

1 **Ryan Stephen Ehrenreich**  
2 6241 Freedom Lane  
3 Citrus Heights, CA 95621  
4 (916) 334-1413  
5 ryanse@gmail.com  
6 Plaintiff in Pro Per

**FILED**

NOV 09 2020

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_  
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8 **UNITED STATES DISTRICT COURT**

9 for the

10 Eastern District of California, Sacramento Division

11  
12  
13 **Plaintiff**

14 **Ryan Stephen Ehrenreich**, in his  
capacity as a Write-In Candidate for  
the 2020 U.S. Presidential Election

15 vs.

16 **Defendant**

17 **Michael Watson**, in his official  
capacity as Secretary of State for the  
State of Mississippi

**Case No.:** 2:20-cv-02215-JAM-  
KJN (PS)

**Plaintiff's NOTICE OF MOTION AND  
MOTION FOR SUMMARY JUDGMENT  
PURSUANT TO FED. R. CIV. P. 56**

**Hearing Date:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Judge:** John A. Mendez

**Courtroom:** \_\_\_\_\_

18 **TO THE HONORABLE COURT AND TO ALL PARTIES:**

19 PLEASE TAKE NOTICE that on the earliest possible date and time that the  
20 Court may provide for this URGENT matter to be heard in the above-  
21 entitled Court located at Robert T. Matsui United States Courthouse, 501 I

1 Street, Sacramento, CA 95814, Ryan Stephen Ehrenreich, the Plaintiff in  
2 this case, will move this Court for summary judgment, pursuant to Federal  
3 Rule of Civil Procedure 56. This motion is based on this notice, the  
4 memorandum of points and authorities filed herein, the declaration(s) filed  
5 by Plaintiff, the exhibits filed herein, the statement of uncontroverted facts  
6 and conclusions of law, the pleadings previously filed in this action, and any  
7 oral argument permitted at the hearing on this motion.

8 Additionally, Plaintiff notes that no effort toward conference of counsel has  
9 been made between the times Plaintiff filed the Complaint for this Case and  
10 Plaintiff submitted this Motion for Summary Judgement. Such efforts were  
11 made by Plaintiff PRIOR to the 2020 U.S. General Election, as per Exhibit  
12 F of Plaintiff's original Complaint for this Case, but were rebuffed by  
13 Mississippi Assistant Secretary of State for the Elections Division, Ms.  
14 Hawley Roberson, who is Defendant's main functionary for election  
15 matters.

16 As the 2020 U.S. General Election has already occurred, the harm to  
17 Plaintiff has already been done, so no resolution short of a clear ruling by  
18 the Court is of benefit to Plaintiff. Furthermore, Plaintiff needs the Court to  
19 rule on the matters under dispute in this case, as these matters have far

1 reaching consequences across many States, all of which must be  
2 addressed swiftly to meet fixed deadlines in the election process.

3 Taking this situation into consideration, if the Court usually requires any  
4 effort toward conference of counsel prior to parties filing Motions for  
5 Summary Judgement, Plaintiff requests that the Court waive any such  
6 requirements for this particular Case. Plaintiff thanks the Court for any  
7 consideration given on this point.

8 DATED: November 9, 2020

9 By: Ryan Ehrenreich

10 Ryan Stephen Ehrenreich

11 Plaintiff in Pro Per

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**Case No.:** 2:20-cv-02215-JAM-  
KJN (PS)

**MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF  
MOTION FOR SUMMARY JUDGMENT  
PURSUANT TO FED. R. CIV. P. 56**

**Hearing Date:** \_\_\_\_\_  
**Time:** \_\_\_\_\_  
**Judge:** John A. Mendez  
**Courtroom:** \_\_\_\_\_

17 **TABLE OF CONTENTS**

18 I. INTRODUCTION ..... 2

19 II. STANDARD OF REVIEW ..... 3

20 III. ARGUMENTS ..... 5

21 IIIa. Simple Rationale for Unconstitutionality of Statute ..... 5

22 IIIb. Extended Rationale with Request for Interpretation ..... 12

23 IIIc. Other Reasons Why Statute is Unconstitutional ..... 19

1     **IIId. Other Concerns Supporting Heightened Scrutiny ..... 22**  
2     **IV. TABLE OF AUTHORITIES..... 24**  
3     **V. CONCLUSION ..... 25**  
4

5     **I. INTRODUCTION**

6     **The facts of this case are clear as included in Plaintiff’s original Complaint**  
7     **to the Court. Furthermore, the primary legal argument of any Defendant,**  
8     **whether a State, a State Election Body, or a Chief State Election Officer, on**  
9     **this matter is also clear.**

10    **Defendant will argue that U.S. Const. art. II, § 1 grants each State blanket**  
11    **authority over the manner in which and rules by which that State holds its**  
12    **own elections. Specifically, Defendant will cite the exact text “Each state**  
13    **shall appoint, in such manner as the Legislature thereof may direct, a**  
14    **number of electors” as providing blanket authority to each State over**  
15    **election matters.**

16    **But on face, it is obvious this argument is wrong.**

17    **As evidence of this, Plaintiff observes the mere existence of a multitude of**  
18    **Voting Rights Amendments to the U.S. Constitution and of Voting Rights**  
19    **Acts and later Amendments to said Acts, all passed into law by the U.S.**

1 Congress at various points in our Nation's history and upheld in the U.S.  
2 Courts as valid law.

3 From these Constitutional Amendments, Acts, and Amendments to said  
4 Acts, and various legal decisions either upholding these laws themselves or  
5 citing them to support a position on a legal matter, it is obvious that the  
6 Federal Government has oversight authority on matters pertaining to  
7 Election Law, especially when the rights of specific Citizens are violated,  
8 infringed, or otherwise abridged.

