APPENDIX A

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 21-15784
D.C. No. 2:20-cv-02422-JAM-CKD
Eastern District of California, Sacramento

RYAN STEPHEN EHRENREICH, Plaintiff-Appellant,

v.

SHIRLEY WEBER, Secretary of State of California, Defendant-Appellee.

[Filed: February 18, 2022]

ORDER

Before: FERNANDEZ, TASHIMA, and FRIEDLAND, Circuit Judges.

Upon a review of the record and the response to the court's May 5, 2021 order, we conclude that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (stating standard). Accordingly, we summarily affirm the district court's judgment.

AFFIRMED.

APPENDIX B

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
AT SACRAMENTO

No. 2:20–cv–02422–JAM–CKD PS

RYAN STEPHEN EHRENREICH, Plaintiff,

v.

ALEX PADILLA, Defendant.

[Dated: March 26, 2021]
[Filed: March 29, 2021]

ORDER

On January 25, 2021, the magistrate judge filed findings and recommendations (ECF No. 3), which were served on plaintiff and which contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days. Plaintiff filed objections on February 4, 2021. (ECF No. 4.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations (ECF No. 3) are adopted in full;

2. Plaintiff's complaint (ECF No. 1) is DISMISSED with prejudice; and

3. The Clerk of Court is directed to close this case.

DATED: March 26, 2021

John A. Mendez

THE HONORABLE JOHN A. MENDEZ

UNITED STATES DISTRICT COURT JUDGE

APPENDIX C

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
AT SACRAMENTO

No. 2:20–cv–02422–JAM–CKD PS

RYAN STEPHEN EHRENREICH, Plaintiff,

v.

ALEX PADILLA, Defendant.

[Dated: January 24, 2021]
[Filed: January 25, 2021]

ORDER and
FINDINGS AND RECOMMENDATIONS

Plaintiff proceeds pro se in this action and has requested authority to proceed in forma pauperis under 28 U.S.C. § 1915. (ECF No. 2.) This action was referred to this court by Local Rule 302(c)(21).

Plaintiff has submitted the affidavit required by section 1915(a) showing that plaintiff is unable to prepay fees and costs or give security for them. Accordingly, plaintiff's request to proceed in forma pauperis will be granted. 28 U.S.C. § 1915(a).

I. Screening under 28 U.S.C. § 1915

The federal in forma pauperis statute authorizes federal courts to dismiss a case if the action is legally "frivolous or malicious," fails to state a claim upon which

relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).

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A claim is legally frivolous when it lacks an arguable basis either in law or in fact. Neitzke v. Williams, 490 U.S. 319, 325 (1989); Franklin v. Murphy, 745 F.2d 1221, 1227–28 (9th Cir. 1984). The court may, therefore, dismiss a claim as frivolous where it is based on an indisputably meritless legal theory or where the factual contentions are clearly baseless. Neitzke, 490 U.S. at 327.

To avoid dismissal for failure to state a claim a complaint must contain more than "naked assertions," "labels and conclusions" or "a formulaic recitation of the elements of a cause of action." Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555–57 (2007). In other words, "[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements do not suffice." Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). Furthermore, a claim upon which the court can grant relief has facial plausibility. Twombly, 550 U.S. at 570. "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." Iqbal, 556 U.S. at 678. When considering whether a complaint states a claim upon which relief can be granted, the court must accept the allegations as true, Erickson v. Pardus, 127 S. Ct. 2197, 2200 (2007), and construe the complaint in the light most favorable to the plaintiff. See Scheuer v. Rhodes, 416 U.S. 232, 236 (1974).

II. Allegations in the Complaint

Plaintiff, Ryan Ehrenreich, alleges that he ran for President of the United States as a write-in candidate in the November 3, 2020 general election. He contends that he campaigned using a large sign to direct interested voters to visit his campaign website and that he registered as a write-in candidate with the Federal Election Commission. (ECF No. 1 at 10.)

On October 7, 2020, plaintiff notified the Elections Division of the California Secretary of State that he would not be complying with California's requirements to qualify as a write-in candidate, because he believed them to be unconstitutional. Id. at 47. Instead, he proposed "that the State of California agree to count and report votes for his U.S. Presidential Write-In Ticket regardless of his Ticket not meeting [the] filing requirements." Id. at 11. On October 9, 2020, the Secretary of State responded that write-in votes would only be counted for write-in candidates who completed and returned the legally required forms by October 20, 2020. Id. at 50. The letter cited the pertinent provisions of the California Elections Code and enclosed the referenced forms. Id.

