requests for reasonable accommodations and/or modifications for ballot access as an independent presidential candidate and to the signature requirements related to having a measure placed on the ballot, among other things. Both of your requests were forwarded to our Elections Division and legal staff for review.

The Secretary of State's office has no legal authority to unilaterally waive or otherwise set aside signature requirements related to the independent presidential candidacy process or for the ballot measure process.

You may be interested in the write-in candidacy process for presidential candidates. The write-in candidacy process does not require nominations signatures: https://elections.cdn.sos.ca.gov/statewide-elections/2024-general/president-elector-write-in.pdf.

Legal Affairs Office

California Secretary of State

T: 916-695-1242

E: legalsupport@sos.ca.gov

California Secretary of State Logo

Facebook Link Instagram Link Twitter Link

Youtube Link

Mathew Tyler

Jul 31, 2024, 8:31 AM PDT

Dr. Weber,

As I hope you people are trying to include me rather than trying exclude me as required by federal and California anti-disability discriminations laws, I trust that you people have had sufficient time to confirm that I am correct:

1. that the State of California is acting unconstitutionally and as such unlawfully by attempting to impose eligibility criteria that conflicts with the US Constitution; and,

2. Even if the State of California has the ability to impose criteria, that my Section 504 / ADA Title I and Title II request for reasonable accommodations supersede the discriminatory criteria;
    1. required 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), (2)(A)(iii); 42 U.S.C. § 2000a(a), (d); 42 U.S.C. § 2000d; and,
    2. California Government Code § 11136-11139; and,
    3. prohibited from 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), (2)(A)(iii); and,
    4. required 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); and,
    5. Interfering with my ability to qualify and campaign as a candidate for elective office in any primary, special, or general election; 18 U.S.C. § 245(b)(1)(A); and,
    6. Interfering with my participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States; 18 U.S.C. § 245(b)(1)(B); and,
    7. Interfering with my participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; 18 U.S.C. § 245(b)(1)(E); and,
    8. 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
3. The State of California acting unconstitutionally and as such unlawfully, and/or being required by superseding federal law to make reasonable accommodations, there is no need for the California Secretary of State to "...unilaterally waive or otherwise set aside signature requirements..." as they are precluded pursuant to the US Constitution and superseding federal law, which is affirmed in the State of California with California's anti-discrimination laws such as the California Unruh Civil Rights Act.

I look forward to a timely confirmation that I will be included on the 2024 general election ballot.

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

On Fri, Jul 26, 2024 at 10:20 PM Mathew Tyler <**********> wrote:

> Dr. Weber,
>
> I am not interested in being a "write-in," I am interested in being allowed to participate in an election that my taxes help fund.
>
> In addition to the my requests which California Secretary of State is in receipt of, under what authority are these signature requirements even permitted? U.S. Const. art. I, § 4, cl. 1 does not include setting criteria; times, places, and manner, not qualifications or criteria.
>
> 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 certains 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 are being denied, 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. "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

Cal. Gov't Code § 11136-11139 prohibits State of California monies being used for disability discrimination.

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)

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,

Herschaft 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. *Herschaft 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

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 ArticleII, 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.

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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 subordinatestate 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 subordinatestate 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 Article1, 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 withArticleII, 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? 🤔

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> The Secretary of State's office has no legal authority to unilaterally waive or otherwise set aside signature requirements related to the independent presidential candidacy process or for the ballot measure process.
>
> You may be interested in the write-in candidacy process for presidential candidates. The write-in candidacy process does not require nominations signatures: https://elections.cdn.sos.ca.gov/statewide-elections/2024-general/president-elector-write-in.pdf.
>
> Legal Affairs Office
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> California Secretary of State Logo
>
> Facebook Link Instagram Link Twitter Link Youtube Link
>
>

Mathew Tyler
Jul 26, 2024, 10:21 PM PDT

Dr. Weber,

I am not interested in being a "write-in," I am interested in being allowed to participate in an election that my taxes help fund.

In addition to the my requests which California Secretary of State is in receipt of, under what authority are these signature requirements even permitted? U.S. Const. art. I, § 4, cl. 1 does not include setting criteria; times, places, and manner, not qualifications or criteria.

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 certains 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 are being denied, 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. "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

Cal. Gov't Code § 11136-11139 prohibits State of California monies being used for disability discrimination.