9 Plaintiff now asks the Court to exercise this oversight authority on this  
10 Case. To support this request, Plaintiff will demonstrate to the Court that  
11 Miss. Code Ann. § 23-15-365 (or any other state-level statute that restricts  
12 the counting or reporting of Write-In Votes, henceforth referred to as a  
13 "Write-In Restriction Statute"), is unconstitutional.

## 14 **II. STANDARD OF REVIEW**

15 Summary judgment is appropriate if there is no genuine issue as to any  
16 material fact and the moving party is entitled to judgment as a matter of  
17 law. See Fed. R. Civ. P. 56(a). The moving party bears the initial burden of  
18 establishing there is no genuine issue of material fact. See *Anderson v.*  
19 *Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986); *Celotex Corp. v. Catrett*, 477

1 U.S. 317 (1986). To defeat the motion for summary judgment, the  
2 responding party must present admissible evidence sufficient to establish  
3 any of the elements that are essential to the moving party's case and for  
4 which that party will bear the burden of proof at trial. See *id.*; *Taylor v. List*,  
5 880 F. 2d 1040, 1045 (9th Cir. 1989). The Court may grant summary  
6 judgment if the motion and supporting materials, including the facts  
7 considered undisputed, show the movant is entitled to summary judgment  
8 and if the responding party fails to properly address the moving party's  
9 assertion of fact as required by Rule 56(c). See Fed. R. Civ. P. 56(e).

10 The responding party cannot point to mere allegations or denials contained  
11 in the pleadings. It is not enough for the non-moving party to produce a  
12 mere "scintilla" of evidence. *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986).  
13 Instead, the responding party must set forth, by affidavit or other admissible  
14 evidence, specific facts demonstrating the existence of an actual issue for  
15 trial. See *KRL v. Moore*, 384 F. 3d 1105, 1110 (9th Cir. 2004).

16 Additionally, Plaintiff asserts this case deserves strict scrutiny as its  
17 standard of Judicial Review. Plaintiff elaborates on this assertion in Section  
18 III(d) of this document.

1 **III. ARGUMENTS**

2 To demonstrate that Miss. Code Ann. § 23-15-365 is unconstitutional,

3 Plaintiff offers to the Court:

4 a) A simple rationale as to why Write-In Restriction Statutes such as Miss.  
5 Code Ann. § 23-15-365 are unconstitutional,

6 b) A more detailed extension to said rationale with a request that the Court  
7 exercise its power to interpret specific text of U.S. Law,

8 c) Other reasons why Miss. Code Ann. § 23-15-365 abridges the Voter's  
9 right to Vote, and so is unconstitutional, and

10 d) Reasons why Strict Scrutiny should be applied to this Case.

11 **IIIa. Simple Rationale for Unconstitutionality of Statute**

12 Plaintiff offers to the Court a simple path of logical steps that demonstrate  
13 how the Court has the power and responsibility to rule in Plaintiff's favor on  
14 this matter.

15 1) Congress has the authority to pass any necessary laws for "carrying into  
16 Execution" the "Powers vested by [the U.S.] Constitution in the  
17 Government of the United States" (U.S. Const. art. I, § 8).



1 2) Ratified Amendments are considered part of the U.S. Constitution (U.S.  
2 Const. art. V).

3 3) Federal Court has the power of Judicial Review. See U.S. Const. art. III,  
4 § 1 and 2; *Hylton v. United States*, 3 U.S. (3 Dall.) 171 (1796); and *Marbury*  
5 *v. Madison*, 5 U.S. (1 Cranch) 137 (1803).

6 4) Federal Court has the power to interpret BOTH the Constitution AND  
7 Laws passed by Congress, as per U.S. Const. art. III, § 2.

8 5) Congress is NOT explicitly denied the power to regulate Election Law, as  
9 this power is NOT listed in the prohibitions in U.S. Const. art. I, § 9.

10 6) Congress is granted the power to “make or alter [State] Regulations”  
11 about elections of Senators and Representatives in U.S. Const. art. I, § 4.

12 7) Plaintiff asserts that the reason why the U.S. Constitution does not grant  
13 Congress similar regulatory powers for elections of Presidential Electors in  
14 U.S. Const. art. II, § 1 as it grants Congress for elections of Senators and  
15 Representatives in U.S. Const. art. I, § 4 is that the Founders did NOT want  
16 to preclude any individual State from choosing Presidential Electors in a  
17 manner other than Popular Vote, as multiple U.S. States initially preferred  
18 to use vote by State Legislature to determine Presidential Electors. To

1 accommodate BOTH options, it was critical that the U.S. Constitution  
2 provide one level of indirection between a) the vote that determines how a  
3 given State allocates its share of the overall Presidential vote and b) the  
4 actual vote by which the President is elected (see “Bridge” Design Pattern  
5 [https://en.wikipedia.org/wiki/Bridge\\_pattern](https://en.wikipedia.org/wiki/Bridge_pattern)). The Founders used the  
6 concept of Presidential Electors to create this level of indirection. To  
7 maintain the clarity of the U.S. Constitution and, at the same time, support  
8 multiple methods whereby an individual State could choose its Presidential  
9 Electors, it was reasonable for the Founders to omit any mention of  
10 regulating said methods, as any such mention would necessarily constrain  
11 the set of methods allowed for adoption by each individual State.

