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11 GREEN PARTY OF ALAMEDA COUNTY, LIBERTARIAN PARTY OF CALIFORNIA,  
12 and PEACE AND FREEDOM PARTY OF CALIFORNIA

13 SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
14 COUNTY OF ALAMEDA

15 MICHAEL RUBIN, MANJA ARGUE,  
16 STEVE COLLETT, MARSHA FEINLAND,  
17 CHARLES L. HOOPER, KATHERINE  
18 TANAKA, C. T. WEBER, CAT WOODS,  
19 GREEN PARTY OF ALAMEDA COUNTY,  
20 LIBERTARIAN PARTY OF CALIFORNIA,  
21 and PEACE AND FREEDOM PARTY OF  
22 CALIFORNIA,

23 Plaintiffs,

24 v.

25 DEBRA BOWEN, in her official capacity as  
26 Secretary of State of California,

27 Defendant.

Case No. RG11605301

**REQUEST FOR JUDICIAL NOTICE  
IN SUPPORT OF INJUNCTIVE  
RELIEF**

Hearing: February 7, 2012  
Time: 9:00 a.m.  
Department: 16

Assigned for all Purposes:  
Judge: Hon. Lawrence John Appel

Reservation Number R-1246546

Suit filed: November 21, 2011  
Trial date: TBD

1 In support of plaintiffs' motion for a preliminary injunction, plaintiffs hereby  
2 request, pursuant to California Rule of Court 3.1306(c), that the Court take judicial  
3 notice of the following materials, copies of which are attached hereto:  
4

5 Exhibit 1: Official voter information packet, including Sample Ballot, created by  
6 Placer County Registrar of Voters for Placer County Special General Election held on  
7 May 3, 2011, to elect a Member of State Assembly, 4th District. The attached copy was  
8 obtained from the Placer County Registrar of Voters. As an official publication of the  
9 Registrar of Voters, Placer County, the voter information packet is subject to judicial  
10 notice. Evid. C. §452(c).  
11

12 Exhibit 2: Report entitled, "New Political Party Qualification Requirements for  
13 the 2012 and 2014 Primary Elections," published by the California Secretary of State via  
14 her website. (See [http://www.sos.ca.gov/elections/sov/2010-general/20-new-party-  
15 qual.pdf](http://www.sos.ca.gov/elections/sov/2010-general/20-new-party-qual.pdf).) The attached copy was obtained from the Secretary of State via said website.  
16 As an official publication of the Secretary of State, the report is subject to judicial notice.  
17 Evid. C. §452(c).  
18

19  
20 Dated: January 13, 2012

SIEGEL & YEE

21  
22  
23 By 

24 Michael Siegel  
25 Attorneys for Plaintiffs  
26  
27  
28

# **EXHIBIT A**

# Polling Place Location:



Jim McCauley

**PLACER COUNTY CLERK RECORDER  
REGISTRAR OF VOTERS**  
2956 RICHARDSON DR.  
PO BOX 5278  
AUBURN CA 95604-5278

**CHANGE SERVICE REQUESTED**

NON-PROFIT ORG.  
U.S. POSTAGE  
— PAID —  
SACRAMENTO, CA  
PERMIT NO. 750

**APPLICATION FOR VOTE-BY-MAIL BALLOT**

## Instructions for Vote-by-Mail Application:

- 1) Complete and sign your application.
- 2) Cut out the application form.
- 3) Place completed application in an envelope for mailing.
- 4) Address and mail it to: **Placer County Office of Elections, Vote-by-Mail Request, PO Box 5278, Auburn, CA 95604.**

The Office of Elections must receive this request in the mail no later than April 26, 2011.

You may also apply in person at the Office of Elections in Auburn. See the inside front cover for office hours.

**Do not return the application if the "Polling Place Location" box above indicates that your ballot will be mailed to you.**

I hereby request a Vote-by-Mail ballot for the Special General Election, May 3, 2011, and I understand that the application must be received by the Office of Elections no later than April 26, 2011.

I would like to become a **permanent** Vote-by-Mail voter (check box at left).

