

No: 25-734

In the Supreme Court of the United States

Montgomery Blair Sibley,

Petitioner,

v.

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,

Respondent.

On Petition for Writ of Certiorari to the
New York Court of Appeals

PETITION FOR WRIT OF CERTIORARI

Montgomery Blair Sibley

Petitioner

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QUESTIONS PRESENTED FOR REVIEW

WHETHER, in this U.S. Constitution, Article II, §1, Clause 5 “natural born Citizen” challenge to the 2024 Democratic candidate for President of the United States, the New York Court of Appeals when finding that claim “moot” improperly ignored this Court's “capable of repetition, yet evading review” doctrine established in *Moore v. Ogilvie*, 394 U. S. 814 (1969).

WHETHER, this Court will recognize this extraordinary and pressing constitutional question and promptly direct full judicial consideration by the lower courts to answer the question of who is an Article II, §1, Clause 5 “natural born Citizen” when to do so now will not vitiate a major party nomination for that office shortly before the next Presidential election?

RULE 29.6 STATEMENT

Neither Petitioner nor Respondent are corporate entities.

STATEMENT OF RELATED PROCEEDINGS

There are no related proceedings.

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**PETITION FOR WRIT OF CERTIORARI TO THE NEW YORK
COURT OF APPEALS**

Petitioner, Montgomery Blair Sibley (hereinafter “Sibley”), prays that a writ of certiorari issue to review the judgments and opinions of the New York Court of Appeals entered on April 10 and September 18, 2025.

Review is mandated because of the public importance of the issues presented and the pressing need for the prompt resolution of those issues.

OPINIONS BELOW

The **August 20, 2024**, opinion of the Supreme Court, Schuyler County, New York is reprinted in the appendix hereto, Appendix-2.

The **August 29, 2024**, opinion of the Supreme Court, Schuyler County, New York is reprinted in the appendix hereto, Appendix-5

The **October 24, 2024**, opinion of the Supreme Court, Appellate Division Third Judicial Department is reprinted in the appendix hereto, Appendix - 8

The **April 10, 2025**, opinion of the New York Court of Appeals is reprinted in the appendix hereto, Appendix - 11

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JURISDICTION

Jurisdiction in the Supreme Court, Schuyler County, New York was invoked pursuant to New York Constitution, Article VI - Judiciary, Section 7, CPLR §3001 and the Ku Klux Klan Act of 1871 codified at 42 U.S.C. §1983. The date the New York Court of Appeals judgments sought to be reviewed are **April 10, 2025** and **September 18, 2025**.

This Court has jurisdiction to review on a writ of certiorari the judgments or orders in question under: (i) Article III of United States Constitution, (ii) 28 U.S. Code §1257(a), 28 U.S. Code §1254 and (iii) this Court's Rule 11.

CONSTITUTIONAL PROVISIONS, TREATIES, STATUTES, ORDINANCES AND REGULATIONS INVOLVED

Article II, Section 1, Clause 5

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.

Article VI, Clause 2

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

An Act to Enforce the Provisions of the Fourteenth Amendment to the Constitution of the United States, and for Other Purposes, 17 Stat. 13 (1871)(hereinafter “Ku Klux Klan Act of 1871”).

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, 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; such proceeding to be prosecuted in the several district or circuit courts of the United States, with and subject to the same rights of appeal, review upon error, and other remedies provided in like cases in such courts, under the provisions of the act of the ninth of April eighteen hundred and sixty-six, entitled “An act to protect all persons in the United States in their civil rights, and to furnish the means of their vindication”, and the other remedial laws of the United States which are in their nature applicable in such cases.

28 U.S. Code § 1257 - State courts; certiorari

(a) Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any

commission held or authority exercised under, the United States.

28 U.S. Code § 1254 - Courts of appeals; certiorari; certified questions

Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods: (1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree.

