

1 ADVOCATES FOR FAITH & FREEDOM
2 Robert H. Tyler (SBN 179572)
3 btyler@faith-freedom.com
4 25026 Las Brisas Road
5 Murrieta, California 92562
6 Telephone: (951) 600.2733
7 Facsimile: (951) 600.4996

8 Attorneys for Petitioner

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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF SACRAMENTO**

12 RUTH WEISS,

13 Petitioner,

14 v.

15 SHIRLEY WEBER, CALIFORNIA
16 SECRETARY OF STATE,

17 Respondent.

Case No.:

**VERIFIED PETITION FOR
PEREMPTORY WRIT OF MANDATE**

PRIORITY ELECTION MATTER
(Cal. Elec. Code § 13314)

ACTION REQUIRED BY:

18 **I. INTRODUCTION**

19 1. Petitioner Ruth Weiss brings the present Petition for a Peremptory Writ of Mandate
20 (the “Petition”) in accordance with her statutory right to ask questions and receive answers of
21 elections officials as provided by the California Voter Bill of Rights. California Elections Code
22 §§ 2300 *et. seq.*

23 2. As part of Petitioner’s work with Election Integrity Project California (EIPCa), a
24 California based non-profit focused on ensuring election integrity in state elections, she seeks to
25 uphold accountability for elections officials in their administration of California elections.
26 Petitioner’s work with EIPCa shines a light on election processes and increases transparency in
27 election outcomes for the people of California.

28 3. This case arises due to EIPCa’s audit of California’s November 2022 election results.
Specifically, it audited a publicly available data set published by California’s Secretary of State by

1 comparing it with a data set personally received from the Secretary of State pursuant to California's
2 Election Code § 2191.

3 4. These two data sets had major discrepancies and, rather than cry foul, Petitioner
4 sought to understand whether the differences were explainable due to harmless causes. For this
5 purpose, Petitioner sent several certified letters to the Secretary of State asking questions about the
6 elections procedures that were used to compile each data set. (**Exhibit B; Exhibit C**). This was done
7 in accordance with California's Voter Bill of Rights, which grants voters a statutory right to ask
8 such questions and to receive answers from elections officials such as the Secretary of State. (*See*
9 Elec. Code § 2300(9)(a).) However, so far, the Secretary of State has refused to answer the questions.

10 5. Petitioner only requests that the Secretary of State act in good faith and in accordance
11 with law and provide answers to her questions or direct her to the appropriate official who can
12 answer her questions as required by the Voter Bill of Rights. *See* Elec. Code § 2300. Petitioner
13 requests a peremptory writ of mandate under Civil Code § 1085 and Elections Code § 13314
14 compelling the Secretary of State abide by Elections Code § 2300. This petition does *not* allege any
15 elections malfeasance on the part of any elections official.

16 II. PARTIES

17 6. Petitioner Ruth Weiss is a "voter" and "elector" as defined by the elections code. A
18 "voter" being any "elector registered under the elections code." (Elec. Code § 359.) And an "elector"
19 being "a person who is a United States citizen 18 years of age or older and... a resident of an election
20 precinct in this state on or before the day of an election." Elec. Code § 321(a). Petitioner is a United
21 States citizen over eighteen years of age and is a registered voter in San Diego county, State of
22 California since 1969. (Declaration of Ruth Weiss, ¶ 2). Petitioner is also a Board member of and
23 volunteers with EIPCa. (*Id.*, at ¶ 3.)

24 7. Respondent Secretary of State Shirley Weber ("Weber") is an elections officer in
25 California responsible for administering the provisions of the California elections code and
26 enforcing state election laws. (*See* Gov. Code § 12172.5.) The Secretary of State also adopts
27 regulations to ensure the uniform application and administration of election laws, including
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1 overseeing the counting of votes and certifying elections. (*See, e.g.*, Elec. Code § 15500, et seq.; *see*
2 *also City of San Diego v. Bowen*, (2008) 166 Cal.App.4th 501.)

3 **III. JURISDICTION AND VENUE**

4 8. This Court has jurisdiction under Code of Civil Procedure § 1085, which authorizes
5 the issuance of a writ of mandate. Jurisdiction is also proper under Elections Code § 13314(a)(1),
6 which authorizes an elector to seek a writ of mandate when “an error or omission has occurred, or
7 is about to occur,” regarding an official election matter or “any neglect of duty has occurred or is
8 about to occur.” (Elec. Code § 13314(a)(1).)