If you want your Vote-by-Mail ballot sent to an address **other than the one to which this Sample Ballot pamphlet was mailed**, please indicate a temporary mailing address below:

ADDRESS

CITY, STATE, ZIP

I certify under penalty of perjury under the laws of the State of California that the information on this application is true and correct.

**SIGNATURE** ➔

SIGNATURE OF VOTER (POWER OF ATTORNEY NOT ACCEPTABLE)

DATE

( )

DAYTIME TELEPHONE NUMBER

Cut along dashed lines.

Cut along dashed lines.

# INFORMATION FOR VOTERS

If you moved within Placer County and did not re-register at your new address, you may vote and re-register for future elections *either* at the Office of Elections *or* at the polling place for your new address.

## **APR 4<sup>TH</sup>** FIRST DAY TO RECEIVE A VOTE-BY-MAIL BALLOT

This is the first day our office can issue you a Vote-by-Mail ballot. You must be registered to vote in Placer County to receive a ballot from our office.

## **APR 18<sup>TH</sup>** LAST DAY TO REGISTER FOR THIS ELECTION

You must be registered by this date in order to vote in this election. If you were already registered in the county and moved within the county but did not re-register, you may vote a regular ballot at your old polling place or a provisional ballot at your new polling place. You will be asked to complete a new registration form when you vote.

## **APR 26<sup>TH</sup>** LAST DAY FOR THE OFFICE OF ELECTIONS TO MAIL YOU A BALLOT

Complete and return the application for a Vote-by-Mail ballot printed on the reverse side of this page. The mailed application must be received by the Office of Elections no later than 5:00 PM on this date. Hand-delivered applications may be processed up to Election Day. Be sure to sign your application, place it in an envelope, and mail it back to the Office of Elections. If you are already a Permanent Vote-by-Mail (PVBM) voter, it is not necessary to return the application.

## **MAY 3<sup>RD</sup>** RETURNING YOUR VOTED VOTE-BY-MAIL BALLOT

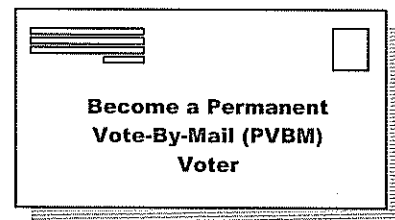
You may return your ballot by mail or in person to the Office of Elections, or you may return your ballot in person on Election Day to any polling place located within Placer County. If, due to illness or physical disability, you are unable to return your ballot personally, you may designate one of the following to return your ballot for you: spouse, child, parent, grandparent, grandchild, brother, sister or anyone residing in your household. *The ballot must be received by the Office of Elections no later than 8:00 PM on Election Day.* Your ballot cannot be counted if received after 8:00 PM on Election Day, regardless of the postmark. Consider mailing it back early. The Office of Elections in Auburn has a 24-hour drive-up drop-off box located in the front of our office.

**QUESTIONS?** Please call 530-886-5650 or toll-free in California 1-800-824-8683 or visit our website at [www.placerelections.com](http://www.placerelections.com)

*Did you know that you can*

*Vote by Mail in every election?*

- **Would you like to make voting more convenient?**
- **Would you like more time to review your voting choices in the comfort of your own home?**



Some voters may not know that state law allows all voters to receive a ballot by mail. Permanent Vote-by-Mail (PVBM) voters begin to receive their ballots in the mail about 4 weeks prior to every election. It gives them time to think about their voting choices, return their ballot on or before Election Day and they do not have to plan time to appear at a specific polling place. Currently in Placer County, over half of all registered voters are PVBM Voters.

To request PVBM status, complete and return the Vote-by-Mail application on the back of this sample ballot pamphlet. Make sure to check the box that requests permanent status on the application. Our office will process the application and you will automatically receive a ballot for each election. **If you are already a PVBM Voter, then there is no need to return the application.** Your ballot will automatically be mailed to you. State law requires that we terminate your PVBM status if you fail to return an executed Vote-by-Mail ballot for two consecutive statewide general elections; in this case, you would need to re-apply for PVBM status.

For more information about this service, please call the Placer County Office of Elections at 530-886-5650 or toll-free in California 1-800-824-8683 or visit our website at [www.placerelections.com](http://www.placerelections.com).