12 8) Evidence of the Founders’ mindset on powers omitted in the U.S.  
13 Constitution is provided by U.S. Const. amend. IX, which states: “The  
14 enumeration in the Constitution, of certain rights, shall not be construed to  
15 deny or disparage others retained by the people.” Plaintiff asserts that the  
16 lack of enumeration of a specific power of Congress should NOT be  
17 construed by the Court so as to permanently deny that power to Congress.  
18 Rather, Plaintiff asks that the Court find that all denials of power to  
19 Congress are made explicitly in U.S. Const. art. I, § 9. Furthermore,  
20 echoing the statement “retained by the people”, U.S. Const. amend. X

1 ultimately delegates all powers not explicitly assigned to the United States  
2 to the individual States or to the people, such that the people may choose  
3 to elect Representatives from their respective States to Congress who may  
4 pass Amendments to the U.S. Constitution that confer additional powers  
5 upon the United States.

6 9) U.S. Const. amend. V, XIV, XV, XIX, XXIV, and XXVI grant Congress  
7 additional powers to regulate Election Law in the United States, as  
8 Congress must “carry into Execution” these Amendments.

9 10) Additionally, the right to vote in Presidential Elections, upon being  
10 granted by any State to its Citizens, is protected by the Due Process and  
11 Equal Protections clauses of U.S. Const. amend. XIV, § 1, as per Bush v.  
12 Gore, 531 U.S. 98 (2000).

13 11) Plaintiff asserts that, of all the rights protected by U.S. Const. amend.  
14 XIV, § 1, the right to vote is held to be of such paramount importance that  
15 the drafters of said Amendment also included U.S. Const. amend. XIV, § 2  
16 for the purpose of including specific punishment “when the right to vote at  
17 any election [...] is denied [...] or in any way abridged, except for  
18 participation in rebellion, or other crime”.

1 12) Federal District Courts “have original jurisdiction of all civil actions  
2 arising under the Constitution, laws, or treaties of the United States” (28  
3 U.S. Code § 1331), including suits that question the constitutionality of  
4 state-level statutes.

5 13) When drafting a law, Congress has authority to define any words or  
6 terms contained within the law.

7 14) Upon passage of a law, Congress retains authority, in subsequent  
8 laws, to define any words or terms contained within a prior law that were  
9 left undefined or not explicitly defined, and to override prior definitions, if  
10 such definitions exist.

11 15) Upon passage of a law, Congress automatically confers authority on  
12 Federal Court to interpret the law, including authority to supply reasonable  
13 definitions for any words or terms that were undefined or not explicitly  
14 defined, and to interpret any definitions that were explicitly provided.

15 16) Either by choice or omission, in U.S. Const. amend. XIV, XV, XIX,  
16 XXIV, and XXVI, the drafters did NOT explicitly define the terms “vote” and  
17 “voting”.

1 17) To Plaintiff's knowledge, the best definitions of "vote" and "voting" for  
2 use in deciding this Case reside in Voting Rights Act of 1965, Pub. L. 89-  
3 110, 79 Stat. 437 § 13(c)(1), specifically: "The terms 'vote' or 'voting' shall  
4 include all action necessary to make a vote effective in any primary,  
5 special, or general election, including, but not limited to, registration, listing  
6 pursuant to this Act, or other action required by law prerequisite to voting,  
7 casting a ballot, and having such ballot counted properly and included in  
8 the appropriate totals of votes cast with respect to candidates for public or  
9 party office and propositions for which votes are received in an election".

10 18) The definitions of "vote" and "voting" provided in Voting Rights Act of  
11 1965, Pub. L. 89-110, 79 Stat. 437 § 13(c)(1) are supported by the legal  
12 principle of "one person, one vote", which was established in Baker v. Carr,  
13 369 U.S. 186 (1962).

14 19) Plaintiff requests that the Court use the definition from Voting Rights  
15 Act of 1965, Pub. L. 89-110, 79 Stat. 437 § 13(c)(1) in interpreting the text  
16 of U.S. Const. amend. XIV, XV, XIX, XXIV, and XXVI.

17 20) Plaintiff notes that this definition places equal importance on a Vote  
18 being made "effective" (i.e. the counting and reporting of said Vote) as it  
19 does on the original casting of said Vote (i.e. casting a Ballot).

1 21) In *Bush v. Gore*, 531 U.S. 98 (2000), the U.S. Supreme Court held that,  
2 in finding violation of the Equal Protection Clause, “The right to vote is  
3 protected in more than the initial allocation of the franchise. Equal  
4 protection applies as well to the manner of its exercise. Having once  
5 granted the right to vote on equal terms, the State may not, by later  
6 arbitrary and disparate treatment, value one person's vote over that of  
7 another.”

8 22) Plaintiff asserts that, by their very nature, state-level Write-In  
9 Restriction Statutes arbitrarily and disparately value as higher a Vote for  
10 Candidate(s) listed on the Ballot as compared to a Write-In Vote for  
11 Candidate(s) supplied by the Voter, as Write-In Restriction Statutes serve  
12 as a threat, whether implicitly or explicitly, to potential Write-In Voters that  
13 said statutes will disparately make a Write-In Vote LESS effective in BOTH  
14 the counting AND reporting processes, thus pressuring Voters to favor  
15 selecting Candidates listed on the Ballot.

16 23) Plaintiff asserts that all state-level Write-In Restriction Statutes,  
17 including but not limited to Miss. Code Ann. § 23-15-365, are  
18 unconstitutional as they violate U.S. Const. amend. XIV, § 1 and 2, as well  
19 as U.S. Const. amend. V.

**1 IIIb. Extended Rationale with Request for Interpretation**

2 Plaintiff observes that the definitions of “vote” and “voting” provided in  
3 Voting Rights Act of 1965, Pub. L. 89-110, 79 Stat. 437 § 13(c)(1)  
4 reference the word “ballot” multiple times, but said Act never explicitly  
5 defines the word “ballot”.

6 Plaintiff also observes that the definition imparted on the word “ballot” is  
7 central to the outcome of this case, as the constitutionality of a given  
8 State’s Write-In Restriction Statutes necessarily impact the validity of that  
9 State’s “ballots”.