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)

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,

Herschaft 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. *Herschaft 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

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 ArticleII, 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 subordinatestate 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 subordinatestate 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 Article1, 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 withArticleII, 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
(2b) California law wise, Cal. Gov't Code § 11135
(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.

On Fri, Jul 26, 2024 at 10:42 AM LegalSupport <legalsupport@sos.ca.gov> wrote:

> Mr. Tyler,
>
> We are in receipt of your January and July 2024 requests for reasonable accommodations and/or modifications for ballot access as an independent presidential candidate and to the signature requirements related to having a measure placed on the ballot, among other things. Both of your requests were forwarded to our Elections Division and legal staff for review.

The Secretary of State's office has no legal authority to unilaterally waive or otherwise set aside signature requirements related to the independent presidential candidacy process or for the ballot measure process.

You may be interested in the write-in candidacy process for presidential candidates. The write-in candidacy process does not require nominations signatures: https://elections.cdn.sos.ca.gov/statewide-elections/2024-general/president-elector-write-in.pdf.

Legal Affairs Office

California Secretary of State

T: 916-695-1242

E: legalsupport@sos.ca.gov

California Secretary of State Logo

Facebook Link Instagram Link Twitter Link

Youtube Link

Attachment(s)

scanned-0139.png

Your request has been solved. To reopen this request, reply to this email or click the link below: https://support.dfeh.ca.gov/hc/requests/149096

Thank you,
CRD Contact Center

Mathew Tyler <**********> Mon, Aug 5, 2024 at 12:36 PM
To: Mathew Tyler <**********>

Cc: LegalSupport <legalsupport@sos.ca.gov>, contact.center@calcivilrights.ca.gov, accommodations@calcivilrights.ca.gov

Dr. Webb,

I still haven't heard back from you or any of your people since you contacted me on July 26th, 2024. Please advise.

I realize that you are trying to violate the US Constitution, federal laws, and State of California laws simply so I won't be able to beat your biased US Presidential candidate, however, that's not how the law works. I must be included in the 2024 general election or in accordance with your people's laws (I didn't write them), the election cannot continue or at least will have to be redone from your evident public corruption and breach of public trust.

"*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)

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

[Quoted text hidden]

Mathew Tyler <**********> Mon, Aug 5, 2024 at 12:41 PM
To: Mathew Tyler <**********>
Cc: LegalSupport <legalsupport@sos.ca.gov>, contact.center@calcivilrights.ca.gov, accommodations@calcivilrights.ca.gov

What's more, in an effort to save us time from your people's incompetence, I will infer that your people's internet history will likely indicate that rather than trying to include me as required by federal and State of California law, you people are searching for ways to exclude me. Honest services fraud (18 U.S.C. § 1346)? 42 U.S.C. § 1986

* Internet history stored with your ISP, that can be subpoenaed, not the browsing history that's clearable on the device itself 😉😂.

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

[Quoted text hidden]

CRD Contact Center (Comm Center) <contact.center@dfeh.zendesk.com> Wed, Aug 7, 2024 at 10:05 AM
Reply-To: Comm Center <contact.center+id149096@dfeh.zendesk.com>
To: Mathew Tyler <**********>

##- Please type your reply above this line -##

Thank you for contacting the Civil Rights Department (CRD).

http://support.dfeh.ca.gov/hc/requests/149096

CRD Contact Center (CRD IT Support)

Aug 7, 2024, 10:05 AM PDT

Thank you for contacting the Civil Rights Department (CRD), **********.

It appears that you have successfully submitted a complaint to the department regarding matters related to the issues described in this email.
If you require accommodations to interact with CRD staff regarding your complaint (**Case 202407-25437615 Tyler/Secretary of State**), please send your request to accommodations@calcivilrights.ca.gov and address the departments ADA Coordinator. Be sure to include your CRD case number in your email transmittals in order for us to best assist you.

CRD Contact Center

Mathew Tyler

Aug 5, 2024, 12:42 PM PDT

[EXTERNAL] This email originated from outside CRD. Do not click links or open attachments unless you recognize the sender and know the content is safe.