STATEMENT OF CANDIDATE FOR  
STATE ASSEMBLY, 4<sup>TH</sup> DISTRICT

**BETH GAINES**

**Occupation:** Small Business Woman

**Party Preference:** Republican

**Education and Qualifications:** Our state is headed in the wrong direction. The massive budget deficit has resulted in calls for higher taxes from the same state legislators who created the problem by doubling state spending. Punishing taxpayers is not the answer.

As your conservative candidate for Assembly, I oppose raising taxes. California's families and small businesses already pay too much. For instance, 66 cents in taxes is added to the price of every gallon of gas. I propose lowering the gas tax by 20 cents a gallon, which would bring California's gas tax in-line with neighboring states Nevada, Arizona and Oregon.

California has become a nanny state and welfare magnet that spends too much. We've allowed welfare recipients to use our tax dollars to gamble at Las Vegas casinos. Over \$10 billion of our state budget goes to pay for services for people who enter the country illegally. Some greedy government bureaucrats have become millionaires at the taxpayers' expense. That is wrong.

As a conservative small business woman, I know how to balance a budget and I know that government does not create jobs – the private sector does. I will be a strong voice for small business owners, who create most of the new jobs in our district. I'm pro-business, pro-family, pro-taxpayer, a good listener and advocate for what I believe. I'll work to: balance the budget, stop tax increases and fight to create jobs. I would be honored to receive your vote. Please visit [www.BethGaines.com](http://www.BethGaines.com) to find out more.

# VOTER PAMPHLET

The following pages contain

## **CANDIDATE STATEMENTS OF QUALIFICATIONS**

Each candidate's statement in this pamphlet is volunteered by the candidate and is printed at the expense of the candidate. Since candidate statements are voluntary, not every candidate has submitted a statement for printing in this pamphlet.

By law, candidate statements and ballot arguments are printed exactly as submitted. This includes any spelling or grammatical errors submitted by the authors on their original documents.



### **VOTER-NOMINATED OFFICES**

Under the California Constitution, political parties are not entitled to formally nominate candidates for voter-nominated offices at the primary election, and a candidate nominated for a voter-nominated office at the primary election is not the official nominee of any party for the office in question at the ensuing general election. A candidate for nomination or election to a voter-nominated office may, however, designate his or her party preference, or lack of party preference, and have that designation reflected on the primary and general election ballot, but the party designation so indicated is selected solely by the candidate and is shown for the information of the voters only. It does not constitute or imply an endorsement of the candidate by the party designated, and no candidate nominated by the qualified voters for any voter-nominated office shall be deemed to be the officially nominated candidate of any political party. The parties may have a list of candidates for voter-nominated offices, who have received the official endorsement of the party, printed in the sample ballot.

All voters, regardless of the party for which they have expressed a preference upon registering, or of their refusal to disclose a party preference, may vote for any candidate for a voter-nominated office, provided they meet the other qualifications required to vote for that office. The top two vote-getters at the primary election advance to the general election for the voter-nominated office, and both candidates may have specified the same party preference designation. No party is entitled to have a candidate with its party preference designation participate in the general election unless such candidate is one of the two highest vote-getters at the primary election.

E.C. Section 9083.5(b)

# Sample Ballot

## OFFICIAL SPECIAL GENERAL ELECTION BALLOT

MAY 3, 2011

PLACER COUNTY, CALIFORNIA

**INSTRUCTIONS TO VOTERS:** To vote for the candidate of your choice, use a pen with blue or black ink and completely darken in the OVAL to the LEFT of the candidate's name. To vote for a qualified WRITE-IN candidate, write the person's name in the blank space provided after the names of the other candidates and in addition, completely darken in the OVAL to the LEFT of the candidate's name on the WRITE-IN line. All distinguishing marks or erasures are forbidden and make the ballot void. If you tear or wrongly mark this ballot, return it and get another.

