

1 **JOHN COX, IN PRO PER**  
2 **3525 DEL MAR HEIGHTS ROAD**  
3 **BOX 1077**  
4 **SAN DIEGO, CA 92130**

5 **In Pro Per**

**FILED**  
**Superior Court Of California,**  
**Sacramento**  
**02/28/2019**  
**hportalanza**  
**By \_\_\_\_\_, Deputy**  
**Case Number:**  
**34-2019-80003090**

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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **COUNTY OF SACRAMENTO**

11 JOHN COX, in his capacity as official  
12 proponent of Initiative Petition 1798,

13 Petitioner,

14 v.

15 ALEX PADILLA, in his official capacity as  
16 Secretary of State of the State of California;  
17 Tim Dupuis, Registrar of Voters of Alameda  
18 County; Teola L. Tremayne, County Clerk of  
19 Alpine County; Kimberly L. Grady,  
20 Registrar of Voters of Amador County;  
21 Candace J. Grubbs, County Clerk-Recorder-  
22 Registrar of Butte County; Rebecca Turner,  
23 County Clerk/Recorder of Calaveras County;  
24 Rose Gallo-Vasquez, County Clerk-Recorder  
25 of Colusa County; Joseph E. Canciamilla,  
26 County Clerk, Recorder and Registrar of  
27 Voters of Contra Costa County; Alissia  
28 Northrup, County Clerk-Recorder of Del  
Norte County; William E. Schultz, Recorder-  
Clerk, Registrar of Voters of El Dorado  
County; Brandi L. Orth, County  
Clerk/Registrar of Voters of Fresno County;  
Charles M. Meriam, County Clerk-Recorder  
of Glenn County; Kelly Sanders, County  
Clerk, Recorder and Registrar of Voters of  
Humboldt County; Debra Porter, Registrar of  
Voters of Imperial County; Kammi Foote,  
Clerk/Recorder & Registrar of Voters of

Case No.

**\*ELECTION MATTER PRIORITY\***  
**(CCP §35)**

**PETITION FOR WRIT OF MANDATE,**  
**VERIFIED**

1 Inyo County; Mary Bedard, Auditor-  
2 Controller/County Clerk/Registrar of Voters  
3 of Kern County; Kristine Lee,  
4 Assessor/Clerk-Recorder/Registrar of Voters  
5 of Kings County; Diane C. Fridley, Registrar  
6 of Voters of Lake County; Julie Bustamante,  
7 County Clerk- Recorder of Lassen County;  
8 Dean Logan, Registrar – Recorder/County  
9 Clerk of Los Angeles County; Rebecca  
10 Martinez, County Clerk-Recorder of Madera  
11 County; Lynda Roberts, Registrar of Voters  
12 of Marin County; Keith Williams, County  
13 Clerk of Mariposa County; Susan M.  
14 Ranochak, Assessor-County Clerk-Recorder  
15 of Mendocino County; Barbara J. Levey,  
16 Registrar of Voters of Merced County;  
17 Stephanie Wellemeyer, County  
18 Auditor/Clerk/Recorder of Modoc County;  
19 Shannon Kendall, Registrar of Voters of  
20 Mono County; Claudio Valenzuela, Registrar  
21 of Voters of Monterey County; John Tuteur,  
22 Assessor-Recorder-County Clerk of Napa  
23 County; Gregory J. Diaz, Clerk-  
24 Recorder/Registrar of Voters of Nevada  
25 County; Neal Kelley, Registrar of Voters of  
26 Orange County; Ryan Ronco, County Clerk-  
27 Recorder-Registrar of Placer County;  
28 Kathleen Williams, County Clerk-Recorder-  
Registrar of Voters of Plumas County;  
Rebecca Spencer, Registrar of Voters of  
Riverside County; Courtney Bailey-Kanelos,  
Registrar of Voters of Sacramento County;  
Joe Paul Gonzalez, County Clerk-Auditor-  
Recorder of San Benito County; Bob Page,  
Interim Registrar of Voters of San  
Bernardino County; Michael Vu, Registrar of  
Voters of San Diego County; John Arntz,  
Director of Elections of San Francisco  
County; Melinda Dubroff, Registrar of  
Voters of San Joaquin County; Tommy  
Gong, County Clerk-Recorder of San Luis  
Obispo County; Mark Church, Chief  
Elections Officer & Assessor-County Clerk-  
Recorder of San Mateo County; Joseph E.  
Holland, County Clerk/Recorder/Assessor of  
Santa Barbara County; Shannon Bushey,  
Registrar of Voters of Santa Clara County;  
Gail Pellerin, County Clerk of Santa Cruz