What's more, in an effort to save us time from your people's incompetence, I will infer that your people's internet history will likely indicate that rather than trying to include me as required by federal and State of California law, you people are searching for ways to exclude me. Honest services fraud (18 U.S.C. § 1346)? 42 U.S.C. § 1986

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> "*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)
>
> -Mathew Tyler, US Presidential candidate (I), 2016-2084. ♏
>
> On Wed, Jul 31, 2024 at 8:30 AM Mathew Tyler <**********> wrote:
>
> > Dr. Weber,

As I hope you people are trying to include me rather than trying exclude me as required by federal and California anti-disability discriminations laws, I trust that you people have had sufficient time to confirm that I am correct:

1. that the State of California is acting unconstitutionally and as such unlawfully by attempting to impose eligibility criteria that conflicts with the US Constitution; and,
2. Even if the State of California has the ability to impose criteria, that my Section 504 / ADA Title I and Title II request for reasonable accommodations supersede the discriminatory criteria;
    1. required 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), (2)(A)(iii); 42 U.S.C. § 2000a(a), (d); 42 U.S.C. § 2000d; and,
    2. California Government Code § 11136-11139; and,
    3. prohibited from 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), (2)(A)(iii); and,
    4. required 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); and,
    5. Interfering with my ability to qualify and campaign as a candidate for elective office in any primary, special, or general election; 18 U.S.C. § 245(b)(1)(A); and,
    6. Interfering with my participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States; 18 U.S.C. § 245(b)(1)(B); and,
    7. Interfering with my participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; 18 U.S.C. § 245(b)(1)(E); and,
    8. 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
3. The State of California acting unconstitutionally and as such unlawfully, and/or being required by superseding federal law to make reasonable accommodations, there is no need for the California Secretary of State to "...unilaterally waive or otherwise set aside signature requirements..." as they are precluded pursuant to the US Constitution and superseding federal law, which is affirmed in the State of California with California's anti-discrimination laws such as the California Unruh Civil Rights Act.

I look forward to a timely confirmation that I will be included on the 2024 general election ballot.

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

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> Can the state deny some citizens from using its roads or certains 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 are being denied, 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. "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

Cal. Gov't Code § 11136-11139 prohibits State of California monies being used for disability discrimination.

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)
>
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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)

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,

Herschaft 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. *Herschaft 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

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 ArticleII, 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 subordinatestate 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 subordinatestate 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 Article1, 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 withArticleII, 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
(2b) California law wise, Cal. Gov't Code § 11135
(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.

On Fri, Jul 26, 2024 at 10:42 AM LegalSupport <legalsupport@sos.ca.gov> wrote:

> Mr. Tyler,
>
> We are in receipt of your January and July 2024 requests for reasonable accommodations and/or modifications for ballot access as an independent presidential candidate and to the signature requirements related to having a measure placed on the ballot, among other things. Both of your requests were forwarded to our Elections Division and legal staff for review.
>
> The Secretary of State's office has no legal authority to unilaterally waive or otherwise set aside signature requirements related to the independent presidential candidacy process or for the ballot measure process.
>
> You may be interested in the write-in candidacy process for presidential candidates. The write-in candidacy process does not require nominations signatures: https://elections.cdn.sos.ca.gov/statewide-elections/2024-general/president-elector-write-in.pdf.
>
> Legal Affairs Office
>
> California Secretary of State
>
> T: 916-695-1242
>
> E: legalsupport@sos.ca.gov

SHIRLEY N. WEBER, Ph.D.
CALIFORNIA SECRETARY OF STATE

WWW.SOS.CA.GOV

Mathew Tyler
Aug 5, 2024, 12:37 PM PDT

Dr. Webb,

I still haven't heard back from you or any of your people since you contacted me on July 26th, 2024. Please advise.

I realize that you are trying to violate the US Constitution, federal laws, and State of California laws simply so I won't be able to beat your biased US Presidential candidate, however, that's not how the law works. I must be included in the 2024 general election or in accordance with your people's laws (I didn't write them), the election cannot continue or at least will have to be redone from your evident public corruption and breach of public trust.

"*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)

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

On Wed, Jul 31, 2024 at 8:30 AM Mathew Tyler <**********> wrote:

> Dr. Weber,
>
> As I hope you people are trying to include me rather than trying exclude me as required by federal and California anti-disability discriminations laws, I trust that you people have had sufficient time to confirm that I am correct:
>
> 1. that the State of California is acting unconstitutionally and as such unlawfully by attempting to impose eligibility criteria that conflicts with the US Constitution; and,
> 2. Even if the State of California has the ability to impose criteria, that my Section 504 / ADA Title I and Title II request for reasonable accommodations supersede the discriminatory criteria;
>   1. required 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), (2)(A)(iii); 42 U.S.C. § 2000a(a), (d); 42 U.S.C. § 2000d; and,

