

To the \_\_\_\_\_

Where do you stand: May 8th, 2018

Do you stand with the people in regard to their right to choose and nominate the candidates of their choice, and to vote accordingly? Under current California law (but not under the State Constitution) a candidate for County Sheriff is required to have been a Salaried Law Enforcement Officer ("SLEO"), as a requirement to be "qualified" to be a candidate. This restriction denies the people of their right to elect their sheriff of choice. California is one of twenty-eight states that has imposed such qualification restrictions on ballot access.

The SLEOs wanted a law that guarantees them, and their unions, a monopoly on this elected office, to insulate them from the accountability of the voters. In 1988, the State Legislature and Governor of CA imposed these restrictions, thereby denying us of our right to vote for a County Sheriff candidate of choice.

California has seen only a dozen contested elections for Sheriff, out of the fifty-eight in the last thirty years that SLEOs have held their monopoly. The only contest has really been which SLEO will run their show. The 2018 election for Ventura County Sheriff saw two fully filed, properly nominated, filing fees paid and sworn in candidates. One candidate is the anointed successor to the current longtime sheriff; the other is myself, a private citizen, Bruce Boyer. The County Clerk, Mr. Lunn, deemed that as I had not been a SLEO, that I was legally barred from the ballot. We have challenged the action of the Clerk in court, asserting that the law violates the CA Constitution. The Constitution requires the election of County Sheriffs (there are no qualifications). The County has defended his actions, though pointedly, they chose to omit any argument against ours as to the unconstitutionality of the law. There are numerous legal precedents on our side as to the rights of the people to choose their candidates, including a case that struck down restrictions on the election of County Sheriffs (*Baca v. Los Angeles*), enacted by a popular referendum.

These restrictions are exclusionary. Park rangers, bailiffs, even jail and prison guards, are all automatically deemed "qualified", as they are "salaried". A non-salaried reserve LEO with POST certification is not. Judges, attorneys, retired military officers, doctors, college professors, and every citizen who has not been a salaried LEO, are "not qualified". Are there "qualifications" to run for governor, or any other state office, including that of our highest-ranking LEO, the Attorney General? The answer is no, the AG isn't even required to be a BAR passed attorney. The voters choose.

There is no other avenue, exam, experience, nor education, for a non-SLEO to become legally 'qualified' to run for the 'elective' office of County Sheriff.

Proponents for restrictions on the qualification for the office of sheriff, argue that voters can't be trusted to elect a "qualified" candidate. This attitude defies our American democratic heritage, and our Constitutional right to vote. The right to vote is the right to choose. Is not our government one of, by, and for the people?

As further rebuttal, having "qualifications" does not even accomplish that assumed goal. A salaried LEO, needs only a high school diploma, and to have been a prison guard or bailiff for five years. The presiding Judge of the County (who is the former D.A.), Judge O'Neill, in hearing the case, actually made the absurd argument that his bailiff is "qualified", yet he is not!

If it was about some minimum qualifications, then an elected candidate would have the ability to pass the none too difficult POST test. Under current law, only someone who has been "approved" to enter, and has graduated from the state's academies, can sit for the POST test. It's all about restrictions, not qualifications. If qualifications are the criteria, then shouldn't we require the Commander in Chief, the President, to have been a salaried member of the military for a minimum number of years? No. Civilian control is an essential part of democracy and our republic.

Elections are as much, or more, about trust, and issues, than qualifications. The voters have the right to choose an honest candidate, over a potentially corrupt candidate, regardless of qualifications. If the voters choose a non-SLEO over a SLEO candidate, that's their right, and a reflection of the will of the people.

The qualification restriction is also discriminatory. It excludes anyone who has a physical disability, as well as those who have what they classify as, anything less than the optimum physical specifications. A person who lacks 20/20 vision; is not 5'10" or taller; that has any medical imperfection; as well as anyone who is physically disabled, will not be accepted into their academy. It's not discriminatory to require that a candidate for the academy be physically qualified when it's job related, however, it becomes discriminatory when someone who would not be accepted into the academy because of a legitimate physical job restriction, is then automatically disallowed to run for an elected office.

I asked our County Clerk, Mr. Lunn, if back in the day when he got on with the CHP at age 19, rather than getting drafted for Vietnam, if black men or any women were admitted to the CHP academy? The answer, is no, they were not accepted. My friend Mr. Tucker served in Vietnam; as black men could not get a draft exemption by becoming a SLEO. When he returned, he applied to be a deputy-sheriff. They told him the same thing then that they do today, only less politely! Those same citizens today, are deemed "unqualified" to run for the office of their County Sheriff. Mr. Lunn defends 'the law' now just as they defended 'the law' as to segregation and discrimination then. Another veteran made thirty-seven jumps as a paratrooper. Jump #37 left her in a wheelchair. Under the law, she will never be allowed to run for County Sheriff.

Judge O'Neill, has attempted to block our efforts to be on the ballot through various stall tactics, including demanding that I must first pay one million dollars to have the ballots reprinted. If the law is unconstitutional, why must I pay? We now have taken the case to the California Appellate Court and are preparing to file in Federal Court (at my personal expense, while you and I as taxpayers, pay to oppose it). Ventura County will either make history in either restoring a government of, by, and for the people, or it will take giant step to stomp it out.

This letter has been sent to you to give you and your organization the opportunity to weigh in, discuss, and debate this matter, as it's currently being litigated. I think it is of great weight as to the future of our Republic. We want to hear your thoughts. If you feel passionately, you're welcome to be a part of the case; pick your side. Liberty or tyranny?

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