



FILED
ALAMEDA COUNTY

SEP 12 2012

CLERK OF THE SUPERIOR COURT

By RC Hughes Deputy

DAN SIEGEL, SBN 56400
MICHAEL SIEGEL, SBN 269439
SIEGEL & YEE
499 14th Street, Suite 300
Oakland, California 94612
Telephone: (510) 839-1200
Telefax: (510) 444-6698

Attorneys for Plaintiffs
MICHAEL RUBIN, 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

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
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,

v.

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

Defendant.

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

Intervener-Defendants.

Case No. RG11605301

**REQUEST FOR JUDICIAL NOTICE
IN OPPOSITION TO DEMURRERS
OF DEFENDANT AND
INTERVENER-DEFENDANTS**

Hearing: September 25, 2012
Time: 9:00 a.m.
Department: 16

Assigned for all Purposes to
Hon. Lawrence John Appel

Suit filed: November 21, 2011
Trial date: TBD

1
2 In opposition to the demurrers of defendant and intervener-defendants, plaintiffs
3 hereby request, pursuant to California Rule of Court 3.1306(c), that the Court take
4 judicial notice of the following materials, copies of which are attached hereto:

5 Exhibit 1: Report entitled, "Statement of Vote: June 5, 2012, Presidential Primary
6 Election," published by the California Secretary of State via her website. (See
7 <http://www.sos.ca.gov/elections/sov/2012-primary/pdf/2012-complete-sov.pdf>.) The
8 attached copy of Page 3 of the report, entitled "Voter Participation Statistics by County,"
9 was obtained from the Secretary of State via said website. As an official publication of
10 the Secretary of State, the report is subject to judicial notice. Evid. C. §452(c).