2. California Government Code § 11136-11139; and,
3. prohibited from 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), (2)(A)(iii); and,
4. required 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); and,
5. Interfering with my ability to qualify and campaign as a candidate for elective office in any primary, special, or general election; 18 U.S.C. § 245(b)(1)(A); and,
6. Interfering with my participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States; 18 U.S.C. § 245(b)(1)(B); and,
7. Interfering with my participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; 18 U.S.C. § 245(b)(1)(E); and,
8. 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

3. The State of California acting unconstitutionally and as such unlawfully, and/or being required by superseding federal law to make reasonable accommodations, there is no need for the California Secretary of State to "...unilaterally waive or otherwise set aside signature requirements..." as they are precluded pursuant to the US Constitution and superseding federal law, which is affirmed in the State of California with California's anti-discrimination laws such as the California Unruh Civil Rights Act.

I look forward to a timely confirmation that I will be included on the 2024 general election ballot.

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

On Fri, Jul 26, 2024 at 10:20 PM Mathew Tyler <**********> wrote:

> Dr. Weber,
>
> I am not interested in being a "write-in," I am interested in being allowed to participate in an election that my taxes help fund.
>
> In addition to the my requests which California Secretary of State is in receipt of, under what authority are these signature requirements even permitted? U.S. Const. art. I, § 4, cl. 1 does not include setting criteria; times, places, and manner, not qualifications or criteria.
>
> 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 certains 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 are being denied, 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. "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

Cal. Gov't Code § 11136-11139 prohibits State of California monies being used for disability discrimination.

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)

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,

Herschaft 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. *Herschaft 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

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 ArticleII, 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 subordinatestate 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 subordinatestate 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 Article1, 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 withArticleII, 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
(2b) California law wise, Cal. Gov't Code § 11135

(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.

On Fri, Jul 26, 2024 at 10:42 AM LegalSupport <legalsupport@sos.ca.gov> wrote:

Mr. Tyler,

We are in receipt of your January and July 2024 requests for reasonable accommodations and/or modifications for ballot access as an independent presidential candidate and to the signature requirements related to having a measure placed on the ballot, among other things. Both of your requests were forwarded to our Elections Division and legal staff for review.

The Secretary of State's office has no legal authority to unilaterally waive or otherwise set aside signature requirements related to the independent presidential candidacy process or for the ballot measure process.

You may be interested in the write-in candidacy process for presidential candidates. The write-in candidacy process does not require nominations signatures: https://elections.cdn.sos.ca.gov/statewide-elections/2024-general/president-elector-write-in.pdf.

Legal Affairs Office

California Secretary of State

T: 916-695-1242

E: legalsupport@sos.ca.gov

SHIRLEY N. WEBER, Ph.D.
CALIFORNIA SECRETARY OF STATE

WWW.SOS.CA.GOV    

Mathew Tyler

Aug 5, 2024, 12:03 PM PDT

Civil Rights Department,

The email was correctly directed to the Civil Rights Department (CRD). I was making a complaint with it to the Civil Rights Department.

I am also requesting an ADA reasonable accommodation from the Civil Rights Department for an exception to policies, practices, and procedures for filing a complaint to allow the submission of complaints from me, a qualified individual with a disability to make complaints via email as that is easier for me.

Thank you in advance for your cooperation and for the federally and California mandatory accommodations that you have no choice but to make 👍🏾

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

CRD Contact Center (CRD IT Support)

Aug 5, 2024, 8:51 AM PDT

Thank you for contacting the Civil Rights Department (CRD), **********.

Your email appears to have been sent to multiple recipients. Please do not copy the CRD Contact Center on any correspondence that is not directed specifically to us. We cannot assist you in corresponding with other parties and will not retain these emails for future reference.

If you have filed a complaint and would like these emails to be retained for future reference, please take care to include your CRD Case number in order for us to better assist you.

CRD Contact Center

Mathew Tyler

Aug 2, 2024, 3:04 PM PDT

[EXTERNAL] This email originated from outside CRD. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dr. Weber,

Any state or federally imposed Presidential criteria is in conflict with Article II, section 1, clause 5 of the US Constitution; which in accordance with Article VI, section 2 of the US Constitution (the "supremacy clause") is superseded by the supreme law of the land, the US Constitution thereby precluded.

Perhaps you haven't considered how this has gone from a simple, private mandatory inclusion request for accommodations, to a perpetual public awareness campaign to destroy these unlawful acts, and I am not stopping there 😉😂. Perhaps you people should realize when you're beaten whilst there's still some of country left to save?