1 County; Cathy Darling-Allen, Clerk &  
2 Registrar of Voters of Shasta County;  
3 Heather Foster, County Clerk-Recorder of  
4 Sierra County; Colleen Setzer, County Clerk  
5 of Siskiyou County; Nancy L. Huston,  
6 Interim Registrar of Voters of Solano  
7 County; William F. Rousseau, County Clerk-  
8 Recorder-Assessor-Registrar of Voters of  
9 Sonoma County; Donna Linder, County  
10 Clerk-Recorder of Stanislaus County; Donna  
11 M. Johnston, County Clerk-Recorder of  
12 Sutter County; Jennifer Vise, Registrar of  
13 Voters-Clerk-Recorder of Tehama County;  
14 Shanna White, Registrar of Voters of Trinity  
County; Michelle Baldwin, Registrar of  
Voters of Tulare County; Deborah Bautista,  
County Clerk-Auditor-Controller of  
Tuolumne County; Mark A. Lunn, County  
Clerk-Recorder-Registrar of Voters of  
Ventura County; Jesse Salinas, Assessor/  
Clerk-Recorder/Registrar of Voters of Yolo  
County; Terry A. Hansen, County Clerk-  
Recorder of Yuba County; all in their official  
capacities; and DOES 1 through 100,

15 Respondents.

16  
17 JOHN COX ("Petitioner" or "Proponent") seeks judicial review and a peremptory writ of  
18 mandate by the Superior Court concerning the actions and policies of the Respondents Secretary of  
19 State and the Registrars of Voters (or other appropriate local elections officials) of all of the  
20 counties in California related to the determination by the Secretary of State, based on the actions of  
21 the county elections officials, that the proponents of Initiative Petition 1798 (described *infra*) failed  
22 to submit to the county elections officials a sufficient number of valid signatures of California  
23 voters on petitions in support of Initiative Petition 1798 to qualify the initiative to be placed on the  
24 ballot and submitted to the voters at the next general statewide election.

25 Specifically, Petitioner first seeks judicial review of the petitions and the signatures on the  
26 petitions in support of Initiative Petition 1798 that were rejected by county elections officials and/or  
27 the Secretary of State, including, but not limited to, judicial review of signatures in the manner  
28 approved by the state Supreme Court in *Wheelwright v. Marin County* (1970) 2 Cal.3d 448, 451-

1 457, and judicial review of the petitions under the standard of “substantial compliance” as  
2 established by the state Supreme Court in such cases as *Assembly v. Deukmejian* (1982) 30 Cal.3d  
3 638, 652.

4 Second, Petitioner seeks judicial review of the policies, procedures, guidelines and  
5 regulations of the county elections officials and/or the Secretary of State applicable to statewide  
6 initiative petitions, on their face and as applied to Initiative Petition 1798.

7 Following this judicial review, assuming that the Court finds that a sufficient number of  
8 valid signatures of California voters were submitted in support of Initiative Petition 1798, Petitioner  
9 requests that a preemptory writ of mandate be issued by this Court directing Respondent Secretary  
10 of State, ALEX PADILLA, to certify Initiative Petition 1798 for the November 2020 statewide  
11 election ballot (or, in the alternative, the next statewide election that complies with applicable law)  
12 pursuant to the provisions of Elections Code §§ 9030, *et seq.*, and other applicable law.

13 Petitioner further requests orders of this Court requiring the Respondent county elections  
14 officials and/or the Secretary of State to revise their policies, procedures, guidelines and regulations  
15 applicable to statewide initiative petitions to conform to applicable law.

16 Expedited hearing priority is provided for this action by Code of Civil Procedure § 35 to  
17 permit timely resolution of this matter without delay or substantial interference with the upcoming  
18 November 2020 election.

### 19 JURISDICTION AND VENUE

20 1. The relief sought in this petition for writ of mandate is within the jurisdiction and venue of  
21 this Court pursuant to Code of Civil Procedure § 1085, Election Code § 13314 and applicable law.  
22 The petition is subject to expedited judicial procedures pursuant to Code of Civil Procedure § 35.

### 23 PARTIES

24 2. Petitioner is, and at all times mentioned in this petition has been, a competent adult, citizen  
25 of the United States, and an elector registered to vote in the State of California. Petitioner brings  
26 this suit in the public interest as the official proponent of Initiative Petition 1798, with standing to  
27 bring this action pursuant to Code of Civil Procedure § 1085 and applicable law.

