

**New York Supreme Court, Albany**

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Gerard Aprea, )  
 John Vidurek, )  
 )  
 Plaintiffs; )  
 )  
 - vs - )  
 )  
 NEW YORK STATE BOARD OF ELECTIONS, )  
 DUTCHESS COUNTY BOARD OF ELECTIONS, )  
 GREEN COUNTY BOARD OF ELECTIONS, )  
 Defendant. )

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CASE NO. \_\_\_\_\_

JUDGE: \_\_\_\_\_

**AFFIDAVIT OF  
John Vidurek**

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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 )

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I John Vidurek, 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:

**2010 ELECTION**

1. On or about July 14, 2010, I filed a designating petition for “Committeeman” with Dutchess County Board of Elections (DCBOE). Exhibit 105
2. On or about July 15, 2010, I received a letter from DCBOE dated July 14, 2010 confirming the filing of my designating petition, but misidentified my title as Cnty Committeeman and not committeeman. Exhibit 106

3. On or about July 24, 2010, I received a letter from DCBOE dated July 21, 2010 voiding my petition, claiming that 2010 was not an election year for the position I had petitioned for.  
Exhibit 107
4. 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 21, 2010 voiding my misidentified titled petition two days beyond the election law statue of limitations for a certificate of declination. Exhibit 106
5. Respondent conveyed information to me in a letter dated July 21, 2010 Exhibit 106 concerning petitioning process for the town committeeman which they stated is an odd year, which may be true for the title "Member of the County Committee" which is a party position nominated at a primary election aka "town committeeman", but my petition was for "Committeeman" titled the same.
6. In a letter dated July 21, 2010, DCBOE had switched my status from the title elected "Committeeman" to a nominated "Member of the County Committee" aka town committeeman. Exhibit 106
7. From a FOIA that I filled out on or about July of 2010 I received absolute knowledge that the position for "Committeeman" for ED 2, Ward 2, Town of Hyde Park, County of Dutchess was a vacant seat.
8. §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.

9. My personal experience with NYSBOE, and my observations and knowledge of NYSBOE's treatment of others trying to access the People's process, has led me to conclude that the NYSBOE in collusion with the private party associations preventing the People access to the process that belongs to us and therefore is disenfranchising myself and all the good People of New York.
10. During the 2010 election cycle, on or about July 12 – 15, 2010, I documented, tracked and recorded at least 27 people in counties across New York filing designating petitions for the office of "Committeeman" in election districts that were vacant; and, none of these people were successful with their petitions. Exhibit 118

#### **NYSBOE NOT ACCOMMODATING THE PEOPLE**

11. On or about June of 2010 until about May 13, 2011 (*about 12 months*) I requested many times from the Dutchess County BOE commissioner and the Dutchess County Chairman a copy of the Dutchess County Republican rules and NYS Republican Party rules without success.
12. On or about May 14, 2011 I received a letter from the Dutchess County BOE dated 5-13-11 concluding my Freedom of Information Law stating "DCBOE does not possess the requested information", that information that the DCBOE "**FAILED TO DEFINE**" was the NYS Republican Party rules. Exhibit 116
13. Between July 11<sup>th</sup> and July 14<sup>th</sup>, 2011 I received numerous phone calls from people who were having trouble handing in their designating petitions.
14. I received faxes from six people, from Orange County who turned in designating petitions for "Committeeman" to the Orange County BOE and all were rejected relying on a party

call for such a position and not the BOE records that would reveal that the

“Committeeman” positions were available in the said election districts. Exhibit 118

15. I received another fax from a candidate in Orange County for committeeman that was at first accepted and then contested by a person running for nominated as “Member of the County Committee” and the Orange County BOE voided the candidate petition for elective office.
16. My personal experience with Dutchess County BOE, and my observations and knowledge of NYSBOE’s treatment of many others, in many counties, trying to access the People’s process, has led me to see that the NYSBOE is preventing the People access to the process that belongs to us and therefore is disenfranchising myself and many other good People of New York.

### **2011 ELECTION**

17. On July 14<sup>th</sup> 2011 I filed again with the Dutchess County Board of Election a petition for the designating position of “Committeeman”. Exhibit 108
18. On or about July 16, 2011 I received a letter dated July 15, 2011 serving notice that my designating petition for "Committeeman" was again misfiled as “Cnty Comm”. Exhibit 109
19. I had personal knowledge that the position of committeeman in the election district (ED) that I had petitioned in 2011 was vacant and unopposed.
20. §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 barring 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 2011 election cycle.

21. In a letter from the Dutchess County Board of Election dated July 15, 2011 again misfiled my petition as "town committeemen" instead of "Committeeman". Exhibit 109
22. On July 18, 2011 I wrote a letter to the Dutchess County BOE Commissioner Erik J. Haight, demanding that the mistitled petition be corrected and to confirm my position for “Committeeman”, but went unanswered. Exhibit 110
23. Therefore, my title again, was changed from the elected “Committeeman” to nominated “Member of the County Committee”.
24. On July 28, 2011 I went down to the Dutchess County BOE office and at 3:10PM I spoke to Commissioner Erik J. Haight, and he said the following:
  - a) He is not going to answer my letter dated July 18, 2011 [Exhibit 110] because no form letter exists to respond to my complaint.
  - b) “Member of the County Committee” is the only title for committeeman, there is no other.
  - c) The executive committee is elected at a convention by “members of the county committee”.
  - d) The same executive committee (4 people) from last year was re-elected this year, and they ran unopposed
  - e) Unless I fill out a FOIA he will not give me copies of Dutchess county designating petitions for committeemen or any other information.

**VERIFICATION**

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

1. My name is John Vidurek, 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,

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John Vidurek, sui juris, unrepresented  
 Phone (845) 233-6560  
 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.

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Notary

My commission expires:  
(Seal)