STATEMENT OF THE CASE

The facts material to consideration of the questions presented are these:

On **August 3, 2024**, Sibley, proceeding *pro se*, filed suit against Respondent, 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 (hereinafter “Chief Election Official”).

The suit sought relief solely under the Ku Klux Klan Act of 1871 that Sibley's “rights, privileges, or immunities secured by the Constitution” under Article II, Section 1, Clause 5's “natural born Citizen” requirement to be President would be violated by the Chief Election Official, acting under color of state law, if the Chief Election Official included Vice President Kamala Harris on the New York ballot for President.

The factual underpinnings of this claim were based upon allegations that:

- (i) 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. 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, New York Board of Elections.

(ii) A short seventy-eight (78) days before the election, on **August 2, 2024**, Democratic National Committee Chair Jamie Harrison announced that Kamala Harris had secured enough votes from Democratic delegates to officially be the Democratic party's nominee for President of the United States on the **November 7, 2024** ballot.

(iii) Kamala Harris was born on **Oct. 20, 1964**, in Oakland, California and as such is a citizen of the United States. However, neither Kamala Harris' mother, Gopalan Shyamala, nor her father, Donald Jasper Harris were Citizens of the United States at the time of Kamala Harris' birth. At the time of Kamala Harris' birth both her parents were in the United States on temporary student visas, with the express condition that both were "non-immigrant students".

This federal question regarding Sibley's right to vote for and be governed by a President who is a "natural born Citizen" was raised in the Complaint filed on **August 3, 2024** and again in the Motion to Vacate filed **August 22, 2024**.

After service of the summons and complaint on the Chief Election Official on **August 14, 2024**, on **August 20, 2024**, Judge Christopher P. Baker of the New York Supreme Court *sua sponte* dismissed Sibley's complaint without a notice to or an opportunity to be heard from Sibley. In that **August 20, 2024**, order of dismissal, Judge Baker held:

Here, plaintiff failed to comply with Election Law

16-116, proceeding by way of a summons and complaint rather than by commencing a special proceeding with a verified petition and notice of petition or order to show cause. Because plaintiff failed to proceed by notice of petition or order to show cause and, accordingly, to obtain the Court's directive as to the notice to be provided to defendant, the Court lacks jurisdiction over this matter. Plaintiff's complaint must be dismissed accordingly.

(Appendix-2)

On **August 22, 2024**, Sibley filed his “Motion to Vacate” the **August 20, 2024**, order of dismissal citing Judge Baker's failure to accord Sibley an “opportunity to be heard”. On **August 29, 2024**, Judge Baker permitted Sibley to be heard at oral argument. At the conclusion of that hearing, Judge Baker entered his order stating:

The parties appeared for oral argument on August 29, 2024, with plaintiff contending that the Court's Order should be vacated because, among other reasons, he asserts federal law claims which somehow exempt him from compliance with New York procedural law in a New York State Supreme Court action. . . .ORDERED, that plaintiff's motion to vacate the Court's August 20 ,2024 Order, is hereby denied, as is his motion for expedited consideration of his Complaint.

(Appendix-7).

REASONS FOR GRANTING THE WRIT

I. THE NEW YORK COURT OF APPEALS HOLDING THAT SIBLEY'S CLAIM WAS “MOOT” IMPROPERLY IGNORED THIS COURT'S “CAPABLE OF REPETITION, YET EVADING REVIEW” DOCTRINE

In *Moore v. Ogilvie*, 394 U. S. 814 (1969) in a case with an identical factual posture, this Court held:

Appellees urged in a motion to dismiss that since the November 5, 1968, election has been held, there is no possibility of granting any relief to appellants and that the appeal should be dismissed. But while the 1968 election is over, the burden which *MacDougall v. Green*, *supra*, allowed to be placed on the nomination of candidates for statewide offices remains and controls future elections, as long as Illinois maintains her present system as she has done since 1935. The problem is therefore “capable of repetition, yet evading review,” *Southern Pacific Terminal Co. v. Interstate Commerce Commission*, 219 U. S. 498, 515. **The need for its resolution thus reflects a continuing controversy in the federal-state area where our “one man, one vote” decisions have thrust.** (Emphasis added).

