

1 THOMAS JEFFERSON CARES
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2 San Francisco, CA 94121
3 Telephone (310) 421-8683

4 Tom@Coin.care
5 Petitioner
6 IN PRO PER

7 **SUPERIOR COURT OF CALIFORNIA**
8 **COUNTY OF SACRAMENTO**

9 THOMAS JEFFERSON CARES) Case No.
10)
11 Petitioner,)
12)
13 v.)
14)
15 ALEX PADILLA, in his official)
16 capacity as Secretary of State of the)
17 State of California)
18 Respondent.)
19)
20)
21)

**EMERGENCY PETITION FOR WRIT OF
MANDATE**

**EXTREMELY URGENT
ELECTIONS MATTER
TO PREVENT UNCONSTITUTIONAL
EXCLUSION OF CANDIDATE'S
STATEMENT FROM THE VOTER
INFORMATION GUIDE BEFORE
FINALIZED ON 3/12/18**

22 Petitioner, Thomas Jefferson Cares, is an intended candidate for Governor of California. He
23 has not yet filed his Declaration of Candidacy (Elections Code sections 20, 200, 8002.5,
24 8020, 8040, 8121, 8140, 13105), which is due by 5pm on March 9, which consummates his
25 candidacy and commits him to the ballot, should sufficient nomination signatures be
26 submitted. Having not yet declared, he is not yet ultimately a candidate – someone who
may receive votes that would be counted. Petitioner has, however filed form 501, accepting
the voluntary expenditure ceiling, entitling him to purchase space for a candidate statement
in the voter information guide, should he declare his candidacy and qualify for the ballot

(petitioner's acceptance of the limit is noted at
<http://elections.cdn.sos.ca.gov/statewide-elections/2018-primary/statewide-501-report.pdf>)

Section 85601a of the California Government Code states:

“A candidate for statewide elective office, as defined in Section 82053, who accepts the voluntary expenditure limits set forth in Section 85400 may purchase the space to place a statement in the state ballot pamphlet that does not exceed 250 words. The statement may not make any reference to any opponent of the candidate. The statement shall be submitted in accordance with timeframes and procedures set forth by the Secretary of State for the preparation of the state ballot pamphlets.”

The way the Secretary of State has used its discretion under this section appears to be that election officials will only accept a candidate's statement until February 14, after which they publish the statements for public review until March 12, and require changes to be ordered by the Court.

Presumably this is because the Secretary of State does not wish to arbitrate which content would not be allowed, but rather accept statements for public review, weeks before a candidate even has to declare their candidacy, and invite Court orders for changes until around the time of the deadline for filing Declaration of Candidacy.

“The guide is available for public inspection from February 20 through March 12 at: <http://www.sos.ca.gov/elections/upcoming-elections/statewide-direct-primary-june-5-2018/public-display/> and at the Secretary of State's offices in Sacramento and Los Angeles. During this public display period, anyone may challenge any portion of the Official Voter Information Guide in Sacramento Superior Court. After March 12, the guide is finalized and printed.” - <http://www.sos.ca.gov/administration/news-releases-and-advisories/2018-news-releases-and-advisories/secretary-state-padilla-releases-statewide-voter-information-guide-public-display/>

So here the petitioner is, asking this court to affirm that nothing in petitioner's statement is unacceptable to be published in the voter information guide and to grant a court order that it be included, as long as petitioner qualifies to be on the ballot.

Petitioner also asks the Court to order respondent to not require advance payment as he and his spouse are indigent. Section 13309 of the Elections Code establishes that candidate's statements should not be excluded due to indigence; exclusion due to indigence would also be repugnant to the State and Federal constitution. Candidate and his spouse have had no Income for approximately 2 years. They presently have combined spending power that is less than five hundred dollars. Petitioner is at least \$70,000 in debt and his spouse is at least 25,000.00 in debt. They have been sustaining themselves with debt, and presently have no access to capital. Petitioner accepts future efforts for the cost to be collected against him and wishes to pay the cost when he is no longer indigent.

1 Should respondent argue that petitioner shall not be allowed to have a statement, photo,
2 and/or contact information, published in the voter information guide, strictly due to
timeliness, the Court is asked to consider the following