On October 23, 2020—three days after the forms were due, and eleven days before the general election—plaintiff responded to defendant's letter by requesting special treatment under the law:

> What we are asking is that you find a way to count our votes under your existing statute by . . . (1) find[ing] other statutes that are either more

> important or take precedence in the order of application/enforcement, and (2) apply these statutes based on the unique circumstances of the year, so that you are able to temporarily suspend or provide us with an exemption to the parts of your election statutes that we will not meet . . . We respectfully request that you . . . find a way to provide our ticket with an exemption . . . such that votes for our candidacy will be counted in the upcoming 2020 U.S. Presidential Election.

Id. at 56-57. Plaintiff also threatened costly litigation in the event the Secretary of State failed to comply. Id.

Plaintiff alleges that he ultimately cast a write-in vote for himself via a mail-in ballot, but neither his vote, nor any other write-in votes for the Ehrenreich presidential ticket, have been counted or reported by the California Secretary of State. Id. at 12.

After plaintiff realized that he had not won the presidential seat, he filed this action on December 12, 2020 against California's Secretary of State, Alex Padilla, alleging that the State of California unlawfully refused to count and report write-in votes for the Ryan Ehrenreich presidential ticket. Plaintiff requests various forms of declaratory and injunctive relief, including (1) an injunction to prevent the State of California from certifying election results until after this case is decided; (2) a declaration that California Elections Code § 8600-8606 and 8650-8653 are unconstitutional and violate the First, Fifth, and Fourteenth Amendments; (3) a

declaration that any laws restricting "the validity, counting, and/or reporting of individual write-in votes" are unconstitutional; (4) an order requiring all previously ignored write-in votes to be counted; (5) an order requiring a nationwide audit of all ballots cast in the 2020 presidential election to determine which ones were affected by the unconstitutional write-in vote laws, and if at least fifty-percent were affected, then an order finding that the result of the 2020 presidential election "are invalid, null, and void and that a new election shall be held to determine the next president and vice president of the United States of America at the earliest possible date." Id. at 20-25.

III. Plaintiff's claims fail as a matter of law.

Plaintiff's general contention is that California's requirements to be certified as a presidential write-in candidate in a general election are unconstitutional. Specifically, he contends that California Elections Code § 8600-8606 and 8650-8653—which set forth the requirements for presidential write-in candidates—violate the First, Fifth, and Fourteenth Amendments.[1] Id. at 17-18.

The legal standard for constitutional challenges to state election laws is well developed. Although "voting is of the most fundamental significance under our constitutional structure," it "does not follow . . . that the right to vote in any manner

[1] Although plaintiff does not assert a specific cause of action, the court construes his complaint liberally and presumes he seeks to enforce these alleged constitutional violations through 42 U.S.C. § 1983.

and the right to associate for political purposes through the ballot are absolute." Burdick v. Takushi, 504 U.S. 428, 433 (1992). "The Constitution grants to the States a broad power to prescribe the 'Times, Places and Manner of holding Elections for Senators and Representatives,' Art. I, § 4, cl. 1." Tashjian v. Republican Party of Conn., 479 U.S. 208, 217 (1986). Consequently, the Supreme Court recognizes that States "retain the power to regulate their own elections." Burdick, 504 U.S. at 433 (citing Sugarman v. Dougall, 413 U.S. 634, 647 (1973); Tashjian, 479 U.S. at 217). "Common sense, as well as constitutional law, compels the conclusion that government must play an active role in structuring elections; 'as a practical matter, there must be a substantial regulation of elections if they are to be fair and honest and if some sort of order, rather than chaos, is to accompany the democratic processes.'" Id. (quoting Storer v. Brown, 415 U.S. 724, 730 (1974)).

