
Disability discrimination hate crime by state employees6 messages

Mathew Tyler <*****>

Mon, Mar 11, 2024 at 4:06 PM

To: richr.info@richr.ri.gov

Please explain (on a separate paper) what action was taken against you that you believe to be discriminatory. Were other persons treated differently than you? What harm, if any, was caused to you as a result of that action? Please include all relevant names and dates. If you named any individual(s) in Question #3, you must explain the discriminatory actions that this person took, or the individual(s) will not be named in the charge. If you have any documents concerning the situation, please attach copies to your statement.

As a disabled US citizen who participates and enjoys benefit, service, privilege, administered by the United States and that receives Federal financial assistance, and US Presidential candidate (FEC# P60005600), I made an ADA request for reasonable accommodations to remove an unlawful (Williams v. Rhodes, 393 U.S. 23 (1968)) state imposed accessibility barrier that the following state employees refused to honor my ADA request and failed to demonstrate how honoring it would fundamentally alter anything as required by law; employees of RI Department of State; Gregory McBurney (Deputy Director of Elections), Kathy Placencia, Rob Rock (Deputy Secretary of State / Director of Administration). Additional case law, Trump v. Anderson, No. 23-719, 601 U.S. (2024); A "...state can't disqualify a presidential candidate, in part because it doesn't have that power and in part because having such power would lead to chaos"; "It would be incongruous to read this particular Amendment as granting the States the power — silently no less — to disqualify a candidate for federal office" via <https://www.washingtonpost.com/politics/2024/03/04/takeaways-supreme-court-trump-ruling/>

2 attachments**20240311_RI_GeneralIQEnglish.pdf**
211K**20240311_RI_ADA-Request.pdf**
2448K

Cote, Allison (RICHR) <Allison.Cote@richr.ri.gov>

Sun, Mar 17, 2024 at 12:56 PM

To: Mathew Tyler <*****>, "RICHR.Info" <RICHR.Info@richr.ri.gov>

Good Afternoon:

I have reviewed your questionnaire and statement package.

Prior to determining if the allegations you allege are jurisdictional, I require the following questions to be provided.

“What is your disability?”

“What specific requirements for ballot access were you requesting to be exempt from due to your disability?”

“What specific requirements for ballot access did the state refuse to exempt you from?”

Please provide the above information at your earliest convenience.

Sincerely,

Allison G Côté

EEOC Project Director

RI Commission For Human Rights

180 Westminster Street

Providence, RI 02903

401.222.6812 (phone)

401.222.2616 (fax)

Voice Relay 7-1-1

allison.cote@richr.ri.gov

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Mathew Tyler <*****>

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Cc: Mathew Tyler <*****>, "RICHR.Info" <RICHR.Info@richr.ri.gov>

Ms. Coté,

Although according to the Department of Justice via [ada.gov](https://www.ada.gov), "Public entities may not ask about the nature or extent of an individual's disability,"(1) I have central core disease. 42 U.S.C. § 12131(2); 42 U.S.C. § 12102(1)(A)-(B)

I requested an exception to practices, policies, and procedures to any and all physical requirements imposed by the State including without limitation to the collection of signatures and submission of signatures for ballot access as an unaffiliated (independent) US presidential candidate. If it's a matter of public record, my ADA request could be stored in lieu of the signatures required.

The State has refused to exempt me from any and all physical requirements that I requested an exception for. 28 C.F.R. § 35.130(d), 28 C.F.R. § 35.130(b)(1)-(2); 28 C.F.R. § 35.130(b)(3), 28 C.F.R. § 35.130(b)(6)-(8); 42 U.S.C. § 1983; 42 U.S.C. § 12101(b), 42 U.S.C. § 12103(1)(D), 42 U.S.C. § 12182(b)(1)(A)(i)-(iii), 42 U.S.C. § 12182(b)(1)(B)-(E), 42 U.S.C. § 12182(b)(2)(A)(i)-(iii)

