

Supreme Court, U.S.
FILED
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No. **25A1385**

In the Supreme Court of the United States

**NICKIE KANE,
APPLICANT,
v.**

**BOARD OF ELECTIONS IN THE CITY OF NEW YORK, and SEAMUS
CAMPBELL,, RESPONDENTS.**

**On Emergency Application For Stay And Injunction To The Honorable Sonia
Sotomayor, Associate Justice Of The Supreme Court Of The United States
And Circuit Justice For The Second Circuit**

EMERGENCY APPLICATION FOR STAY

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**EMERGENCY APPLICATION FOR STAY AND INJUNCTION PENDING
APPEAL AND/OR PENDING PETITION FOR WRIT OF CERTIORARI**

**TO THE HONORABLE SONIA SOTOMAYOR, ASSOCIATE JUSTICE OF THE
SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR
THE SECOND CIRCUIT:**

**Applicant Nickie Kane respectfully submits this emergency application for a stay
and injunction in this time-sensitive ballot-access matter.**

**Applicant was removed from the ballot for Representative in Congress from New
York's 10th Congressional District after the Board of Elections in the City of New
York processed specifications of objections that Applicant did not receive, after
Applicant notified the Board that she did not receive them, and after the Board
refused to provide Applicant the actual specifications, the original proof of service,
and the general objection sheet before processing the objections.**

**Applicant respectfully requests emergency relief directing the Board of Elections in
the City of New York to restore, maintain, print, certify, and preserve Applicant's
name on the ballot for the June 23, 2026 Democratic Primary Election pending
appellate review and/or the filing and disposition of a petition for writ of certiorari.**

**The emergency is immediate. Ballot preparation, certification, printing,
transmission, and election administration deadlines may render meaningful relief
impossible unless this Court acts promptly. This application seeks intervention
before election machinery makes relief unavailable. Election deadlines can create
irreparable harm and require emergency relief before an election process proceeds.**

PARTIES TO THIS PROCEEDING

Applicant in this Court is Nickie Kane, Petitioner-Candidate below, appearing pro se.

Respondents are:

1. Board of Elections in the City of New York, Respondent-Board below; and
2. Seamus Campbell, Respondent-Objector below.

RELATED PROCEEDINGS

The related proceedings include:

1. Nickie Kane v. Board of Elections in the City of New York, et al., Supreme Court of the State of New York, County of New York, Index No. 451700/2026.
2. Nickie Kane v. Board of Elections in the City of New York, et al., Appellate Division, First Department, Docket No. 2026-02722 + 2026-02724, pending.
3. Nickie Kane v. Board of Elections in the City of New York, et al., New York Court of Appeals, Docket No. APL 2026-00064 + APL 2026-00065, pending.

DECISIONS BELOW

The Supreme Court, New York County, denied and dismissed Applicant's petition to validate her designating petition by Decision and Order entered May 8, 2026.

The lower court characterized Applicant's position as a challenge to service based on the FedEx notation stating that the package was "left on porch," Applicant's assertion that her building has no porch, and Applicant's statement that she did not receive the package. The Decision and Order did not meaningfully address

Applicant’s broader due process arguments concerning the Board’s refusal to provide the actual specifications, refusal to permit examination of the original proof of service, refusal to provide the general objection sheet, refusal to review Applicant’s evidence, and the severe burden imposed on a pro se candidate in the expedited New York election-law process.

JURISDICTION

This Court has authority to grant emergency relief in aid of its jurisdiction under 28 U.S.C. §§ 1257 and 1651. This Court may review final judgments of the highest state court in which a decision may be had where federal constitutional rights are implicated, and it may issue orders necessary to protect its potential jurisdiction.

This emergency application is necessary because the election calendar may make later review ineffective. Without immediate relief, Applicant may be permanently excluded from the ballot before her federal constitutional claims can be fully reviewed.

CONSTITUTIONAL PROVISIONS INVOLVED

The First Amendment provides, in relevant part:

“Congress shall make no law ... abridging the freedom of speech ... or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

The Fourteenth Amendment provides, in relevant part:

“No State shall ... deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

Article I, Section 4 of the United States Constitution provides, in relevant part:

“The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof.”