- 3 1. Section 85601a of the California Government Code consists of two sentences. The
4 first states “a candidate... may purchase space.” The following sentence requires that
5 it be done within timeframes set by the Secretary of State. The order of these
6 sentences matters. The candidate must be allowed until at least one nanosecond after
7 declaring candidacy, which petitioner has not yet done, to submit his political speech
8 making the case for his candidacy. The Secretary of State does not have the statutory
9 authority to set an absolute deadline that early.
- 10 2. Even if the SoS did have such statutory authority, it would violate the free speech
11 clauses of the First Amendment to the US Constitution and Article 1 of the
12 California Constitution to pressure a potential candidate, still deciding whether to
13 commit themselves to the ballot, to author content on the hypotheticals of how they
14 would promote their candidacy if they were to run.
- 15 3. The Voter Information Guide informs voters that candidates who accepted the
16 voluntary expenditure limit may purchase space in the guide. By not publishing
17 petitioner’s statement, respondent would be afflicting a falsehood against petitioner
18 that, while he accepted the limit, he had no statement he wished to make, or
19 alternatively mislead voters that petitioner did not accept the limit.
- 20 4. It is worth noting that petitioner and his spouse, Anna Proios-Cares, went to the
21 Alameda County Registrar of Voters on 2/5/18 to request forms for collecting
22 signatures in lieu of filing fees, with petitioner receiving forms to run for Governor
23 and his spouse receiving forms to run for Secretary of State. While they were both
24 given sheets on the requirements for running for those offices, neither were given or
25 told any information about requirements for the voter information guide statement,
even though the Secretary of State does ask counties to give this out
<http://elections.cdn.sos.ca.gov/ccrov/pdf/2018/january/18021jc.pdf> and were
neglected to be given information about submitting candidate statements for the
voter information guide.

Of course, neither petitioner nor his spouse made the final decision in their minds on whether they would commit to being candidates. Petitioners spouse returned to the Alameda Registrar on 2/7/18 to hand in the signatures and was still not given information about submitting voter information guide statements. Petitioner had previously ran for State Assembly in a special election held on 9/1/09 where the deadline for a voter information guide statement was the same as that for Declaration of Candidacy and presumed the deadlines would be the same in this election. However, even had petitioner been properly informed, exclusion would still be unfair because he had not made the ultimate decision to be a candidate, and this it is wrong to punish his speech for not authoring it under a hypothetical context.

Ultimately they decided that petitioner would run for Governor, while his spouse ultimately would not run.

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1 [Visit TomCares.com]

2 You're going to love having me as Governor.

3 I'll revolutionize credit with a platform where every Californian can create their own
4 cryptocurrency, and make enforceable and monitored promises to make it redeemable for things
5 like services, or a fraction of future income. Your potential will be money. This will change a
6 fundamental framework of society to focus us on potential, so that we can reach it, individually
7 and collectively.

8 It's a complete game-changer, and one of many reasons you can't waste your vote on a
9 traditional candidate.

10 Some other things you'll love:

11 A Department of Dignity, overseeing that all government-civilian interactions are dignified for the
12 civilian.

13 A Department of Potential that will empower everyone to find meaningful, creative work and
14 growth.

15 Incarceration rates below Canada's, instead of 6 times higher.

16 Zero tolerance for police brutality and renaming the Bay Bridge after Oscar Grant so it's not
17 forgotten

18 A ground-breaking digital direct democracy platform, with no binding power initially, that will
19 eventually become the standard for political systems worldwide. Everyone can act as a legislator
20 when they want to, and be represented by their favorite person when they don't; with an overall
21 leader, directly accountable to voters in real time. The status quo of winner-take-all districts and
22 quadrennial elections will look archaic.

23 A network of self-driving, synchronized, narrow cars (Traffic solved!)

24 Studying peaceful/legal secession/independence in case things worsen.
25

This should be safely within 250 words, but in case it's interpreted as over " , and one of many reasons you can't" can be replaced with "; don't"

I, Thomas Cares, verify under the pains and penalties of perjury, under the laws of the State of California, that the statement, which I seek to be ordered to be published as my candidate statement, is true and correct _____ Dated: _____

Other candidates were also permitted to have their photo published in the voter information guide.

Petitioner asks the Court to further order the secretary of state to include the photo submitted on the next page, understandably to be printed in black and white. Should respondent particularly object to that photo, then petitioner asks that the one on the page after that one be used.

See <http://elections.cdn.sos.ca.gov/ccrov/pdf/2018/january/18021jc.pdf> and <http://elections.cdn.sos.ca.gov/statewide-elections/2018-primary/vig/governor.pdf>

Further, to the extent other candidate's contact info is published, petitioner asks that his phone number be displayed as 310-421-VOTE and that his email be displayed as Tom@Coin.care and his website as TomCares.com

Petitioner also seeks any other relief the Court may deem appropriate, and that relief not be denied without a hearing, held no later than 3/12/18.

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1 Petitioner has emailed a true copy of this filing to candidate-statements@sos.ca.gov prior to
filing. Evidence of this will be uploaded to tomcares.com/2018writservice

2 *The petitioner requests correspondence, from the court and/or parties, be transmitted via*
3 *email or phone.*

4
5
6 Petitioner, Thomas Jefferson Cares, verifies under the pains and penalties of perjury
under the laws of the State of California, that the foregoing is true and correct.

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9 Thomas Jefferson Cares Dated: 3/7/2018