10 Due to the Court’s authority to interpret U.S. Law, Plaintiff does now  
11 formally request that the Court rule on the definition of the word “ballot” that  
12 is appropriate and valid for use in this Case, as well as other similar Cases  
13 going forward.

14 To this end, Plaintiff offers such a definition of the word “ballot” that Plaintiff  
15 considers appropriate for the Court to use directly or to use as inspiration  
16 for its own definition.

17 Specifically, Plaintiff asserts a “ballot” is:

1       **A set of choices presented together, both in time, location, and format,**  
2       **to the voter, where for each choice:**

3               **1) The Voter is presented clear instructions as to the manner in which**  
4               **said Voter may make valid selections;**

5               **2) The Voter, for any specific contest, can choose up to a clearly**  
6               **stated maximum number of selections from the discrete set of options**  
7               **presented, where each such option presents simple meaning and**  
8               **phrasing (e.g. allow “Yes” and “No”, but NOT “If Yes on some other**  
9               **contest, and Yes wins that contest, then Yes here, otherwise No”),**  
10              **and selection of any of such contest-level option(s) necessarily**  
11              **overrides any more general choices made prior (e.g. a contest-level**  
12              **crossover vote overrides a ballot-level straight-party vote);**

13              **3) The voter can determine the validity of any chosen set of**  
14              **selections SOLELY from the information and options presented in**  
15              **said ballot (i.e. the voter does NOT need to use Off-Ballot Resources**  
16              **to determine the validity of options); and**

17              **4) The chooser has the right to keep said choice(s) private.**

18       **In other words, Plaintiff asserts that a ballot MUST be:**



- 1           **1) Clear,**
- 2           **2) Well-defined,**
- 3           **3) Self-contained, and**
- 4           **4) Secret, by default.**

5           **Support for the first quality, CLARITY, comes from existing Federal**  
6           **Statutes and Case Law. The Voting Rights Language Assistance Act of**  
7           **1992, Pub. L. 102-344, 106 Stat. 921 § 2(b)(1) states “no covered State or**  
8           **political subdivision shall provide voting materials only in the English**  
9           **language” because instructions in only English are unclear to any Voter**  
10           **who does not understand English. 29 C.F.R. § 452.110(b), which**  
11           **addresses election fairness for Labor Union Elections, articulates the**  
12           **importance of clear ballot instructions by stating “A union's failure to**  
13           **provide voters with adequate instructions for properly casting their ballots**  
14           **may violate the requirement of adequate safeguards to insure a fair**  
15           **election.”**

16           **Support for the second quality, WELL-DEFINITION, comes from existing**  
17           **Case Law. Particularly, in Hendon v. North Carolina State Bd. of Elections,**  
18           **633 F. Supp. 454 (W.D.N.C. 1986), the Court found that a state-level**

1 statute that excluded crossover votes was unconstitutional, thus placing the  
2 true intent of the Voter as more important than any statutory restrictions  
3 imposed by any State Legislature. Additionally, the Court found that when  
4 competing voting machines offered different methods for crossover voting,  
5 where one method involved one extra choice and the other method  
6 involved fifty-one extra choices, that it was unconstitutional to burden the  
7 Voter with fifty unnecessary choices and so ordered that all the Voting  
8 Machines in use be re-programmed to offer the simpler method of  
9 crossover voting.

10 Support for the third quality, SELF-CONTAINMENT, comes from existing  
11 Case Law. Particularly, in *Dole v. Local Union 317*, 711 F. Supp. 577 (M.D.  
12 Ala. 1989), the Court found that because Local Union 317 did NOT mail the  
13 instructions for the ballot with the actual ballot, that the union violated the  
14 required safeguards for ensuring a fair election. As part of the remedy for  
15 this case, the Court invalidated the election in question, declaring it null and  
16 void, and mandated a new election be held.

17 Support for the fourth quality, SECRECY, comes from existing Case Law  
18 and Federal Statutes. As ballot secrecy has traditionally been decided at  
19 the state level, it is important to note that multiple state-level courts have

1 found on multiple occasions that the word “ballot” to implies a guarantee of  
2 secrecy, as differentiated from voice-vote, which is obviously not secret.  
3 These decisions include *Sawyer v. Chapman*, 240 Kan. 409, 729 P.2d  
4 1220 (1986); *Withers v. Board of Commissioners of Harnett County*, 146  
5 S.E. 225 (1929); *State ex rel. Automatic Registering Mach. Co. v. Green*  
6 121 Ohio St. 301, 168 N.E. 131 (Ohio 1929); and *Mooney v. Phillips*, 118  
7 S.W.2d 224 (1938). Also, 29 U.S. Code § 481(d) guarantees ballot secrecy  
8 in Labor Union elections.

9 Also, Plaintiff asserts that not only are the qualities of clarity, well-definition,  
10 and self-containment valuable for guaranteeing a casted ballot captures the  
11 Voter’s true intent, but also, if any of these qualities are lacking, they cause  
12 such defect in said ballot so as to meet the definition of a “Literacy Test”,  
13 thus violating the Federal prohibition against Literacy Tests in the Voting  
14 Rights Act Amendments of 1970, Pub. L. 91–285, 84 Stat. 314 § 201(a).

15 To understand how a ballot that is NOT clear and/or NOT well-defined  
16 and/or NOT self-contained meets the definition of a Literacy Test, one must  
17 review the definition of “test or device” provided in the Voting Rights Act  
18 Amendments of 1970, Pub. L. 91–285, 84 Stat. 314 § 201(b). A “test or  
19 device” is defined as “any requirement that a person as a prerequisite for

1 voting [...] demonstrate the ability to read, write, understand, or interpret  
2 any matter”, where as per the Voting Rights Act of 1965, Pub. L. 89-110, 79  
3 Stat. 437 § 13(c)(1), “‘voting’ shall include all action necessary to make a  
4 vote effective”. A ballot that lacks those qualities shifts undue burden onto  
5 the Voter to understand and interpret the resulting complications presented  
6 by said ballot in the process of making said Voter’s Vote effective.

