



ORIGINAL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

KAMALA D. HARRIS
Attorney General of California
PETER A. KRAUSE
Supervising Deputy Attorney General
MARK R. BECKINGTON
Deputy Attorney General
State Bar No. 126009
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-1096
Fax: (213) 897-1071
E-mail: Mark.Beckington@doj.ca.gov
*Attorneys for Defendant Debra Bowen, as California
Secretary of State*

FILED
ALAMEDA COUNTY

JAN 8 2012

CLERK OF THE SUPERIOR COURT
Joanna Southard

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA

MICHAEL RUBIN, et al.,

Plaintiffs,

-v.

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

Defendant.

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

BY FAX

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

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

3 8. The website of the Secretary of State includes additional information regarding primary
4 elections in California, including primary elections for voter-nominated offices. Attached hereto,
5 marked as Exhibit E, is a true and correct copy of information entitled "Frequently Asked
6 Questions—Primary Elections in California." This material may be accessed in its original
7 format on the Secretary of State's website at [http://www.sos.ca.gov/elections/2012-elections/june-](http://www.sos.ca.gov/elections/2012-elections/june-primary/faqs-primary-2012.htm)
8 [primary/faqs-primary-2012.htm](http://www.sos.ca.gov/elections/2012-elections/june-primary/faqs-primary-2012.htm).

9 9. Since the Top Two Candidates Open Primary Act went into effect on January 1, 2011,
10 there have been two special elections in California that have gone to the general election under
11 the new top two or open primary system. These were the special general election for Assembly
12 District 4, held May 3, 2011, and the special general election for Congressional District 36, held
13 July 12, 2011.

14 10. In addition, two other special elections that concluded with the primary election have
15 been held under the new top two or open primary system. These were the special primary
16 elections for Senate District 17 and Senate District 28, both held on February 15, 2011. In each
17 special election, the general election was not held because one candidate received more than 50
18 percent of the vote.

19 11. Information about the special elections may be accessed on the Secretary of State's
20 website at http://www.sos.ca.gov/elections/elections_specials.htm.

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

23 Executed this 25th day of January 2012 at Sacramento, California.

24 
25 JOANNA SOUTHARD
26

27
28 SA2011103315