"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."(2)

"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," and "The ADA's provisions apply to all aspects of voting,"(3)

"The decision that an action would result in an undue burden must be made by a high level official, no lower than a Department head, having budgetary authority and responsibility for making spending decisions, after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in an undue burden, a public entity must take any other action that would not result in an undue burden but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity."(1)

"the fact that a person with a disability is able to walk for some distance does not necessarily contradict a verbal assurance – many people with mobility disabilities can walk, but need their mobility device for longer distances or uneven terrain. This is particularly true for people who lack stamina, have poor balance, or use mobility devices because of respiratory, cardiac, or neurological disabilities."(1)

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

"the ADA requires Wisconsin to make reasonable modifications in policies, practices, and procedures when the modifications are necessary to avoid discrimination on the basis of disability. "(statement_of_interest-carey_v_wisconsin_election_commission.pdf)

Qualification standards and selection criteria that screen out people based on their disabilities that are not job-related or consistent with business necessity violate the ADA (complaint_-_united_states_v_alabama_department_of_transportation.pdf)

"Under Title II of the ADA, no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity. 42 U.S.C. § 12132; 28 C.F.R. § 35.130(a). This means that the County must give individuals with disabilities an equal opportunity to participate in and benefit from any service provided to others. 42 U.S.C. § 12132; 28 C.F.R. § 35.130(b)(1). These legal requirements include providing equal access to the County's website and the public content posted there." (letter_of_findings-upton_county_tx_election_website_accessibility_1.pdf)

"...to avoid discrimination, a public entity must reasonably modify its policies, procedures, or practices when necessary to avoid disability discrimination, unless it can show that the modifications would fundamentally alter the nature of the service, program, or activity." (statement_of_interest-in_re_georgia_sb_202.pdf)

"...under the ADA, voters with disabilities must have an equal opportunity to vote ... this equal opportunity requirement is separate from the requirement that public entities make reasonable modifications" (statement_of_interest-in_re_georgia_sb_202.pdf)

"The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government. [...] Undoubtedly, the right of suffrage is a fundamental matter in a free and democratic society. Especially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized."; Reynolds v. Sims, 377 U.S. 533, 555 (1964)

"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)

"Voting is a quintessential public activity. In enacting the ADA, Congress explicitly found that " 'individuals with disabilities ... have been ... relegated to a position of political powerlessness in our society, based on characteristics that are beyond the control of such individuals.' " Tennessee v. Lane, 541 U.S. 509, 516, 124 S.Ct. 1978, 158 L.Ed.2d 820 (2004) (quoting 42 U.S.C. § 12101(a)(7)). Ensuring that disabled individuals are afforded an opportunity to participate in voting that is equal to that afforded others, 28 C.F.R. § 35.130, helps ensure that those individuals are never relegated to a position of political powerlessness." Nat'l Fed'n of the Blind v. Lamone, 813 F.3d 494, 507 (4th Cir. 2016)

28 C.F.R. § 35.160(b)-(c)

28 C.F.R. § 35.149

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

(2) <https://www.ada.gov/topics/title-ii/>

(3) <https://www.ada.gov/resources/polling-places-checklist>

-Mathew Tyler

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6 attachments

-  **SETTLEMENT AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE BOARD OF ELECTION COMMISSIONERS FOR THE CITY OF ST. LOUIS.pdf**
265K
-  **American-Nurses-Assoc.-v.-ODonnell,-California-Superintendent-of-Schools-United-States-Amicus-Brief.pdf**
86K
-  **statement_of_interest-carey_v_wisconsin_election_commission.pdf**
220K
-  **complaint_-_united_states_v_alabama_department_of_transportation.pdf**
226K
-  **letter_of_findings-upton_county_tx_election_website_accessibility_1.pdf**
181K
-  **statement_of_interest-in_re_georgia_sb_202.pdf**
313K