9 9. Venue is proper in this Court pursuant to Government Code Section Code of Civil
10 Procedure § 394(a) and Elections Code § 13314(b)(1), which provides that, “Venue for a proceeding
11 under this section shall be exclusively in Sacramento County” when “The Secretary of State is
12 named as a real party in interest or as a respondent.” (Elec. Code § 13314(b)(1).)

13 **IV. STANDING**

14 10. Petitioner Weiss has standing to bring this writ as an “elector” under Elections Code
15 § 13314(a)(1). Petitioner is a United States citizen over the age of eighteen and was a resident of a
16 county of this state at the time her injury arose. Petitioner plans to vote in all foreseeable elections
17 in her respective county. (Decl. Weiss, ¶¶ 5-6).

18 **V. FACTUAL BACKGROUND**

19 **A. EIPCa Received “Matching” Data Sets From The Secretary of State**

20 11. Following the November 2022 General Election, the Secretary of State published
21 what is called the “Statement of Vote” for California. This is required by Elections Code § 15501,
22 which requires the Secretary of State to compile the election results and post them in a downloadable
23 spreadsheet format. This data must be supplemented within 120 days to provide specific information,
24 such as the number of votes cast in each county. (Elec. Code § 15502.) Throughout this Petition,
25 Petitioners refer to this data as the “Statement of Vote.”

26 12. On February 27, 2024, EIPCa applied to the Secretary of State for the “voter list or
27 file” of all voters who voted in the previous November 2022 election. (Decl. Paine, ¶¶ 3-4, Exh. B).

1 This was done in accordance with elections code § 2191, which allows voters to receive voter lists
2 or files for specified purposes. The application specifically requested each voters' name, address,
3 birthdate, state Registration ID number, precinct, voting method, and current registration status. *Id.*
4 In other words, EIPCa sought the November 2022 election "accounting" data used by the Secretary
5 of State to certify the November 2022 election. (*Id.*)

6 13. On June 28, 2024, after numerous emails and phone calls with the Secretary of
7 State's office following up on its request, EIPCa received the November 2022 accounting data.
8 (Decl. Paine, ¶¶ 6-8). Throughout this Petition, Petitioner refers to this data as the "Accounting Data."
9 The Secretary of State represented to EIPCa's data analyst group that this data would match the
10 Statement of Vote data. (*Id.*) Simply, the Accounting Data was supposed to, and purportedly should
11 have, matched the Statement of Vote data *and* included more data regarding specific voter
12 information. Said another way, the data sets should not be contradictory.

13 **B. Petitioners Discover The "Matching" Data Sets Do Not Match.**

14 14. EIPCa audited the data sets and found that they did not match. (Decl. Swensen, ¶¶ 3–
15 6.) The two sets of data had major discrepancies that warranted further investigation. (*Id.* at ¶¶ 3-7.)
16 Because the discrepancies are not the direct bases for this Petition, Petitioner does not detail them
17 in full; however, a summary of some of the findings is helpful to impress the importance of the
18 present Petition. A summary of the issues also provides background for understanding the questions
19 Petitioner asked the Secretary of State. EIPCa discovered there were 43,624 more total votes in the
20 Accounting Data than in the Statement of Vote. (*Id.* at ¶ 5.) There were also 21,355 voter registration
21 numbers with more than one vote attributed to them—apparent illegal "multi-votes." (*Id.* at ¶ 6.)
22 EIPCa found that only one county's total vote numbers matched between the data sets. (*Id.* at ¶ 5.)

23 15. To determine if there were innocent reasons for these discrepancies, Petitioner and
24 EIPCa have sent several letters to the Secretary of State asking questions about the election
25 procedures that produced these mismatching data sets. (*See* Elec. Code § 2300; **Exhibit A; Exhibit**
26 **B.**) Petitioner, with the help of EIPCa, also investigated and ruled out other innocent reasons for the
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1 discrepancies, including that they were the result of confidential voters' votes or rejected ballots.
2 (Decl. Swensen, ¶ 7.)

3 16. On September 6, 2024, EIPCa sent a certified letter to the Secretary of State laying
4 forth the facts in greater detail and requesting answers to its questions regarding these discrepancies.
5 (Decl. Paine, ¶¶ 8–9, **Exhibit C.**) The questions were sent pursuant to the Voter Bill of Rights which
6 requires Elections Officials to provide answers to such questions about elections procedures or,
7 otherwise, recommend an official who may provide an answer. (*See* Elec. Code § 2300(a)(9)(B);
8 *see also* Cal. Code Regs., tit. 2, §§ 19001, 19003, 19008, 19009.)

