



SHIRLEY N. WEBER, PH.D.
CALIFORNIA SECRETARY OF STATE

December 22, 2023

The Honorable Eleni Kounalakis, Lieutenant Governor
State of California
1021 O Street, Suite 8730
Sacramento, CA 95814

Dear Lieutenant Governor Kounalakis,

We are in receipt of your letter dated December 20, 2023, wherein you requested that I "explore every legal option to remove former President Donald Trump from California's 2024 presidential primary ballot."

As California's chief elections officer, I am a steward of free and fair elections and the democratic process. I must place the sanctity of these elections above partisan politics. As you may not be aware, my office has been engaged in multiple lawsuits regarding the former President's appearance on the ballot. While we can agree that the attack on the Capitol and the former President's involvement was abhorrent, there are complex legal issues surrounding this matter. The former President's conduct tainted and continues to sow the public's mistrust in government and the legitimacy of elections, so it is more critical than ever to safeguard elections in a way that transcends political divisions. Removing a candidate from the ballot under Section Three of the Fourteenth Amendment is not something my office takes lightly and is not as simple as the requirement that a person be at least 35 years old to be president.

We are aware of the Colorado Supreme Court's opinion in *Anderson v. Griswold*, which raised issues of first impression and included determinations under Colorado's state election laws. We are also aware of the stay placed on this decision until January 4th which shall remain in place if former President Donald Trump or another litigant seeks United States Supreme Court review of this case prior to January 4th.

I am guided by my commitment to follow the rule of law. As such, it is incumbent upon my office to ensure that any action undertaken regarding any candidate's inclusion or omission from our ballots be grounded firmly in the laws and processes in place in California and our Constitution. Our commitment to and respect for the rule of law has, and will continue to guide, our course in this matter. Adherence

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to this fundamental principle -- so essential in our democracy -- even in the face of public pressure, will help inspire confidence in our elections and our election processes.

California's Elections Code provides the foundation for resolution of ballot challenges, including those related to candidate eligibility to appear on a ballot, by our courts. My office will continue to assess all our options, including those that may arise as a result of any action taken by the United States Supreme Court or other changing circumstances. If you would like to be further informed on this issue, I invite you to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shirley N. Weber', with a large, stylized flourish at the end.

Shirley N. Weber, Ph.D.
California Secretary of State