Mathew Tyler <*****>

Tue, Mar 26, 2024 at 5:42 AM

To: Mathew Tyler <*****>

Cc: "Cote, Allison (RICHR)" <Allison.Cote@richr.ri.gov>, "RICHR.Info" <RICHR.Info@richr.ri.gov>

Ms. Coté,

Pertaining to my being a qualified individual with disability, for me personally, major life activities affected by Central core disease: performing manual tasks, walking, standing, lifting, bending, breathing, and stamina; ADHD: Learning, reading, concentrating, thinking, communicating, time/appointments, and working leading to my being indigent thus unable to pay filing fees aka poll taxes or pay for campaign employees or able to acquire volunteers from a State that I am not a resident of.

As a qualified individual with a disability, I should not be reliant on others being available for help; "Although [plaintiffs] were ultimately able to cast their vote with the fortuitous assistance of others, the purpose of the Rehabilitation Act is 'to empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society'.... The right to vote should not be contingent on the happenstance that others are available to help." Nat'l Fed'n of the Blind v. Lamone, 813 F.3d 494, 506-7 (4th Cir. 2016). The purpose of the ADA and 504 is to empower persons with disabilities.

`The "natural effect" of Title II's "reasonable modification" requirement, Crosby, 530 U.S. at 373, in light of the foregoing observations, requires preemption of inconsistent state law when necessary to effectuate a required "reasonable modification." Congress clearly meant Title II to sweep broadly. If all state laws were insulated from Title II's reasonable modification requirement solely because they were state laws, "state law [would serve as] an obstacle to the accomplishment and execution of the full purposes and

objectives of Congress" in enacting Title II. Marsh, 499 F.3d at 177. Far from "provid[ing] a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities," 42 U.S.C. § 12101(b)(1), the ADA would be powerless to work any reasonable modification in any requirement imposed by state law, no matter how trivial the requirement and no matter how minimal the costs of doing so. We conclude that the ADA's reasonable modification requirement contemplates modification to state laws, thereby permitting preemption of inconsistent state laws, when necessary to effectuate Title II's reasonable modification provision.[8]` (Mary Jo C. v. New York State and Local Retirement Sys., No. 11-2215 [2d Cir. 2013])

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

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

The NYSLRS argues that "Title II . . . requires reasonable modification only of `rules, policies, or practices' — not state statutes," NYSLRS Br. 19, and seeks to distinguish Crowder, which contemplated the modification of a mandatory Hawaii State administrative regulation rather than a state statute, see [Crowder](#), 81 F.3d at 1481-85, on this ground, NYSLRS Br. 21 n.6. But as a general rule, duly promulgated state regulations have the force of law for these purposes as do statutes. See, e.g., [State v. Kotis](#), 91 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])

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

"...to avoid discrimination, a public entity must reasonably modify its policies, procedures, or practices when necessary to avoid disability discrimination, unless it can show that the modifications would fundamentally alter the nature of the service, program, or activity." (statement_of_interest-in_re_georgia_sb_202.pdf)

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

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

beach volleyball program into a gymnasium, so a player who uses a wheelchair can participate on a flat surface without sand, would "fundamentally alter" the nature of the game. The ADA does not require changes of this nature."

Non ADA cases:

1. Trump v. Anderson, No. 23-719, 601 U.S. (2024) establishes (1) States lack the power to disqualify a candidate for federal office and, (2) that not including a candidate on the ballot, even for a primary would be disqualifying the candidate; "It would be incongruous to read this particular Amendment as granting the States the power — silently no less — to disqualify a candidate for federal office"
2. [Arbitrary and capricious] candidate requirements are not in line with founding, quintessential principles of America, historical tradition, or the rights enshrined by the U.S. Constitution; New York State Rifle & Pistol Association, Inc. v. Bruen, 597 U.S. 1 establishes that "historical tradition" is a means in which law can be determined; and,
3. [heavy] burdens on minor parties seeking to be placed on the ballot for presidential electors violates the Equal protection clause, Williams v. Rhodes, 393 U.S. 23 (1968); and,
4. Fees imposed by the State violate my equal protection rights (Harper v. Virginia State Board of Elections, 383 U.S. 663 [1966]), due process, and the 24th amendment to the U.S. Constitution

United States Constitution, Art. I § 4, cl. 1 Pertains to Senator and Representatives, not the President of the United States of America; "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators."

