
ADA Request for reasonable accommodations US President candidate FEC#P60005600

9 messages

Elections - Candidate Support <CandidateSupport@sos.wa.gov>
To: "hi@tylerpresident.com" <hi@tylerpresident.com>
Cc: Elections - Public <elections@sos.wa.gov>

Wed, Mar 27, 2024 at 7:44 AM

Dear Mathew Taylor,

Thank you for contacting our office.

Washington's laws related to ballot access for presidential candidates do not impose any physical requirements on candidates. The purpose of the state laws is to ensure that the candidate has significant support in the state of Washington. Washington law requires only that candidates submit 1,000 signatures of voters registered in the state of Washington, gathered at organized meetings. Candidates are not required to personally participate in those meetings. These requirements appear in RCW 29A.56.600 through RCW 29A.56.670, which are available online at this website: <https://app.leg.wa.gov/RCW/default.aspx?cite=29A.56>.

At no point do candidates have to be physically present in the state of Washington in order to gain ballot access; they merely need to demonstrate the support of registered Washington voters. If you still believe that an accommodation is necessary, please identify how your disability interferes with your ability to arrange for the collection of signatures. Please also identify any accommodations that would allow you to participate while still demonstrating that your candidacy has significant support in Washington.

Sincerely,

Stu Jensen (*he, him*)

Candidate Filing Program Lead

Office of the Secretary of State

360-725-5785 | sos.wa.gov/elections/candidates

Providing voter and candidate focused information




WASHINGTON
Secretary of State
Elections Division



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The information in this email is provided as a service to the public and to our county election partners and is for informational purposes only. The contents should not be construed as, and is not intended to be, legal advice. You should contact your attorney for assistance navigating the law.

2 attachments
 **MinorParty_Ind_PresCandidatesGuide2024.pdf**
875K

 **Mathew Tyler ADA accommodation request.pdf**
875K

Mathew Tyler <*****>

Wed, Mar 27, 2024 at 9:19 AM

To: Elections - Candidate Support <CandidateSupport@sos.wa.gov>

Cc: "hi@tylerpresident.com" <hi@tylerpresident.com>, Elections - Public <elections@sos.wa.gov>, judyg@atg.wa.gov, Info@bobferguson.com, Emily.Langlie@usdoj.gov, USAWAW.PublicComment@usdoj.gov, USAWAE.webmaster@usdoj.gov, Vanessa.Waldref@usdoj.gov, Tessa.Gorman@usdoj.gov, frontdesk@hum.wa.gov

Mr. Jensen,

As needs associated with disabilities are broad and unique to each person, requiring case by case reasonable accommodations which is why the ADA is so broad, reaffirmed by the ADAAA. An ADA request for reasonable accommodations is not a matter for the state to determine whether my request meets my needs or not, 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]); herein subsequently elaborated on.

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) For me personally though, 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. 42 U.S.C. § 12131(2); 42 U.S.C. § 12102(1)(A), (B).

I wish to be listed on the ballot as an unaffiliated (independent) candidate in the 2024 general election.

I request reasonable accommodations through an exception to practices, policies, and procedures to any and all physical requirements as well as time related requirements imposed by the state including without limitation to: the solicitation of signatures, collection of signatures, submission of signatures, start times, and deadlines for filing for ballot access as an unaffiliated (independent) US presidential candidate in the 2024 general election. 42 U.S.C. § 1983; 42 U.S.C. § 12101(b), 42 U.S.C. § 12103(1)(D). If it's a matter of public record/procedure, my ADA request could be certified (by the State) and kept on file in lieu of the signatures required.

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.

Preemption / preclusion of conflicting state laws,

Preemption of inconsistent state law when necessary to effectuate a required "reasonable modification" 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]*)

"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/1eyOqitflj37wTdgDooXibhml2ZXUP4d3?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)

The Department of Justice offers the following(1) pertaining to undue burden and fundamentally altering anything;

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."

Noncompliance / insubordination,

If the State does not honor my request for reasonable accommodations and the State does not demonstrate how honoring my request would fundamentally alter the nature of such goods, services, facilities, privileges, advantages, or accommodations, **you and the state will be committing a hate crime (18 U.S.C. § 249)** against me by **discriminating** against me for **my disability** in my participation and enjoyment of **federally protected activities (18 U.S.C. § 245)** which will also **violate my civil rights**; due process and equal protection **(18 U.S.C. § 241 and 18 U.S.C. § 242)**

1. 18 U.S.C. § 245(b)(1)(A) Interfering with my ability to qualify and campaign as a candidate for elective office in any primary, special, or general election; and,
2. 18 U.S.C. § 245(b)(1)(B) participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States; and,
3. 18 U.S.C. § 245(b)(1)(E) participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; and,
4. Civil litigation and criminal complaints with state law enforcement agencies and federal law enforcement agencies will be pursued.

