

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SCHUYLER

Montgomery Blair Sibley,

Index No.: 24-24

Plaintiff,

vs.

**COMPLAINT FOR DECLARATORY RELIEF THAT  
KAMALA HARRIS IS INELIGIBLE TO APPEAR  
ON THE NOVEMBER 5, 2024, NEW YORK  
ELECTION BALLOT**

Kristen Zebrowski Stavisky solely in her  
official capacity as Co-Executive Director of  
the New York Board of Elections and New  
York’s Chief Election Official,

Defendant.

\_\_\_\_\_ /

Plaintiff, Montgomery Blair Sibley (“Sibley”), sues Kristen Zebrowski Stavisky solely in her official capacity as Co-Executive Director of the New York Board of Elections and New York’s Chief Election Official and alleges as follows:

**INTRODUCTION**

1. Sibley has: “the right, possessed by every citizen, to require that the Government be administered according to law and that the public moneys be not wasted.” *Fairchild v. Hughes*, 258 U.S. 126, 129 (1922). Upon that “right”, Sibley brings this action for declaratory relief – authorized by the Klu Klux Klan Act of 1871 – to settle the important question of the placement of an ineligible candidate for President on the November 5, 2024, New York ballot.

**JURISDICTION AND VENUE**

2. This Court has subject matter jurisdiction over the claims stated herein pursuant to New York Constitution, Article VI - Judiciary, Section 7, CPLR §3001 and the Klu Klux Klan

Act of 1871. Personal jurisdiction in this Court is proper pursuant to CPLR §301.

3. Venue is proper in this Court pursuant to CPLR §503 as Plaintiff resides and votes in Schuyler County, New York.

#### **PARTIES**

4. Plaintiff Montgomery Blair Sibley (“Sibley”) is: (i) at all times relevant herein a resident of Schuyler County, New York, (ii) registered to vote in Schuyler County, New York and (iii) planning to vote in Schuyler County in the Presidential Election scheduled for Tuesday, November 5, 2024.

5. Defendant Kristen Zebrowski Stavisky is sued solely in her official capacity as Co-Executive Director of the New York Board of Elections and New York’s Chief Election Official (“the Chief Election Official”).

#### **GENERAL ALLEGATIONS**

6. The New York Board of Elections is the agency vested with the responsibility for the administration and enforcement of all laws relating to elections in New York State. In addition to the regulatory and enforcement responsibilities, the Board is charged with the preservation of citizen confidence in the democratic process. The Chief Election Official, pursuant to N.Y. Election Law §3–102(1), has the power and duty to: “issue instructions and promulgate rules and regulations relating to the administration of the election process” and pursuant to N.Y. Election Law §3–102(8) to: “prepare . . . uniform forms for use by local election officials in the conduct of registration and voting”. As such, the Chief Election Official oversees the placement of names of candidates on New York election ballots and is responsible for the delivery of those ballots to the Schuyler County Board of Elections.

7. On August 2, 2024, Democratic National Committee Chair Jamie Harrison announced that Kamala Iyer Harris had secured enough votes from Democratic delegates to officially be the Democratic party's nominee for President of the United States.

8. Pursuant to New York Election Code, Article 6 – “Designation and Nomination of Candidates”, the New York Democratic State Committee has or will shortly designate to the Chief Election Official that Kamala Iyer Harris is the Democratic Party's candidate for President of the United States.

9. Kamala Iyer Harris was born on Oct. 20, 1964, in Oakland, California and as such is a citizen of the United States. A copy of her Birth Certificate is attached hereto. However, neither Kamala Iyer Harris' mother, Gopalan Shyamala, nor her father, Donald Jasper Harris were Citizens of the United States at the time of Kamala Iyer Harris' birth. Upon information and belief, at the time of Kamala Iyer Harris' birth both her parents were in the United States on temporary student visas, with the express condition that both were “non-immigrant students”.