9 17. Petitioner supplemented the letter on September 20, 2024. (Decl. Paine, ¶¶ 8–9,
10 **Exhibit C.**)

11 18. Petitioner EIPCa previously brought a related case in the Sacramento Superior Court
12 case number 24WM000168. That case was dismissed, in part, because the Court held that EIPCa
13 was not a “voter” as contemplated by California’s Voter Bill of Rights. (**Exhibit D.**) The present
14 request has remedied this shortcoming by adding Ruth Weiss, a voter as defined by the elections
15 code, as a Petitioner.

16 19. Following the dismissal on or around March 5, 2026, Petitioner Weiss sent a letter
17 to the Secretary of State asking several questions about what elections procedures were used to
18 gather the subject data sets and to ensure duplicate ballots were not counted. (Decl. Weiss, ¶¶ 7-8;
19 **Exhibit A.**)

20 **C. California’s Voter Bill of Rights Allows Voters To Ask Questions Of Elections**
21 **Officials Regarding Election Procedures.**

22 20. California’s Voter Bill of Rights is found in the election code at § 2300. The Voter
23 Bill of Rights conveys numerous rights to California voters. The term “voter” is defined by Elections
24 Code § 359 as “any elector who is registered under this code.” And “elector” is defined under § 321
25 as a United States citizen, at least 18 years old, with certain resident requirements that are not at
26 issue in the present matter.

27 21. The Voter Bill of Rights provides in § 2300(a)(9) that as a voter:
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1 (A) You have the right to ask questions about election procedures and observe
2 the election process.

3 (B) You have the right to ask questions of the precinct board and elections
4 officials regarding election procedures and to receive an answer or be
5 directed to the appropriate official for an answer. However, if persistent
6 questioning disrupts the execution of their duties, the precinct board or
7 elections officials may discontinue responding to questions.

8 22. The Voter Bill of Rights provides that a voter has the right to ask questions of an
9 elections official regarding elections procedures. An “elections official” is defined by elections code
10 § 320 as either:

11 (a) A clerk or any person who is charged with the duty of conducting an election.

12 (b) A county clerk, city clerk, registrar of voters, or elections supervisor having
13 jurisdiction over elections within any county, city, or district within the state.

14 23. Accordingly, under the Voter Bill of Rights: (1) a voter (2) may ask questions
15 regarding elections procedures (3) without causing disruption (4) of an elections official. If these
16 elements are met, then the elections official must provide an answer or direct the voter to someone
17 who can answer the voter’s question.

18 24. Petitioner sent letters seeking to learn what election procedures the Secretary of State
19 used to create the two data sets—the Statement of Vote and the Accounting Data—including questions
20 about how its elections procedures could account for differences in the sets; and why they allowed
21 for multiple votes to be attributed to a single voter identification.

22 25. Each of Petitioner’s questions related to election procedure and, therefore, she is
23 owed an answer pursuant to the elections code. The term “election procedure” is not defined by the
24 election code. The term procedure means “an established or official way of doing something.”¹
25 (*United States v. Daas* (1999) 198 F.3d 1167, 1174 (“If the statute uses a term which it does not
26 define, the court gives that term its ordinary meaning”).)

27 ¹ PROCEDURE. Merriam-Webster.com <https://www.merriam-webster.com/dictionary/procedure> (accessed
28 March 12, 2026).

1 26. Petitioner’s March 5, 2026, letter asked numerous questions, each of which related
2 to election procedures as laid forth below. (See **Exhibit A**). The letter asks:

3 *“To the best of your understanding and knowledge, can you explain the*
4 *difference in the two sets of numbers?”*

5 27. The question, at its core, asks about the methods and procedures that were used to
6 collect each of the two data sets and how they differed, such that they could produce different results.
7 Because the Secretary of State was responsible for the compilation and provision of both data sets,
8 the Secretary of State’s office is the most knowledgeable regarding the procedures that were used
9 to collect the data and what specific data it collected. For these reasons, the Secretary of State is the
10 proper party to answer Petitioner’s questions.

11 28. The following questions in the March 5th letter are all similar in that each question
12 asks about the election procedures used by the Secretary of State to compile data under the elections
13 code. Answers to these questions will increase transparency for the election process and will allow
14 Petitioner to determine if there are innocent explanations for the discrepancies between the data sets.

15 29. The March 5th letter goes on to ask:

16 *What procedures were implemented by the Secretary of State to ensure that*
17 *the data provided by your office to EIPCa in June of 2024 contained the*
18 *requested “voter list or file . . . of all persons who voted in California in the*
November 8, 2022 federal general election” as of the time of certification?

19 *If the June 2024 data set provided to EIPCa was not used to certify the*
20 *November 2022 election, where can EIPCa and other qualified*
21 *organizations locate an application to request such data for permissible*
scholarly uses?