I look forward to a timely confirmation that I will be included on the 2024 general election ballot.

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

On Wed, Jul 31, 2024 at 8:30 AM Mathew Tyler <**********> wrote:

> Dr. Weber,
>
> As I hope you people are trying to include me rather than trying exclude me as required by federal and California anti-disability discriminations laws, I trust that you people have had sufficient time to confirm that I am correct:
>
> 1. that the State of California is acting unconstitutionally and as such unlawfully by attempting to impose eligibility criteria that conflicts with the US Constitution; and,
> 2. Even if the State of California has the ability to impose criteria, that my Section 504 / ADA Title I and Title II request for reasonable accommodations supersede the discriminatory criteria;
>   1. required 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), (2)(A)(iii); 42 U.S.C. § 2000a(a), (d); 42 U.S.C. § 2000d; and,
>   2. California Government Code § 11136-11139; and,
>   3. prohibited from 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), (2)(A)(iii); and,
>   4. required 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); and,
>   5. Interfering with my ability to qualify and campaign as a candidate for elective office in any primary, special, or general election; 18 U.S.C. § 245(b)(1)(A); and,
>   6. Interfering with my participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States; 18 U.S.C. § 245(b)(1)(B); and,
>   7. Interfering with my participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; 18 U.S.C. § 245(b)(1)(E); and,
>   8. 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
> 3. The State of California acting unconstitutionally and as such unlawfully, and/or being required by superseding federal law to make reasonable accommodations, there is no need for the California Secretary of State to "...unilaterally waive or otherwise set aside signature requirements..." as they are precluded pursuant to the US Constitution and superseding federal law, which is affirmed in the State of California with California's anti-discrimination laws such as the California Unruh Civil Rights Act.
>
> I look forward to a timely confirmation that I will be included on the 2024 general election ballot.
>
> -Mathew Tyler, US Presidential candidate (I), 2016-2084. Ⓜ️

On Fri, Jul 26, 2024 at 10:20 PM Mathew Tyler <**********> wrote:

> > Dr. Weber,
> >
> > I am not interested in being a "write-in," I am interested in being allowed to participate in an election that my taxes help fund.
> >
> > In addition to the my requests which California Secretary of State is in receipt of, under what authority are these signature requirements even permitted? U.S. Const. art. I, § 4, cl. 1 does not include setting criteria; times, places, and manner, not qualifications or criteria.
> >
> > 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 certains 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 are being denied, 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. "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

Cal. Gov't Code § 11136-11139 prohibits State of California monies being used for disability discrimination.

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)

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,

Herschaft 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. *Herschaft 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

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 ArticleII, 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 subordinatestate 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 subordinatestate 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 Article1, 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 withArticleII, 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
(2b) California law wise, Cal. Gov't Code § 11135
(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.

On Fri, Jul 26, 2024 at 10:42 AM LegalSupport <legalsupport@sos.ca.gov> wrote:

> Mr. Tyler,
>
> We are in receipt of your January and July 2024 requests for reasonable accommodations and/or modifications for ballot access as an independent presidential candidate and to the signature requirements related to having a measure placed on the ballot, among other things. Both of your requests were forwarded to our Elections Division and legal staff for review.
>
> The Secretary of State's office has no legal authority to unilaterally waive or otherwise set aside signature requirements related to the independent presidential candidacy process or for the ballot measure process.
>
> You may be interested in the write-in candidacy process for presidential candidates. The write-in candidacy process does not require nominations signatures: https://elections.cdn.sos.ca.gov/statewide-elections/2024-general/president-elector-write-in.pdf.

Legal Affairs Office

California Secretary of State

T: 916-695-1242

E: legalsupport@sos.ca.gov

SHIRLEY N. WEBER, Ph.D.
CALIFORNIA SECRETARY OF STATE

WWW.SOS.CA.GOV    

Mathew Tyler

Jul 31, 2024, 9:06 AM PDT

[EXTERNAL] This email originated from outside CRD. Do not click links or open attachments unless you recognize the sender and know the content is safe.

ADA coordinator for the Civil Rights Department,

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

Thank you for stating the obvious, I am aware that you are not Dr. Weber.

