



NEW YORK STATE SENATOR

Brad Hoylman-Sigal

Senator Brad Hoylman-Sigal and Council Member Shekar Krishnan File Objection to Remove Donald Trump from the 2024 Presidential Ballot

SENATOR BRAD HOYLMAN-SIGAL AND COUNCIL MEMBER SHEKAR KRISHNAN February 6, 2024

| ISSUE: **DONALD TRUMP, JANUARY 6TH INSURRECTION, BOARD OF ELECTIONS**

Elected Officials Ask State Board of Elections to Rule Insurrectionist Former President Ineligible under Fourteenth Amendment

NEW YORK —Today, New York State Senator Brad Hoylman-Sigal (D-WFP, Manhattan), together with New York City Council Member Shekar Krishnan and Gertrude Fitelson, filed an **objection** with the New York State Board of Elections to challenge Donald J. Trump's eligibility for the 2024 presidential ballot. In December, Senator Hoylman-Sigal and his colleagues sent a **letter** to the New York State Board of Elections arguing that Donald Trump was disqualified from the presidency under the Fourteenth Amendment of the United States Constitution due to his actions. In January, Council Member Krishnan also sent a **letter**, co-signed by a majority of the City Council, urging Trump be excluded.

Section 3 of the Fourteenth Amendment clearly states, "No person shall . . . hold any office, civil or military, under the United States . . . who, having previously taken an oath . . . as an officer of the United States . . . to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability."

As the Senator stated in his letter, this “Insurrectionist Disqualification Clause” therefore disqualifies Trump from the presidential ballot. Having sworn an oath to support the Constitution as an officer of the United States, he then “engaged” in the violent January 6 insurrection as that term is defined by law and precedent. As a result, Trump is now ineligible to hold any, “office . . . under the United States,” including the presidency, unless and until he is relieved of that disqualification by two-thirds of both chambers of Congress.

If the New York State Board of Elections fails to uphold the constitution and decides to keep Donald Trump on the ballot, the Senator will file a petition with the Supreme Court in Albany County appealing the decision of the Board.

Senator Brad Hoylman-Sigal said, “The Board of Elections can still uphold the United States Constitution by sustaining our objection and disqualifying Donald Trump from the presidential ballot. As the Colorado State Supreme Court has already rightfully ruled, Donald Trump is disqualified from holding any elected office in the United States due to engaging in and inciting a violent insurrection in which he attempted to overturn the will of the American people while taking multiple lives. Should the Board of Elections fail to do their duty and rule Trump ineligible, I will see them in court.”

Council Member Shekar Krishnan said, “The decision by New York State’s Board of Elections to allow Donald Trump to appear on the Republican primary ballot is a misreading of the U.S. Constitution. The Fourteenth Amendment to the Constitution plainly disqualifies anyone who has “engaged in insurrection” from holding office, including former President Trump. I am proud to file an immediate challenge to the Board’s decision. Donald Trump incited, engaged in, and aided the violent, deadly insurrection of January 6, 2021. The Constitution he swore to uphold renders him ineligible for public office.”

Senator Hoylman-Sigal and his fellow objectors are represented in this matter by Roger Bernstein of Bernstein & Gordon LLP and Jerry Goldfeder of Cozen O'Connor.

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