STATEMENT OF THE CASE

Applicant Nickie Kane filed a designating petition to appear as a Democratic candidate for Representative in Congress from New York’s 10th Congressional District in the June 23, 2026 Primary Election.

Respondent-Objector Seamus Campbell filed specifications of objections against Applicant’s designating petition.

Under New York Election Law and New York City Board of Elections rules, specifications of objections must be served upon the candidate. That service requirement is not a technical formality. It is the only way the candidate receives notice of the specific line-by-line challenges and can prepare a defense.

Applicant did not receive the specifications.

The alleged FedEx proof of delivery stated that the package was “left on porch.”

Applicant’s building has no porch. Applicant never received the package.

The proof of service was also internally inconsistent. The written FedEx notation stated “left on porch,” but the photograph submitted by Respondent-Objector showed the package pressed against glass next to a door. That is not a porch.

Applicant notified the Board that she had not received the specifications. Applicant went to the Board and requested the actual specifications. The Board did not provide them before processing the objections. Applicant also requested to see the original proof of service and the general objection sheet. The Board refused.

Despite notice that Applicant had not received the specifications, and despite the defective and internally inconsistent proof of service, the Board processed the specifications and removed Applicant from the ballot.

Applicant commenced an Election Law validation proceeding. Applicant argued that the Board lacked jurisdiction to process the specifications because proper service was not established. Applicant also argued that the process violated due process because the Board denied her the actual specifications, denied review of the original proof of service, denied the general objection sheet, denied review of her evidence, and denied a meaningful opportunity to prepare exceptions, contact signers, gather evidence, and defend her petition.

The lower court denied the petition. In doing so, the court treated the issue as a narrow dispute over the FedEx phrase “left on porch.” The court did not meaningfully address the broader federal constitutional issues: lack of notice, denial of access to specifications, denial of access to proof of service, refusal to review

evidence, inability to prepare a line-by-line defense, and the severe burden imposed on a pro se candidate by New York's compressed election-law process.

Applicant now seeks emergency relief.

QUESTIONS PRESENTED

- 1. Whether a state or local election system violates the First and Fourteenth Amendments when it permits a pro se candidate to be removed from the ballot based on specifications of objections the candidate never received.**
- 2. Whether due process permits a Board of Elections to process objections and remove a candidate from the ballot after the candidate timely notified the Board that she did not receive the specifications, where the proof of service was facially inconsistent and the Board refused to permit inspection of the original proof of service before acting.**
- 3. Whether service rules in expedited Election Law proceedings impose an unconstitutional burden on pro se candidates where the candidate must comply with strict filing, service, response, and proof requirements under severe time constraints while being denied the documents necessary to respond.**
- 4. Whether New York City Board of Elections rules compound the constitutional burden on pro se candidates by allowing the Board to process specifications despite notice of non-receipt, while refusing to provide the actual specifications, original proof of service, and general objection sheet before removal.**

5. Whether the lower court violated due process by reducing Applicant's claim to a narrow FedEx descriptor issue while failing to address Applicant's broader constitutional arguments concerning notice, access to documents, ability to respond, and ballot access.

REASONS FOR GRANTING THE APPLICATION

The emergency-stay factors support relief. The traditional stay factors as likelihood of success, irreparable harm, harm to other parties, and public interest.

I. Applicant Is Likely to Succeed on the Merits

Applicant is likely to succeed because the Board lacked jurisdiction to process specifications of objections that were not properly served.

The service requirement exists so a candidate can know which signatures are challenged and why. Without the specifications, a candidate cannot review the challenged lines, contact signers, gather evidence, prepare exceptions, or defend the petition.

Applicant did not receive the specifications. The alleged proof of delivery stated "left on porch," but Applicant's building has no porch. The photograph did not show a porch. It showed the package pressed against glass next to a door.

A proof of service that contradicts itself cannot reliably establish proper service.

Once Applicant notified the Board that she did not receive the specifications, the Board was required to determine whether proper service had been established before processing the objections. Instead, the Board proceeded and removed Applicant from the ballot.

That violated due process.

II. Service Requirements Are Unconstitutionally Burdensome as Applied to Pro Se Candidates

This case presents a serious constitutional question about ballot access for pro se candidates.

Election Law proceedings in New York operate under extremely short deadlines. A pro se candidate must file papers, obtain an index number, secure a signed order to show cause, arrange service, respond to objections, review Board records, prepare evidence, and appear in court within days or even hours.