-Mathew Tyler

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

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Subject: Disability discrimination hate crime by state employees

Please explain (on a separate paper) what action was taken against you that you believe to be discriminatory. Were other persons treated differently than you? What harm, if any, was caused to you as a result of that action? Please include all relevant names and dates. If you named any individual(s) in Question #3, you must explain the discriminatory actions that this person took, or the individual(s) will not be named in the charge. If you have any documents concerning the situation, please attach copies to your statement.

As a disabled US citizen who participates and enjoys benefit, service, privilege, administered by the United States and that receives Federal financial assistance, and US Presidential candidate (FEC# P60005600), I made an ADA request for reasonable accommodations to remove an unlawful (Williams v. Rhodes, 393 U.S. 23 (1968)) state imposed accessibility barrier that the following state employees refused to honor my ADA request and failed to demonstrate how honoring it would fundamentally alter anything as required by law; employees of RI Department of State; Gregory McBurney (Deputy Director of Elections), Kathy Placencia, Rob Rock (Deputy Secretary of State / Director of Administration). Additional case law, Trump v. Anderson, No. 23-719, 601 U.S. (2024); A "...state can't disqualify a presidential candidate, in part because it doesn't have that power and in part because having such power would lead to chaos"; "It would be incongruous to read this particular Amendment as granting the States the power — silently no less — to disqualify a candidate for federal office" via <https://www.washingtonpost.com/politics/2024/03/04/takeaways-supreme-court-trump-ruling/> [[washingtonpost.com](https://www.washingtonpost.com)]

Mathew Tyler <*****>
To: Mathew Tyler <*****>
Cc: "Cote, Allison (RICHR)" <Allison.Cote@richr.ri.gov>, "RICHR.Info" <RICHR.Info@richr.ri.gov>

Thu, Apr 11, 2024 at 3:50 AM

Ms. Coté,

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

-Mathew Tyler

On Tue, Mar 26, 2024 at 5:42 AM Mathew Tyler <*****> wrote:

Ms. Coté,

Pertaining to my being a qualified individual with disability, for me personally, major life activities affected by Central core disease: performing manual tasks, walking, standing, lifting, bending, breathing, and stamina; ADHD: Learning, reading, concentrating, thinking, communicating, time/appointments, and working leading to my being indigent thus unable to pay filing fees aka poll taxes or pay for campaign employees or able to acquire volunteers from a State that I am not a resident of.

As a qualified individual with a disability, I should not be reliant on others being available for help; "Although [plaintiffs] were ultimately able to cast their vote with the fortuitous assistance of others, the purpose of the Rehabilitation Act is 'to empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society'.... The right to vote should not be contingent on the happenstance that others are available to help." Nat'l Fed'n of the Blind v. Lamone, 813 F.3d 494, 506-7 (4th Cir. 2016). The purpose of the ADA and 504 is to empower persons with disabilities.

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

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

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

The NYSLRS argues that "Title II . . . requires reasonable modification only of 'rules, policies, or practices' — not state statutes," NYSLRS Br. 19, and seeks to distinguish Crowder, which contemplated the modification of a mandatory Hawaii State administrative regulation rather than a state statute, see [Crowder](#), 81 F.3d at 1481-85, on this ground, NYSLRS Br. 21 n.6. But as a general rule, duly promulgated state regulations have the force of law for these purposes as do statutes. See, e.g., [State v. Kotis](#), 91 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])

