



### **THE ELECTED COMMITTEEMAN**

3. Plaintiffs have identified Election Law §6-118 as the statute that provides for the "election" of a "Committeeman" at the "primary election".

4. Plaintiffs have submitted documents to the court (Exhibits 105, 108 and 111) providing proof that prima-fascia designating petitions with the designating title "Committeeman" for an "elected" party position was filed with the appropriate county boards in a timely manner.

### **THE DISENFRANCHISEMENT OF THE PEOPLE'S CONSTITUTIONAL RIGHTS**

5. Plaintiffs have documented, coordinated resistance, of at least 28 designating petitions (including plaintiffs) properly filed in various New York counties (Exhibit 118)

6. Verbal reports from others around the state lead us to believe that we will turn up scores if not hundreds of designating petition violations through discovery.

7. Plaintiffs have produced documentation (Exhibits 107, 109, 110, 112, 113, 114, 115 & 118) that the county boards, acting under NYSBOE procedures, proven by the uniformity of responses by the counties "across the state", have unlawfully changed the plaintiffs titles from the elected "Committeeman" to a nominated party position of "Member of the County Committee", aka "town committeeman".

8. The attitudes of resistance and disdain from the county board towards the People who are seeking the "office" of Committeeman without the blessings and the perfidious assistance of the county chairman are both alarming and telling.

9. The only logical conclusions of the aforementioned actions of the state agents, is that the county boards have been trained by the controlling state board to serve the private associations and themselves while disenfranchising the People.

## THE NYSBOE DEFAULTED

10. Plaintiffs Complaint, paragraph 1 clearly states: "plaintiffs ... sue NEW YORK STATE BOARD OF ELECTIONS ..." which is a government agency that has failed to plead.
11. Plaintiffs have not stated in the complaint that they are suing GCBOE and DCBOE as county agencies, but understands them to be a bureau of NYSBOE and therefore named them in the complaint as necessary parties to answer the complaint as NYSBOE agents.
12. GCBOE and DCBOE are simply two (2) of sixty-two (62) agents used by the NYSBOE to perform its will.
13. Plaintiffs complaint paragraph 9 quotes defendant's mission statement; "*NYSBOE ... is responsible for administration and enforcement for all 62 county BOE's*".
14. GCBOE and DCBOE is not the NYSBOE and therefore cannot answer for the NYSBOE, "A thing similar is not exactly the same."
15. GCBOE and DCBOE has not been designated with the responsibility of administration and enforcement for the 62 county BOE's and therefore cannot answer for the NYSBOE.
16. GCBOE and DCBOE are limited to knowledge and duties only within their counties.
17. GCBOE and DCBOE are subordinate to the state board.
18. The NYSBOE is empowered by Election Law §3-102, §3-104, and §3-105.
19. GCBOE and DCBOE are not empowered by Election Law §3-102, §3-104, and §3-105.
20. GCBOE and DCBOE are two (2) of sixty-two (62) county boards responsible to register voters, receive petitions, facilitate the elections, answer to the NYSBOE, and obey the law.
21. Common law, case law, (constitutional) NY statutes, and the facts clearly support the plaintiffs case.

22. With respect to a default judgment application, the State is to be treated just the same as an individual or corporate defendant - **Driscoll v New York State Attorney General's Office Litigation Unit, supra, 247-59 W., LLC v. State, 2010 NY Slip Op 20069 (N.Y. Ct. Cl. 2/3/2010), 2010 NY Slip Op 20069 (N.Y.Ct.Cl., 2010) February 3, 2010**

23. *"Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously". [...Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example...] Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy... Against that pernicious doctrine this Court should resolutely set its face."* [**Olmstead v. United States, 277 U.S. 438 (1928)**]

24. The NYS Constitution Article 1 Section 1 provides for the people, that they should not be disenfranchised, and therefore this court has a duty to act and protect the rights of the people, by restoring confidence and "rule of law" to the election process, by court order enforcement of the "LAW", upon all county and state boards.

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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.

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John Vidurek, Sui Juris, unrepresented  
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