

Appendix on Appeal

Samuel Sloan

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13-3328

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

Samuel H. Sloan,
Richard Bozulich,
Thomas R. Stevens,

Appellants,

-against-

Salvatore G. Caruso,
Daniel S. Szalkiewicz,
Board of Elections in the City of New York,

Respondents.

ON APPEAL from the UNITED STATES DISTRICT COURT
for the SOUTHERN DISTRICT OF NEW YORK

APPENDIX ON APPEAL

Samuel H. Sloan
1664 Davidson Avenue, Apt. 1B
Bronx NY 10453

917-507-7226
917-659-3397
samhsloan@gmail.com

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Samuel Sloan : Appendix on Appeal before purchasing it in order to gage whether or not it would be worth my time, and all praised Appendix on Appeal:

This proceeding is brought under Election Law Sections 16-100 and 16-102 and other provisions of New York Law. Sam Sloan is a candidate for Mayor of the City of New York. Richard Bozulich is a candidate for Comptroller of the City of New York. Thomas R. Stevens is a candidate for Public Advocate of the City of New York. At the Hearing on the Order to Show Cause before Justice Paul Wooten on August 5, 2013, Defendant Board of Elections in the City of New York provided only one grounds for throwing the petitioners of the ballot. That ground was that under Section 132 (2) of New York Election law the subscribing witnesses to a Designating Petition must be registered to vote as a member of the Party whose nomination is being sought, and the subscribing witnesses were not Republicans with only

two exceptions. Petitioners had submitted approximately 4500 signatures to run for election whereas only 3750 are required. (There are some differences in the count of the total number of signatures but all counts agree that more than 4200 were filed.) A few of the 4500 signatures collected were found invalid for various reasons including bad address or not registered to vote. However, a core of 3905 signatures were found to be good but invalid for one reason only which is that the Subscribing Witnesses to those petitions were not registered to vote as members of the Republican Party. In other words, had those 3905 signatures been witnessed by a Registered Republican Party Voter, then all three petitioners would be on the ballot. However, because they were witnessed by other voters, including Democrats, Libertarians and Blanks, those 3905 signatures were deemed invalid. Petitioner Sam Sloan is a long standing registered voter in the Republican Party and he also circulated and witnessed some of the petitions and signed one of the petitions himself. The petitions he witnessed were deemed valid but all or almost all of the others were deemed invalid on the ground that the subscribing witness was not registered as a Republican. Frankly, the petitioners are newcomers to this process and were not aware that there was any requirement that the signatures be witnessed by members of any political party. Had they known about this they might have tried to find witnesses who are Republicans but failing that they would likely have given up trying to run for election as finding any witnesses is a difficult task under any circumstances. Witnesses must sign a declaration equivalent to an affidavit under penalty of perjury and must be prepared to be subpoenaed to testify in court under oath. Obviously, not many people are going to be willing to do that. Now that the petitioners have found out the hard way that there is a rule as interpreted by the Board of Elections that says that petitions for Republican Party Candidates must be witnessed (as well as being signed) by REGISTERED voters in the Republican Party, petitioners contend that such a requirement is unconstitutional under the First Amendment right To Petition the Government. It seems obvious that a requirement that the signatures to a petition of any type are deemed valid if and only if they are witnessed by Registered Republicans cannot be Constitutional. This is an infringement to the constitutional right to Petition the Government

About the Author Sam Sloan was a candidate for Mayor of the City of New York. He is an American chess player and publisher. In 2006, Sloan served on the Executive Board of the United States Chess Federation. In 1970, Sloan established a registered broker-dealer that traded over-the-counter stocks and bonds. Sloan had no formal legal training but orally argued a case before the Supreme Court after litigating against the Securities and Exchange Commission over policies regarding the trading of penny stocks. The Court ruled in his favor, 90, concerning his claim that the "tacking" of 10-day summary suspension orders for an indefinite period was an abuse of the agency's authority and a deprivation of due process.