Id. at 816. Just so here: There will be a “continuing controversy” over who meets the “natural born Citizen” eligibility requirement found in Article II, §1 which, until the Constitution is amended, “controls future [Presidential] elections.” As such, this Court must grant this Petition and direct further proceedings below.

II. THIS COURT MUST ORDER THE LOWER COURTS TO RESOLVE WHO IS A “NATURAL BORN CITIZEN”

In order to be eligible to be President of the United States, Article II, §1, clause 5 of the U.S. Constitution requires: “No person except a natural born Citizen . . . , shall be eligible to the Office of President.”

In last year's Presidential election the question of whether Vice President Harris was a “natural born Citizen” figured large. This Court must order the resolution of this

issue before the next Presidential election cycle commences.¹

Failure of this Court to order the lower courts to fully consider and decide the “natural born Citizen” question raised by the instant case will put this Court to the task of addressing this question during the three (3) month period between a political parties' June nomination convention and election day on **November 7, 2028**. As this case demonstrates, there simply is not time in that brief interim to fully develop at a lower court, appeal to the highest state court and then hear and determine in this Court the seminal issue of the meaning of the legal term-of-art for the Constitutional qualification to be President of the United States.

Moreover, to ignore this issue sends a decisive message to the Citizens of the United States: The explicit legal-term-of-art – “natural born Citizen” – is “aspirational” and not imperative because large forces are at work which would find such determination inimical to their interests.

“The Constitution does not, in words, say who shall be natural-born citizens. Resort must be had elsewhere to ascertain that.” *United States v. Wong Kim Ark*, 169 U.S. 649, 655 (1898). Yet to date, this Court has not resolved this now-pressing question of who is a “natural born Citizen”. As such, it is incumbent on this Court to do so and do so now. As Chief Justice Marshall so eloquently stated in *Cohens v. Virginia*, 19 U.S. 264, 6 Wheat. 264, 404 (1821): “With whatever doubts, with whatever difficulties, a case may be attended, we must decide it, if it be brought before us.”

1 Indeed, “Kamala Harris tells BBC she may run for president again.” Retrieved from: <https://www.bbc.com/news/articles/cx2n7k2veywo>.

Moreover, the parental circumstances of the births of once and potential future Presidential candidates Senators Marco Rubio, Ted Cruz, and Governor Bobby Jindal implicated whether or not they are in fact “natural born Citizens” eligible under Article II, §1 to be President.

The chaos that would occur if the 2027 Presidential election is allow to move forward with a candidate who is ineligible and declared so shortly before that election is hard to overstate. This is particularly true in a world beset with global conflicts. As such, it would be manifestly against the best interests of the public to deny this Petition.

CONCLUSION

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, 130 (1922).

Pursuant to that “right” this Court must act swiftly to review the case below and thereby: (i) correct the misapplication by the New York Court of Appeals of the “capable of repetition, yet evading review” doctrine and (ii) upon remand, order the lower courts to fully determine the seminal question of the definition of “natural born Citizen”.

Accordingly, upon the foregoing, this Court must issue a writ of certiorari to the New York Court of Appeals.

Respectfully submitted,

Montgomery Blair Sibley

Contents of Appendix

Opinions Below

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The **September 18, 2025**, opinion of the New York Court of Appeals is reprinted in the appendix hereto, Appendix - 12

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SCHUYLER**

Montgomery Blair Sibley,

Plaintiff,

vs.

Index No.: 24-24
Decision & Order

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.

_____ /

CHRISTOPHER P. BAKER, JSE

FINDINGS OF FACT

Plaintiff commenced this ballot eligibility challenge action by filing a summons and complaint on August 5, 2024. Therein, plaintiff seeks declaratory relief that Kamala Harris is ineligible to appear on the New York ballot for the November 5, 2024 United States Presidential election.

