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Attorneys for Respondent California Secretary of  
8 State, Dr. Shirley D. Weber, Ph.D.

*No Fee Gov. Code § 6103*

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SACRAMENTO

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12  
13 **ELECTION INTEGRITY PROJECT**  
14 **CALIFORNIA, INC.; LARRY LEWIS, an**  
15 **individual,**

Petitioners,

16 v.

17  
18 **SHIRLEY WEBER, CALIFORNIA**  
19 **SECRETARY OF STATE; DEAN LOGAN,**  
20 **LOS ANGELES COUNTY REGISTRAR-**  
21 **RECORDER/COUNTY CLERK,**

Respondents.

Case No. 24WM000168

**RESPONDENT SECRETARY OF  
STATE'S NOTICE OF DEMURRER AND  
DEMURRER TO THE VERIFIED FIRST  
AMENDED PETITION FOR  
PEREMPTORY WRIT OF MANDATE**

Date: May 16, 2025

Time: 10:00 a.m.

Dept: 21

Judge: Hon. Shelleyanne W.L. Chang

Trial Date: None set

Action Filed: October 30, 2024

22 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD

23 PLEASE TAKE NOTICE, on May 16, 2025, at 10:00 a.m., or as soon thereafter as the  
24 matter may be heard in Department 21 of the above-entitled court located at 720 9th Street  
25 Sacramento, California 95814, Respondent Dr. Shirley D. Weber, in her official capacity as  
26 Secretary of State, will demur to the Verified First Amended Petition for Peremptory Writ of  
27 Mandate on the grounds stated below.

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This demurrer is based on this notice of demurrer and demurrer, the memorandum of points and authorities filed in support thereof, the declaration of Malcolm Brudigam and attached documents, the request for judicial notice, the files and records in this action, and such argument and evidence that may be presented at the hearing.

Dated: March 20, 2025

Respectfully submitted,  
  
ROB BONTA  
Attorney General of California  
BENJAMIN M. GLICKMAN  
Supervising Deputy Attorney General

*Malcolm Brudigam*  
MALCOLM A. BRUDIGAM  
MARIA F. BUXTON  
Deputy Attorneys General  
*Attorneys for Respondent California  
Secretary of State, Dr. Shirley D. Weber,  
Ph.D.*

1 **DEMURRER TO THE VERIFIED FIRST AMENDED PETITION FOR PEREMPTORY**  
2 **WRIT OF MANDATE:**

3 Respondent hereby demurs specifically to “count 2” of the first cause of action, and  
4 generally to all other claims and allegations asserted against her, in Petitioners’ Verified First  
5 Amended Petition for Peremptory Writ of Mandate on the following grounds: Petitioners fail to  
6 state facts sufficient to constitute a cause of action. (Code Civ. Proc., § 430.10, subd. (e).)

7 Demurrer to Count 2 of First Cause of Action

- 8 1. Count 2 of the first cause of action fails to state facts sufficient to state a cause of action  
9 because Elections Code section 2300, subdivision (a)(9)(B) does not require the Secretary  
10 to the respond to the questions submitted by Petitioner Election Integrity Project  
11 California, Inc.
- 12 2. Count 2 of the first cause of action fails to state facts sufficient to state a cause of action  
13 because Elections Code section 2191, subdivision (a) does not require the Secretary to  
14 provide Petitioners with a “voter list” from the November 2024 General Election
- 15 3. Count 2 of the first cause of action fails to state facts sufficient to state a cause of action  
16 because Petitioners have not identified a specific statute imposing a ministerial duty on the  
17 Secretary to “verify that all ballots are lawfully cast and accurately counted and that only a  
18 single ballot is associated with a single voter registration ID.”

19 Dated: March 20, 2025

20 Respectfully submitted,

21 ROB BONTA  
22 Attorney General of California  
23 BENJAMIN M. GLICKMAN  
24 Supervising Deputy Attorney General

25 *Malcolm Brudigam*  
26 MALCOLM A. BRUDIGAM  
27 MARIA F. BUXTON  
28 Deputy Attorneys General  
Attorneys for Respondent California  
Secretary of State, Dr. Shirley D. Weber,  
Ph.D.

**DECLARATION OF SERVICE BY E-MAIL and U.S. MAIL**

Case Name: **Election Integrity Project California, Inc., et al. v. Shirley Weber, et al.**  
No.: **24WM000168**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. My business address is: 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550. My electronic service address is Kyle.Nicholson@doj.ca.gov. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On March 20, 2025, I served the attached **RESPONDENT SECRETARY OF STATE'S NOTICE OF DEMURRER AND DEMURRER TO THE VERIFIED FIRST AMENDED PETITION FOR PEREMPTORY WRIT OF MANDATE** by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, addressed as follows:

Robert H. Tyler, Esq.  
Julianne Fleischer  
ADVOCATES FOR FAITH & FREEDOM  
25026 Las Brisas Road  
Murrieta, CA 92562  
**E-mail Addresses:**  
rtyler@tylerbursch.com  
jfleischer@faith-freedom.com

Emma F. Plotnik  
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25026 Las Brisas Road  
Murrieta, CA 92562  
**E-mail Address:**  
eplotnik@tylerlawllp.com

*Attorneys for Petitioners*

*Attorneys for Petitioners*

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on March 20, 2025, at Sacramento, California.

\_\_\_\_\_  
Kyle Nicholson  
Declarant

\_\_\_\_\_  
*/s/ Kyle Nicholson*  
Signature