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

"...to avoid discrimination, a public entity must reasonably modify its policies, procedures, or practices when necessary to avoid disability discrimination, unless it can show that the modifications would fundamentally alter the nature of the service, program, or activity." (statement_of_interest-in_re_georgia_sb_202.pdf)

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

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

Non ADA cases:

1. Trump v. Anderson, No. 23-719, 601 U.S. (2024) establishes (1) States lack the power to disqualify a candidate for federal office and, (2) that not including a candidate on the ballot, even for a primary would be disqualifying the candidate; "It would be incongruous to read this particular Amendment as granting the States the power — silently no less — to disqualify a candidate for federal office"
2. [Arbitrary and capricious] candidate requirements are not in line with founding, quintessential principles of America, historical tradition, or the rights enshrined by the U.S. Constitution; New York State Rifle & Pistol Association, Inc. v. Bruen, 597 U.S. 1 establishes that "historical tradition" is a means in which law can be determined; and,
3. [heavy] burdens on minor parties seeking to be placed on the ballot for presidential electors violates the Equal protection clause, Williams v. Rhodes, 393 U.S. 23 (1968); and,
4. Fees imposed by the State violate my equal protection rights (Harper v. Virginia State Board of Elections, 383 U.S. 663 [1966]), due process, and the 24th amendment to the U.S. Constitution

United States Constitution, Art. I § 4, cl. 1 Pertains to Senator and Representatives, not the President of the United States of America; "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators."

-Mathew Tyler

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

On Mon, Mar 18, 2024 at 4:30 PM Mathew Tyler <*****> wrote:

Ms. Coté,

Although according to the Department of Justice via [ada.gov](https://www.ada.gov/), "Public entities may not ask about the nature or extent of an individual's disability,"(1) I have central core disease. 42 U.S.C. § 12131(2); 42 U.S.C. § 12102(1)(A)-(B)

I requested an exception to practices, policies, and procedures to any and all physical requirements imposed by the State including without limitation to the collection of signatures and submission of signatures for ballot access as an unaffiliated (independent) US presidential candidate. If it's a matter of public record, my ADA request could be stored in lieu of the signatures required.

The State has refused to exempt me from any and all physical requirements that I requested an exception for. 28 C.F.R. § 35.130(d), 28 C.F.R. § 35.130(b)(1)-(2); 28 C.F.R. § 35.130(b)(3), 28 C.F.R. § 35.130(b)(6)-(8); 42 U.S.C. § 1983; 42 U.S.C. § 12101(b), 42 U.S.C. § 12103(1)(D), 42 U.S.C. § 12182(b)(1)(A)(i)-(iii), 42 U.S.C. § 12182(b)(1)(B)-(E), 42 U.S.C. § 12182(b)(2)(A)(i)-(iii)

"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."(2)

"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," and "The ADA's provisions apply to all aspects of voting,"(3)

"The decision that an action would result in an undue burden must be made by a high level official, no lower than a Department head, having budgetary authority and responsibility for making spending decisions, after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in an undue burden, a public entity must take any other action that would not result in an undue burden but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity."(1)

"the fact that a person with a disability is able to walk for some distance does not necessarily contradict a verbal assurance – many people with mobility disabilities can walk, but need their mobility device for longer distances or uneven terrain. This is particularly true for people who lack stamina, have poor balance, or use mobility devices because of respiratory, cardiac, or neurological disabilities."(1)

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

"the ADA requires Wisconsin to make reasonable modifications in policies, practices, and procedures when the modifications are necessary to avoid discrimination on the basis of disability. " (statement_of_interest-carey_v_wisconsin_election_commission.pdf)

Qualification standards and selection criteria that screen out people based on their disabilities that are not job-related or consistent with business necessity violate the ADA (complaint_-_united_states_v_alabama_department_of_transportation.pdf)