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1       3. Respondent ALEX PADILLA is, and at all times mentioned in this petition was, the  
2 Secretary of State of the State of California, and in such capacity is charged by law with receiving  
3 initiative petition results from county elections officials and processing them in accordance with  
4 applicable law, including certifying a qualifying initiative to be placed on the ballot of a subsequent  
5 statewide election. Petitioner is informed and believes, and on such information and belief alleges,  
6 that Respondent Secretary of State, as the chief elections officer of the state, also has authority and  
7 responsibility under Elections Code § 10, Government Code § 12172.5, §6253.5, and applicable  
8 law, to review elections procedures and practices, to enforce elections laws, to adopt proper  
9 statewide, uniform regulations for elections, and to investigate and review the actions of elections  
10 officials in the state, including investigation, review and correction of the actions of county  
11 elections officials concerning validation of signatures on initiative petitions, as in this action,  
12 particularly when ordered to do so by the Superior Court.

13       4. The Registrars of Voters of all fifty-eight California counties (“county elections officials”)  
14 are named as respondents in their official capacities because these officials have authority and  
15 responsibility under applicable law to investigate and validate the signatures on initiative petitions.  
16 Petitioner is informed and believes, and on such information and belief alleges, that in this action  
17 each of these county elections officials improperly and unlawfully rejected valid signatures on  
18 Initiative Petition 1798. The names and capacities of these respondents are as follows: Tim Dupuis,  
19 Registrar of Voters of Alameda County; Teola L. Tremayne, County Clerk of Alpine County;  
20 Kimberly L. Grady, Registrar of Voters of Amador County; Candace J. Grubbs, County Clerk-  
21 Recorder-Registrar of Butte County; Rebecca Turner, County Clerk/Recorder of Calaveras County;  
22 Rose Gallo-Vasquez, County Clerk-Recorder of Colusa County; Joseph E. Canciamilla, County  
23 Clerk, Recorder and Registrar of Voters of Contra Costa County; Alissia Northrup, County Clerk-  
24 Recorder of Del Norte County; William E. Schultz, Recorder-Clerk, Registrar of Voters of El  
25 Dorado County; Brandi L. Orth, County Clerk/Registrar of Voters of Fresno County; Charles M.  
26 Meriam, County Clerk-Recorder of Glenn County; Kelly Sanders, County Clerk, Recorder and  
27 Registrar of Voters of Humboldt County; Debra Porter, Registrar of Voters of Imperial County;  
28 Kammi Foote, Clerk/Recorder & Registrar of Voters of Inyo County; Mary Bedard, Auditor-



1 Controller/County Clerk/Registrar of Voters of Kern County; Kristine Lee, Assessor/Clerk-  
2 Recorder/Registrar of Voters of Kings County; Diane C. Fridley, Registrar of Voters of Lake  
3 County; Julie Bustamante, County Clerk- Recorder of Lassen County; Dean Logan, Registrar –  
4 Recorder/County Clerk of Los Angeles County; Rebecca Martinez, County Clerk-Recorder of  
5 Madera County; Lynda Roberts, Registrar of Voters of Marin County; Keith Williams, County  
6 Clerk of Mariposa County; Susan M. Ranochak, Assessor-County Clerk-Recorder of Mendocino  
7 County; Barbara J. Levey, Registrar of Voters of Merced County; Stephanie Wellemeyer, County  
8 Auditor/Clerk/Recorder of Modoc County; Shannon Kendall, Registrar of Voters of Mono County;  
9 Claudio Valenzuela, Registrar of Voters of Monterey County; John Tuteur, Assessor-Recorder-  
10 County Clerk of Napa County; Gregory J. Diaz, Clerk-Recorder/Registrar of Voters of Nevada  
11 County; Neal Kelley, Registrar of Voters of Orange County; Ryan Ronco, County Clerk-Recorder-  
12 Registrar of Placer County; Kathleen Williams, County Clerk-Recorder-Registrar of Voters of  
13 Plumas County; Rebecca Spencer, Registrar of Voters of Riverside County; Courtney Bailey-  
14 Kanelos, Registrar of Voters of Sacramento County; Joe Paul Gonzalez, County Clerk-Auditor-  
15 Recorder of San Benito County; Bob Page, Interim Registrar of Voters of San Bernardino County;  
16 Michael Vu, Registrar of Voters of San Diego County; John Arntz, Director of Elections of San  
17 Francisco County; Melinda Dubroff, Registrar of Voters of San Joaquin County; Tommy Gong,  
18 County Clerk-Recorder of San Luis Obispo County; Mark Church, Chief Elections Officer &  
19 Assessor-County Clerk-Recorder of San Mateo County; Joseph E. Holland, County  
20 Clerk/Recorder/Assessor of Santa Barbara County; Shannon Bushey, Registrar of Voters of Santa  
21 Clara County; Gail Pellerin, County Clerk of Santa Cruz County; Cathy Darling-Allen, Clerk &  
22 Registrar of Voters of Shasta County; Heather Foster, County Clerk-Recorder of Sierra County;  
23 Colleen Setzer, County Clerk of Siskiyou County; Nancy L. Huston, Interim Registrar of Voters of  
24 Solano County; William F. Rousseau, County Clerk-Recorder-Assessor-Registrar of Voters of  
25 Sonoma County; Donna Linder, County Clerk-Recorder of Stanislaus County; Donna M. Johnston,  
26 County Clerk-Recorder of Sutter County; Jennifer Vise, Registrar of Voters-Clerk-Recorder of  
27 Tehama County; Shanna White, Registrar of Voters of Trinity County; Michelle Baldwin, Registrar  
28 of Voters of Tulare County; Deborah Bautista, County Clerk-Auditor-Controller of Tuolumne