**CLAIM  
FOR DECLARATORY RELIEF**

10. Sibley re-alleges paragraphs 1 through 9 and incorporates them herein by reference.

11. The Klu Klux Klan Act in pertinent part states:

That any person who, under color of any law, statute, ordinance, regulation, custom, or usage of any State, shall subject, or cause to be subjected any person within the jurisdiction of the United States to the deprivation of any rights, privileges, or immunities secured by the Constitution of the United States, shall, any such law, statute, ordinance, regulation, custom or usage of the State to the contrary notwithstanding, be liable to the party injured in any action at law, suit in equity, or other proper proceeding for redress . . .

*Forty-Second Congress*, Sess. I. CH. 22, 1871 (improperly codified at 42 U.S.C. §1983).

12. Article II, §1, of the U.S. Constitution states in pertinent part:

No Person **except a natural born Citizen**, or a Citizen of the United States, at the time of the Adoption of this Constitution, **shall be eligible to the Office of President**; neither shall any person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States. (Emphasis added).

13. The phrase “natural born Citizen” appears just once in the Constitution while the phrase “citizen” appears twenty-one (21) times. Plainly, the Founders intended something more than just “citizenship” in order to be President of the United States.

14. In *Dobbs v. Jackson Women’s Health Organization*, 19-1392 ( 2022), the Supreme Court recognized that the proper path to follow to determine the meaning of a legal term-of-art was to be “guided by the history and tradition” of the legal term-of-art. By similar analysis, to determine who the phrase “natural born Citizen” encompasses today, the Court must look to the “history and tradition” of the Article II, §1 phrase’s meaning at the time it was employed in the U.S. Constitution, to wit, the year 1788.

15. The phrase “natural born Citizen” is an 18<sup>th</sup> Century legal term-of-art with a definite meaning well known to the Framers of the Constitution. At the time of the adoption of the Constitution, the phrase “natural born Citizen” was defined as: “The natives, or natural-born citizens, are those born in the country, of parents who are citizens.” (The Law of Nations, Emerich de Vattel, 1758, Chapter 19, § 212). Notably, in 1788 there were two requirements to be a “natural born Citizen”: born (i) in the United States and (ii) of two parents, both of whom must

have been United States citizens at the time of the birth.

16. On July 25, 1787, John Jay wrote to George Washington, the presiding officer of the Constitutional Convention, stating: “Permit me to hint, whether it would be wise and seasonable to provide a strong check to the admission of Foreigners into the administration of our national Government; and to declare expressly that the Commander in Chief of the American army shall not be given to nor devolve on, any but a natural born Citizen.” (Farrand's Records, Volume 3, LXVIII. John Jay to George Washington).

17. Subsequently, on August 22, 1787, it was proposed at the Constitutional Convention that the presidential qualifications were to be a “citizen of the United States.” (Farrand's Records – Journal, Wednesday August 22, 1787). It was referred back to a Committee, and the qualification clause was changed to read “natural born Citizen,” and was so reported out of Committee on September 4, 1787, and thereafter adopted in the Constitution. (Farrand's Records, Journal, Tuesday September 4, 1787).

18. Significantly, Congress exercised its authority to expand the definition of “natural born Citizen” in the Naturalization Act of 1790, stating: “the children of citizens of the United States, that may be born beyond sea, or out of the limits of the United States, shall be considered as natural-born citizens . . .” 1 Stat. §104.

19. Until the Naturalization Act of 1790 was replaced by subsequent statutes regarding citizenship, if both parents were U.S. citizens, then the place of birth was immaterial and the resulting offspring was a “natural born Citizen”. Notably, Congress has removed the legal term-of-art “natural born Citizen” from all citizenship statutes post-1790 and now only confers “citizenship”. See: 8 U.S.C. §1401 (“Nationals and citizens of the United States at birth:

The following shall be nationals and citizens of the United States at birth . . . ”).