7 Plaintiff now requests the Court to rule on these four individual criteria,  
8 including that, in the unlikely event that the Court finds that any of these  
9 four criteria is NOT mandatory in the definition of the word “ballot”, it is then  
10 mandatory that a “ballot” warn the Voter when any one of these four criteria  
11 is NOT met.

12 The Court’s decision on this definition is essential to the resolution of this  
13 Case because implementing the Court’s case-level decision requires that  
14 the Court first clearly establish a means to determine whether any given  
15 “ballot” is constitutional in its design, presentation, administration, and  
16 processing.

17 Plaintiff asserts that, if the Court sides with Plaintiff on this definition, then a  
18 majority of the state-level ballots used in the 2020 U.S. General Election  
19 suffer from defects that either implicitly or explicitly abridge the Voter’s right

1 to Vote by abridging the “effectiveness” (i.e. counting and reporting) of said  
2 Vote.

3 Particularly, likely abridgements in the 2020 U.S. General Election include:

4 1) Enticing Voters who DO NOT understand the implications of Write-  
5 In Restriction Statutes to use their Write-In Option in a manner that  
6 would NOT be “made effective”,

7 2) Dissuading Voters who DO understand the implications of Write-In  
8 Restriction Statutes from Voting for their true intent out of fear that  
9 such a Vote would NOT be “made effective”, and/or

10 3) Requiring Voters to understand complicated conditional logic, such  
11 that using their Write-In Option really meant “If X event occurs  
12 before the close of voting, I vote for Candidate Y; otherwise, I  
13 discard my vote.” (this is what a Write-In Vote under Miss. Code  
14 Ann. § 23-15-365 really means)

15 Plaintiff asserts that any such abridgement in these regards in  
16 unconstitutional under Due Process and Equal Protections guarantees  
17 provided in U.S. Const. amend. XIV, § 1 and 2, as well as U.S. Const.  
18 amend. V.

**1 Illc. Other Reasons Why Statute is Unconstitutional**

**2 Additional reasons why Miss. Code Ann. § 23-15-365 is unconstitutional**  
**3 include:**

**4 1) Any state-level statute that requires the Voter to understand legal rules**  
**5 or information from Off-Ballot Resources in determining the validity and/or**  
**6 effectiveness of any particular Write-In Vote must be construed by the**  
**7 Court as a Literacy Test. As Literacy Tests were prohibited in the Voting**  
**8 Rights Act Amendments of 1970, Pub. L. 91–285, 84 Stat. 314 § 201(a),**  
**9 said Literacy Test is an abridgement of said Voter’s right to vote.**

**10 2) Any state-level statute that requires the Voter to spend time or money to**  
**11 access or understand Off-Ballot Resources in determining the validity**  
**12 and/or effectiveness of any particular Write-In Vote must be construed by**  
**13 the Court as a Poll Tax. As Poll Taxes were outlawed in Federal Elections**  
**14 under U.S. Const. amend. XXIV and in all elections under Harper v.**  
**15 Virginia Board of Elections, 383 U.S. 663 (1966), said Poll Tax is an**  
**16 abridgement of said Voter’s right to vote.**

**17 3) As any Voting Rights granted to a Citizen are property of said Citizen,**  
**18 any statute whereby a State denies or diminishes the granted right of said**  
**19 Citizen to Write-In Vote, whether granting of this right occurred explicitly by**

1 statute of said State or implicitly by presentation to said Voter of a Write-In  
2 Option on said State's Ballots, without notifying said Citizen of such fact  
3 and of avenues for recourse, necessarily violates the Due Process and  
4 Equal Protections clauses of U.S. Const. amend. XIV, § 1 and 2.

5 4) Under the Uniformed and Overseas Citizens Absentee Voting Act, Pub.  
6 L. 99-410, 100 Stat. 924 § 103 (UOCAVA), the backup means of voting for  
7 an eligible overseas Voter who does NOT receive said Voter's official  
8 County Ballot with enough time to meet State deadlines is the Federal  
9 Write-In Absentee Ballot (FWAB), so any-state level statute that restricts  
10 the validity and/or effectiveness of FWAB Write-In Votes, especially such  
11 Votes for Federal Offices, violates the rights of said Voter under 52 U.S.  
12 Code § 20302(a)(3) and 52 U.S. Code § 20303(c), and so abridges said  
13 Voter's right to vote.

14 5) Additionally, Plaintiff asserts that when the Founders drafted the U.S.  
15 Constitution, they very carefully enumerated prohibitions using negative  
16 phraseology. Examples include:

17 a. The use of the word "denied" in U.S. Const. art. I, § 9 and 10;

1           b. The use of the phrase “shall not” in U.S. Const. art. I, § 2, 3, 6,  
2           7, and 9, U.S. Const. art. II, § 1, and U.S. Const. art. III, § 1;  
3           and

4           c. The use of the phrase “no person” in U.S. Const. art. I, § 2, 3,  
5           6, and 9, U.S. Const. art. II, § 1, U.S. Const. art. III, § 3, and  
6           U.S. Const. art. IV, § 2.

