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Attorneys for Intervener-Defendants
INDEPENDENT VOTER PROJECT, DAVID
TAKASHIMA, ABEL MALDONADO &
CALIFORNIANS TO DEFEND THE OPEN
PRIMARY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

MICHAEL RUBIN, MANJA ARGUE, STEVE
COLLETT, MARSHA FEINLAND, CHARLES
L. HOOPER, KATHERINE TANAKA, C.T.
WEBER, CAT WOODS, GREEN PARTY OF
ALAMEDA COUNTY, LIBERTARIAN PARTY
OF CALIFORNIA, and PEACE AND
FREEDOM PARTY OF CALIFORNIA,

Plaintiffs,

vs.

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

Defendant.

INDEPENDENT VOTER PROJECT, DAVID
TAKASHIMA, ABEL MALDONADO &
CALIFORNIANS TO DEFEND THE OPEN
PRIMARY,

Intervener-Defendants.

FILED
ALAMEDA COUNTY

FEB - 2 2012

CLERK OF THE SUPERIOR COURT
Anthony J. Vito
Deputy

Case No.: RG11605301

ASSIGNED FOR ALL
PURPOSES TO JUDGE
LAWRENCE JOHN APPEL

**INTERVENER-
DEFENDANTS'
SUBMISSION OF NEWLY-
AVAILABLE AUTHORITY
(ASSEMBLY BILL 1413);
REQUEST FOR JUDICIAL
NOTICE THEREOF**

DATE: February 7, 2012
TIME: 9:00 a.m.
DEPT: 16

BTX

1 Intervener-Defendants hereby submit the attached supplemental authority,
2 relevant to the pending motion for preliminary injunction and demurrer and not yet
3 available at the time Intervener-Defendant's briefs on those motions were filed:

- 4 • A copy of Assembly Bill 1413 (A.B. 1413), which amends numerous
5 provisions of Proposition 14's implementing legislation, SB 6, attached
6 hereto as Exhibit A; and
- 7 • The complete bill history of A.B. 1413, printed from the Legislature's
8 website, www.leginfo.ca.gov, on February 1, 2012, attached hereto as
9 Exhibit B.

10 The Senate voted unanimously (36-0) in favor of the bill as presently drafted,
11 and on January 30, 2012, the Assembly unanimously concurred (69-0) in the
12 Senate's amendments. *See* Exhibit B. That same day it was enrolled and presented
13 to the Governor. *Id.* A.B. 1413 will become effective on February 11, unless the
14 Governor signs it before that date. *See* CAL. CONST. art. IV, §§ 8(c)(3), 10(b)(3) &
15 (5). Because it contains an urgency clause, AB 1413 will take effect immediately,
16 and in time for the June primary. *See* CAL. CONST. art. IV, § 8(c)(3).

17 This bill is generally relevant to the question of how Proposition 14 will be
18 administered at the June and November 2012 elections, and is relevant in particular
19 to the argument made for the first time in Plaintiffs' reply brief in support the
20 motion for preliminary injunction, that the absence of a disclaimer on the ballot at
21 the 2011 special election in Placer County shows there will be voter "confusion" at
22 future elections. A.B. 1413 addresses this issue, by adding new subdivisions (d) and
23 (e) to Elections Code § 10704, and a new section—Elections Code § 13206.5—that
24 remove any ambiguity as to whether disclaimers are to be printed on general
25 election ballots and special election ballots.

26 **Request for Judicial Notice**

27 Judicial notice of these documents is appropriate under Evidence Code §
28 452(c), which permits notice of the "[o]fficial acts of the legislative, executive, and

1 judicial departments of the United States and of any state of the United States.” See
2 *Lantzy v. Centex Homes*, 31 Cal. 4th 363, 375 n.9 (2003) (holding that legislative
3 materials are “proper subjects of judicial notice.”). This request is supported by the
4 attached Declaration of Christopher Skinnell.