"Under Title II of the ADA, no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity. 42 U.S.C. § 12132; 28 C.F.R. § 35.130(a). This means that the County must give individuals with disabilities an equal opportunity to participate in and benefit from any service provided to others. 42 U.S.C. § 12132; 28 C.F.R. § 35.130(b)(1). These legal requirements include providing equal access to the County's website and the public content posted there." (letter_of_findings-upton_county_tx_election_website_accessibility_1.pdf)

"...to avoid discrimination, a public entity must reasonably modify its policies, procedures, or practices when necessary to avoid disability discrimination, unless it can show that the modifications would

fundamentally alter the nature of the service, program, or activity." (statement_of_interest-in_re_georgia_sb_202.pdf)

"...under the ADA, voters with disabilities must have an equal opportunity to vote ... this equal opportunity requirement is separate from the requirement that public entities make reasonable modifications" (statement_of_interest-in_re_georgia_sb_202.pdf)

"The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government. [...] Undoubtedly, the right of suffrage is a fundamental matter in a free and democratic society. Especially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized."; Reynolds v. Sims, 377 U.S. 533, 555 (1964)

"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)

"Voting is a quintessential public activity. In enacting the ADA, Congress explicitly found that " 'individuals with disabilities ... have been ... relegated to a position of political powerlessness in our society, based on characteristics that are beyond the control of such individuals.' " Tennessee v. Lane, 541 U.S. 509, 516, 124 S.Ct. 1978, 158 L.Ed.2d 820 (2004) (quoting 42 U.S.C. § 12101(a)(7)). Ensuring that disabled individuals are afforded an opportunity to participate in voting that is equal to that afforded others, 28 C.F.R. § 35.130, helps ensure that those individuals are never relegated to a position of political powerlessness." Nat'l Fed'n of the Blind v. Lamone, 813 F.3d 494, 507 (4th Cir. 2016)

28 C.F.R. § 35.160(b)-(c)

28 C.F.R. § 35.149

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

(2) <https://www.ada.gov/topics/title-ii/>

(3) <https://www.ada.gov/resources/polling-places-checklist>

-Mathew Tyler

On Sun, Mar 17, 2024 at 12:56 PM Cote, Allison (RICHR) <Allison.Cote@richr.ri.gov> wrote:

Good Afternoon:

I have reviewed your questionnaire and statement package.

Prior to determining if the allegations you allege are jurisdictional, I require the following questions to be provided.

“What is your disability?”

“What specific requirements for ballot access were you requesting to be exempt from due to your disability?”

“What specific requirements for ballot access did the state refuse to exempt you from?”

Please provide the above information at your earliest convenience.

Sincerely,

Allison G Côté

EEOC Project Director

RI Commission For Human Rights

180 Westminster Street

Providence, RI 02903

401.222.6812 (phone)

401.222.2616 (fax)

Voice Relay 7-1-1

allison.cote@richr.ri.gov

From: Mathew Tyler <*****>

Sent: Monday, March 11, 2024 7:06 PM

To: RICHR.Info <RICHR.Info@richr.ri.gov>

Subject: Disability discrimination hate crime by state employees

Please explain (on a separate paper) what action was taken against you that you believe to be discriminatory. Were other persons treated differently than you? What harm, if any, was caused to you as a result of that action? Please include all relevant names and dates. If you named any individual(s) in Question #3, you must explain the discriminatory actions that this person took, or the individual(s) will not be named in the charge. If you have any documents concerning the situation, please attach copies to your statement.

As a disabled US citizen who participates and enjoys benefit, service, privilege, administered by the United States and that receives Federal financial assistance, and US Presidential candidate (FEC# P60005600), I made an ADA request for reasonable accommodations to remove an unlawful (Williams v. Rhodes, 393 U.S. 23 (1968)) state imposed accessibility barrier that the following state employees refused to honor my ADA request and failed to demonstrate how honoring it would fundamentally alter anything as required by law; employees of RI Department of State; Gregory McBurney (Deputy Director of Elections), Kathy Placencia, Rob Rock (Deputy Secretary of State /

