

New York Supreme Court, Albany County

Gerard Aprea,)	CASE NO. 7215-11
John Vidurek,)	
)	HON Judge <i>Joseph C. Teresi</i>
Plaintiffs;)	
)	
- vs -)	
)	
NEW YORK STATE BOARD OF ELECTIONS,)	PLAINTIFFS MEMORANDUM
DUTCHESS COUNTY BOARD OF ELECTIONS,)	IN SUPPORT OF
GREEN COUNTY BOARD OF ELECTIONS,)	JURISDICTION AND VENUE
Defendants.)	

Plaintiffs deny GCBOE and DCBOE defense of lack of personal jurisdiction, subject matter jurisdiction, statute of limitations, and statutory authority.

THE COMPLAINT

1. Plaintiffs complaint paragraph 1 clearly states: "plaintiffs ... sue NEW YORK STATE BOARD OF ELECTIONS ..." which is a government agency with its address of operations in Albany NY which is the controlling factor of jurisdiction. Both the GREEN and DUTCHESS COUNTY BOARD OF ELECTIONS is subordinate to the state board.

2. Plaintiffs complaint paragraph 9 quotes defendants mission statement "NYSBOE ... is responsible for administration and enforcement for all 62 county BOE's", that obviously includes GREEN and DUTCHESS COUNTY BOARD OF ELECTIONS, which are limited to knowledge and duties within their counties.

3. Pursuant to Election Law §3-102, §3-104, and §3-105 defendant's general powers and duties are to (a) issue instructions (b) promulgate rules and regulations, (c) visit local boards of election, (d) examine BOE procedures and records, (e) conduct investigation, (f) conduct private or public hearings, (g) administer oaths, affirmations, (h) subpoena witnesses, (i) monitor the adequacy and effectiveness of the election laws; and, (j) report thereon.

4. County boards responsibilities are to register voters, receive petitions, facilitate the elections, and obey the law.

5. County boards do not have the authority to answer on behalf of the whole (NYSBOE) Pursuant to Election Law §3-102, §3-104, and §3-105.

6. Plaintiffs complaint paragraph 17 states clearly, the obvious, that that there is only one agency responsible for the obedience of law and procedures by the sixty-two (62) boards within one STATE GOVERNMENT with sixty-two (62) satellite boards responsible to their respective counties.

7. This case is state-wide and alleges violations in virtually all sixty-two (62) county boards of elections, as stated in plaintiffs complaint paragraph 13, and would not be realistic or possible to argue in 62 different jurisdictions, nor would justice be possible to serve.

STATUTE OF LIMITATIONS

8. **Election Law §16-102** does not govern this case because the plaintiffs in this action or other party members are not contesting a petition or ballot.
9. This action is in fact a case about statewide "FRAUD" perpetrated by the NEW YORK STATE BOARD OF ELECTION, by procedural design under color of election law article 2 for the fraudulent changing of titles of an elected position to a nominated position.
10. This is a constitutional violation by which there can exist no statute of limitation

JURISDICTIONAL FACTS:

11. The supreme court is vested with constitutional issues.
12. The supreme court is vested with jurisdiction. **Election law §16-100.1.**
13. NYSBOE (party being sued) is located in Albany County, 3rd district.
14. Jurisdiction is exercised by the commencement of a proceeding in the court **NY Court Act SCP 203.**
15. Personal jurisdiction of parties is obtained by service of process upon the parties - **NY Court Act SCP 203.** *(served by professional process servers & Sheriff on 11-17-11)*
16. The court may exercise personal jurisdiction over any person as to any matter within the subject matter jurisdiction of the court, if, on analogous facts in an action in the supreme court, such person would be subject to the personal jurisdiction of that court. **NY Court Act SCP 211.**

STATUTORY LAW

17. *"Common law traditions abhor the priest-craft of secret knowledge"* (statutory law) - **Thomas Jefferson** and demands that its principles remain available to all.
18. Pseudo law NY GMU 50E - notice of claim is for statutory citizens in a civil court (or bankruptcy) venue.
19. Statutory hearings and reviews (NY. GMU law 50E) presided over by bureaucrats have no authority over constitutional matters (NY Constitution Article 1, Section 1) , only the Supreme Court can determine constitutional matters.
20. Administrative hearings by design are "anti-constitutional".
21. This is not a civil law complaint, this is a common law complaint.
22. Plaintiffs are not statutory citizens, but are in fact constitutional citizens.
23. Constitutional infringements are not subject to statutory procedures or approval but the contrary.
24. Statutory law is governed by constitutions and maxims.

PROPER VENUE

25. Plaintiffs are not statutory citizens but are NYS citizens, under common law and therefore is not under statutory obligations, as declared in the complaint paragraphs 6 and 7.
26. This is a common law action that measures statutes and case law by constitutions and maxims.

27. ... the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law. - **SEVENTH AMENDMENT**

28. We hold these truths to be self-evident, [*common/natural law*] that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness ... - **DECLARATION OF INDEPENDENCE**

WHEREFORE: plaintiffs move the court to enter an order denying defendants demand for motions to dismiss for lack of personal jurisdiction, subject matter jurisdiction, statute of limitations, and statutory authority.

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DATE: The Twentieth Day of the Twelfth month of the Year of Our Lord two thousand eleven and the two hundred thirty-fifth Year of Our Independence.

John Vidurek, Sui Juris, unrepresented
Lead Plaintiff

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