1 County; Mark A. Lunn, County Clerk-Recorder-Registrar of Voters of Ventura County; Jesse  
2 Salinas, Assessor/ Clerk-Recorder/Registrar of Voters of Yolo County; Terry A. Hansen, County  
3 Clerk-Recorder of Yuba County. The registrars of voters are all sued in their official capacities.  
4 "Elections officials" in this petition refers collectively to the county registrars of voters and the  
5 Secretary of State, unless the context indicates otherwise.

6 5. Petitioner does not know the true names or capacities of the respondents identified under the  
7 names of DOES 1 through 100, inclusive, who are sued by fictitious names pursuant to Code of  
8 Civil Procedure § 474 and applicable law. Petitioner will amend this petition to allege their true  
9 names and capacities when they have been ascertained. Petitioner is informed and believes and  
10 thereon alleges that each fictitiously named respondent is directly and proximately responsible for  
11 Petitioner's injuries and claims as alleged in this action.

## 12 **FIRST CAUSE OF ACTION**

### 13 **PREEMPTORY WRIT OF MANDATE AGAINST RESPONDENTS**

14 6. On February 22, 2017, Petitioner properly submitted the text of the proposed measure to the  
15 Attorney General with a written request that a circulating title and summary be prepared stating the  
16 chief purpose and points of the proposed measure, all pursuant to Elections Code § 9001. The  
17 Attorney General prepared the initiative's circulating title and summary, and assigned the unique  
18 identifier number of 17-0002.

19 7. The Secretary of State, Respondent Alex Padilla, then cleared the initiative for circulation  
20 on April 28, 2017, assigning it his own tracking number, Initiative Petition No. 1798.

21 8. Petitioner, acting as the Proponent, timely submitted approximately 802,000 petition  
22 signatures to county election officials in all of California's fifty-eight counties on or prior to the  
23 October 25, 2017 deadline. In order to qualify for the statewide ballot, 585,407 valid qualifying  
24 signatures were required. County elections officials and/or the Secretary of State, claimed that only  
25 794,643 petition signatures were submitted and rejected 234,737 of those petition signatures,  
26 causing the petition to be disqualified, falling short of the required number to qualify the initiative  
27 for submission to the electorate by 25,501 signatures. Petitioner is informed and believes, and on  
28 such information and belief alleges, that at least 7,000 signatures submitted were not tallied by the

1 county elections officials in the raw count at all, and that within the 234,737 and 7,000 invalidated  
2 signatures submitted, more than 25,501 were unlawfully invalidated by the county elections  
3 officials and/or the Secretary of State, so that the initiative has been unlawfully disqualified from  
4 being certified for submission to the voters of the state.

5 9. Petition signatures were unlawfully disqualified because election officials erroneously  
6 deemed that the signers were not registered to vote. Registered voters have been denied their  
7 constitutional right to petition because their signatures were rejected although they were in fact  
8 registered to vote at the time of signing.

9 10. Petitioner is informed and believes, and on such information and belief alleges, that petition  
10 signatures were unlawfully disqualified unlawfully because election officials erroneously cancelled  
11 rather than transferred the voter registration of voters who moved from one county to another  
12 within California, in violation of Election Code § 2226(a)(1), as amended by Stats. 2015, c. 728  
13 (A.B. 1020), § 69, and of the federal National Voter Registration Act, 52 U.S.C. § 20504(d), and  
14 the federal Help America Vote Act, 52 U.S.C. § 21083.

