

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

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PUBLIC ADVOCACY GROUP,  
CHAD A. MARLOW and  
CHRISTINA ELIZABETH DAIGNEAULT,

Petitioners

Queens Supreme  
Index No. 20376/05

Manhattan Supreme  
Index. No. 112957/05

against,

FREDERIC M. UMANE, DOUGLAS A. KELLNER, ANTHONY CUOMO,  
JEANNETTE GADSON, NERO GRAHAM, JR., TERRENCE C. O'CONNOR, JAMES  
J. SAMPEL, JOSEPH SAVINO, NANCY MOTTOLA-SCHACHER, MARYANN  
YANNELLA, Commissioners of Elections of the City of New York, constituting the  
Board of Elections in the City of New York and Anthony Weiner, Fernando Ferrer, John  
Ravitz, FAO Schwartz, toy store operator, and the New York City Campaign Finance  
Board

Respondents

Samuel H. Sloan,

Intervenor

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PETITION

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Samuel H. Sloan, being duly sworn, deposes and says:

1. I hereby submit this petition in OPPOSITION to the petition filed by CHAD MARLOW and CHRISTINA ELIZABETH DAIGNEAULT and their self-styled PUBLIC ADVOCACY GROUP which seeks to cancel the Primary Run-off election for Mayor of the City of New York now scheduled for September 27, 2005.

2. My standing is as follows:

1. I am a registered voter and a taxpayer in the City of New York.
2. I am registered with the New York City Board of Elections and the New York City Campaign Finance Board as a candidate for Mayor of the City of New York. However, I did not get enough petition signatures to get on the ballot.

3. I am an Election Inspector with the New York City Board of Elections.
3. By contrast, CHAD A. MARLOW and CHRISTINA ELIZABETH DAIGNEAULT and their self-styled PUBLIC ADVOCACY GROUP (which has few if any members other than themselves) have NO STANDING, none what ever, to request a cancellation of the runoff election. They have worked in the past for prominent Democratic officials in New York.
4. Even though CHAD MARLOW and CHRISTINA ELIZABETH DAIGNEAULT and their PUBLIC ADVOCACY GROUP have no standing, it is anticipated and has been reported in the press that the other parties will not oppose their petition and the run-off election may be cancelled as a result.
5. New York State Election Law: Section 6-162. Primary; New York City, run-off states at <http://caselaw.lp.findlaw.com/nycodes/c31/a19.html>

In the city of New York, when no candidate for the office of mayor, public advocate or comptroller receives forty percent or more of the votes cast by the members of a political party for such office in a city-wide primary election, the board of elections of such city shall conduct a run-off primary election between the two candidates receiving the greatest number of votes for the same office.

6. There is no provision in statute for calling off the runoff election. The candidates do not have the right to make a deal among themselves as to who will be the winner. In this instance, more than 7500 voters signed a petition to put Anthony Weiner on the ballot. He accepted their nomination.
7. The candidates for Mayor are in general eligible for public matching funds. One of the four major candidates, Gifford Miller, goofed up and for that reason has been declared ineligible and has received no public money. The others have received the following amounts: Fernando Ferrer, \$290,138, Virginia C. Fields, \$128,333, Anthony Weiner, \$430,223. Source: <http://www.nycfb.info/press/2005-09-09.htm>
8. Anthony Weiner received more money in public matching funds than all of the other candidates for mayor combined. This explains all those television ads and how he came from last place to second place in just the last few days before the primary election.
9. The result of the primary election is that Fernando Ferrer has received 39.95% or about 200 votes short of the required 40%. Anthony Weiner has received 27%. The other four candidates received insignificant amounts.
10. Accordingly, by law, the Board of Elections MUST hold a run-off election. Nobody, not even the candidates themselves, has the right to call off the election.
11. If Anthony Weiner insists on removing his name from the ballot, he must be required to return the \$430,233 he has received from the Campaign Finance Board. In addition,

nevertheless, the run-off election must go forward, as it is required by law.