Director of Administration). Additional case law, *Trump v. Anderson*, No. 23-719, 601 U.S. (2024); A "...state can't disqualify a presidential candidate, in part because it doesn't have that power and in part because having such power would lead to chaos"; "It would be incongruous to read this particular Amendment as granting the States the power — silently no less — to disqualify a candidate for federal office" via <https://www.washingtonpost.com/politics/2024/03/04/takeaways-supreme-court-trump-ruling/> [washingtonpost.com]

Mathew Tyler <*****>

Fri, Apr 12, 2024 at 1:31 PM

To: Crystal.M.Martin@gcd.ri.gov, GCD.Disabilities@gcd.ri.gov

----- Forwarded message -----

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

Date: Thu, Apr 11, 2024 at 3:50 AM

Subject: Re: Disability discrimination hate crime by state employees

To: Mathew Tyler <*****>

Cc: Cote, Allison (RICHR) <Allison.Cote@richr.ri.gov>, Mathew Tyler <*****>, RICHR.Info <RICHR.Info@richr.ri.gov>

Ms. Coté,

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

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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])

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Although according to the Department of Justice via [ada.gov](https://www.ada.gov), "Public entities may not ask about the nature or extent of an individual's disability,"(1) I have central core disease. 42 U.S.C. § 12131(2); 42 U.S.C. § 12102(1)(A)-(B)

I requested an exception to practices, policies, and procedures to any and all physical requirements imposed by the State including without limitation to the collection of signatures and submission of signatures for ballot access as an unaffiliated (independent) US presidential candidate. If it's a matter of public record, my ADA request could be stored in lieu of the signatures required.

The State has refused to exempt me from any and all physical requirements that I requested an exception for. 28 C.F.R. § 35.130(d), 28 C.F.R. § 35.130(b)(1)-(2); 28 C.F.R. § 35.130(b)(3), 28 C.F.R. § 35.130(b)(6)-(8); 42 U.S.C. § 1983; 42 U.S.C. § 12101(b), 42 U.S.C. § 12103(1)(D), 42 U.S.C. § 12182(b)(1)(A)(i)-(iii), 42 U.S.C. § 12182(b)(1)(B)-(E), 42 U.S.C. § 12182(b)(2)(A)(i)-(iii)

"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."(2)

"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," and "The ADA's provisions apply to all aspects of voting,"(3)

"The decision that an action would result in an undue burden must be made by a high level official, no lower than a Department head, having budgetary authority and responsibility for making spending decisions, after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in an undue burden, a public entity must take any other action that would not result in an undue burden but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity."(1)

"the fact that a person with a disability is able to walk for some distance does not necessarily contradict a verbal assurance – many people with mobility disabilities can walk, but need their mobility device for longer distances or uneven terrain. This is particularly true for people who lack stamina, have poor balance, or use mobility devices because of respiratory, cardiac, or neurological disabilities."(1)

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

"the ADA requires Wisconsin to make reasonable modifications in policies, practices, and procedures when the modifications are necessary to avoid discrimination on the basis of disability. " (statement_of_interest-carey_v_wisconsin_election_commission.pdf)

Qualification standards and selection criteria that screen out people based on their disabilities that are not job-related or consistent with business necessity violate the ADA (complaint_-_united_states_v_alabama_department_of_transportation.pdf)

"Under Title II of the ADA, no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity. 42 U.S.C. § 12132; 28 C.F.R. § 35.130(a). This means that the County must give individuals with disabilities an equal opportunity to participate in and benefit from any service provided to others. 42 U.S.C. § 12132; 28 C.F.R. § 35.130(b)(1). These legal requirements include providing equal access to the County's website and the public content posted there." (letter_of_findings-upton_county_tx_election_website_accessibility_1.pdf)

"...to avoid discrimination, a public entity must reasonably modify its policies, procedures, or practices when necessary to avoid disability discrimination, unless it can show that the modifications would fundamentally alter the nature of the service, program, or activity." (statement_of_interest-in_re_georgia_sb_202.pdf)