15 11. Petitioner is informed and believes, and on such information and belief alleges, that petition  
16 signatures were unlawfully disqualified because election officials erroneously cancelled the  
17 registrations of voters for reasons not authorized by law under Elections Code § 2201 and/or under  
18 federal law, including the National Voter Registration Act, 52 U.S.C. § 20501 *et seq.*, and the Help  
19 America Vote Act, 52 U.S.C. § 20901 *et seq.*

20 12. Petition signatures were unlawfully disqualified because election officials erroneously  
21 deemed that the signers registered late because they relied on a date of registration other than the  
22 date the voter registration affidavit was actually signed, as required by Election Code § 2102(b).

23 13. Petition signatures were unlawfully disqualified because of an alleged "wrong address," that  
24 is, because the address on the petition did not match the address on the voter registration affidavit of  
25 a voter by the same name. Petitioner is informed and believes, and on such information and belief  
26 alleges, that some of these determinations resulted from election officials reviewing the wrong voter  
27 registration affidavit, while others resulted from the failure of election officials to update the  
28 registration address after receipt of a change of address notification, while still others resulted from



1 the failure of election officials to ascertain change of addresses using the U.S. postal service's  
2 National Change of Address system in a timely manner, as required by the National Voter  
3 Registration Act.

4 14. Petitioner is informed and believes, and on such information and belief alleges, that petition  
5 signatures were unlawfully disqualified because election officials erroneously deemed them  
6 illegible, when they were in fact the legible names and addresses of properly registered voters.

7 15. Petitioner is informed and believes, and on such information and belief alleges, that petition  
8 signatures were unlawfully disqualified by election officials on the ground that the voter was  
9 registered out of district, when the voter was in fact properly registered in the county in which the  
10 petition was submitted.

11 16. Petitioner is informed and believes, and on such information and belief alleges, that petition  
12 signatures were unlawfully disqualified by election officials on the ground that no residence address  
13 was provided, when a fixed location was provided as permitted under Elections Code § 2027.

14 17. Petitioner is informed and believes, and on such information and belief alleges, that petition  
15 signatures were unlawfully disqualified by election officials on the ground that either no signature  
16 or a printed signature was provided, when the printed name that was provided matched the  
17 handwriting or signature on the voter registration affidavit.

18 18. Petition signatures were unlawfully disqualified by election officials on the ground that the  
19 petition information was not in the signer's handwriting or that the signature did not match the  
20 signature on file, when the handwriting and signature did in fact match the information contained in  
21 the voter's affidavit of registration.

22 19. Petition signatures were disqualified by election official on the ground that the petition  
23 information was not in the signer's handwriting or that the signature did not match the signature on  
24 file, without election officials giving notice to the petition signer and an opportunity to cure, in  
25 violation of the Due Process clauses of the federal Constitution (U.S. Const. amend. XIV, § 1) and  
26 California Constitution (Cal. Const., art. 1, § 7).

27 20. Petitioner is informed and believes, and on such information and belief alleges, that petition  
28 signatures of minority and elderly voters were disqualified by election official at higher rates than

1 the petition signatures of other voters, on the ground that the petition signature did not match the  
2 signature on file, in violation of the Equal Protection clauses of the federal Constitution (U.S.  
3 Const. amend. XIV, § 1) and California Constitution (Cal. Const., art. 1, § 7).

4 21. Petition signatures were unlawfully disqualified because of inaccurate comparisons of  
5 signatures on petitions with voter registration affidavits, whether by use of computer software  
6 programs, employed by some counties but not others, or by visual examination of signatures, using  
7 the individual judgment of fifty-eight or more elections officials. Neither method is uniform or  
8 consistent, and thus violates the Equal Protection Clause of the U.S. Constitution and the holding of  
9 *Bush v. Gore*. Computer software programs especially are unreliable when matching signatures,  
10 since they compare electronic signatures against pen-and-ink signatures, which can vary greatly.  
11 Furthermore, pursuant to Vehicle Code §12950.5, the California Department of Motor Vehicles  
12 (DMV) obtains digitized signatures from licensed drivers using a stylus on a signature pad, which is  
13 a notoriously inaccurate depiction of the actual signature. Under the law, the DMV sends the  
14 Secretary of State the digitized signature of every person who registers to vote using the DMV voter  
15 registration card and “provide[s] the Secretary of State with change-of-address information for  
16 every voter who indicates that he or she desires to have his or her address changed for voter  
17 registration purposes.” This statute has been in effect since January 1, 2004. At DMV offices, a  
18 signature is obtained using an electronic signature pad. For online voter registration renewals, the  
19 DMV uses the last received digitized signature. For persons who have registered through the DMV,  
20 election officials are comparing hardcopy petition signatures to voter registration card signatures  
21 made on DMV electronic signing pads. Electronic signatures frequently do not match handwritten  
22 signatures. Elections Code § 9020 requires that a voter “personally affix” the signature on a  
23 petition, that is, provide a pen-and-ink signature. But “wet signatures” may not match electronic  
24 signatures, and comparison of such signatures, whether visually or by computer scanning, can  
25 produce discrepancies and unfairly invalidate petition signatures. Hence, petition signatures that  
26 substantially comply with the requirements of the law have been unreasonably rejected.

