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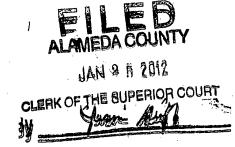
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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

12	MICHAEL RUBIN, et al.,
13	Plaintiffs,
14	-v.
15	DEBRA BOWEN, in her official capacity as
16	Secretary of State of California,
17	Defendant.
18	INDEPENDENT VOTER PROJECT, et al.,

Intervener-Defendants,

Case No. RG11605301

ASSIGNED FOR ALL PURPOSES TO JUDGE LAWRENCE JOHN APPEL

DECLARATION OF JOANNA SOUTHARD

Date:

February 7, 2012

Time:

9:00 a.m.

Dept:

15

Judge:

Hon. Lawrence J. Appel

Trial Date:

None

Filed:

November 21, 2011

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DECLARATION OF JOANNA SOUTHARD

- I. Joanna Southard, declare:
- 1. I am the Assistant Chief of the Elections Division with the California Secretary of State. I have served in that capacity since 2008. In that capacity, I am familiar with all aspects of the Division's work.
- 2. Attached hereto, marked as Exhibit A, is a true and correct copy of the June 5, 2012, Presidential Primary Election Calendar prepared by the Elections Division. This calendar has been distributed to all 58 California county elections officials and may be accessed on the Secretary of State's website at http://www.sos.ca.gov/elections/2012-elections/calendar.
- 3. As shown on the calendar, there are events on the primary election calendar that have already occurred or commenced. These include the time for candidates for voter-nominated offices to secure signatures in lieu of all or part of the filing fee for an office. (See Exh. A, p. 6-7, ¶ 1.) As shown on the calendar, the period for securing signatures in lieu commenced December 30, 2011 and ends on February 23, 2012. In addition, the calendar shows that the time period for all non-presidential candidates to file declaration of candidacy and nomination papers commences February 13, 2012 and ends March 9, 2012. (See Exh. A, p. 6-10, ¶ 29.)
- 4. The Secretary of State has provided guidance to County Clerks and Registrars of Voters regarding the Top Two Candidates Open Primary Act.
- 5. Attached hereto, marked as Exhibit B, is a true and correct copy of memorandum #11125 from Jana Lean, Chief of the Elections Division, to All County Clerks/Registrars of Voters regarding "Candidate Designation of Political Party" for the Top Two Candidates Open Primary Act.
- 6. Attached hereto, marked as Exhibit C, is a true and correct copy of memorandum #11126 from Jana Lean to All County Clerks/Registrars of Voters regarding "Implementation Guidelines" for the Top Two Candidates Open Primary Act.
- 7. The Secretary of State maintains information regarding the Top Two Candidates Open Primary Act and voter-nominated offices on the office's official website. Attached hereto, marked as Exhibit D, is a true and correct copy of material explaining the top two or open

primary election system. This material may be accessed on the Secretary of State's website at www.sos.ca.gov/elections/2012-elections/june-primary/pdf/new-open-primary-info.pdf.

- 8. The website of the Secretary of State includes additional information regarding primary elections in California, including primary elections for voter-nominated offices. Attached hereto, marked as Exhibit E, is a true and correct copy of information entitled "Frequently Asked Questions—Primary Elections in California." This material may be accessed in its original format on the Secretary of State's website at http://www.sos.ca.gov/elections/2012-elections/june-primary/faqs-primary-2012.htm.
- 9. Since the Top Two Candidates Open Primary Act went into effect on January 1, 2011, there have been two special elections in California that have gone to the general election under the new top two or open primary system. These were the special general election for Assembly District 4, held May 3, 2011, and the special general election for Congressional District 36, held July 12, 2011.
- 10. In addition, two other special elections that concluded with the primary election have been held under the new top two or open primary system. These were the special primary elections for Senate District 17 and Senate District 28, both held on February 15, 2011. In each special election, the general election was not held because one candidate received more than 50 percent of the vote.
- 11. Information about the special elections may be accessed on the Secretary of State's website at http://www.sos.ca.gov/elections/elections_specials.htm.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this Z544 day of January 2012 at Sacramento, California.

DANNA SOUTHARD

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