"Election laws will invariably impose some burden upon individual voters." Id. "[T]o subject every voting regulation to strict scrutiny and to require that the regulation be narrowly tailored to advance a compelling state interest . . . would tie the hands of States seeking to assure that elections are operated equitably and efficiently." Id. "Accordingly, the mere fact that a State's system 'creates barriers . . . tending to limit the field of candidates from which voters might choose . . . does not of itself compel close scrutiny.'" Id. (quoting Bullock v. Carter, 405 U.S. 134, 143 (1972)). Rather, "a more flexible standard applies." Id. at 434 (citing Anderson v. Celebrezze, 460 U.S. 780, 788–89 (1983)). When considering a constitutional challenge to a state election law, courts must "weigh the character and magnitude"

of the burden that the State's rule imposes on the rights at issue against the interests that the State contends justify that burden, "taking into consideration 'the extent to which those interests make it necessary to burden the plaintiff's rights.'" Id.; Rubin v. City of Santa Monica, 308 F.3d 1008, 1014 (9th Cir.2002).

Under this standard, regulations imposing severe burdens on constitutional rights must be "narrowly drawn to advance a state interest of compelling importance." Burdick, 504 U.S. at 434. "Lesser burdens, however, trigger less exacting review[.]" Rubin, 308 F.3d at 1014. "[W]hen a state election law provision imposes only 'reasonable, nondiscriminatory restrictions' upon the [constitutional] rights of voters, 'the State's important regulatory interests are generally sufficient to justify' the restrictions." Burdick, 504 U.S. at 434 (quoting Anderson, 460 U.S. at 788). "[N]o bright line separates permissible election-related regulation from unconstitutional infringements," and courts are required to make "hard judgments" given the interests involved. Rubin, 308 F.3d at 1014.

A. The burden on plaintiff's rights is not severe.

The court must first determine the nature of the burden on plaintiffs' rights, for "[i]t is the severity of th[ose] burden[s] . . . that determines the standard of review by which we judge the state's interest and, accordingly, decide whether the restriction is unconstitutional." Id. at 1014. "Courts will uphold as 'not severe' restrictions that are generally applicable, even-handed, politically neutral, and which protect the reliability and integrity of the election process." Id. "This is true

even when the regulations 'have the effect of channeling expressive activities at the polls.'" Id. (quoting Timmons v. Twin Cities Area New Party, 520 U.S. 351, 369 (1997)). Indeed, "[c]ourts will strike down state election laws as severe speech restrictions only when they significantly impair access to the ballot, stifle core political speech, or dictate electoral outcomes." Id. at 1015.

Here, plaintiff has not shown that he faces a severe burden. This conclusion flows from both the allegations in the Complaint and recent rulings from courts in this circuit. First, the Complaint demonstrates a complete refusal by plaintiff to attempt to comply with the requirements to qualify a presidential write-in candidate under California's statutory scheme. Under California Elections Code § 8650-8653, only presidential write-in candidates "for which a group of 55 Presidential Electors pledge their votes to that write-in candidate, shall be counted as votes" in the November 3, 2020 presidential general election. (ECF No. 1 at 50.) Despite being aware of this requirement, plaintiff informed the California Secretary of State that he and his running mate "have not and will not fulfill the filing requirements for Presidential Write-in Tickets put forth by your office." Id. at 47. In plaintiff's Declaration of Write-in Candidacy, plaintiff wrote "REFUSE TO PROVIDE" in the Oath of Office section for the prospective presidential electors. Id. at 49. Thus, the Complaint affirmatively establishes that plaintiff intentionally refused to make efforts to secure his eligibility as a presidential write-in candidate under California law.

Courts in the Ninth Circuit have consistently declined to find a severe burden "absent any showing of electoral effort expended on the part of the plaintiff." Blankenship v. Newsom, No. 20-CV-04479-RS, 2020 WL 6589654, at *4 (N.D. Cal. Aug. 3, 2020) (refusing to find that California Election Code § 8400—which requires a presidential candidate seeking to appear on the ballot to obtain signatures of at least one-percent of total registered California voters—imposes a severe burden, because plaintiff had "done, quite literally, nothing to secure a place on the California ballot under § 8400") (emphasis original). Indeed, over the last few months, district courts have held plaintiffs' burdens non-severe where "[p]laintiffs essentially abandoned most of their efforts" upon the arrival of COVID-19, Common Sense Party v. Padilla, 2020 WL 3491041 at *6 (E.D. Cal. June 26, 2020), or where "[p]laintiffs have not shown that they exercised reasonable diligence to maximize their efforts to appear on the ballot in November 2020," Joseph Kishore v. Gavin Newsom, No. 2:20-cv-05859 at 10, 2020 WL 5983922 (C.D. Cal. July 20, 2020); see also Nader v. Brewer, 531 F.3d 1028, 1035 (9th Cir. 2008) (The severity of the burden "should be measured by whether, in light of the entire statutory scheme regulating ballot access, 'reasonably diligent' candidates can normally gain a place on the ballot, or whether they will rarely succeed in doing so."). Under the precedent in this circuit, plaintiff has not demonstrated a severe burden on his constitutional rights. Accordingly, strict scrutiny does not attach to his claim.

