



ELENI KOUNALAKIS
LIEUTENANT GOVERNOR

Wednesday, December 20, 2023

The Honorable Dr. Shirley N. Weber
California Secretary of State
1500 11th Street
Sacramento, California 95814

Dear Secretary Weber,

Based on the Colorado Supreme Court's ruling in *Anderson v. Griswold* (2023 CO 63), I urge you to explore every legal option to remove former President Donald Trump from California's 2024 presidential primary ballot.

I am prompted by the Colorado Supreme Court's recent ruling that former President Donald Trump is ineligible to appear on the state's ballot as a Presidential Candidate due to his role in inciting an insurrection in the U.S. Capitol on January 6, 2021. This decision is about honoring the rule of law in our country and protecting the fundamental pillars of our democracy.

Specifically, the Colorado Supreme Court held in *Anderson v. Griswold* (2023 CO 63) that Trump's insurrection disqualifies him under section three of the Fourteenth Amendment to stand for presidential re-election. Because the candidate is ineligible, the court ruled, it would be a "wrongful act" for the Colorado Secretary of State to list him as a candidate on that state's presidential primary ballot. Furthermore, Colorado's Supreme Court cites conservative Justice Neil Gorsuch to make their case, saying the following, "As then-Judge Gorsuch recognized in *Hassan*, it is 'a state's legitimate interest in protecting the integrity and practical functioning of the political process' that 'permits it to exclude from the ballot candidates who are constitutionally prohibited from assuming office.'"

California must stand on the right side of history. California is obligated to determine if Trump is ineligible for the California ballot for the same reasons described in *Anderson*. The Colorado decision can be the basis for a similar decision here in our state. The constitution is clear: you must be 35 years old and not be an insurrectionist.

There will be the inevitable political punditry about a decision to remove Trump from the ballot, but this is not a matter of political gamesmanship. This is a dire matter that puts at stake the sanctity of our constitution and our democracy.

Time is of the essence as your announcement of the certified list of candidates for the March 5, 2024, primary election is coming up next week, on December 28, 2023.

Thank you for all your work to make our state's elections a shining example across the country and world and for your time and consideration on this urgent matter.

Best,

A handwritten signature in black ink, appearing to be 'Eleni', written in a cursive style.

Ambassador Eleni Kounalakis (RET.)
Lieutenant Governor