22 30. The letter n30.ext asks what procedures the Secretary of State used to prevent
23 duplicate voting. Specifically, the letter asks:

24 *What procedures were implemented by the Secretary of State in the*
25 *November 2022 election to ensure that only one ballot per voter registration*
26 *ID was permitted to be cast and counted?*

1 31. The Accounting Data included voter registration ID numbers. It further showed
2 21,355 voter registration ID numbers with more than one ballot attributed to each. Legally, a specific
3 voter registration ID number should never have more than one ballot attributed to it. (*See i.e.* 52
4 U.S.C. § 10307(e).)

5 32. The final sets of questions ask about the procedures used to identify and count the
6 ballots of “confidential” voters. These questions address the elections procedures for counting and
7 storing voter information for a certain category of voter. (*See Elec. Code* § 2167.7.)

8 33. To date, the Secretary of State has not provided answers to these questions or referred
9 Petitioner to an official who can answer her questions.

10 **D. Grounds for Issuance of Petitioner’s Requested Writ of Mandate**

11 34. A writ of mandate may be issued pursuant to California Code of Civil Procedure §
12 1085 to a person, board, or corporation to “compel the performance of an act which the law
13 specifically enjoins, as a duty resulting from an office, trust, or station...” (Code Civ. Proc. § 1085.)

14 35. The writ “must be issued in all cases where there is not a plain, speedy, and adequate
15 remedy, in the ordinary course of law. It must be issued upon the verified petition of the party
16 beneficially interested.” (Code Civ. Proc. §1086.)

17 36. The requested writ is peremptory in nature, which “command[s] the party to whom
18 it is directed immediately after the receipt of the writ, or at some other specified time, to do the act
19 required to be performed” (Code Civ. Proc. §1087.)

20 37. In the present matter, Petitioner seeks a writ solely to require the Secretary of State
21 to fulfill its duties in accordance with California’s Voter Bill of Rights.

22 38. The trial court has discretion to grant a writ. (*Ault v. Council of City of San Rafael*
23 (1941) 17 Cal. 2d 415.)

24 39. Due to the nature of this Petition, which seeks relief based on ministerial acts, there
25 is a minimal administrative record, and extrinsic evidence is admissible. (*See e.g., Western States*
26 *Petroleum Association v. Superior Court of Los Angeles* (1995) 9 Cal.4th 559, 575 (explaining that
27 “extra-record evidence is usually necessary only when the courts are asked to review ministerial or
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1 informal administrative actions, because there is often little or no administrative record in such
2 cases”).) Accordingly, Petitioner is prepared to compile the administrative record for this matter,
3 and the evidence Petitioner intends to offer has been submitted through the accompanying
4 declarations and exhibits attached.

5 **FIRST CAUSE OF ACTION**
6 **(WRIT OF MANDATE UNDER CODE OF CIVIL PROCEDURE § 1085 AND**
7 **ELECTIONS CODE § 13314)**
8 **(COUNT 1: AGAINST RESPONDENT SECRETARY OF STATE)**

9 40. Petitioner incorporates paragraphs 1–39 as set forth above.

10 41. Respondent has a clear ministerial duty under the elections code § 2300 *et seq.* that
11 has not been fulfilled.

12 42. Under the Voter Bill of Rights: (1) a voter may (2) ask questions regarding elections
13 procedures (3) without causing disruption (4) of an elections official. If these elements are met, then
14 the elections official must provide an answer or direct the voter to someone who can answer the
15 question.

16 43. Petitioner is a “voter” pursuant to the elections code as she is a United States citizen
17 over the age of 18 and is a resident of California who has voted in past elections, and she plans to
18 vote in all elections in the foreseeable future. (Decl. Weiss, ¶¶ 5-6).

19 44. Petitioner’s questions related to election procedure, namely, the questions asked what
20 election procedures were utilized by the Secretary of State in compiling the Statement of Vote and
21 Accounting Data that resulted in discrepancies and the inclusion of numerous multi-votes.

22 45. There is no evidence that Petitioner’s question caused a disruption.

23 46. California’s Secretary of State falls with either definition of an elections official laid
24 forth § 320(a) and (b).

25 47. Under § 320(a) the Secretary of State is a person charged with the duty of conducting
26 an election.

1 48. California’s Civil Code defines “person” broadly as “a natural person, corporation,
2 government or governmental subdivision or agency, business trust, estate, trust, partnership, limited
3 liability company, association, or other entity.” (Ca. Civ. Code § 6560.) This includes the Secretary
4 of State who is a government official as laid forth in Article V of the California Constitution. (Cal.
5 Const. Art. 5.)