Accommodations@calcivilrights.ca.gov and contact.center@calcivilrights.ca.gov are being cc'd as this matter deals with all disabled people's rights, which according to calcivilrights.ca.gov, is your job. Per calcivilrights.ca.gov, "I may not look like you, but we all deserve fair treatment." and "Keep California fair for everyone."

If you do not want to do your job, state funding will have to be curtailed for your job as required by Cal. Gov't Code § 11135-11139.

Accommodations@calcivilrights.ca.gov, contact.center@calcivilrights.ca.gov, and any other email addresses I deem appropriate will be included as I am working to establish a papertrail of your people's discriminatory treatment.

Have a nice day,

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

On Wed, Jul 31, 2024 at 8:41 AM CRD, Accommodations@CalCivilRights <Accommodations@calcivilrights.ca.gov> wrote:

> You have reached the ADA coordinator for the Civil Rights Department. I am not Dr. Webber. Please remove this e-mail address from your distribution list. Thank you for your anticipated cooperation.

From: Mathew Tyler <**********>
Sent: Wednesday, July 31, 2024 8:31 AM
To: Mathew Tyler <**********>
Cc: LegalSupport <legalsupport@sos.ca.gov>; Center, Contact@CalCivilRights <contact.center@calcivilrights.ca.gov>; CRD, Accommodations@CalCivilRights <accommodations@calcivilrights.ca.gov>
Subject: Re: Response to Your Request

Dr. Weber,

As I hope you people are trying to include me rather than trying exclude me as required by federal and California anti-disability discriminations laws, I trust that you people have had sufficient time to confirm that I am correct:

1. that the State of California is acting unconstitutionally and as such unlawfully by attempting to impose eligibility criteria that conflicts with the US Constitution; and,
2. Even if the State of California has the ability to impose criteria, that my Section 504 / ADA Title I and Title II request for reasonable accommodations supersede the discriminatory criteria;

    1. required 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), (2)(A)(iii); 42 U.S.C. § 2000a(a), (d); 42 U.S.C. § 2000d; and,
    2. California Government Code § 11136-11139; and,
    3. prohibited from 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), (2)(A)(iii); and,
    4. required 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); and,
    5. Interfering with my ability to qualify and campaign as a candidate for elective office in any primary, special, or general election; 18 U.S.C. § 245(b)(1)(A); and,
    6. Interfering with my participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States; 18 U.S.C. § 245(b)(1)(B); and,
    7. Interfering with my participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; 18 U.S.C. § 245(b)(1)(E); and,
    8. 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

3. The State of California acting unconstitutionally and as such unlawfully, and/or being required by superseding federal law to make reasonable accommodations, there is no need for the California Secretary of State to "...unilaterally waive or otherwise set aside signature requirements..." as they are precluded pursuant to the US Constitution and superseding federal law, which is affirmed in the State of California with California's anti-discrimination laws such as the California Unruh Civil Rights Act.

I look forward to a timely confirmation that I will be included on the 2024 general election ballot.

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

On Fri, Jul 26, 2024 at 10:20 PM Mathew Tyler <**********> wrote:

> Dr. Weber,
>
> I am not interested in being a "write-in," I am interested in being allowed to participate in an election that my taxes help fund.
>
> In addition to the my requests which California Secretary of State is in receipt of, under what authority are these signature requirements even permitted? U.S. Const. art. I, § 4, cl. 1 does not include setting criteria; times, places, and manner, not qualifications or criteria.
>
> 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 certains 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 are being denied, 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. "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

Cal. Gov't Code § 11136-11139 prohibits State of California monies being used for disability discrimination.

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)

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,

Herschaft 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. *Herschaft 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

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`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

(2b) California law wise, Cal. Gov't Code § 11135

(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.

On Fri, Jul 26, 2024 at 10:42 AM LegalSupport <legalsupport@sos.ca.gov> wrote:

> Mr. Tyler,
>
> We are in receipt of your January and July 2024 requests for reasonable accommodations and/or modifications for ballot access as an independent presidential candidate and to the signature requirements related to having a measure placed on the ballot, among other things. Both of your requests were forwarded to our Elections Division and legal staff for review.
>
> The Secretary of State's office has no legal authority to unilaterally waive or otherwise set aside signature requirements related to the independent presidential candidacy process or for the ballot measure process.
>
> You may be interested in the write-in candidacy process for presidential candidates. The write-in candidacy process does not require nominations signatures: https://elections.cdn.sos.ca.gov/statewide-elections/2024-general/president-elector-write-in.pdf.
>
> Legal Affairs Office
>
> California Secretary of State
>
> T: 916-695-1242
>
> E: legalsupport@sos.ca.gov

