

Jeffrey W. Lang
JEFFREY W. LANG
Assistant Solicitor General

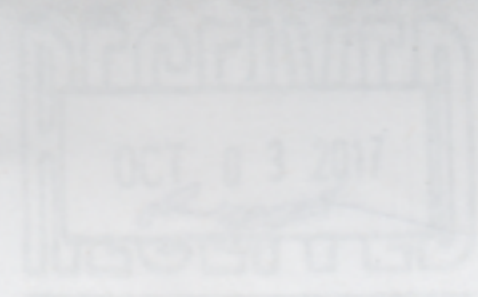
Telephone (516) 776-2027

September 28, 2017

Hon. John P. Astiello
Clerk of the Court

60 Court Street
Albany, NY 12242

Re: *Robert C. Laity v. State of NY*



Dear Mr. Clerk:

Respondent State of New York submits this letter in response to this Court's letter dated September 23, 2017, regarding whether the issues presented here involve a substantial constitutional question is directly involved to support an appeal as of right pursuant to J.P.L.R. § 5014(b)(1). The appeal should be dismissed because the issues presented have become moot in part and are unripe in part, as explained below.

Petitioner-appellant Robert C. Laity attempts to appeal from a memorandum and order of the Appellate Division, Third Department, that unanimously affirmed the decision of the Board of Elections and the Board of Canvassing regarding the eligibility of contenders on the ballot for the 2016 Republican Party presidential primary and general election because they allegedly did not satisfy the criteria to run for the office of President of the United States, and (2) for purposes of future elections, representing in print and on the website of the State Board of Elections that a contender must be "born a Citizen," because the subject statement allegedly misrepresents the applicable criteria.

Petitioner has also moved in this Court for leave to appeal from the Third Department's decision. (Mo. No. 2017-B48.) Respondent opposed the motion, which has been submitted to the Court.

Neither of the two claims raised by petitioner is properly before the Court. As to the claim concerning the 2016 primary and general election ballots, as the Third