6 49. The term “conducting an election” is not defined by the elections code and must
7 therefore be given its usual and ordinary definition. (*See People v. Arias* (2008) 45 Cal. 4th 169,
8 177; *People v. Leal* (2004) 33 Cal. 4th 999, 1009.) The word “conduct” means to “direct or take part
9 in the operation or management of” or “to direct the performance of” or “to lead from a position of
10 command.”²

11 50. California’s elections code requires the Secretary of State to set statewide rules and
12 oversee elections. Prior to the election, the Secretary’s office is tasked with checking and approving
13 voting systems, certifying candidates and ballots, distributing voting material, overseeing
14 registration systems, and coordinating with local officials. (Elec. Code §§ 15000 *et seq.*) During the
15 election the Secretary of State helps conduct the semi-final canvas and official canvas and is tasked
16 with certifying and reporting the final vote counts. (Elec. Code §§ 15000 *et seq.*) Throughout the
17 whole elections process, the Secretary of State is the primary office charged with investigating
18 elections violations and enforcing elections law. (Elec. Code § 12172.5.) The Secretary of State
19 takes a leading role in the operation and management of California elections and, therefore, qualifies
20 as an “elections official” under California election code § 320(a).

21 51. For many of these same reasons, the Secretary of State is an “elections official” as
22 defined by § 320(b) as the Secretary is an elections supervisor with jurisdiction over a county, city,
23 or district. Because “supervisor” is not defined by the statute, it should be interpreted using its
24 ordinary meaning. The dictionary definition for “supervisor” is “one that supervises,” meaning one
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27 ² CONDUCT. Merriam-Webster.com, <https://www.merriam-webster.com/dictionary/conduct> (last accessed
28 April 21, 2026).

1 that “is in charge of.”³ Here, the Secretary of State is the official ultimately in charge of the
2 conducting an election and finalizing its results. The Secretary of State is the ultimate supervisor of
3 California elections and, therefore, qualifies as an “elections official” under California election code
4 § 320(b).

5 52. Because the Secretary of State is an “elections official” as defined under either
6 elections code § 320(a) or (b), a voter has the right to ask the Secretary of State questions related to
7 election procedures and to receive an answer or to be referred to an official who can provide the
8 answer.

9 53. The Secretary of State is the most qualified official to provide answers to these
10 questions as the office compiled each of the data sets that Petitioner questions regarded.

11 54. Here, Petitioner validly exercised her right under the Voter Bill of Rights to ask
12 questions regarding elections procedures of the Secretary of State. The Secretary of State’s duty to
13 respond or point her to an official who can provide answers is ministerial. Petitioner therefore
14 respectfully requests that this Court issue a writ compelling the Secretary of State to provide an
15 answer to the questions posed by the March 5, 2026, letter in accordance with elections code § 2300.

16 PRAYER FOR RELIEF

17 WHEREFORE, Petitioners pray that this court:

18 1. Issue a Peremptory Writ of Mandate requiring the Secretary of State comply with
19 elections code § 2300 and respond to each question asked in the March 5, 2026 letter.

20 2. Award costs of suit incurred herein; and

21 3. Award such other and further relief that the court may deem just and proper.
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26 ³ SUPERVISOR. Merriam-Webster.com, <https://www.merriam-webster.com/dictionary/supervisor> (last accessed
27 April 21, 2026).

28 SUPERVISE. Merriam-Webster.com, <https://www.merriam-webster.com/dictionary/supervise> (last accessed
April 21, 2026).

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DATED: June 24, 2026

ADVOCATES FOR FAITH & FREEDOM



By: _____

Robert H. Tyler
Attorneys for Petitioner

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VERIFICATION

I have read the foregoing **VERIFIED PETITION FOR PEREMPTORY WRIT OF MANDATE** and know its contents.

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters 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 May 19, 2026, at Spring Valley, California.

Ruth L Weiss
Ruth L Weiss (May 19, 2026 11:07:16 PDT)
Ruth Weiss

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VERIFICATION

I have read the foregoing **VERIFIED PETITION FOR PEREMPTORY WRIT OF MANDATE** and know its contents.

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters 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 May 30, 2026, at Tahoe City, California.

Ellen Swensen
Ellen Swensen (May 30, 2026 15:28:01 PDT)
Ellen Swensen

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VERIFICATION

I have read the foregoing **VERIFIED PETITION FOR PEREMPTORY WRIT OF MANDATE** and know its contents.

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters 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 May 19, 2026, at Prescott, Arizona.

Linda Paine

Linda Paine