UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Ryan Stephen Ehrenreich
Appellant(s),

9th Cir. Case No. 21-15784

v.

(None)
Appellee(s).

STATEMENT THAT APPEAL SHOULD GO FORWARD
(attach additional sheets as necessary)

1. Date(s) of entry of judgment or order(s) you are challenging in this appeal:
March 29, 2021 (District Court Dismissal with Prejudice).

2. What claims did you raise to the court below?

I raised the claim that ANY state-level statute that excludes any ALREADY CAST Write-In Votes from the counting and or reporting processes is unconstitutional, as these Write-In Vote Exclusion Statutes disenfranchise the individual Voter(s) who did already use their Ballots to cast said Write-In Vote(s). In this particular case, I applied this claim to California Elections Code §§ 8600-8606 and 8650-8653, as these California state-level statutes place severely burdensome requirements on Write-In Candidates as a prerequisite for the Write-In Votes of individual Voters cast for those Write-In Candidates to be counted and reported.

My claim is directly supported by the definition of the words "vote" and "voting" specified in the Voting Rights Act of 1965 Section 13(c)(1), where the definition of the words "vote" and "voting" includes all actions necessary to make a Vote effective (including counting and reporting of said Vote) in any primary, special, or general election. Under this U.S. Federal Law, when a Vote has ALREADY been cast, but said Vote is subsequently NOT counted or reported, the Voter who cast said Vote is actually denied his/her right to Vote.

3. What do you think the court below did wrong? (You may, but need not, refer to cases and statutes.)

While the District Court Judge never explicitly found my case to be frivolous, the District Court did find that the balance of interests favored the state and that the burdens imposed by California Elections Code §§ 8600-8606 and 8650-8653 on Candidates were not severe, using as justification the flawed analogy of the constitutionality of Signature Requirements for Candidates as prerequisites for Ballot Placement.

In using this justification to dismiss my case, the District Court failed to properly identify and analyze the subject matter at hand, and as a result, applied the incorrect precedents in making a determination on my case. I will now identify the six (6) main errors on the part of the District Court.

First, the District Court conflated the issue of Ballot Placement (the official listing of a Candidate's name as an enumerated option on a Ballot) with the issue of Write-In Voting (the Voter manually entering a Candidate's name of their choosing using State-provided means to do so). As a Candidate, I never sought Ballot Placement in the State of California (or any other state). Rather, I sought that ALREADY CAST Write-In Votes for my Candidacy be counted and reported. When determining the balance of interest for ALREADY CAST Votes, the District Court should have applied the Bush v. Gore Uniformity Principle prohibiting unequal treatment of Votes cast in the same election.

Second, the District Court conflated the requirement for a number of Simple Signatures from registered voters with the requirement for Notarized Sworn Oaths. A Candidate can gather Simple Signatures casually and with little to no direct expense. However, Notarized Sworn Oaths can only be achieved with great effort and expense, as the Notary must be present when the Signer signs the Notarized Sworn Oath and a fee must be paid (approximately ($15 * 55) = $825 for notarization of 55 Sworn Oaths). Not only does this requirement present a severe monetary and logistical burden to Candidates, but it also presents an implicit filing fee. Filing fees were found to be unconstitutional under the most relevant precedent, Dixon v. Maryland State Administrative Board of Election Laws, 878 F.2d 776 (4th Cir. 1989), where the filing fee was on the order of $150, which is much lower than the $825 relevant to this case.

Third, the District Court found that I made no effort to fulfill the requirement, using this finding as justification to dismiss my case. However, even though I viewed the requirement for 55 Notarized Sworn Oaths as unconstitutional, I did try to meet the requirement using the best means available to me to do so, namely Twitter and Facebook. After I received no support on the matter, I then decided to explicitly refuse to meet the requirement.

Fourth, based on the main point of my campaign, that AFDC functioned as a Price Support for Labor, creating the historically strong U.S. Middle Class while also providing a survival guarantee to Poor People, and that the 1996 Welfare Reform destroyed this Price Support for Labor, my case deserves Strict Scrutiny. The reason for the existence of Strict Scrutiny is to protect discrete and insular minorities who lack the ability to seek redress through the normal political process. As I campaigned as a representative of Poor People adversely affected by the 1996 Welfare Reform, and as California Elections Code §§ 8600-8606 and 8650-8653 prevented me from accessing the normal political process by discriminating against me as a Poor Person by means of a $825 implicit filing fee that I could not afford, my case deserves Strict Scrutiny.

Fifth, in determining that the balance of interests favors the State of California in this case, the District Court failed to include my interests as a Voter when making its determination. This is critical, as U.S. Courts have consistently found in Voting-related cases that if a Voter's intent can clearly be determined from their Ballot, that Vote must be counted and reported. In disregarding this precedent, the District Court has imposed a severe burden on Voters, requiring them to educate themselves on Write-In Vote Exclusion Statutes and which Candidates qualify as Certified Write-In Candidates in order to cast Write-In Votes that are actually counted and reported. Furthermore, if no Certified Candidates address the issues that matter to these Voters, these Voters are left with no option to make their voice heard through their Vote. Additionally, the requirement for Voters to educate themselves on Write-In Vote Exclusion Statutes presents a Literacy Test to Voters, and Literacy Tests have been outlawed since the Voting Rights Act Amendments of 1970.