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. Presidential candidate requirements violate the First and Fourteenth Amendments to the US Constitution; *Anderson v. Celebrezze, 460 U.S. 780 (1983)*; and,
5. 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

Constitutional authority

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

[Quoted text hidden]

Mathew Tyler <*****>

Mon, Apr 8, 2024 at 10:05 AM

To: Mathew Tyler <*****>

Cc: Elections - Candidate Support <CandidateSupport@sos.wa.gov>, "hi@tylerpresident.com" <hi@tylerpresident.com>, Elections - Public <elections@sos.wa.gov>, judyg@atg.wa.gov, Info@bobferguson.com, Emily.Langlie@usdoj.gov, USAWAW.PublicComment@usdoj.gov, USAWAE.webmaster@usdoj.gov, Vanessa.Waldref@usdoj.gov, Tessa.Gorman@usdoj.gov, frontdesk@hum.wa.gov

What other actions/alternatives to my request for reasonable modifications is the state proposing to make to satisfy the state's obligation to operate in an inclusive manner; providing me, a qualified individual with disabilities with an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of the state?

As mandated by federal law (28 CFR § 35.107), what is the contact information of the ADA coordinator / designated employee [28 CFR § 35.107(a)] and what is the published complaint procedure for grievances [28 CFR § 35.107(b)]?

29 U.S.C. § 794(a)

-Mathew Tyler

[Quoted text hidden]

Elections - Candidate Support <CandidateSupport@sos.wa.gov>

Wed, Apr 24, 2024 at 1:25 PM

To: Mathew Tyler <*****>

Cc: Elections - Candidate Support <CandidateSupport@sos.wa.gov>, "hi@tylerpresident.com" <hi@tylerpresident.com>, Elections - Public <elections@sos.wa.gov>, "judyg@atg.wa.gov" <judyg@atg.wa.gov>, "Info@bobferguson.com" <Info@bobferguson.com>, "Emily.Langlie@usdoj.gov" <Emily.Langlie@usdoj.gov>, "USAWAW.PublicComment@usdoj.gov" <USAWAW.PublicComment@usdoj.gov>, "USAWAE.webmaster@usdoj.gov" <USAWAE.webmaster@usdoj.gov>, "Vanessa.Waldref@usdoj.gov" <Vanessa.Waldref@usdoj.gov>, "Tessa.Gorman@usdoj.gov" <Tessa.Gorman@usdoj.gov>, "frontdesk@hum.wa.gov" <frontdesk@hum.wa.gov>

Dear Mathew Taylor:

Thank you for your response. The Office of the Secretary of State is committed to fully complying with the ADA and, in that regard, is more than willing to engage in the interactive process to determine whether modifications to ballot access requirements are necessary to ensure equal access to the ballot. Once we understand the specific accommodations that are necessary, we will be in a better position to determine whether such accommodations would fundamentally alter Washington State's requirement that each candidate demonstrate a sufficient modicum of public support to be listed as a candidate on the ballot.

The Office of the Secretary of State cannot currently propose a reasonable accommodation because it does not currently have enough information about how your disability interferes with your ability to participate in Washington's election process as a presidential candidate. As we had mentioned previously, those ballot access laws do not impose any physical requirements. If they impose some other form of obstacle to you, we need more information about the nature of those obstacles to be able to consider and propose a reasonable accommodation.

We invite and strongly encourage you to engage in a collaborative process with our office so that we can better understand the specific obstacles you face. We are willing to engage in this discussion by email,

telephone, virtual meeting, or in-person. If you would like to speak directly, please provide some dates and times you are available and we will do our best to accommodate your schedule.

We look forward to speaking with you again.