VOTE LIKE THIS:  PLEASE FILL IN THE OVAL COMPLETELY

### MEMBER OF THE STATE ASSEMBLY

MEMBER OF STATE ASSEMBLY  
4TH DISTRICT  
Vote For One

- DENNIS CAMPANALE  
My party preference is the Democratic Party  
Retired Fire Chief
- BETH B. GAINES  
My party preference is the Republican Party  
Small Business Woman
- 

WRITE-IN

END OF BALLOT



**A special message from Jim McCauley  
Placer County Clerk-Recorder-Registrar of Voters**

Dear Voter,

As County Clerk-Recorder-Registrar of Voters, it is my responsibility to provide taxpayers with superior service at the lowest possible cost. Given the current financial crisis, saving taxpayer money is top priority.

Over the last few elections, we made several changes to the Placer County Sample Ballot and Voter Information Pamphlet. These changes included printing black and white pamphlets on a lighter paper stock, which saves the taxpayers of Placer County about \$125,000 dollars in every major election. Another major cost-saving effort was to consolidate the number of polling places, adding voting booths at each consolidated poll to accommodate the additional voters. Please be sure to check the back cover of this pamphlet to see if your polling location has changed for this election.

To save you time at the polls and to reduce the wait time for all voters, I encourage you to review your ballot before Election Day, pre-mark your choices onto the sample ballot in this pamphlet, and bring it with you to the polls. You may also avoid polling place delays by requesting a Vote-by-Mail ballot. An application may be found on the back cover of this pamphlet or by visiting our website at [www.placerelections.com](http://www.placerelections.com). The privacy flap on the Vote-by-Mail ballot envelope, a recently-added security feature, covers your required signature to ensure its confidentiality.

If you have any questions or comments regarding the recent changes or need assistance of any nature, please contact the Placer County Office of Elections at 530-886-5650 or toll-free in California at 1-800-824-8683. You may also visit our Web site at [www.placerelections.com](http://www.placerelections.com) to download voter registration application forms, to view information about the candidates and ballot measures, election dates, voting instructions, polling place locations, election results, and much more.

We are here to be of service to you. Whether you vote by mail or at the polls, your vote counts and will be counted! Placer County traditionally has one of the highest voter turnout percentages in California—help keep that tradition alive. Be sure to vote on Election Day!

Sincerely,

**Jim McCauley, Placer County Clerk-Recorder-Registrar of Voters**

**PROPOSITION 34  
Expenditure Limits**

Proposition 34 established voluntary spending limits for candidates running for the State Assembly. Candidates who choose to keep their campaign spending under specific dollar limits may buy space in the county Sample Ballot pamphlet. These candidates are running in state legislative races. Listed to the right are the candidates that have accepted the Proposition 34 expenditure limits. This information is current as of press time. For more information on candidates who have accepted the voluntary limits visit the Secretary of State's website at [www.sos.ca.gov](http://www.sos.ca.gov).

**State Assembly, 4<sup>th</sup> District**

**Dennis Campanale, DEM**

**Beth B. Gaines, REP**

# ★ VOTER INSTRUCTIONS ★


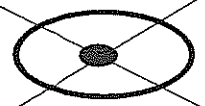

★ **VOTING INSTRUCTIONS:** Please use a pen with blue or black ink and completely darken in the oval.

Example: 

Remember to vote both sides of the ballot if both sides are printed.

To vote for a candidate whose name appears on the ballot, COMPLETELY DARKEN IN THE OVAL next to the candidate's name. When two or more candidates for the same office are to be elected, COMPLETELY DARKEN IN THE OVALS beside the names of the candidates for whom you desire to vote. Do not exceed the number of candidates to be elected.

★ **MARKS NOT ALLOWED:** All distinguishing marks on the ballot (such as your name, written comments, drawings, etc.) or erasures are forbidden and can void your ballot.

<b>RIGHT</b> 	<b>Correct way to mark your ballot</b>
<b>WRONG</b> 	<b>Incorrect way to mark your ballot</b>
<b>WRONG</b> 	<b>Incorrect way to mark your ballot</b>

★ **DAMAGED BALLOTS:** If you incorrectly mark, tear or deface any portion of your ballot sheet, place the sheet in the secrecy folder and return it to the election officer. A replacement ballot will be issued. If you are voting by mail and you need a replacement ballot, please contact the Placer County Office of Elections (numbers are listed on the front cover) for instructions.

