2024 November General Election - Filing Status

6 messages

Elections Internet <Elections@sos.texas.gov> Sat, Apr 20, 2024 at 12:09 PM
To: "[redacted]" <[redacted]>
Cc: Elections Internet <Elections@sos.texas.gov>

Dear Mr. Tyler:

Our office is in receipt of your Independent Candidate petition for ballot inclusion for President on the 2024 General Election ballot.

We have reviewed the documents you have submitted. Your application has been rejected because it was not filed during the proper filing period. Additionally, the application you submitted was incomplete as it did not contain the required nominating petition containing 113,151 signatures, nor did it include the signed, written statement of consent that is required from your 40 presidential elector candidates. The application must also include the information about, and signed consent from, your vice-presidential running mate.

To run as an independent candidate for president, the application and petition must be filed no later than May 13, 2024. However, you cannot begin collecting petition signatures until after the March 5, 2024 primary elections. The petition signatures must be from registered voters who did not vote in the presidential primary of either party. Please note there is no requirement to file a Declaration of Intent when running as an independent candidate for president. For more information, please see our Running for President in 2024 page in our 2024 Candidate's Guide.

If you have any further questions, please feel free to contact our office toll-free at (800)252-8683 or Elections@sos.texas.gov.

Sincerely,

Christina Adkins

Director of Elections

Office of the Texas Secretary of State

800-252-VOTE(8683)

www.sos.state.tx.us/elections/index.shtml

For Voter Related Information, please visit:

VOTETEXAS.GOV
POWERED BY THE TEXAS SECRETARY OF STATE

The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.

Tyler-Rejection Letter.pdf
96K

Mathew Tyler <**********> Sat, Apr 20, 2024 at 12:49 PM
To: Elections Internet <Elections@sos.texas.gov>

Ms. Adkins,

Requests--

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

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

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

Federal law, 28 C.F.R. § 35.107, can be viewed at, https://www.law.cornell.edu/cfr/text/28/35.107.

Goal for participation and enjoyment of benefits/services/etc and Section 504 / ADA reasonable modifications request--
In the 2024 general election, I wish to be listed as an unaffiliated (independent) Presidential candidate, not as a write-in. As a qualified individual with a disability, I am requesting Section 504 / ADA reasonable modifications with an exception to any and all physical requirements as well as start and stop periods that the State might impose to be listed on the ballot; including without limitation to: collecting signatures and submitting signatures.

Pertaining to my being a qualified individual with a 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.

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

1. to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities;
2. to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities;
3. to ensure that the Federal Government plays a central role in enforcing the standards established in this chapter on behalf of individuals with disabilities; and
4. to invoke the sweep of congressional authority, including the power to enforce the fourteenth amendment and to regulate commerce, in order to address the major areas of discrimination faced

day-to-day by people with disabilities.

Law--

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).

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

"...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)

The state refusing my request for reasonable modifications does not release the state from its responsibilities 28 CFR § 35.149; 28 C.F.R. § 35.130(b)-(d); 28 C.F.R. § 35.160(b)(1); 42 U.S.C. § 12132; 42 U.S.C. § 12182(b)(1)(A)(i)-(iii), (B)-(E); 42 U.S.C. § 12182(b)(2)(A)(i)-(iii); to not exclude me, a qualified individual with a disability from participation in or be denied the benefits of the services, programs, or activities of a public entity, 28 C.F.R. § 35.130(a); 28 C.F.R. § 35.130(b)(1)(i)-(iii), (v), (vii); (3), (6), (7)(i), (8); 42 U.S.C. § 2000d

Disability discrimination codified by 42 U.S.C. § 12132 can be viewed at, https://www.law.cornell.edu/uscode/text/42/12132; 42 U.S.C. § 12182(b)(1)(A)(i)-(iii), (B)-(E); 42 U.S.C. § 12182(b)(2)(A)(i)-(iii). Constituting a violation of: 42 U.S.C. § 1983; 18 U.S.C. § 241; 18 U.S.C. § 242.

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.