7   By specifying the constitutional requirements for Federal Office using the  
8   phrases “no person” and “shall not”, the Founders purposefully enumerated  
9   the disallowed conditions for Candidates for Federal Office. In NOT  
10  specifying any prohibition on Poor Candidates in the form of thresholds of  
11  wealth and/or land ownership in their list of prohibitions, the Founders  
12  clearly intended to allow eligible Candidates of all wealth levels to run for  
13  the Federal Office. However, state-level statutes that restrict the validity  
14  and/or counting of Write-In Votes implicitly serve as Wealth Tests for  
15  Candidates for Federal Office. These statutes do this by denying the  
16  effectiveness of said Write-In Votes and denying Candidates the much  
17  needed publicity that positive showings would generate in furthering their  
18  current and future Candidacies for office. Plaintiff asserts that this two-  
19  tiered system of “haves” and “have nots” is NOT what the Founders  
20  intended when they drafted the U.S. Constitution.



**1 Ild. Other Concerns Supporting Heightened Scrutiny**

**2 Plaintiff is a Candidate whose primary campaign message is that the Social**  
**3 Security Act of 1935 created the historically strong U.S. Middle Class by**  
**4 enacting an implicit Price Support for Labor that absorbed the excess**  
**5 Supply of Labor, which was caused by advances in Technology and**  
**6 Automation, by paying some adults NOT to work.**

**7 In this message, Plaintiff asserts that Aid to Dependent Children (ADC),**  
**8 later renamed Aid to Families with Dependent Children (AFDC), was the**  
**9 most critical component of this Price Support for Labor, as AFDC was the**  
**10 only government program that absorbed the excess supply of able-bodied,**  
**11 working-age adults by paying these adults NOT to work and to stay poor.**

**12 Furthermore, Plaintiff asserts that the Personal Responsibility and Work**  
**13 Opportunity Act of 1996 (PRWORA), colloquially known as the 1996**  
**14 Welfare Reform, broke the U.S. Price Support for Labor by replacing AFDC**  
**15 with Temporary Assistance for Needy Families (TANF), which is incapable**  
**16 of serving as a Price Support due to its work requirements, time limits, and**  
**17 harsh enforcement mechanisms. Plaintiff asserts that this is why the U.S.**  
**18 has experienced an ever-weakening Middle Class and ever-more-**  
**19 unpredictable economy since PRWORA's passage.**

1 Plaintiff campaigns on the promise to repeal this undesirable legislation and  
2 replace it with a system that restores the U.S. Price Support for Labor. Due  
3 to this promise, Plaintiff asserts that his U.S. Presidential Campaign has  
4 been suppressed in traditional political processes.

5 Under *United States v. Carolene Products Company*, 304 U.S. 144 (1938),  
6 Plaintiff asserts that Write-In Restriction Statutes “restrict those political  
7 processes which can ordinarily be expected to bring about repeal of  
8 undesirable legislation”, where the “undesirable legislation” is PRWORA.

9 Also under *United States v. Carolene Products Company*, 304 U.S. 144  
10 (1938), Plaintiff asserts that Poor People qualify as a “discrete and insular  
11 minority”, as they lack the means to participate in or influence political  
12 processes. Furthermore, Plaintiff asserts that, as Write-In Voting provides  
13 the only possible path to victory for Plaintiff’s Candidacy, Write-In  
14 Restriction Statutes serve “to curtail the operation of those political  
15 processes ordinarily to be relied upon to protect minorities.”

16 For these reasons, as well as others previously asserted, including but not  
17 limited to, violations of U.S. Voting Rights Law and possible violations of  
18 said Law on the basis of Protected Group (depending on outcome of Write-  
19 In Vote counting requested in Relief), this Case deserves Strict Scrutiny.

**1 IV. TABLE OF AUTHORITIES**

**2 Cases**

3 **Anderson v. Liberty Lobby, Inc.**, 477 U.S. 242, 248 (1986).....3

4 **Baker v. Carr**, 369 U.S. 186 (1962) .....10

5 **Bush v. Gore**, 531 U.S. 98 (2000).....8, 11

6 **Celotex Corp. v. Catrett**, 477 U.S. 317 (1986).....4

7 **Dole v. Local Union 317**, 711 F. Supp. 577 (M.D. Ala. 1989) .....15

8 **Harper v. Virginia Board of Elections**, 383 U.S. 663 (1966) .....19

9 **Hendon v. North Carolina State Bd. of Elections**, 633 F. Supp. 454 (W.D.N.C. 1986) .....14

10 **Hylton v. United States**, 3 U.S. (3 Dall.) 171 (1796) .....6

11 **KRL v. Moore**, 384 F. 3d 1105, 1110 (9th Cir. 2004).....4

12 **Marbury v. Madison**, 5 U.S. (1 Cranch) 137 (1803).....6

13 **Mooney v. Phillips**, 118 S.W.2d 224 (1938) .....16

14 **Sawyer v. Chapman**, 240 Kan. 409, 729 P.2d 1220 (1986) .....16

15 **State ex rel. Automatic Registering Mach. Co. v. Green** 121 Ohio St. 301, 168 N.E. 131 (Ohio

16 1929).....16

17 **Taylor v. List**, 880 F. 2d 1040, 1045 (9th Cir. 1989) .....4

18 **United States v. Carolene Products Company**, 304 U.S. 144 (1938) .....23

19 **Withers v. Board of Commissioners of Harnett County**, 146 S.E. 225 (1929) .....16