★ **VOTING AT THE POLLING PLACE:** After you have completed voting, look over your choices one final time to be sure they are correct, place your ballot in the secrecy folder and deposit the ballot into the ballot counting machine. Once your ballot has been deposited into the machine, it cannot be retrieved.

★ **VOTING BY MAIL:** After you have completed voting, look over your choices one final time to be sure they are correct and place your ballot in the return envelope provided. Be sure to sign and date the envelope where required. The envelope must have your signature on it or the ballot cannot be counted. Return the envelope according to the instructions you received with your ballot.

*The ballot must be received by the Office of Elections no later than 8:00 PM on Election Day, May 3rd. Your ballot cannot be counted if received after 8:00 PM on Election Day, regardless of the postmark. Consider mailing it back early. The Office of Elections in Auburn has a 24-hour drive-up drop-off box located in the front of our office. You can find our telephone number listed on the front cover or visit our website at [www.placerelections.com](http://www.placerelections.com).*

★ **IF YOU LOSE YOUR BALLOT:** If you lose or discard your Vote-by-Mail ballot, you may request a replacement ballot to be sent to you or vote a ballot at the Placer County Office of Elections in Auburn beginning April 4, 2011. Contact the Office of Elections (numbers are listed on the front cover) for more information.

**The Office of Elections offers full service for voters  
Monday thru Friday, 8 AM – 5 PM  
and on the following weekend:**

**April 30<sup>th</sup>  
May 1<sup>st</sup>**

**9 AM – 4 PM  
9 AM – 4 PM**

# PLACER

COUNTY OF



Official 2011  
Special General Election  
**SAMPLE BALLOT**  
and Voter Information Pamphlet

For Election Day  
Tuesday, May 3, 2011

**To save time:**

- Mark your choices in this Sample Ballot and take it with you to your polling place on May 3rd, or
- Vote by mail (you can find an application on the back cover of this pamphlet)

**VOTER ALERT**

Your polling place  
may have changed!  
See the back cover  
for your polling place  
location.

**POLLS OPEN 7:00 AM TO 8:00 PM**

Compiled and distributed by Jim McCauley, Placer County Clerk-Recorder-Registrar of Voters  
Office of Elections  
2956 Richardson Drive  
Auburn CA 95603



TELEPHONE: 530-886-5650 or toll free in California 1-800-824-8683

FAX: 530-886-5688

WEBSITE: [www.placerelections.com](http://www.placerelections.com)

E-MAIL: [election@placer.ca.gov](mailto:election@placer.ca.gov)

# **EXHIBIT B**

**NEW POLITICAL PARTY QUALIFICATION  
REQUIREMENTS FOR THE 2012 AND 2014 PRIMARY ELECTIONS**  
(Based on the number of persons who voted at the 2010 General Election)

There are two methods by which political bodies can qualify for official party status, which enables them to place candidates on a primary election ballot. The qualification deadline for each method is 135 days before a statewide primary in an even-numbered year, based on the registration totals as of the 154<sup>th</sup> day before that election.

1. **Registration.** A political body must have obtained registrations equal in number to one percent of the total vote of the state in the most recent gubernatorial election. The current registration requirement is 103,004 [1% of 10,300,392 (Elections Code section 5100(b))].
2. **Petition.** A political body must have collected petition signatures of registered voters equal in number to 10 percent of the total vote of the state in the most recent gubernatorial election. The current signature requirement is 1,030,040 [10% of 10,300,392 (Elections Code section 5100(c))].

To retain its official status, a political party must maintain a registration level equal to one-fifteenth of one percent (0.00067) of the total voter registration of the state at all times [Elections Code section 5101]. In addition, after each gubernatorial election, each political party's qualifications are reviewed. To retain its official status after the election, each political party must:

1. Maintain a registration level equal to at least one percent of the entire vote of the state at the most recent gubernatorial election [Elections Code section 5100(b)]; or
2. Have a candidate for statewide office (Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Insurance Commissioner, or United States Senator) receive at least two percent of the vote for that office [Elections Code section 5100(a)].