B. The balance of interests favors the state.

"The right to access the ballot is important to voters, candidates, and political parties alike, but it must be balanced against California's need to manage its democratic process." De La Fuente v. Padilla, 930 F.3d 1101, 1106 (9th Cir. 2019). Under the Supreme Court's ruling in Burdick, this balancing is fact-intensive: a court "must weigh the character and magnitude of the asserted injury to the rights . . . that the plaintiff seeks to vindicate against the precise interests put forward by the State as justifications for the burden imposed by its rule, taking into consideration the extent to which those interests make it necessary to burden the plaintiff's rights." Burdick, 504 U.S. at 434. Where, as here, a less-than-severe burden renders strict scrutiny inapposite, "the state's important regulatory interests are generally sufficient to justify reasonable, non-discriminatory restrictions." Anderson, 460 U.S. at 789.

Courts have acknowledged several weighty and legitimate state regulatory interests. Blankenship, WL 6589654, at *5. First, California has an "undoubted right to require candidates to make a preliminary showing of substantial support in order to qualify for a place on the ballot." Munro v. Socialist Workers Party, 479 U.S. 189, 194 (1986). Exercising this right furthers the legitimate governmental goals of "preserv[ing] the integrity of the electoral process and regulating the number of candidates on the ballot to avoid undue voter confusion." Am. Party of Texas v. White, 415 U.S. 767, 782 n. 14 (1974). Second, California possesses a related interest in managing elections in a way that honors the choices of its citizenry without assuming "the expense and burden of runoff elections" or

upending carefully fashioned electoral timelines. Nader v. Cronin, 620 F.3d 1214, 1218 (9th Cir. 2010). Finally—and blending into the public interest—California is obliged to effectuate the legislatively-expressed will of its people. See, e.g., Thompson v. Dewine, 959 F.3d 804, 812 (6th Cir. 2020).

Plaintiff does not clearly identify his alleged injury against which these state interests must be weighed. Although he alleges that the challenged provisions of the California Elections Code violate the First, Fifth, and Fourteenth amendments, he does not clearly allege, for example, that the provisions violate his constitutional right to association or political expression. Nor does he allege that the challenged statutory provisions discriminate against him in any manner.

But even presuming plaintiff were to allege injury to these important rights of association and political speech, they do not, in this case, outweigh the state's regulatory interests. The restrictions at issue here are reasonable. To qualify as a write-in candidate, plaintiff needed to obtain the endorsement of 55 presidential electors. This requirement is less onerous than the requirement that was upheld in Blankenship, which required a candidate to obtain the signatures of one percent of California's registered voters to appear on the ballot. Nor are the restrictions alleged to be discriminatory. Under the applicable standard of scrutiny, "the state's important regulatory interests are generally sufficient to justify reasonable, non-discriminatory restrictions." Anderson, 460 U.S. at 789. Thus, the court finds that plaintiff's claims are without legal merit and should be dismissed with prejudice.

See Gardner v. Marino, 563 F.3d 981, 990 (9th Cir. 2009) (finding no abuse of discretion in denying leave to amend when amendment would be futile).

IV. Conclusion

Accordingly, IT IS ORDERED THAT:

Plaintiff's application to proceed in forma pauperis (ECF No. 2) be GRANTED;

Further, IT IS RECOMMENDED THAT:

1. Plaintiff's complaint (ECF No. 1) be DISMISSED with prejudice; and

2. The Clerk of Court be directed to close this case.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen (14) days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections shall be served on all parties and filed with the court within fourteen (14) days after service of the objections. Failure to file objections within the specified time may waive the right to appeal the District Court's order. Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: January 24, 2021

CAROLYN K. DELANEY

CAROLYN K. DELANEY

UNITED STATES MAGISTRATE JUDGE

APPENDIX D

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 21-15784
D.C. No. 2:20-cv-02422-JAM-CKD
Eastern District of California, Sacramento

RYAN STEPHEN EHRENREICH, Plaintiff-Appellant,

v.