27 22. Petitioner is informed and believes, and on such information and belief alleges, that petition  
28 signatures were unlawfully disqualified by election officials on the ground that the petition section

1 was submitted to the wrong county, when the petition section was in fact submitted to the correct  
2 county.

3 23. Petitioner is informed and believes, and on such information and belief alleges, that petition  
4 signatures were unlawfully disqualified by election officials on the ground that the signer was not  
5 of voting age when the petition was signed, when the date the petition was signed was on or after  
6 the voter's eighteenth birthday, as permitted by Elections Code § 2102(d).

7 24. Petitioner is informed and believes, and on such information and belief alleges, that petition  
8 signatures were unlawfully disqualified by election officials on the ground that portions of the  
9 address or other information was missing, when the information that was provided was sufficient to  
10 constitute "substantial compliance" as established by the state Supreme Court in such cases as  
11 *Assembly v. Deukmejian* (1982) 30 Cal.3d 638, 652.

12 25. Petitioner is informed and believes, and on such information and belief alleges, that petition  
13 signatures were unlawfully disqualified by election officials on the ground that the signer provided  
14 more than one address, when the signer was a properly registered voter at one of the listed  
15 addresses at the time the petition was signed.

16 26. Petitioner is informed and believes, and on such information and belief alleges, that petition  
17 signatures were unlawfully disqualified by election officials on the ground that the signer's  
18 registration had been cancelled or placed into inactive or fatal pending status, when election  
19 officials had erroneously cancelled the registration or placed it into inactive or fatal pending status  
20 in violation of law, including the National Voter Registration Act.

21 27. Petition signatures were unlawfully disqualified by election officials on the ground that the  
22 signer signed the petition more than once, when election officials had erroneously treated two  
23 different signers as the same signer.

24 28. Petition signatures were unlawfully disqualified because election officials determined that  
25 the circulator had, by scrivener's errors or otherwise, provided incomplete or inaccurate information  
26 regarding the petition circulation, when in all relevant respects, the signatures on the petitions with  
27 these circulator errors all substantially complied with Elections Code §9020 and applicable law.

28 ///

1       29. Petition signatures were unlawfully disqualified by election officials due to minor and  
2 obvious transcription errors in writing an address, such as, but not limited to, transposing numbers  
3 within a street address or zip code. These petitions substantially comply with the purposes and  
4 requirements of the law.

5       30. Petition signatures were unlawfully disqualified by election officials because of a name  
6 change (such as the result of marriage), when county officials had been notified of the name change  
7 prior to the date the petition verification process was conducted.

8       31. Petition signatures of women who had changed their name due to marriage were  
9 disqualified by election officials in violation of the Equal Protection clauses of both the federal and  
10 California constitutions and the federal Voting Rights Act because of the gender-based disparate  
11 impact caused by such disqualifications.

12       32. Petitioner is informed and believes, and on such information and belief alleges, that petition  
13 signatures were unlawfully disqualified because of alleged preprinted addresses, when the law  
14 permits preprinted addresses as long as the address was personally affixed by the signatory.

15       33. Petitioner is informed and believes, and on such information and belief alleges, that petition  
16 signatures similarly have been disqualified unlawfully because elections officials claim that one  
17 person filled in the address for two or more people, as, for instance, a wife allegedly filled in the  
18 address for herself and her husband, though both individually signed the petition. Elections officials  
19 have unreasonably rejected one of such apparent pairs of otherwise valid signatures. Such petitions  
20 substantially comply with the requirements of the law.

21       34. Petitioner is informed and believes, and on such information and belief alleges, that petition  
22 signatures have been disqualified unlawfully due to a strikethrough or other correction on the  
23 petition. Such petitions substantially comply with the requirements of the law.