**20 Statutes**

21 **28 U.S. Code § 1331**.....9

22 **29 C.F.R. § 452.110(b)**.....14

23 **29 U.S. Code § 481(d)**.....16

24 **52 U.S. Code § 20302(a)(3)**.....20

25 **52 U.S. Code § 20303(c)**.....20

26 **Miss. Code Ann. § 23-15-365**.....3, 5, 11, 19

27 **U.S. Const. amend. IX**.....7

28 **U.S. Const. amend. V** .....11, 18

29 **U.S. Const. amend. V, XIV, XV, XIX, XXIV, and XXVI**.....8

30 **U.S. Const. amend. X**.....7

31 **U.S. Const. amend. XIV, § 1**.....8

32 **U.S. Const. amend. XIV, § 1 and 2** .....11, 18, 20

1 U.S. Const. amend. XIV, § 2.....8

2 U.S. Const. amend. XIV, XV, XIX, XXIV, and XXVI.....9, 10

3 U.S. Const. art. I, § 2, 3, 6, 7, and 9.....21

4 U.S. Const. art. I, § 2, 3, 6, and 9 .....21

5 U.S. Const. art. I, § 4 .....6

6 U.S. Const. art. I, § 8 .....5

7 U.S. Const. art. I, § 9 .....6, 7

8 U.S. Const. art. I, § 9 and 10 .....20

9 U.S. Const. art. II, § 1 .....2, 6, 21

10 U.S. Const. art. III, § 1 .....21

11 U.S. Const. art. III, § 1 and 2 .....6

12 U.S. Const. art. III, § 2 .....6

13 U.S. Const. art. III, § 3.....21

14 U.S. Const. art. IV, § 2.....21

15 U.S. Const. art. V.....6

16 Uniformed and Overseas Citizens Absentee Voting Act, Pub. L. 99-410, 100 Stat. 924 § 103..20

17 Voting Rights Act Amendments of 1970, Pub. L. 91-285, 84 Stat. 314 § 201(a) .....16, 19

18 Voting Rights Act Amendments of 1970, Pub. L. 91-285, 84 Stat. 314 § 201(b) .....16

19 Voting Rights Act of 1965, Pub. L. 89-110, 79 Stat. 437 § 13(c)(1) .....10, 12, 17

20 Voting Rights Language Assistance Act of 1992, Pub. L. 102-344, 106 Stat. 921 § 2(b)(1).....14

21 **Rules**

22 Fed. R. Civ. P. 56(a) .....3

23 Fed. R. Civ. P. 56(e) .....4

24 **V. CONCLUSION**

25 For the reasons stated above, Plaintiff is entitled to judgment.

26 DATED: November 9, 2020

27 By: Ryan Ehrenreich

28 Ryan Stephen Ehrenreich

29 Plaintiff in Pro Per

1 **Ryan Stephen Ehrenreich**  
2 6241 Freedom Lane  
3 Citrus Heights, CA 95621  
4 (916) 334-1413  
5 ryanse@gmail.com  
6 Plaintiff in Pro Per

7  
8 **UNITED STATES DISTRICT COURT**

9 for the  
10 Eastern District of California, Sacramento Division

11  
12  
13 **Plaintiff**

**Ryan Stephen Ehrenreich**, in his  
14 capacity as a Write-In Candidate for  
the 2020 U.S. Presidential Election

vs.

15 **Defendant**

**Michael Watson**, in his official  
16 capacity as Secretary of State for the  
State of Mississippi

**Case No.:** 2:20-cv-02215-JAM-  
KJN (PS)

**DECLARATION IN SUPPORT OF  
MOTION FOR SUMMARY JUDGMENT  
PURSUANT TO FED. R. CIV. P. 56**

**Hearing Date:** \_\_\_\_\_  
**Time:** \_\_\_\_\_  
**Judge:** John A. Mendez  
**Courtroom:** \_\_\_\_\_

17  
18 I, Ryan Stephen Ehrenreich, declare as follows:

- 19 1. I am the Plaintiff in the above-entitled case.  
20 2. I have personal knowledge of the following facts, and, if called as a  
21 witness, I could and would competently testify thereto.

- 1     **3. I provided all relevant exhibits in the original Complaint for this Case**  
2     **and described those exhibits in said Complaint.**
- 3     **4. To the best of my knowledge, all of said exhibits are true and correct.**
- 4     **5. To the best of my knowledge, all of said exhibits that record**  
5     **information provided by the elections website of the Mississippi**  
6     **Secretary of State are, upon said information initially being provided,**  
7     **representative of said information provided by said website for the**  
8     **remainder of the duration of the 2020 U.S. General Election.**
- 9     **6. To the best of my knowledge, all of said exhibits that record Ballot**  
10    **Designs used in the State of Mississippi in the 2020 U.S. General**  
11    **Election are in fact the true Ballot Designs used by said State and/or**  
12    **Counties in said State and were obtained legally by Plaintiff using**  
13    **Google Search to query information that is publicly available online to**  
14    **find such designs.**
- 15    **7. In the series of emails provided as Exhibit F in the original Complaint**  
16    **for this Case, I attempted to resolve the issues raised in this motion**  
17    **directly with Mississippi Assistant Secretary of State for the Elections**  
18    **Division, Ms. Hawley Robertson, who is Defendant's main functionary**  
19    **for election matters, at various times between October 22nd, 2020**  
20    **and October 30th, 2020.**

1 8. Ms. Robertson offered no resolution or attempt at resolution, as she  
2 committed to following the exact text of Miss. Code Ann. § 23-15-365.

3 9. The 2020 U.S. Presidential Election was held on November 3rd,  
4 2020, so the harm to be inflicted upon me (as Plaintiff); my Candidacy  
5 for President of the United States of America; Voters in the State of  
6 Mississippi who supported my Candidacy (or any other Candidacy)  
7 via Write-In Vote; Voters in the State of Mississippi who at any time  
8 considered supporting my Candidacy (or any other Candidacy) via  
9 Write-In Vote, regardless of whether said Voters actually did so or  
10 not; and, furthermore, all Voters in the State of Mississippi has  
11 already irreparably occurred.

12 10. I must now resolve the question of the constitutionality of Miss. Code  
13 Ann. § 23-15-365, as well as other state-level statutes that restrict the  
14 validity of Write-In Votes, BOTH for the purpose of finding a fair  
15 resolution to disputes raised in the current election cycle AND for the  
16 purpose of creating a fair precedent on these matters that can be  
17 applied to future election cycles, as I will undoubtedly run for the  
18 Office of President of the United States of America again in the  
19 future.