"...under the ADA, voters with disabilities must have an equal opportunity to vote ... this equal opportunity requirement is separate from the requirement that public entities make reasonable modifications" (statement_of_interest-in_re_georgia_sb_202.pdf)

"The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government. [...] Undoubtedly, the right of suffrage is a fundamental matter in a free and democratic society. Especially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized."; Reynolds v. Sims, 377 U.S. 533, 555 (1964)

"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)

"Voting is a quintessential public activity. In enacting the ADA, Congress explicitly found that " 'individuals with disabilities ... have been ... relegated to a position of political powerlessness in our society, based on characteristics that are beyond the control of such individuals.' " Tennessee v.

Lane, 541 U.S. 509, 516, 124 S.Ct. 1978, 158 L.Ed.2d 820 (2004) (quoting 42 U.S.C. § 12101(a)(7)). Ensuring that disabled individuals are afforded an opportunity to participate in voting that is equal to that afforded others, 28 C.F.R. § 35.130, helps ensure that those individuals are never relegated to a position of political powerlessness." Nat'l Fed'n of the Blind v. Lamone, 813 F.3d 494, 507 (4th Cir. 2016)

28 C.F.R. § 35.160(b)-(c)

28 C.F.R. § 35.149

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

(2) <https://www.ada.gov/topics/title-ii/>

(3) <https://www.ada.gov/resources/polling-places-checklist>

-Mathew Tyler

On Sun, Mar 17, 2024 at 12:56 PM Cote, Allison (RICHR) <Allison.Cote@richr.ri.gov> wrote:

Good Afternoon:

I have reviewed your questionnaire and statement package.

Prior to determining if the allegations you allege are jurisdictional, I require the following questions to be provided.

“What is your disability?”

“What specific requirements for ballot access were you requesting to be exempt from due to your disability?”

“What specific requirements for ballot access did the state refuse to exempt you from?”

Please provide the above information at your earliest convenience.

Sincerely,

Allison G Coté

EEOC Project Director

RI Commission For Human Rights

180 Westminster Street

Providence, RI 02903

401.222.6812 (phone)

401.222.2616 (fax)

Voice Relay 7-1-1

allison.cote@richr.ri.gov

From: Mathew Tyler <*****>

Sent: Monday, March 11, 2024 7:06 PM

To: RICH.R.Info <RICH.R.Info@richr.ri.gov>

Subject: Disability discrimination hate crime by state employees

Please explain (on a separate paper) what action was taken against you that you believe to be discriminatory. Were other persons treated differently than you? What harm, if any, was caused to you as a result of that action? Please include all relevant names and dates. If you named any individual(s) in Question #3, you must explain the discriminatory actions that this person took, or the individual(s) will not be named in the charge. If you have any documents concerning the situation, please attach copies to your statement.

As a disabled US citizen who participates and enjoys benefit, service, privilege, administered by the United States and that receives Federal financial assistance, and US Presidential candidate (FEC# P60005600), I made an ADA request for reasonable accommodations to remove an unlawful (Williams v. Rhodes, 393 U.S. 23 (1968)) state imposed accessibility barrier that the following state employees refused to honor my ADA request and failed to demonstrate how honoring it would fundamentally alter anything as required by law; employees of RI Department of State; Gregory McBurney (Deputy Director of Elections), Kathy Placencia, Rob Rock (Deputy Secretary of State / Director of Administration). Additional case law, Trump v. Anderson, No. 23-719, 601 U.S. (2024); A "...state can't disqualify a presidential candidate, in part because it doesn't have that power and in part because having such power would lead to chaos"; "It would be incongruous to read this particular Amendment as granting the States the power — silently no less — to disqualify a candidate for federal office" via <https://www.washingtonpost.com/politics/2024/03/04/takeaways-supreme-court-trump-ruling/> [[washingtonpost.com](https://www.washingtonpost.com)]