5 Respectfully submitted,

6 Dated: February 2, 2012

NIELSEN MERKSAMER
PARRINELLO GROSS & LEONI LLP



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9 By: _____
10 Christopher E. Skinnell
11 *Attorneys for Intervener-Defendants*
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DECLARATION OF CHRISTOPHER E. SKINNELL
IN SUPPORT OF REQUEST FOR JUDICIAL NOTICE

I, CHRISTOPHER E. SKINNELL, declare under penalty of perjury:

1. I am over 18 years of age. I make this declaration of my personal knowledge.

2. I am one of the attorneys for Interveners in this action.

3. On January 5, 2012, the California Senate substantially amended Assembly Bill 1413 (Reg. Sess. 2011-2012). As amended, that bill makes numerous revisions to the Elections Code, and primarily to code sections that were amended by Senate Bill 6 (Reg. Sess. 2009-2010), to implement Proposition 14.

4. After waiting 12 days (because the bill amends provisions of the Political Reform Act, *see* Gov't Code § 81012), the Senate voted unanimously (36-0) on January 19, 2012, to approve the bill as amended. The bill was then sent to the Assembly for its consideration and concurrence.

5. On January 26, 2012, the Assembly Rules Committee voted unanimously to approve the Senate's amendments and submit the amended bill to the full Assembly. On January 30, 2012, the Assembly also voted unanimously (69-0) to concur in the Senate amendments and approve the bill as amended by the Senate on January 5, 2012. The bill was enrolled and delivered to the Governor for signature on January 30 as well.

6. On February 1, 2012, I visited the official website of Legislative Counsel, www.leginfo.ca.gov, where I downloaded a copy of the text of AB 1413 as amended on January 5, 2012, and approved by the Senate and Assembly. A true and correct copy of that document is attached hereto as Exhibit A.

7. Also on February 1, 2012, I printed the bill history of AB 1413 from Legislative Counsel's website. A true and correct copy of that history is attached hereto as Exhibit B.

I declare under penalty of perjury under the laws of the State of California

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that the foregoing is true and correct of my personal knowledge, and, if called as a witness, I could testify competently thereto, except for those matters stated on information and belief and as to those matters, I believe them to be true.

Executed this 2d day of February, 2012, in San Rafael, California.



Christopher E. Skinnell

1 **PROOF OF SERVICE**

2 I am employed in the County of Marin, State of California. I am over the age
3 of 18 and not a party to the within cause of action. My business address is, 2350
4 Kerner Boulevard, Suite 250, San Rafael, California 94901.

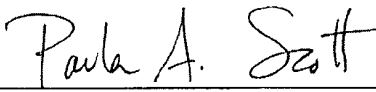
5 On February 2, 2012, I caused the foregoing document described as
6 **INTERVENER-DEFENDANTS' SUBMISSION OF NEWLY-AVAILABLE**
7 **AUTHORITY (ASSEMBLY BILL 1413); REQUEST FOR JUDICIAL**
8 **NOTICE THEREOF** to be served on the individuals listed below as follows:

9 Dan Siegel, Esq. 10 Michael Siegel, Esq. 11 Siegel & Yee 12 499 14th Street, #220 13 Oakland, CA 94612 14 Ph: (510) 839-1200 15 Email: danmsiegel@gmail.com 16 Email: michaeljwsiegel@gmail.com (Attorneys for Plaintiffs)	17 Mark Beckington, Esq. 18 Deputy Attorney General 19 Office of the Attorney General 20 300 South Spring St., Suite 1702 21 Los Angeles, CA 90013-1230 22 Ph: (213) 897-1096 23 Email: mark.beckington@doj.ca.gov (Attorney for Defendant Debra Bowen)
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15 **BY FEDERAL EXPRESS:** By following ordinary business practices and
16 placing for pickup by FEDERAL EXPRESS at 2350 Kerner Boulevard, Suite
17 250, San Rafael, California 94901 on February 2, 2012, copies of the above
18 documents in an envelope or package designated by FEDERAL EXPRESS
19 with delivery fees paid or provided for.

20 **BY ELECTRONIC SERVICE:** By transmitting by email to the above
21 party(ies) at the above email addresses.

22 Executed in San Rafael, California on February 2, 2012. I declare under
23 penalty of perjury, under the laws of the State of California, that the foregoing is
24 true and correct.

25 
26 _____
27 Paula A. Scott
28