Stu Jensen (*he, him*)

Candidate Filing Program Lead

Office of the Secretary of State

360-725-5785 | sos.wa.gov/elections/candidates

Providing voter and candidate focused information



WASHINGTON
Secretary of State
Elections Division



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From: Mathew Tyler <*****>

Sent: Monday, April 8, 2024 10:05 AM

To: Mathew Tyler <*****>

Cc: Elections - Candidate Support <CandidateSupport@sos.wa.gov>; hi@tylerpresident.com; Elections - Public <elections@sos.wa.gov>; judyg@atg.wa.gov; Info@bobferguson.com; Emily.Langlie@usdoj.gov; USAWAW.PublicComment@usdoj.gov; USAWAE.webmaster@usdoj.gov; Vanessa.Waldref@usdoj.gov; Tessa.Gorman@usdoj.gov; frontdesk@hum.wa.gov

Subject: Re: ADA Request for reasonable accommodations US President candidate FEC#P60005600

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

[Quoted text hidden]

Mathew Tyler <*****>

Wed, Apr 24, 2024 at 9:31 PM

To: Elections - Candidate Support <CandidateSupport@sos.wa.gov>

Cc: Mathew Tyler <*****>, "hi@tylerpresident.com" <hi@tylerpresident.com>, Elections - Public <elections@sos.wa.gov>, "judyg@atg.wa.gov" <judyg@atg.wa.gov>, "Info@bobferguson.com" <Info@bobferguson.com>, "Emily.Langlie@usdoj.gov" <Emily.Langlie@usdoj.gov>, "USAWAW.PublicComment@usdoj.gov" <USAWAW.PublicComment@usdoj.gov>, "USAWAE.webmaster@usdoj.gov" <USAWAE.webmaster@usdoj.gov>, "Vanessa.Waldref@usdoj.gov" <Vanessa.Waldref@usdoj.gov>, "Tessa.Gorman@usdoj.gov" <Tessa.Gorman@usdoj.gov>, "frontdesk@hum.wa.gov" <frontdesk@hum.wa.gov>

Dear Office of the Secretary of State,

As previously indicated in paragraph two of my email of March 27, 2024; "...For me personally though, 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."

28 C.F.R. § 35.160(c)

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 case,

• "...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)

• `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)

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

-Mathew Tyler

[Quoted text hidden]

Elections - Candidate Support <CandidateSupport@sos.wa.gov>

Mon, Apr 29, 2024 at 1:06 PM

To: Mathew Tyler <*****>, Elections - Candidate Support <CandidateSupport@sos.wa.gov>

Cc: "hi@tylerpresident.com" <hi@tylerpresident.com>, Elections - Public <elections@sos.wa.gov>, "judyg@atg.wa.gov" <judyg@atg.wa.gov>, "Info@bobferguson.com" <Info@bobferguson.com>, "Emily.Langlie@usdoj.gov" <Emily.Langlie@usdoj.gov>, "USAWAW.PublicComment@usdoj.gov" <USAWAW.PublicComment@usdoj.gov>, "USAWAE.webmaster@usdoj.gov" <USAWAE.webmaster@usdoj.gov>, "Vanessa.Waldref@usdoj.gov" <Vanessa.Waldref@usdoj.gov>, "Tessa.Gorman@usdoj.gov" <Tessa.Gorman@usdoj.gov>, "frontdesk@hum.wa.gov" <frontdesk@hum.wa.gov>

Mathew Tyler,

Thank you for providing further information and engaging in the interactive process. In response to your concerns, we want to be clear that there is no filing fee in Washington State to obtain access to the ballot as independent or minor party candidate. The requirements for obtaining ballot access are set forth RCW 29A.56.600-29A.56.640. These statutes do not require payment of any fees.

As we had previously mentioned, the statutes also do not impose any physical requirements to obtain access to the ballot. As we had previously mentioned, RCW 29A.56.610 does not require that you attend any convention in person. To the extent the statute requires any convention to be held in-person, however, the Secretary of State offers the option of holding a virtual convention to meet the signature requirements under RCW 29A.56.610 as a reasonable accommodation to reduce any potential barriers of holding such a convention. The State, however, cannot waive the requirement of gathering signatures of registered voters as set forth in RCW 29A.56.610, as doing so would fundamentally alter the nature of the program by eliminating an essential requirement for independent or minor party presidential candidates to show a sufficient level of support within the State before obtaining access to the ballot.

Thank you again for engaging in the interactive process.

[Quoted text hidden]

Mathew Tyler <*****>

Mon, Apr 29, 2024 at 3:17 PM

To: Elections - Candidate Support <CandidateSupport@sos.wa.gov>

Cc: Mathew Tyler <*****>, "hi@tylerpresident.com" <hi@tylerpresident.com>, Elections - Public <elections@sos.wa.gov>, "judyg@atg.wa.gov" <judyg@atg.wa.gov>, "Info@bobferguson.com" <Info@bobferguson.com>, "Emily.Langlie@usdoj.gov" <Emily.Langlie@usdoj.gov>, "USAWAW.PublicComment@usdoj.gov" <USAWAW.PublicComment@usdoj.gov>, "USAWAE.webmaster@usdoj.gov" <USAWAE.webmaster@usdoj.gov>, "Vanessa.Waldref@usdoj.gov" <Vanessa.Waldref@usdoj.gov>, "Tessa.Gorman@usdoj.gov" <Tessa.Gorman@usdoj.gov>, "frontdesk@hum.wa.gov" <frontdesk@hum.wa.gov>

Dear Secretary of State,

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

As mandated by federal law, 28 C.F.R. § 35.107(b), where are the Secretary of State's Office's 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'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>.