12. The candidates have a bad purpose in wanting to call-off the run-off election. They know that they have no chance whatever against Mayor Bloomberg. The only reason they ran was to get the public matching funds. Anthony Weiner knows that he will get wiped out and crushed by Mayor Bloomberg. Weiner would rather have Fernando Ferrer be crushed by Bloomberg than him be crushed by Bloomberg. Ferrer will lose the election for Mayor by an overwhelming margin, perhaps by as much as 80% to 20%. This will end the ambitions of Ferrer to become Mayor and will leave a clear field for Weiner to run for Mayor in 2009.

13. If a run-off election is held, Weiner will win. This is because Ferrer has already gotten all the votes that he is ever going to get. When the run-off primary is held, Weiner will get about 60% and Ferrer will get about 40%. Weiner knows this. Weiner does not want to be the candidate because he knows that he will be crushed by Bloomberg. Weiner just wants the public matching funds, and he has already gotten almost all that he is ever going to get.

14. I worked as a poll inspector during the September 13 primary. Since I was the only one at my polling site who was fluent in Spanish, I spoke to all of the Spanish speaking voters as they came in. On several occasions a Spanish speaking voter told me that he wanted to vote for "the Spanish Guy". He did not know the name of the Spanish Guy; he just knew that one was running. He asked me which candidate for election was the Spanish Guy and I pointed to the name of Fernando Ferrer. If I had pointed to the name of some other person, he would have voted for that candidate instead.

15. In my election district, which was 18-40, 41 votes were cast. Of those 41 voters, 19 were Spanish speakers. When the voting machines were opened, I could see that there were 19 votes for Ferrer. Thus, I was able to observe that 100% of the Puerto Rican voters voted for Ferrer, and zero percent of the non-Puerto Rican voters voted for Ferrer.

16. The voter turnout was only 15% and among those less than 40% voter for Ferrer. This means that only 6% of Registered Democrats voted for Ferrer. This means that Ferrer will lose the run-off vote.

17. It is against public policy for the candidates to be able to make deals among themselves to call off elections. I will provide an example from the world of chess which I know very well. The World Chess Federation has a corrupt dictator named Kirsan Ilyumzhinov, who is best known for murdering his political opponents. He is also president of the Republic of Kalmykia on the North Shore of the Caspian Sea. He gets or got his money from Saddam Hussein. In fact, he was on the last airplane out of Iraq less than 12 hours before the American invasion of Iraq. Every four years, Kirsan Ilyumzhinov runs for FIDE election and wins. His method is simple. Every time there is an election, there are candidates against him. He waits until just before the election and bribes all of his opponents to drop out, so that no election is held. For example, the US Delegate, Steven Doyle of New Jersey, has been sent with strict instructions from the

Executive Board of the United States Chess Federation to vote against Ilyumzhinov. Nevertheless, each time, Steven Doyle has taken the money and voted for Ilyumzhinov instead.

18. I am not by any means suggesting that Anthony Weiner has taken a bribe to drop out of the election race. No need. He has already gotten \$430,223 from the Campaign Finance Board. Why should he butt his head against Bloomberg, when the conclusion is foregone? Anthony Weiner should just take the money and run, which is exactly what he is doing.

19. Everybody knows that the only way that Mike Bloomberg is going to lose this election is either he dies before the election date or else he is caught with the proverbial dead woman or live boy in his bed. Here in New York, even that would not bother the voters much.

20. Accordingly, the petition to cancel the run-off election should be denied.

WHEREFORE, for all of the reasons set forth above, the petition to cancel the run-off election scheduled for September 27, 2005 should be denied.

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Sam Sloan  
1664 Davidson Ave. Apt. 1B  
Bronx NY 10453  
917-507-7226  
347-869-2465

Sworn to Before me this 17<sup>th</sup>  
day of September, 2005

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Notary Public