1 11. I must seek a swift ruling from the Court on these matters, as many  
2 election deadlines are strictly codified in law and the amount of time  
3 remaining for addressing disputes, such as those raised in this Case,  
4 is quickly dwindling.

5

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

7 Executed on November 9, 2020, in Sacramento, California.

8

Ryan Ehrenreich

9

Ryan Stephen Ehrenreich

10

Plaintiff in Pro Per



1 **Ryan Stephen Ehrenreich**  
2 6241 Freedom Lane  
3 Citrus Heights, CA 95621  
4 (916) 334-1413  
5 ryanse@gmail.com  
6 Plaintiff in Pro Per  
7

8 **UNITED STATES DISTRICT COURT**

9 for the

10 Eastern District of California, Sacramento Division  
11

12 **Plaintiff**

13 **Ryan Stephen Ehrenreich**, in his  
14 capacity as a Write-In Candidate for  
the 2020 U.S. Presidential Election

15 vs.

16 **Defendant**

17 **Michael Watson**, in his official  
18 capacity as Secretary of State for the  
19 State of Mississippi

**Case No.:** 2:20-cv-02215-JAM-  
KJN (PS)

**STATEMENT OF UNDISPUTED FACTS  
AND CONCLUSIONS OF LAW IN  
SUPPORT OF MOTION FOR  
SUMMARY JUDGMENT PURSUANT  
TO LOCAL RULE 260**

**Hearing Date:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Judge:** John A. Mendez

**Courtroom:** \_\_\_\_\_

20 Pursuant to Local Rule 260, Plaintiff Ryan Stephen Ehrenreich files the  
21 following Statement of Uncontroverted Facts and Conclusions of Law in  
support of his Motion for Summary Judgment.

1

**STATEMENT OF UNDISPUTED FACTS**

<b><u>Undisputed Material Fact</u></b>	<b><u>Source</u></b>
<p>1. Ryan Stephen Ehrenreich, a Write-In Candidate for the 2020 U.S. Presidential Election, was properly registered and in good standing with the Federal Election Commission (FEC).</p>	<p>Exhibits A and B from Plaintiff's original Complaint.</p>
<p>2. Mr. Ehrenreich asked Voters in the State of Mississippi multiple times to vote his Presidential Ticket.</p>	<p>Exhibits C, D, and E from Plaintiff's original Complaint.</p>
<p>3. Mr. Ehrenreich asked Hawley Robertson multiple times to count and report Write-In Votes for his Presidential Ticket.</p>	<p>Exhibit F from Plaintiff's original Complaint.</p>
<p>4. Each time Mr. Ehrenreich asked, Ms. Robertson denied his request on statutory grounds, citing that the</p>	<p>Exhibits F and G from Plaintiff's original Complaint, as well as lack of credible news reports as to the</p>

<p>conditions for counting and reporting Write-In Votes in the 2020 U.S. Presidential Election in the State of Mississippi had not yet been met, as per Miss. Code Ann. § 23-15-365.</p>	<p>death(s) of Candidates listed on the Mississippi Ballot for the U.S. Presidential Election.</p>
<p>5. The State of Mississippi presented the Write-In Vote Option on its Ballot as unconditionally valid.</p>	<p>Exhibits H, I, N and O from Plaintiff's original Complaint.</p>
<p>6. The State of Mississippi failed to warn Voters about the restriction on Write-In Voting imposed by Miss. Code Ann. § 23-15-365.</p>	<p>Exhibits J, K, L, and M from Plaintiff's original Complaint.</p>

1

2

### **PROPOSED CONCLUSIONS OF LAW**

3

1. Miss. Code Ann. § 23-15-365 is an unconstitutional state-level statute.

4

5

2. Once a State grants Voters the ability to write-in Candidate(s) of their choosing on election ballots, any state-level statute that restricts the

6

1 validity and/or effectiveness of votes cast for Write-In Candidates is  
2 unconstitutional.

3 3. For a Ballot Design to be constitutional, it must meet the standards  
4 proposed by Plaintiff in that said Ballot Design must be clear, well-  
5 defined, self-contained, and secret by default.

6 4. States shall act swiftly in eliminating such unconstitutional statutes  
7 from their election codes and educate Voters about such eliminations.

8 5. All points of Relief requested by the Plaintiff in the original Complaint  
9 for this Case are fair and justified, and Court shall endeavor to use its  
10 power and authority to order said Relief as soon as possible.

11  
12 DATED: November 9, 2020

13 By: Ryan Ehrenreich

14 Ryan Stephen Ehrenreich

15 Plaintiff in Pro Per

**UNITED STATES DISTRICT COURT**

for the

Eastern District of California, Sacramento Division

**Plaintiff**

**Ryan Stephen Ehrenreich**, in his capacity as a Write-In Candidate for the 2020 U.S. Presidential Election

vs.

**Defendant**

**Michael Watson**, in his official capacity as Secretary of State for the State of Mississippi

**Case No.: 2:20-cv-02215-JAM-KJN (PS)**

**(PROPOSED) JUDGMENT GRANTING MOTION FOR SUMMARY JUDGMENT PURSUANT TO FED. R. CIV. P. 56**

**Hearing Date:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Judge:** John A. Mendez

**Courtroom:** \_\_\_\_\_

Having considered Plaintiff's Motion for Summary Judgment and finding good cause therefore,

IT IS HEREBY ADJUDGED that Plaintiff's Motion for Summary Judgment is GRANTED, entitling Plaintiff to all Relief requested by Plaintiff in this Case.

Dated: \_\_\_\_\_ Signed: \_\_\_\_\_

Hon. \_\_\_\_\_