How can a "virtual convention" satisfy the signature requirement?

Please follow the procedures set forth in 28 C.F.R. § 35.164 for lawfully refusing an ADA request; 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]).

"...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)

-Mathew Tyler

[Quoted text hidden]

Front Desk (HUM) <frontdesk@hum.wa.gov>

Thu, May 2, 2024 at 10:38 AM

To: Mathew Tyler <*****>

Cc: "Front Desk (HUM)" <frontdesk@hum.wa.gov>

The Washington State Human Rights Commission (WSHRC) confirms receipt of your email below. The WSHRC is a state agency that administers and enforces the Revised Code of Washington (RCW) 49.60 - Washington Law Against Discrimination, which protects citizens and residents of Washington State against discrimination in the areas of:

1. Employment – for businesses that have over 8 employees
2. Places of Public Accommodation
3. Housing or Real Estate Transactions
4. Insurance
5. Credit Transactions.

This law only gives the WSHRC the authority and jurisdiction to investigate complaints of discrimination in the above areas if based on:

1. Race
2. Color
3. Creed
4. National Origin
5. Immigration Status
6. Age
7. Sex / Sexual Orientation / Pregnancy
8. Marital Status
9. Veteran or Military Status

10. The presence of a disability.

In addition, we also have the authority to investigate complaints of retaliation for opposing a discriminatory practice or for being a state employee or healthcare whistleblower.

The WSHRC does not have jurisdiction over certain services or entities, such as:

1. Native American tribes
2. Employers with fewer than eight employees
3. Religious employers
4. The federal government
5. Claims in which the harm occurred outside of the State of Washington
6. Date of harm occurred outside the statute of limitations.

If you believe that your inquiry falls under the required criteria listed above, you will have to complete our complaint forms which are available via our agency website at hum.wa.gov. No further action will be taken until you have provided the necessary information.

If you have any questions or need assistance in completing the form(s), please feel free to contact our office at (360) 753-6770 or through our toll-free line at 1-800-233-3247. Otherwise, if we do not receive a completed questionnaire by the deadline listed above, we will assume you are no longer interested in filing a complaint with our agency and we will take no further action.

Should you decide not to proceed with filing a complaint with our agency, please remove us from your distribution list.

WSHRC Staff

From: Mathew Tyler <*****>

Sent: Monday, April 29, 2024 3:17 PM

To: Elections - Candidate Support <CandidateSupport@sos.wa.gov>

Cc: Mathew Tyler <*****>; hi@tylerpresident.com; Elections - Public <elections@sos.wa.gov>; judyg@atg.wa.gov; Info@bobferguson.com; Emily.Langlie@usdoj.gov; USAWAW.PublicComment@usdoj.gov; USAWAE.webmaster@usdoj.gov; Vanessa.Waldref@usdoj.gov; Tessa.Gorman@usdoj.gov; Front Desk (HUM) <frontdesk@hum.wa.gov>

Subject: Re: ADA Request for reasonable accommodations US President candidate FEC#P60005600

External Email

[Quoted text hidden]

Front Desk (HUM) <frontdesk@hum.wa.gov>
To: "*****" <*****>
Cc: "Front Desk (HUM)" <frontdesk@hum.wa.gov>

[Quoted text hidden]

WSHRC Staff

From: Elections - Candidate Support <CandidateSupport@sos.wa.gov>
Sent: Wednesday, April 24, 2024 1:26 PM
To: Mathew Tyler <*****>
Cc: Elections - Candidate Support <CandidateSupport@sos.wa.gov>; hi@tylerpresident.com; Elections - Public <elections@sos.wa.gov>; judyg@atg.wa.gov; Info@bobferguson.com; Emily.Langlie@usdoj.gov; USAWAW.PublicComment@usdoj.gov; USAWAE.webmaster@usdoj.gov; Vanessa.Waldref@usdoj.gov; Tessa.Gorman@usdoj.gov; Front Desk (HUM) <frontdesk@hum.wa.gov>
Subject: RE: ADA Request for reasonable accommodations US President candidate FEC#P60005600

External Email

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