24       35. Petitioner is informed and believes, and on such information and belief alleges, that petition  
25 signatures have been disqualified unlawfully for reasons not described in this petition, so Petitioner  
26 reserves the right to assert other unlawful reasons for disqualification of signatures when they have  
27 been identified. Petitioner, acting as the Proponent under Government Code § 6253.5, has  
28 attempted diligently to exercise his rights to examine the disqualified petition signatures and related

1 documents. Some county elections officials have put up significant obstacles to this examination,  
2 such as (1) refusing access entirely, both to the petitions and to the voter registration records; (2)  
3 refusing access to the voter registration records for comparison with the petitions; (3) allowing only  
4 a limited number of persons (e.g., three) to examine petitions; (4) requiring that a written  
5 authorization by the Proponent for a representative must be on a certain letterhead or stationary; (5)  
6 (6) restricting the days and hours for examiners to do their inspections; and (7) providing only those  
7 documents that support the conclusions of disqualifications by the county elections officials rather  
8 than providing all of the relevant papers needed for the examiners to reach independent judgments.

9 36. Due to the unlawful disqualification of signatures and petitions, the respondent elections  
10 officials have failed to perform their legal and ministerial duties to qualify the petition and to certify  
11 Initiative Petition 1798 for submission to the electorate.

12 37. The constitutional rights to initiative of Petitioner, the voters who signed the petitions, and  
13 indeed the entire California electorate have been abridged as a result of the failure of the respondent  
14 elections officials to perform their legal and ministerial duties to qualify the petition and to certify  
15 Initiative Petition 1798. The infringement and abridgment of the constitutional rights guaranteed  
16 under Article II, § 9 of the California Constitution to the Petitioner, the signers of the petition, and  
17 the California voters at large is imminent, grave and irreparable.

18 38. Issuance of a writ of mandate in this action will not substantially interfere with the conduct  
19 of the November 2020 election or any other statewide election. However, the Secretary of State  
20 must have the materials for the November 2020 election ready by June 2020.

21 39. Issuance of a writ of mandate correcting the actions of the respondent elections officials will  
22 enforce an important right affecting the public interest. By validating the signatures improperly  
23 rejected and by ordering certification of the initiative for presentation to the electorate, a significant  
24 benefit will be conferred upon the more than 800,000 signatories and the public at large. The  
25 necessity and financial burden of private enforcement justifies an award of attorney fees and costs  
26 pursuant to the Code of Civil Procedure § 1021.5 and applicable law.

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1                                   **SECOND CAUSE OF ACTION**

2                           **PREEMPTORY WRIT OF MANDATE AGAINST RESPONDENTS**

3           40. Petitioner incorporates all of the foregoing allegations of the First Cause of Action into this  
4   Second Cause of Action.

5           41. Principles of due process of law and equal protection of the laws require that evaluation of  
6   initiative petitions and petition signatures regarding an act of the state Legislature be conducted  
7   according to consistent, statewide, uniform standards that comply with the constraints of existing  
8   law and that protect the constitutional rights of present and future petitioners, petition signers and  
9   circulators, and voters. The facts concerning Initiative Petition 1798 as alleged in this petition  
10   evidence that such uniform standards and practices do not now exist. Petitioner seeks judicial  
11   review of the policies, procedures, guidelines and regulations of the county elections officials  
12   and/or the Secretary of State applicable to statewide initiative petitions, on their face and as applied  
13   to Initiative Petition 1798, and issuance of appropriate orders mandating constitutional and uniform  
14   policies, procedures, guidelines and regulations to be implemented by county elections officials and  
15   the Secretary of State in this and future initiative proceedings.

16                                   **THIRD CAUSE OF ACTION**

17                           **VIOLATION OF DUE PROCESS**

18                           **U.S. CONST., amend. XIV, § 1 and CAL. CONST., art. 1, § 7)**

19                                   **(All Respondents)**

20           42. Petitioner incorporates all of the foregoing allegations into this Third Cause of Action.

21           43. Due process requires, at a minimum, that voters not be deprived of their fundamental right  
22   to the initiative by having their petition signatures disqualified without providing voters  
23   individualized notice of the alleged problem with their petition signature and an opportunity to cure.

24           44. Respondents violate the rights of Petitioner—and tens of thousands of California voters—to  
25   due process under the federal and state Constitutions by disqualifying their petition signatures  
26   without providing them with individualized notice and a meaningful opportunity to cure the  
27   signature mismatch determinations.

28   ///

**FOURTH CAUSE OF ACTION**  
**VIOLATION OF EQUAL PROTECTION**  
**U.S. CONST., amend. XIV, § 1 and CAL. CONST., art. 1, § 7)**

**(All Respondents)**

45. Petitioner incorporates all of the foregoing allegations into this Fourth Cause of Action.

46. Equal protection requires the invalidation of laws and policies that deny some eligible voters their fundamental right to the initiative, unless the laws and policies are necessary to achieve a compelling government interest and are narrowly tailored to do so.