20. Therefore, the Article II, §1 “natural born Citizen” clause which only pertains to the requirement for holding the highest public office requires both parents to be U.S. Citizens at the time of birth. Thus, as a matter of law, Kamala Iyer Harris is ineligible to be President as neither of her parents were U.S. Citizens at the time of her birth.

21. Accordingly, upon the law and facts, Kamala Iyer Harris is not a “natural born Citizen” and thus is ineligible to hold the office of President of the United States.

22. It is beyond argument that: “voting is of the most fundamental significance under our constitutional structure.” *Illinois Bd. of Elections v. Socialist Workers Party*, 440 U.S. 173, 184 (1979). As such, Sibley has a right, secured by Article II, §1 of the Constitution of the United States, to vote for and be governed by a President who is a “natural born Citizen.”

23. Upon information and belief, the Chief Election Official, pursuant to Article XIII, Section 1 of the New York State Constitution, took an oath stating that she will: “[S]upport the constitution of the United States, and the constitution of the State of New York, and that I will faithfully discharge the duties of the office of Co-Executive Director of the New York Board of Elections and Chief Election Official according to the best of my ability.”

24. The Chief Election Official has a duty to protect the integrity of the ballots presented to the voters of New York. *Bullock v. Carter*, 405 U.S. 134, 145 (1972)(“[A] State has an interest, if not a duty, to protect the integrity of its political processes from frivolous or fraudulent candidacies.”); *Norman v. Reed*, 502 U.S. 279, 290 (1992)(States have an interest in preventing “misrepresentation” in the voting process); *Rosario v. Rockefeller*, 410 U.S. 752, 761 (1973)(“It is clear that preservation of the integrity of the electoral process is a legitimate and

valid state goal.”).

25. The Chief Election Official will breach her duty and deprive Sibley of his Article II, §1 right to vote for a President who is a “natural born Citizen” if she permits Kamala Iyer Harris to appear on the New York November 5, 2024, ballot for President of the United States. In that event, Sibley will have no material choice for President as Kamala Iyer Harris is ineligible for the office of the President. Sibley would then be reduced to no meaningful choice between major party candidates. In that case, a fraud will have been perpetrated upon both Sibley and the electorate.

WHEREFORE, By reason of the foregoing, an actual and justiciable controversy exists between Sibley and the Chief Election Official. Therefore, Sibley requests that judgment be entered in his favor and against the Chief Election Official as follows:

A. For a judgment declaring that pursuant to the protections of the Klu Klux Klan Act that Sibley’s right, privileges, or immunities secured by the Constitution of the United States to vote for and be governed by a “natural born Citizen” President would be violated by the Chief Election Official if she permits Kamala Iyer Harris to be included on the New York ballot for the Presidential election schedule for November 5, 2024;

B. For a judgment declaring that the Chief Election Official would violate both her duty and her oath of office if she allowed Kamala Iyer Harris to appear on the the Presidential election ballot scheduled for November 5, 2024;

C. Award the costs of litigation;

D. Retain jurisdiction over this matter for purposes of ensuring the Chief Election Official’s compliance with the Court’s judgment; and

E. For such other and further relief as this Court deems just and proper.

**MONTGOMERY BLAIR SIBLEY**

Plaintiff

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By: \_\_\_\_\_

**MONTGOMERY BLAIR SIBLEY**



# STATE OF CALIFORNIA

## CERTIFICATION OF VITAL RECORD

### OFFICE OF CLERK-RECORDER COUNTY OF ALAMEDA OAKLAND, CALIFORNIA

OK

STATE FILE NUMBER **64-295984** CERTIFICATE OF LIVE BIRTH LOCAL REGISTRATION DISTRICT AND CERTIFICATE NUMBER **601515318**  
STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC HEALTH