Plaintiff now moves, by "Notice of Hearing on Motion," for an Order shortening the time for the defendant to respond to the Complaint for Declaratory Relief and for an expedited scheduling Order for this action.

CONCLUSIONS OF LAW

The Court begins from the premise that the Third Department has "consistently held that the exclusive

remedy for seeking to remove a candidate from the ballot is a proceeding pursuant to the Election Law." *Matter of Ferguson v. Cheeseman*, 138 A.D.2d 852,853-54 (3d Dept. 1988); *Scaringe v. Ackerman*, 119 A.D.2d 327 (3d Dept. 1986), *aff'd*, 68 N.Y.2d 885 (1986); see: *Savago v. Ulster County Bd. of Elections*, 220 A.D.2d 926,927 (3d Dept. 1995); see *Nowinski v. New York Bd. of Elections*, 164 A.D.3d 722 (2d Dept.2018)(although petitioners commenced an action pursuant to CPLR Article 78, the proceeding was governed by the requirements set forth in the Election Law, including the shortened statute of limitations).

Among other substantive and procedural requirements, Election Law section 16-116 provides that a "special proceeding under the foregoing provisions of this article shall be heard upon a verified petition...and upon such notice to such officers, persons or committees as the court or justice shall direct, and shall be summarily determined." "Notably, in election proceedings jurisdiction is not acquired unless the methods of service designated by the court are strictly complied with." *Matter of Millar v. Tolly*, 252 A.D.2d 872,873 (3d Dept. 1998)(also noting that, pursuant to CPLR 304, a special proceeding is commenced by the filing of a notice of petition or order to show cause and petition); see *Wallace v. Bujanow*, 176 A.D.3d 1307, 1309 (3d Dept. 2019) ("For Supreme Court to have acquired jurisdiction, petitioners were required to seek and obtain a directive from a justice or the court as to how respondents were to be notified of such proceeding."). Defendant's receipt of actual notice of the action "does not suffice to confer jurisdiction." *Id.* at n.2.

Here, plaintiff failed to comply with Election Law 16-116, proceeding by way of a summons and complaint rather than by commencing a special proceeding with a verified petition and notice of petition or order to show cause.

Because plaintiff failed to proceed by notice of

petition or order to show cause and, accordingly to obtain the Court's directive as to the notice to be provided to defendant, the Court lacks jurisdiction over this matter. See, e.g., Millar, 252 AD.2d at 873; Wallace, 176 A.D.3d at 1309. Plaintiff's complaint must be dismissed accordingly.

It is therefore, ORDERED, that plaintiff's motion is hereby denied; and it is further ORDERED, that the Complaint is hereby dismissed. This shall constitute the Decision and Order of the Court.

ENTER

Dated: August 20, 2024.

/s/ Hon. Christopher P. Baker
Supreme Court Justice

At a Motion Term of The Supreme Court of the State of
New York held in and for the Sixth Judicial District in
the County of Schuyler, Watkins Glen. New York,
heard on the 29th day of August, 2024

PRESENT: HON. CHRISTOPHER P. BAKER
SUPREME COURT JUSTICE

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SCHUYLER**

Montgomery Blair Sibley,

Plaintiff,

vs.

Index No.: 24-24
Decision & Order

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.

_____ /

CHRISTOPHER P. BAKER, JSE

Plaintiff herein commenced an action by summons and complaint, on August 5, 2024, seeking a declaration that presidential candidate Kamala Harris is ineligible to appear on the New York Ballot for the 2024 United States Presidential Election. Thereafter, before defendant answered the complaint (indeed, before her time to answer had expired), Plaintiff moved for an expedited scheduling order which would have, inter alia, shortened the statutory time frame in which defendant was required to answer the complaint. On August 20, 2024, the Court issued an Order

denying the motion without a hearing and dismissing the complaint for failure to comply with procedural requirements for ballot access challenges under New York law-specifically, those requirements set forth in Election Law §16-116.