In your opinion, do you think the federal government suspending or terminating or refusing to grant or to continue Federal financial assistance applies to the entire state or just the election(s) that the state is discriminating against me in? 42 U.S.C. § 12132 -> 42 U.S.C. § 12133 -> 29 U.S.C. § 794a(a)(2) -> 42 U.S.C. § 2000d -> 42 U.S.C. § 2000d-1 and 29 U.S.C. § 794

Procedure for how the state can lawfully refuse an ADA request is established in 28 C.F.R. § 35.164. If the State does not honor my request for reasonable modifications and the State does not satisfy the requirements set forth in 28 C.F.R. § 35.164, **the State** will be **committing a hate crime (18 U.S.C. § 249)** against me by **discriminating against me for my disability** in my enjoyment of **federally protected activities (18 U.S.C. § 245)** which will also violate my **civil rights (18 U.S.C. § 241 and 18 U.S.C. § 242)**. State and federal criminal charges will be pursued.

Interfering with my:

1. ability to qualify or campaign as a candidate for elective office in any primary, special, or general election; 18 U.S.C. § 245(b)(1)(A); and,
2. 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,
3. participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; 18 U.S.C. § 245(b)(1)(E)

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

A qualified individual with a disability 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])

"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 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)

ADA stuff from the DOJ and ADA websites for the subsequent quotes is publicly accessible on my Google drive via the subsequent link. Please let me know if you have a problem accessing the files and I can email them to you; https://drive.google.com/drive/folders/1xIOeKkem7sbwQ94vbLB01vWXYJn-2U6U?usp=drive_link

"...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)*

"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)

Other relevant laws;

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

Non ADA laws prohibiting the signatures,

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

52 U.S.C. § 10502(a)(1), (3)-(6)
* durational residency is established by the requirement of registered voters of the state to sign a petition
** A durational-residency requirement is a rule that requires a person to be a resident of a particular state for a specific period before they can exercise a particular right or privilege.

18 U.S.C. § 595

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
5. "...we hold that a state amendment is unconstitutional when it has the likely effect of handicapping a class of candidates and has the sole purpose of creating additional qualifications indirectly." *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779, 836 (1995)
6. `Representatives and Senators are as much officers of the entire union as is the President. States thus "have just as much right, and no more, to prescribe new qualifications for a representative, as they have for a president. . . . It is no original prerogative of state power to appoint a representative, a senator, or president for the union."` U.S. Term Limits, Inc. v. Thornton, 514 U.S. 779, 803 (1995)
7. `...Constitution's treatment of Presidential elections actively contradicts the majority's position. While the individual States have no "reserved" power to set qualifications for the office of President, we have long understood that they do have the power (as far as the Federal Constitution is concerned) to set qualifications for their Presidential electors — the delegates that each State selects to represent it in the electoral college that actually chooses the Nation's chief executive. Even respondents do not dispute that the States may establish qualifications for their delegates to the electoral college, as long as those qualifications pass muster under other constitutional provisions (primarily the First and Fourteenth Amendments). See *Williams* v. *Rhodes*, 393 U.S. 23, 29 (1968); *McPherson* v. *Blacker*, 146 U.S. 1, 27-36 (1892). As the majority cannot argue that the Constitution affirmatively grants this power, the power must be one that is "reserved" to the States. It necessarily follows that the majority's understanding of the Tenth Amendment is incorrect, for the position of Presidential elector surely "'spring[s] out of the existence of the national government.'"` See *ante*, at 802.

8. *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779, 861-62 (1995)

Constitutionally

1. 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."
2. 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 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, and 18 U.S.C. § 242; and,

3. Violating 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."

-Mathew Tyler

(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

[Quoted text hidden]

GeneralCounsel <GeneralCounsel@sos.texas.gov> Thu, Apr 25, 2024 at 11:27 AM
To: "**********" <**********>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>

Good afternoon,

Thank you for contacting the Office of the Texas Secretary of State (the "Office"). Your April 20 email was forwarded to the Office's General Counsel for response. The Office does not maintain information regarding the ADA procedures for the State of Texas as a whole.

As to the remaining concerns addressed in your email, you may wish to contact the Texas Legislature about the statutory provisions related to independent candidates. As an executive agency, the Office does not have the power to change the laws in effect in the State of Texas.