These burdens are severe for any candidate. For a pro se candidate without counsel, staff, political-club support, institutional knowledge, or immediate access to process servers, these requirements are unconstitutionally burdensome as applied.

The burden is not neutral in practice. Experienced political actors and attorneys can use technical service rules as weapons. A pro se candidate who does not receive required documents is then blamed for not preparing a full response to documents she never received.

That is what happened here.

Applicant was required to defend her ballot access without timely receipt of the specifications. Applicant asked the Board for the specifications, but the Board refused to provide them before processing. Applicant asked to inspect proof of service, but the Board refused. Applicant tried to raise evidence, but the Board did not meaningfully review it.

A ballot-access system cannot impose severe technical burdens on pro se candidates while denying them the very documents needed to comply.

III. New York City Board of Elections Rules Compound the Constitutional Burden

New York Election Law deadlines are already severe. New York City Board of Elections rules and practices compound that burden.

The Board's process requires rapid action on objections and specifications. But when a candidate does not receive the specifications, the Board's process does not provide a meaningful safeguard before the Board processes the objections.

Here, the Board proceeded even after Applicant notified it that she did not receive the specifications.

The Board refused to provide the actual specifications when requested.

The Board refused to allow Applicant to examine the original proof of service.

The Board refused to provide the general objection sheet.

The Board processed the specifications before Applicant had a meaningful chance to prepare exceptions or a line-by-line defense.

This combination of strict service rules, compressed deadlines, refusal to provide documents, refusal to examine defective service, and court-controlled order-to-show-cause practice imposes a severe and unconstitutional burden on ballot access.

IV. The Lower Court Failed to Address Applicant's Full Due Process Claim

The lower court treated Applicant's claim as a narrow dispute over the FedEx phrase "left on porch."

But Applicant's federal due process claim was broader.

Applicant argued that she was denied:

- 1. The actual specifications of objections;**
- 2. The original proof of service;**
- 3. The general objection sheet;**
- 4. Review of evidence showing defective service;**
- 5. A meaningful opportunity to prepare exceptions;**
- 6. A meaningful opportunity to contact signers;**
- 7. A meaningful opportunity to prepare a line-by-line defense;**

8. A meaningful opportunity to defend her designating petition before the Board acted.

The lower court did not meaningfully address those arguments.

The Constitution requires more than a later judicial conclusion that delivery may have occurred. It requires meaningful notice and a meaningful opportunity to be heard before ballot access is taken away.

V. Applicant Will Suffer Irreparable Harm Without Emergency Relief

Ballot exclusion is irreparable harm.

If Applicant's name is not restored or preserved before ballot preparation, certification, transmission, or printing deadlines, meaningful relief may become impossible.

The harm is not only to Applicant. Voters who signed Applicant's petition are harmed because they sought to place Applicant on the ballot. Removing Applicant based on specifications she never received burdens voter choice and political association.

Election injuries are time-sensitive and often impossible to repair after the election has passed.

VI. The Balance of Equities Favors Applicant

The balance of equities favors preserving ballot access while the constitutional issues are reviewed.

Respondents will suffer no comparable harm from maintaining Applicant's name on the ballot pending appellate review. By contrast, Applicant faces permanent ballot exclusion and the voters face loss of political choice.

The relief requested simply preserves the status quo necessary for meaningful review.

VII. The Public Interest Supports Emergency Relief

The public has a strong interest in fair elections, meaningful ballot access, and procedures that do not operate as traps for pro se candidates.

The public also has an interest in ensuring that election administrators do not process objections after being notified that a candidate did not receive the specifications and while refusing to provide the documents needed to defend the petition.

The people of New York's 10th Congressional District should not lose a candidate because the Board processed objections that Applicant never received and refused to provide the documents needed to respond.