Sixth, the District Court implied that I failed to state a claim or that my claim was not redressable. This implication is NOT true. I asked the functionaries of the Secretary of State for the State of California multiple times to count and report Votes for my Candidacy on the grounds that California Elections Code §§ 8600-8606 and 8650-8653 presented unconstitutional burdens to Candidates. These functionaries refused to comply with my request. So as redress, I have asked the Court to find that Write-In Vote Exclusion Statutes are unconstitutional and to order the relevant election authorities to count and report Votes for my Candidacy.

4. Why are these errors serious enough that this appeal should go forward?

In determining the gravity of the District Court's errors, one must consider the questions:

1) Is it legal for the State of California to summarily discard ALREADY CAST Votes?

2) Should it be sufficient that these ALREADY CAST Votes were cast validly under the instructions provided to the Voters who cast them?

3) Should the State of California be able to subsequently invalidate these ALREADY CAST Votes on arbitrary statutory grounds?

4) Is the State of California legally obligated to educate Voters on the existence of these arbitrary statutes PRIOR to Voters casting their Votes?

5) Is the State of California legally obligated to educate Voters that the MOST LIKELY outcome when casting a Write-In Vote is that said Vote will be summarily discarded? (please see my analysis on page 26 lines 3-18 of my "OBJECTIONS TO MAGISTRATE JUDGE'S FINDINGS AND RECOMMENDATIONS" that indicates 10,536 of 10,686 Presidential Write-In Votes were discarded in Sacramento County)

6) Is it constitutional for the State of California to deny Write-In Voters their Right to Vote?

Under modern U.S. Voting Rights Law, the answers to the questions above are clear!

Particularly, as the State of California has ALREADY willfully provided Voters with the means to cast Write-In Votes, under the Voting Rights Act of 1965, ALL Write-In Votes cast using said means must be counted and reported. If this is not done for any particular Write-In Vote, the State has willfully denied the Right to Vote for the Voter who cast said Write-In Vote, which is illegal.

Based on this, the U.S. Court System has an ethical obligation to issue a decision on this matter. In the status quo, it is likely that over 1% of ALL Votes cast in the State of California in the 2020 U.S. Presidential Election were Write-In Votes that were summarily discarded under California Elections Code §§ 8600-8606 and 8650-8653. The Court must explicitly decide whether this situation is legal.

In doing so, the Court must ask, "Why do arbitrary Write-In Vote Exclusion Statutes exist?"

Based on my experience in the 2020 U.S. Presidential Election, I believe Write-In Vote Exclusion Statutes exist as a protectionist mechanism so only candidates beholden to the Two-Party Political System have any real chance of winning a national election. But protecting the interests of Voters, not the interests of Political Parties, should be the focus of state-level Election Law. Sadly, that does not seem to be what is currently happening, so the Court must act on this matter now.

5. Additional Information:

Additionally, based on my experience in the 2020 U.S. Presidential Election, the U.S. Political System does not allow Candidates to campaign on the importance of Price Supports or to meaningfully criticize the 1996 Welfare Reform as a primary cause of our Country's current economic problems. If a Candidate does so, that Candidate will be frozen-out and black-balled from the Political System.

Yet many of the hardships faced by a majority of the U.S. Electorate were directly caused by the elimination of the U.S. Price Support for Labor (aka AFDC) and U.S. Price Supports for Farming back in 1996. Particularly, the historically-strong U.S. Middle Class existed because these Price Supports absorbed the excess Supply of Labor (i.e. the excess quantity of Human Labor that exists and continues to grow because Automation continually reduces the overall Demand for Human Labor). Without these Price Supports, there is no program that absorbs this excess, so the U.S. Electorate is guaranteed to face an ever-weakening Middle Class and an ever-deteriorating Real Wage, as according to the Law of Supply and Demand, the U.S. Labor Market will create more and more low-paying jobs to absorb this excess Supply of Labor.

Both major U.S. Political Parties, the Republicans and the Democrats, were responsible for this happening. Both major U.S. Political Parties benefit from this type of direct, logical analysis being ignored and/or actively suppressed.

For such important subject matter to be off limits from such direct criticism definitely runs afoul of the Founders' intent in the U.S. Bill of Rights, as well as the intent of the drafters of the Voting Rights Amendments.

Dated: May 28, 2021

Ryan Stephen Ehrenreich

Print Name(s)

Ryan Ehrenreich

Signature(s)

Appellant(s) in Pro Se

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Appellants: Ryan Stephen Ehrenreich

Ninth Circuit Case#: 21-15784

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