ALEX PADILLA, Secretary of State of California, Defendant-Appellee.

[Filed: May 5, 2021]

ORDER

A review of the district court's docket reflects that the district court has certified that this appeal is frivolous and has revoked appellant's in forma pauperis status. See 28 U.S.C. § 1915(a). This court may dismiss a case at any time, if the court determines the case is frivolous. See 28 U.S.C. § 1915(e)(2).

Within 35 days after the date of this order, appellant must:

(1) file a motion to dismiss this appeal, see Fed. R. App. P. 42(b), or

(2) file a statement explaining why the appeal is not frivolous and should go forward.

If appellant files a statement that the appeal should go forward, appellant also must:

(1) file in this court a motion to proceed in forma pauperis, OR

(2) pay to the district court $505.00 for the filing and docketing fees for this appeal AND file in this court proof that the $505.00 was paid.

If appellant does not respond to this order, the Clerk will dismiss this appeal for failure to prosecute, without further notice. See 9th Cir. R. 42-1. If appellant files a motion to dismiss the appeal, the Clerk will dismiss this appeal, pursuant to Federal Rule of Appellate Procedure 42(b). If appellant submits any response to this order other than a motion to dismiss the appeal, the court may dismiss this appeal as frivolous, without further notice.

The briefing schedule for this appeal is stayed.

The Clerk shall serve on appellant: (1) a form motion to voluntarily dismiss the appeal, (2) a form statement that the appeal should go forward, and (3) a Form 4 financial affidavit. Appellant may use the enclosed forms for any motion to dismiss the appeal, statement that the appeal should go forward, and/or motion to proceed in forma pauperis.

FOR THE COURT:

MOLLY C. DWYER

CLERK OF COURT

By: Corina Orozco
Deputy Clerk
Ninth Circuit Rule 27-7

APPENDIX E

PLEASE NOTE: Source URLs for the constitutional and statutory provisions below are provided at the end of the provision text in the form "**See** [URL]". In order to review a specific URL, Petitioner asks the Court to please type (or copy and paste) the contents of that specific URL into any modern web browser.

1. First Amendment to the U.S. Constitution (1791) provides:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

See www.senate.gov/civics/constitution_item/constitution.htm#amdt_1_(1791)

2. Fifth Amendment to the U.S. Constitution (1791) provides:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

See www.senate.gov/civics/constitution_item/constitution.htm#amdt_5_1791

3. Fourteenth Amendment to the U.S. Constitution (1868) provides:

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or

immunities of citizens of the United States; nor shall any State 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.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, 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.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

See www.senate.gov/civics/constitution_item/constitution.htm#amdt_14_(1868)

4. Voting Rights Act of 1965, Pub. L. 89-110, 79 Stat. 437 § 14(c)(1) provides:

(c)(1) The terms "vote" or "voting" shall include all action necessary to make a vote effective in any primary, special, or general election, including, but not limited to, registration, listing pursuant to this Act, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.

See www.archives.gov/milestone-documents/voting-rights-act

5. 52 U.S.C. § 10101(e) provides:

(e) Order qualifying person to vote; application; hearing; voting referees; transmittal of report and order; certificate of qualification; definitions
In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. Such order shall be effective as to any election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote.

Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such

officer with notice of such order to permit any person so declared qualified to vote to vote at an appropriate election shall constitute contempt of court.

An application for an order pursuant to this subsection shall be heard within ten days, and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, who shall subscribe to the oath of office required by section 3331 of title 5, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. In a proceeding before a voting referee, the applicant shall be heard ex parte at such times and places as the court shall direct. His statement under oath shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report. Exceptions as to matters of fact shall be considered only if supported by a duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts or by statements or matters contained in such report; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in

accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the proof in support of the exception disclose the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

Applications pursuant to this subsection shall be determined expeditiously. In the case of any application filed twenty or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally: Provided, however, That such applicant shall be qualified to vote under State law. In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order. In either case the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application. The court may take any other action, and may authorize such referee or such other person as it may designate to take any other action, appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees. This subsection shall in no way be construed as a limitation upon the existing powers of the court.