Kind regards,

Jennifer Williams

Legal Assistant to the General Counsel

Office of the Texas Secretary of State

From: Mathew Tyler <**********>
Sent: Saturday, April 20, 2024 2:49 PM
To: Elections Internet <Elections@sos.texas.gov>
Subject: Re: 2024 November General Election - Filing Status

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

[Quoted text hidden]

Mathew Tyler <**********> Fri, Apr 26, 2024 at 10:08 AM
To: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Cc: "**********" <**********>

Ms. Williams,

What people seem to fail to realize is: not only have I planned this far, to leverage the law in a way that I have; I have also planned for beyond. It is my opinion that one of two things will happen, either the state will honor my request for reasonable modifications or everything, the ADA, case laws, statutes, my opinions, and of course the names of the officials who discriminated against me, everything will be published all over the Internet. Everything. The latter allowing for anyone, including foreign interests, even if through litigation, to advance my efforts of advancing US disability policy (29 U.S.C. § 701[c]) and purpose (29 U.S.C. § 701(b), 42 U.S.C. § 12101(b)) and antidiscrimination policy of the US.

As indicated in my email April 20th, 2024; "**Procedure for how the state can lawfully refuse an ADA request is established in 28 C.F.R. § 35.164**"; the law can freely be viewed at: https://www.law.cornell.edu/cfr/text/28/35.164. The state must "...demonstrate...," not purport. And, "...must be made by the head of the public entity or his or her designee 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 required to comply with this subpart would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the benefits or services provided by the public entity."

It is important to note that even if the state is able to demonstrate that honoring my request would cause an undue burden or fundamentally alter anything, the state is still required to provide inclusive access (28 CFR § 35.130(d), (g)) to the services to me, a qualified individual with a disability (42 U.S.C. § 12131[2]) which will be on the state to determine eligibility requirements that do not discriminate against me. The state is required to provide reasonable accommodations (28 C.F.R. § 35.130[d]; 28 C.F.R. § 35.149; 28 C.F.R. § 35.160[b], [c]; 28 C.F.R. § 35.130[b][1]-[3], [6]-[8]; 42 U.S.C. § 12182[b][1][A][i]-[iii], [B]-[E]; 42 U.S.C. § 12182[b][2][A][i]-[iii]) unless the state can demonstrate and providing reasonable accommodations would cause undue hardship to the state or that honoring them would fundamentally alter the nature of the services (42 U.S.C. § 12182[b][2][A][ii], [iii]).

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)

"...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)

"...we hold that a state amendment is unconstitutional when it has the likely effect of handicapping a class of candidates and has the sole purpose of creating additional qualifications indirectly." *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779, 836 (1995)

Disability discrimination codified by 42 U.S.C. § 12132 can be freely viewed at, https://www.law.cornell.edu/uscode/text/42/12132; 42 U.S.C. § 12182(b)(1)(A)(i)-(iii), (B)-(E); 42 U.S.C. § 12182(b)(2)(A)(i)-(iii). Constituting a violation of: 42 U.S.C. § 1983; 18 U.S.C. § 241; 18 U.S.C. § 242. 42 U.S.C. § 12132 -> 42 U.S.C. § 12133 -> 29 U.S.C. § 794 -> 29 U.S.C. § 794a(a)(2) -> 42 U.S.C. § 2000d -> 42 U.S.C. § 2000d-1(1)

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

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

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

-Mathew Tyler

[Quoted text hidden]

GeneralCounsel <GeneralCounsel@sos.texas.gov> Fri, May 10, 2024 at 8:59 AM
To: Mathew Tyler <**********>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>

Good morning,

This email responds to your follow up request for information under the Public Information Act, Chapter 552 of the Texas Government Code (the "PIA").

The Office of the Texas Secretary of State's ADA Coordinator is Laura Rhinehart. She may be contacted at 512-463-8000 or by email at HRadmin@sos.texas.gov.

Our Office does not maintain any information responsive to the remainder of your inquiry.

[Quoted text hidden]

Mathew Tyler <**********> Fri, May 10, 2024 at 9:01 AM
To: HRadmin@sos.texas.gov

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

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

-Mathew Tyler

[Quoted text hidden]