On August 21, 2024, plaintiff moved to vacate the August 20, 2024 Order dismissing the complaint. The Court notes that plaintiff's motion is not a motion to renew or a motion to re-argue pursuant to CPLR §2221. Rather, the motion is apparently based upon the Court's inherent authority to vacate its own prior order upon a party's motion. See, e.g. *Woodson v. Mendon Leasing Corp.*, 100 N.Y.2d 62, 68 (2003) ("a court may vacate its own judgment for sufficient reason and in the interests of substantial justice."); *Dyno v. Lewis*, 300 A.D.2d 784 (3d Dept. 2002).

The parties appeared for oral argument on August 29, 2024, with plaintiff contending that the Court's Order should be vacated because, among other reasons, he asserts federal law claims which somehow exempt him from compliance with New York procedural law in a New York State Supreme Court action.

Because the Court finds that the plaintiff, who has chosen New York State Supreme Court as the venue for this action, must comply with New York procedural law, regardless of the fact that he bases his claims, at least in part, on federal law. The Court continues to adhere to its August 20, 2024 decision. The Court is particularly unpersuaded by plaintiff's claim, at page five of his brief, that requiring plaintiff to comply with New York procedural law would "relegate Sibley...to second-class status, subjecting him to New York's burdensome pleading requirements that would 'produce different outcomes in [Ku Klux Klan Act] litigation based solely on whether the claim is asserted in state or federal court.'" Rather, the procedural rules the Court has referenced are designed to

do the opposite, and, in fact. would have given plaintiff the very relief he sought in his original motion by setting this action on an expedited track with a statutory scheduling preference.

Plaintiff's motion to vacate the Order is denied accordingly.

It is therefore, ORDERED, that plaintiff's motion to vacate the Court's August 20 ,2024 Order, is hereby denied, as is his motion for expedited consideration of his Complaint.

This shall constitute the Decision and Order of The Court.

ENTER

Dated: August 29, 2024.

/s/ Hon. Christopher P. Baker
Supreme Court Justice

**STATE OF NEW YORK SUPREME COURT
APPELLATE DIVISION THIRD JUDICIAL DEPARTMENT**

Montgomery Blair Sibley,

Plaintiff,

vs.

CV-24-1509

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,

**MEMORANDUM
AND ORDER**

Defendant.

_____ /

Calendar Date: October 24, 2024

Before: Egan Jr., J.P., Clark, Ceresia, Powers and Mackey,
JJ.

Montgomery Blair Sibley, Odessa, appellant pro se.
Letitia James, Attorney General, Albany (Beezly J. Kiernan
of counsel), for respondent.

Per Curiam.

Appeals (1) from an order of the Supreme Court (Christopher P. Baker, J.), entered August 20, 2024 in Schuyler County, which, among other things, dismissed the complaint for lack of jurisdiction, and (2) from an order of said court, entered August 29, 2024 in Schuyler County, which denied plaintiff's motion to vacate the prior order.

Plaintiff commenced this action for declaratory judgment against defendant, as the chief election official

who oversees the placement of names of candidates on New York -2- CV-24-1509 election ballots. Plaintiff seeks a declaration that defendant would violate her duty and oath of office and deprive him of the right to vote for a President of the United States who is a natural born citizen as required by the US Constitution were she to permit Kamala Harris,¹ the Democratic Party nominee for the office of President of the United States in the November 5, 2024 general election, to appear on the New York ballot. In support of his contention, plaintiff alleges that Harris is not a natural born citizen of the United States because her parents were not United States citizens at the time of her birth and that she is thus ineligible under the Qualifications Clause of the US Constitution from appearing on the ballot as a candidate for the office of President (see US Const, art II, § 1 [5]; Election Law § 6-122). Plaintiff also moved for an expedited scheduling order, seeking, among other things, to shorten the statutory time period for defendant to file an answer. Supreme Court denied plaintiff's motion and, sua sponte, dismissed the complaint for failure to comply with the procedural requirements set forth in Election Law § 16-116 for ballot access challenges. Plaintiff's subsequent motion to vacate the court's order was denied. Plaintiff appeals from both orders. We affirm.