SHIRLEY N. WEBER, Ph.D.
CALIFORNIA SECRETARY OF STATE

WWW.SOS.CA.GOV    

Mathew Tyler
Jul 31, 2024, 8:31 AM PDT

Dr. Weber,

As I hope you people are trying to include me rather than trying exclude me as required by federal and California anti-disability discriminations laws, I trust that you people have had sufficient time to confirm that I am correct:

1. that the State of California is acting unconstitutionally and as such unlawfully by attempting to impose eligibility criteria that conflicts with the US Constitution; and,
2. Even if the State of California has the ability to impose criteria, that my Section 504 / ADA Title I and Title II request for reasonable accommodations supersede the discriminatory criteria;
    1. required 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), (2)(A)(iii); 42 U.S.C. § 2000a(a), (d); 42 U.S.C. § 2000d; and,
    2. California Government Code § 11136-11139; and,
    3. prohibited from 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), (2)(A)(iii); and,
    4. required 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); and,
    5. Interfering with my ability to qualify and campaign as a candidate for elective office in any primary, special, or general election; 18 U.S.C. § 245(b)(1)(A); and,
    6. Interfering with my participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States; 18 U.S.C. § 245(b)(1)(B); and,
    7. Interfering with my participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; 18 U.S.C. § 245(b)(1)(E); and,
    8. 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
3. The State of California acting unconstitutionally and as such unlawfully, and/or being required by superseding federal law to make reasonable accommodations, there is no need for the California Secretary of State to "...unilaterally waive or otherwise set aside signature requirements..." as they are precluded pursuant to the US Constitution and superseding federal law, which is affirmed in the State of California with California's anti-discrimination laws such as the California Unruh Civil Rights Act.

I look forward to a timely confirmation that I will be included on the 2024 general election ballot.

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

On Fri, Jul 26, 2024 at 10:20 PM Mathew Tyler <**********> wrote:

> Dr. Weber,
>
> I am not interested in being a "write-in," I am interested in being allowed to participate in an election that my taxes help fund.
>
> In addition to the my requests which California Secretary of State is in receipt of, under what authority are these signature requirements even permitted? U.S. Const. art. I, § 4, cl. 1 does not include setting criteria; times, places, and manner, not qualifications or criteria.
>
> 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 certains 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 are being denied, 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. "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
>
> Cal. Gov't Code § 11136-11139 prohibits State of California monies being used for disability discrimination.
>
> 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)

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,

Herschaft 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. *Herschaft 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

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

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> 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*)

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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.

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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 ArticleII, 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 subordinatestate 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 subordinatestate 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 Article1, 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 withArticleII, 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
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> We are in receipt of your January and July 2024 requests for reasonable accommodations and/or modifications for ballot access as an independent presidential candidate and to the signature requirements related to having a measure placed on the ballot, among other things. Both of your requests were forwarded to our Elections Division and legal staff for review.
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> The Secretary of State's office has no legal authority to unilaterally waive or otherwise set aside signature requirements related to the independent presidential candidacy process or for the ballot measure process.

You may be interested in the write-in candidacy process for presidential candidates. The write-in candidacy process does not require nominations signatures: https://elections.cdn.sos.ca.gov/statewide-elections/2024-general/president-elector-write-in.pdf.

Legal Affairs Office

California Secretary of State

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E: legalsupport@sos.ca.gov

SHIRLEY N. WEBER, Ph.D.
CALIFORNIA SECRETARY OF STATE

WWW.SOS.CA.GOV    

Mathew Tyler

Jul 26, 2024, 10:21 PM PDT

Dr. Weber,

I am not interested in being a "write-in," I am interested in being allowed to participate in an election that my taxes help fund.

In addition to the my requests which California Secretary of State is in receipt of, under what authority are these signature requirements even permitted? U.S. Const. art. I, § 4, cl. 1 does not include setting criteria; times, places, and manner, not qualifications or criteria.

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 certains 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 are being denied, 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. "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

Cal. Gov't Code § 11136-11139 prohibits State of California monies being used for disability discrimination.

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)

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,

Herschaft 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. *Herschaft 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

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 ArticleII, 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)

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Attachment(s)

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Your request has been solved. To reopen this request, reply to this email or click the link below:
https://support.dfeh.ca.gov/hc/requests/149096

Thank you,
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