RELIEF REQUESTED

Applicant respectfully requests that this Court issue an emergency order:

1. **Staying enforcement of the lower court's order denying validation of Applicant's designating petition;**
2. **Staying the Board of Elections' determination removing Applicant from the ballot;**
3. **Directing the Board of Elections in the City of New York to restore, maintain, print, certify, and preserve Applicant's name on the ballot for Representative in Congress from New York's 10th Congressional District in the June 23, 2026 Democratic Primary Election;**
4. **Directing Respondents to preserve all petition sheets, objections, specifications of objections, proof of service, FedEx records, Board records, clerk reports, hearing records, vote sheets, and ballot-preparation records;**
5. **Granting such other and further relief as the Court deems just and proper.**

CONCLUSION

This case presents urgent and important constitutional questions concerning ballot access, due process, and the severe burden imposed on pro se candidates by New York City's election objection process.

Applicant respectfully requests that this Court grant emergency relief, stay the lower court's decision and the Board's removal determination, and direct the Board of Elections in the City of New York to restore or maintain Applicant's name on the ballot pending further review.

Respectfully submitted,



Nickie Kane
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Dated: May 10, 2026

EMERGENCY DECLARATION OF NICKIE KANE

I, Nickie Kane, declare under penalty of perjury that the following is true and correct:

- 1. I am the Applicant in this emergency ballot-access matter.**
- 2. I filed a designating petition to appear as a candidate for Representative in Congress from New York's 10th Congressional District.**
- 3. I was removed from the ballot after the Board of Elections processed specifications of objections that I never received.**
- 4. The alleged FedEx proof of delivery stated that the package was "left on porch."**
- 5. My building does not have a porch.**
- 6. I never received the package.**
- 7. The photograph relied upon by Respondent-Objector did not show a porch. It showed a package pressed against glass next to a door.**
- 8. I notified the Board of Elections that I had not received the specifications.**
- 9. I requested the actual specifications from the Board.**

10. The Board did not provide me with the actual specifications before processing them.
11. I requested to examine the original proof of service.
12. The Board refused to allow me to examine the original proof of service.
13. I requested to review the general objection sheet.
14. The Board refused to provide it for review.
15. Because I did not receive the specifications, I could not meaningfully review the challenged signatures, prepare exceptions, contact signers, gather evidence, or prepare a line-by-line defense.
16. I am a pro se candidate.
17. The service requirements in this Election Law matter were extremely burdensome because I was required to file papers, obtain a signed order, arrange service, respond to objections, review records, prepare evidence, and appear in court under severe time pressure.
18. New York City Board of Elections rules and practices compounded that burden because the Board processed the specifications after I notified it that I did not receive them and refused to provide the documents I needed to defend my petition.
19. If my name is not restored to the ballot immediately, I will suffer irreparable harm.
20. Voters who signed my petition will also be harmed because they will be deprived of the candidate they sought to place on the ballot.

21. I respectfully request emergency relief restoring or maintaining my name on the ballot pending appeal and further review.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 10, 2026

A handwritten signature in black ink, appearing to read "Nickie Kane", written over a horizontal line.

Nickie Kane
Applicant Pro Se

No. _____

**IN THE
SUPREME COURT OF THE UNITED STATES**

NICKIE KANE,
Applicant/Petitioner,

v.

**BOARD OF ELECTIONS IN THE CITY OF NEW YORK, and SEAMUS
CAMPBELL,**
Respondents.

PROOF OF SERVICE

I, **Nickie Kane**, do swear or declare that on this date, May 10, 2026, as required by Supreme Court Rule 29, I have served the enclosed:

**EMERGENCY APPLICATION FOR STAY AND INJUNCTION PENDING
APPEAL AND/OR PENDING PETITION FOR WRIT OF CERTIORARI;**

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS;

**AFFIDAVIT OR DECLARATION IN SUPPORT OF MOTION FOR LEAVE
TO PROCEED IN FORMA PAUPERIS;**

and any accompanying appendix, exhibits, declarations, or supporting papers,

on each party to the above proceeding, or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail, properly addressed to each person listed below, with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within three calendar days, and electronic mail.

The names and addresses of those served are as follows:

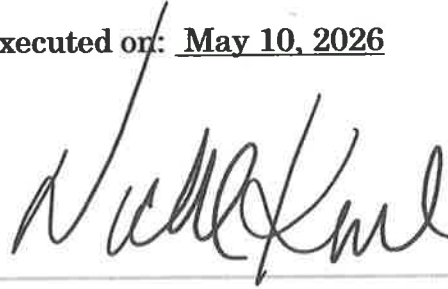
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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 10, 2026

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