Regardless of plaintiff commencing this as an action for declaratory judgment and characterizing the issue as a federal challenge that purportedly supersedes any state law, the effect of the relief sought by plaintiff is judicial intervention in the election process to remove Harris from the ballot based upon allegations that she does not meet the substantive requirements to hold the office of President of the United States. "It is well settled that a court's jurisdiction to intervene in election matters is limited to the powers expressly conferred by statute" (*Matter of Scaringe v Ackerman*, 119 AD2d 327, 328 [3d Dept 1986] [internal quotation marks and citations omitted], affd 68 NY2d 885

[1986]; accord *Matter of Korman v New York State Bd. of Elections*, 137 AD3d 1474, 1475 [3d Dept 2016], *lv denied* 27 NY3d 903 [2016]). Consistent with our prior holdings, "the exclusive remedy for seeking to remove a candidate from the ballot is a proceeding pursuant to the Election Law" (*Matter of Ferguson v Cheeseman*, 138 AD2d 852, 853 [3d Dept 1988]; see *Matter of Scaringe v Ackerman*, 119 AD2d at 328-329). As this action is clearly an attempt by plaintiff to remove Harris from the ballot, plaintiff was required to pursue his challenge by way of a special proceeding pursuant to the Election Law, which requires commencement by verified petition or order to show cause and a directive by Supreme Court as to the manner of service (see Election Law § 16-116; *Matter of Wallace v Bujanow*, 176 AD3d 1307, 1308-1309 [3d Dept 2019]; *Matter of Millar v Tolly*, 252 AD2d 872, 873 [3d Dept 1998]). As plaintiff failed to avail himself of the applicable statutory procedures under the Election Law, Supreme Court properly² determined that jurisdiction was lacking (see *Matter of Wallace v Bujanow*, 176 AD3d at 1309; *Matter of Millar v Tolly*, 252 AD2d at 873). Accordingly, the court's dismissal of the complaint will not be disturbed. Plaintiff's remaining contentions are unpersuasive and without merit.

Egan Jr., J.P., Clark, Ceresia, Powers and Mackey, JJ.,
concur.

ORDERED that the orders are affirmed, without costs.
ENTER: Robert D. Mayberger Clerk of the Court

² We note that Kamala Harris is not a party to this action.

STATE OF NEW YORK
COURT OF APPEALS

Montgomery Blair Sibley,

Plaintiff,

vs.

Mo. No: 2024-754

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,

MEMORANDUM
AND ORDER

Defendant.

_____ /

Decided and Entered on the Tenth day of April 2025.

Present, the Hon. Rowan D. Wilson, Chief Judge, presiding.

Appellant, having appealed and moved for leave to
appeal to the Court of Appeals in the above title;

Upon the papers filed and due deliberation, it is

ORDERED on the Court's own motion, that the
appeal is dismissed without costs, upon the grounds that
the issues presented here have become moot; and it is
further

ORDERED, that the motion for leave to appeal is
dismissed upon the ground that the issues presented have
become moot.

/s/ Heather Davis
Clerk of Court

STATE OF NEW YORK
COURT OF APPEALS

Montgomery Blair Sibley,

Plaintiff,

vs.

Mo. No: 2025-287

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.

_____ /

Decided and Entered on the Eighteen day of September,
2025.

Present, the Hon. Rowan D. Wilson, Chief Judge, presiding.

Appellant having moved for reargument in the above
cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion is denied.

/s/ Heather Davis
Clerk of Court