THIS CHILD	1a. NAME OF CHILD—FIRST NAME <b>KAMALA</b>		1b. MIDDLE NAME <b>IYER</b>		1c. LAST NAME <b>HARRIS</b>	
	2. SEX <b>Female</b>	3a. THIS BIRTH, SINGL. TWIN, OR TRIPLE? <b>Single</b>		4a. DATE OF BIRTH—MONTH, DAY, YEAR <b>October 20 1964</b>		4b. HOUR <b>9:28 P.</b>
PLACE OF BIRTH	5a. PLACE OF BIRTH—NAME OF HOSPITAL <b>Kaiser Foundation Hospital</b>			5b. STREET ADDRESS (GIVE STREET OR RURAL ADDRESS OR LOCATION. DO NOT USE P. O. BOX NUMBERS) <b>280 West MacArthur Blvd.</b> <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY		
	5c. CITY OR TOWN <b>Oakland</b>			5d. COUNTY <b>Alameda</b>		
MOTHER OF CHILD	6a. MAIDEN NAME OF MOTHER—FIRST NAME <b>Gopalan</b>		6b. MIDDLE NAME <b>-</b>		6c. LAST NAME <b>Shyamala</b>	
	8. AGE OF MOTHER (AT TIME OF THIS BIRTH) <b>26</b> YEARS		9. BIRTHPLACE (STATE OR FOREIGN COUNTRY) <b>India</b>		7. COLOR OR RACE OF MOTHER <b>Caucasian</b>	
USUAL RESIDENCE OF MOTHER (WHERE DOES MOTHER LIVE?)	11a. USUAL RESIDENCE OF MOTHER—STREET ADDRESS (GIVE STREET OR RURAL ADDRESS OR LOCATION) <b>2531 Regent Street</b>			11b. IF INSIDE CORPORATE LIMITS <input checked="" type="checkbox"/> CHECK HERE <input type="checkbox"/> IF OUTSIDE CITY CORPORATE LIMITS <input type="checkbox"/> ON A FARM <input type="checkbox"/> NOT ON A FARM		
	11c. CITY OR TOWN <b>Berkeley</b>			11d. COUNTY <b>Alameda</b>		11e. STATE <b>California</b>
FATHER OF CHILD	12a. NAME OF FATHER—FIRST NAME <b>Donald</b>		12b. MIDDLE NAME <b>Jasper</b>		12c. LAST NAME <b>Harris</b>	
	14. AGE OF FATHER (AT TIME OF THIS BIRTH) <b>26</b> YEARS		15. BIRTHPLACE (STATE OR FOREIGN COUNTRY) <b>Jamaica</b>		13. COLOR OR RACE OF FATHER <b>Jamaican</b>	
INFORMANT'S CERTIFICATION	17a. PARENT OR OTHER INFORMANT—SIGNATURE <i>[Signature]</i>			17b. DATE SIGNED BY INFORMANT <b>October 23 1964</b>		
ATTENDANT'S CERTIFICATION	18a. PHYSICIAN (OR OTHER PERSON WHO ATTENDED THIS BIRTH) SIGNATURE—(GIVE OR TITLE) <i>[Signature]</i>			18b. ADDRESS <b>Oakland, California</b>		
REGISTRAR'S CERTIFICATION	19. DATE ON WHICH NAME ADDED BY SUPPLEMENTAL NAME REPORT			20. LOCAL REGISTRAR—SIGNATURE <i>[Signature]</i>		
				21. DATE RECEIVED BY LOCAL REGISTRAR <b>NOV 5 1964</b>		

INFORMATIONAL - NOT A VALID DOCUMENT TO ESTABLISH IDENTITY

CERTIFIED COPY OF VITAL RECORD  
STATE OF CALIFORNIA, COUNTY OF ALAMEDA

This is a true and exact reproduction of the document officially registered and placed on file in the office of the Alameda County Clerk-Recorder.

DATE ISSUED **AUG 14 2020**

000153107  
*Melissa Wilk*  
Melissa Wilk  
COUNTY CLERK-RECORDER

This copy is not valid unless prepared on an engraved border displaying the date, seal and signature of the Clerk-Recorder.

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

