

New York Supreme Court, Albany

Gerard Aprea,)	CASE NO. _____
John Vidurek,)	
)	JUDGE: _____
Plaintiffs;)	
)	
- vs -)	
)	
NEW YORK STATE BOARD OF ELECTIONS,)	Affidavit of
DUTCHESS COUNTY BOARD OF ELECTIONS,)	Gerard Aprea
GREEN COUNTY BOARD OF ELECTIONS,)	
Defendants;)	
)	

Dutchess County)
New-York, one of the Original Thirteen States of the Perpetual Union 1777)
united States of America, Anno Domini 1776)
The United States of America, Anno Domini 1777)
United States of America, Anno Domini 1787)
)

I Gerard Aprea, Affiant, being of lawful age, qualified and competent to testify to and having first hand knowledge of the following facts to hereby affirm that the following facts are true, correct and not misleading:

I AM A PETITIONER IN THE ABOVE ACTION, stating in support:

1. On or about July 15, 2010 I filed with Greene County Board of Elections (GCBOE) a designating petition for “Committeeman”. Exhibit 111
2. I received a letter from the GCBOE Dated July 20, 2010 stating that there were no vacancies and that positions were filled only in odd years, thereby misdesignating me as a town committeeman and not a Committeeman. Exhibit 09

3. I then sent a letter to the GCBOE On July 22,2010 stating that I was not petitioning for “Member Of The County Committee” but rather “Committeeman” Exhibit 113
4. On or about July 30, 2010, I received a letter from DCBOE dated July 28, 2010 voiding my petition, Exhibit 114 incorrectly claiming that 2010 was not an election year for the position I petitioned.
5. Pursuant to Election law §6-158.2 a certificate of declination must be filed dated no latter than July 19, 2010 but the letter I received from DCBOE dated July 20, 2010 Exhibit 112 voiding my petition which was dated one day beyond the election law statue of limitations for a certificate of declination.
6. Respondent conveyed information to me in a letter dated July 20, 2010 Exhibit 112 concerning petitioning process for the town committeeman which they claimed is an odd year, when in fact it is not within the authority of a private association to change the election of committeemen, which is a national event, to a odd year
7. In a letter dated July 20, 2010 DCBOE changed my status from elected “Committeeman” to a nominated “Member of the County Committee” aka town committeeman. Exhibit 112
8. From a request on or about July of 2010 I received absolute knowledge that the position for “Committeeman” for ED 4, Town of Cairo, County of Greene was a vacant seat.
9. Election law §6-158-13 provides that any vacancy that occurs too late to comply with these provisions are to be filled as soon as practicable, and baring a special election that would be the “very next” election cycle. Therefore the vacancy that I petitioned for should have been filled by me at the 2010 election cycle.

10. Election Law §2-120.1 provides for “the chairman of the county committee to file with the BOE two weeks before the first day on which designating petitions for a primary election is to be signed, a statement of the party positions to be filled, failure of the chairman to act is not to be construed as a prerequisite”. Therefore the vacancy that I petitioned for should have been filled at the 2010 election cycle.
11. My personal experience with the NYSBOE and my observations of the NYSBOE’s treatment of others trying to access the People’s process has led me to conclude that the NYSBOE is preventing the People access to the process that belongs to us and therefore is disenfranchising me and all the good People of New York.

VERIFICATION

BEFORE ME personally appeared Gerard Aprea who, being by me first duly sworn and identified in accordance with New York law, deposes and says:

1. My name is Gerard Aprea, plaintiff herein.
2. I have written and understood this affidavit filed herein, and each fact alleged therein is true and correct of my own personal knowledge.

FURTHER THE AFFIANT SAYETH NAUGHT

All rights reserved,

Gerard Aprea, sui Juris, unrepresented
 Fax (888) 891-8977
 600 Violet Ave, Suite 107
 Hyde Park, New York

SIGNATURE VERIFICATION FOR WITNESS PURPOSES ONLY

Use of notary is for cognizance in foreign venue only and not meant to convey jurisdiction.

Subscribed before me, _____, a Notary Public, on this _____ day of the Eleventh month of the Year of our Lord two thousand eleven and two hundred thirty-fifth Year of our Independence.

Notary

My commission expires:
(Seal)