When used in the subsection, the word "vote" includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; the words "affected area" shall mean any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have violated subsection (a); and the words "qualified under State law" shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than

those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist.

See uscode.house.gov/view.xhtml?req=(title:52%20section:10101)

6. California Elections Code § 8600-8606 (2018) provides:

8600. Every person who desires to be a write-in candidate and have his or her name as written on the ballot of an election counted for a particular office shall file:
(a) A statement of write-in candidacy that contains the following information:
(1) Candidate's name.
(2) Residence address.
(3) A declaration stating that he or she is a write-in candidate.
(4) The title of the office for which he or she is running.
(5) The party nomination which he or she seeks, if running in a partisan primary election.
(6) The date of the election.
(7) A certification of the candidate's complete voter registration and party affiliation/preference history for the preceding 10 years, or for as long as he or she has been eligible to vote in the state if less than 10 years, if running for a voter-nominated office.
(8) For any of the offices described in Section 13.5, a statement that the candidate meets the statutory and constitutional requirements for that office as described in that section.
(b) The requisite number of signatures on the nomination papers, if any, required pursuant to Sections 8062, 10220, and 10510, or, in the case of a special district not subject to the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10), the number of signatures required by the principal act of the district.
(c) Notwithstanding any other provision of law, a person may not be a write-in candidate at the general election for a voter-nominated office.

8601. The statement and nomination papers shall be available on the 57th day prior to the election for which the candidate is filing as a write-in candidate, and shall be delivered to the elections official responsible for the conduct of the election no later than the 14th day prior to the election.

8602. The nomination papers for a write-in candidate shall be substantially in the same form as set forth in Section 8041.

8603. Signers of nomination papers for write-in candidates shall be voters in the district or political subdivision in which the candidate is to be voted on. In addition, if the candidate is seeking a party nomination for an office, the signers shall also be affiliated with the party whose nomination is sought.

8604. No fee or charge shall be required of a write-in candidate except in the case of a candidate for city office, as provided in Section 10228.

8605. No person whose name has been written in upon a ballot for an office at the direct primary may have his or her name placed upon the ballot as a candidate for that office for the ensuing general election unless one of the following is applicable:
(a) At that direct primary he or she received for a partisan office votes equal in number to 1 percent of all votes cast for the office at the last preceding general election at which the office was filled. In the case of an office that has not appeared on the ballot since its creation, the requisite number of votes shall equal 1 percent of the number of all votes cast for the office that had the least number of votes in the most recent general election in the jurisdiction in which the write-in candidate is seeking office.
(b) He or she is an independent nominee for a partisan office pursuant to Part 2 (commencing with Section 8300).
(c) At that direct primary he or she received for a voter-nominated office the highest number of votes cast for that office or the second highest number of votes cast for that office, except as provided by subdivision (b) of Section 8142 or Section 8807.

8606. Notwithstanding any other provision of law, a person may not be a write-in candidate at the general election for a voter-nominated office.

See
leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=ELEC&division=8.&part=3.&chapter=1.

7. California Elections Code § 8650-8653 (2018) provides:

8650. Any group of individuals, equal in number to the number of presidential electors to which this state is entitled, who desire to be write-in candidates for presidential electors pledged to a particular candidate for President and Vice President of the United States shall file a declaration of write-in candidacy.

8651. The declaration of write-in candidacy for presidential elector shall contain the following information:
(a) Candidate's name.
(b) Residence address.
(c) A declaration stating that he or she is a write-in candidate for the office of presidential elector.
(d) Oath or affirmation as set forth in Section 3 of Article XX of the California Constitution.
(e) The date of the general election.
(f) The names of the candidates for President and Vice President of the United States for which the group of presidential electors are pledged.

8652. The declaration of write-in candidacy shall be filed with the Secretary of State no later than the 14th day prior to the general election.

8653. Only those names written on the ballot at the general election for the office of President and Vice President of the United States for which a group of presidential electors are pledged on the declaration of write-in candidacy filed pursuant to Section 8650 shall be counted as votes.

See
leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=ELEC&division=8.&part=3.&chapter=2.