47. Respondents violate equal protection by selectively disqualifying signatures of certain classes of voters at higher rates than others on the ground that the signatures are deemed by non-expert clerks not to match the signatures on file.

48. Respondents also violate equal protection by imposing additional re-registration requirements on newly married women who have taken the surnames of their husbands.

49. These deprivations of Petitioner's and other California voters' fundamental right to the initiative and to have their signature counted are not necessary to achieve a compelling government interest; nor are they narrowly tailored to any such interest.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner requests the following relief:

1. Judicial review of the petitions and the signatures on the petitions in support of Initiative Petition 1798 that were rejected by county elections officials and/or the Secretary of State, including, but not limited to, judicial review of signatures in the manner approved by the state Supreme Court in *Wheelright v. Marin County* (1970) 2 Cal.3d 448, 451-457, and judicial review of the petitions under the standard of "substantial compliance" as established by the state Supreme Court in such cases as *Assembly v. Deukmejian* (1982) 30 Cal.3d 638, 652;

2. Judicial review of the policies, procedures, guidelines and regulations of the county elections officials and/or the Secretary of State applicable to statewide initiative petitions, on their face and as applied to Initiative Petition 1798;

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1       3. A judgment of this Court determining that the petitions in support of Initiative Petition 1798  
2 received a sufficient number of signatures of qualified California voters to be certified for  
3 placement on the ballot of the next statewide general election;

4       4. A judgment of this Court holding unconstitutional the signature verification procedure set  
5 out in Elections Code § 3019(c)(2), as those procedures are utilized in conducting the “examination  
6 and verification” of petition signatures mandated by Elections Code § 9030 and § 9031, to the  
7 extent it permits or requires Respondents to reject voters’ petition signatures based on perceived  
8 signature mismatches without providing voters with notice and opportunity to cure, in violation of  
9 state and federal due process and equal protection guarantees.

10       5. A judgment of this Court holding that Respondents’ policy and practice of imposing upon  
11 married women who take their husband’s surname a re-registration requirement to which other  
12 voters are not subject, is an unconstitutional violation of state and federal equal protection  
13 guarantees.

14       6. Orders of this Court directing the respondent county Registrars of Voters, their agents,  
15 employees, and all persons acting under, in concert with, or for them, and the respondent Secretary  
16 of State, ALEX PADILLA, his agents, employees, and all persons acting under, in concert with, or  
17 for the Secretary to take all necessary and proper actions to validate and certify Initiative Petition  
18 1798 in time for placement on the November 2020 statewide election ballot, or, in the alternative,  
19 the next statewide general election following the conclusion of the trial of this action;

20       7. Orders of this Court directing the respondent county Registrars of Voters, their agents,  
21 employees, and all persons acting under, in concert with, or for them, and the respondent Secretary  
22 of State, ALEX PADILLA, his agents, employees, and all persons acting under, in concert with, or  
23 for the Secretary to adopt and implement constitutional and uniform policies, procedures, guidelines  
24 and regulations as determined by this Court, to be implemented by county elections officials and the  
25 Secretary of State in this and future initiative proceedings;

26       8. Orders of this Court directing the respondent county Registrars of Voters, their agents,  
27 employees, and all persons acting under, in concert with, or for them, and the respondent Secretary  
28 of State, ALEX PADILLA, his agents, employees, and all persons acting under, in concert with, or

1 for the Secretary of State to adopt and implement constitutional and uniform policies, procedures,  
2 guidelines and regulations as determined by this Court, to be implemented by county elections  
3 officials and the Secretary of State in this and future initiative proceedings, or, in the alternative, to  
4 show cause before this Court at a specified time and place why the relief prayed for herein should  
5 not be granted;


6 9. Orders of this Court setting an evidentiary hearing on this Petition to address the matters  
7 raised by the Petition in a timely and expeditious manner so that there will be sufficient time for  
8 Initiative Petition 1798 to be prepared to appear on the November 2020 state election ballot;

9 10. Costs of suit;

10 11. Reasonable attorney fees as provided for by applicable law, including but not limited to  
11 Code of Civil Procedure §1021;

12 12. Any additional relief the Court deems proper.

13 Date: February 28, 2019

  
JOHN COX, IN PRO PER

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15 (Verification Attached)  
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VERIFICATION

I, John Cox, declare as follows:

I am the petitioner in this action. I have read the foregoing Verified Petition for Writ of Mandate and know its contents. All of the facts alleged therein are of my own personal knowledge, except as to those alleged on information and belief, and as to those facts, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this 28<sup>th</sup> day of February, 2019, in the County of San Diego.

  
JOHN COX