11
12
13 Dated: September 12, 2012

SIEGEL & YEE

14
15
16
17 By 

Michael Siegel
Attorneys for Plaintiffs

VOTER PARTICIPATION STATISTICS BY COUNTY

County	Number of Precincts	Eligible to Register	Registered Voters	Precinct Voters	Vote-By-Mail Voters	Total Voters	Percent of Vote-By-Mail Voters	Turnout Registered	Turnout Eligible
Alameda	1,004	999,688	752,331	76,673	162,631	239,304	67.96%	31.81%	23.94%
Alpine	5	878	813	0	476	476	100.00%	58.55%	54.21%
Amador	59	27,411	20,739	4,000	7,839	11,839	66.21%	57.09%	43.19%
Butte	143	166,343	114,220	14,165	38,374	52,539	73.04%	46.00%	31.58%
Calaveras	36	35,748	28,050	3,765	10,157	13,922	72.96%	49.63%	38.94%
Colusa	18	12,326	7,631	1,389	2,213	3,602	61.44%	47.20%	29.22%
Contra Costa	646	700,607	520,098	59,195	133,566	192,761	69.29%	37.06%	27.51%
Del Norte	18	18,288	11,815	1,826	3,416	5,242	65.17%	44.37%	28.66%
El Dorado	92	134,133	104,856	9,264	39,208	48,472	80.89%	46.23%	36.14%
Fresno	484	556,382	390,587	38,890	75,085	113,975	65.88%	29.18%	20.49%
Glenn	34	18,043	12,077	969	4,396	5,365	81.94%	44.42%	29.73%
Humboldt	130	104,453	76,156	12,711	19,293	32,004	60.28%	42.02%	30.64%
Imperial	147	92,162	55,090	7,299	10,384	17,683	58.72%	32.10%	19.19%
Inyo	21	13,585	9,489	1,600	3,500	5,100	68.63%	53.75%	37.54%
Kern	406	483,697	325,125	35,701	68,643	104,344	65.79%	32.09%	21.57%
Kings	183	77,888	47,349	3,264	12,003	15,267	78.62%	32.24%	19.60%
Lake	70	47,459	33,553	4,781	9,493	14,274	66.51%	42.54%	30.08%
Lassen	52	18,422	13,719	1,671	5,611	7,282	77.05%	53.08%	39.53%
Los Angeles	4,786	5,959,291	4,459,268	541,463	431,811	973,274	44.37%	21.83%	16.33%
Madera	54	86,137	52,826	5,654	14,884	20,538	72.47%	38.88%	23.84%
Marin	155	176,181	146,755	20,863	52,243	73,106	71.46%	49.81%	41.49%
Mariposa	25	14,517	10,523	1,598	4,092	5,690	71.92%	54.07%	39.20%
Mendocino	247	62,919	47,546	3,171	16,945	20,116	84.24%	42.31%	31.97%
Merced	126	146,679	92,759	8,964	16,097	25,061	64.23%	27.02%	17.09%
Modoc	21	7,304	5,371	774	1,912	2,686	71.18%	50.01%	36.77%
Mono	13	9,897	5,547	1,016	1,846	2,862	64.50%	51.60%	28.92%
Monterey	188	231,244	157,041	11,805	46,413	58,218	79.72%	37.07%	25.18%
Napa	157	90,847	68,330	2,616	26,689	29,305	91.07%	42.89%	32.26%
Nevada	74	76,426	60,590	6,408	24,925	31,333	79.55%	51.71%	41.00%
Orange	1,976	1,916,528	1,612,145	145,474	281,395	426,869	65.92%	26.48%	22.27%
Placer	281	249,916	194,705	21,276	67,743	89,019	76.10%	45.72%	35.62%
Plumas	29	15,858	12,894	1,564	4,996	6,560	76.16%	50.88%	41.37%
Riverside	853	1,351,562	852,217	70,045	168,107	238,152	70.59%	27.94%	17.62%
Sacramento	1,041	941,160	653,391	71,640	161,103	232,743	69.22%	35.62%	24.73%
San Benito	42	33,439	24,899	2,581	6,664	9,245	72.08%	37.13%	27.65%
San Bernardino	1,567	1,253,049	815,087	70,533	122,984	193,517	63.55%	23.74%	15.44%
San Diego	1,643	2,084,578	1,465,269	187,942	360,520	548,462	65.73%	37.43%	26.31%
San Francisco	601	601,851	470,606	49,779	95,326	145,105	65.69%	30.83%	24.11%
San Joaquin	418	417,819	271,250	22,615	71,824	94,439	76.05%	34.82%	22.60%
San Luis Obispo	141	200,531	147,276	19,592	51,973	71,565	72.62%	48.59%	35.69%
San Mateo	467	477,460	337,757	33,793	89,537	123,330	72.60%	36.51%	25.83%
Santa Barbara	264	275,629	191,061	25,836	59,599	85,435	69.76%	44.72%	31.00%
Santa Clara	874	1,116,131	755,117	55,518	237,195	292,713	81.03%	38.76%	26.23%
Santa Cruz	183	182,516	146,980	23,671	34,855	58,526	59.55%	39.82%	32.07%
Shasta	129	133,615	96,366	13,650	31,583	45,233	69.82%	46.94%	33.85%
Sierra	22	2,560	2,247	0	1,331	1,331	100.00%	59.23%	51.99%
Siskiyou	59	34,500	25,343	3,253	8,830	12,083	73.08%	47.68%	35.02%
Solano	176	273,871	197,604	18,688	50,179	68,867	72.86%	34.85%	25.15%
Sonoma	374	338,678	248,216	28,216	87,647	115,863	75.65%	46.68%	34.21%
Stanislaus	387	321,774	220,521	14,365	55,456	69,821	79.43%	31.66%	21.70%
Sutter	57	59,158	40,255	4,275	13,016	17,291	75.28%	42.95%	29.23%
Tehama	46	43,209	30,476	3,687	10,281	13,968	73.60%	45.83%	32.33%
Trinity	25	11,348	7,948	1,120	2,948	4,068	72.47%	51.18%	35.85%
Tulare	138	250,747	139,946	12,503	29,098	41,601	69.95%	29.73%	16.59%
Tuolumne	70	39,418	31,287	3,418	12,656	16,074	78.74%	51.38%	40.78%
Ventura	573	532,967	406,644	52,883	80,917	133,800	60.48%	32.90%	25.10%
Yolo	117	137,308	96,961	13,700	22,877	36,577	62.54%	37.72%	26.64%
Yuba	46	46,892	28,977	3,614	6,785	10,399	65.25%	35.89%	22.18%
State Total	21,993	23,713,027	17,153,699	1,856,726	3,471,570	5,328,296			
Percent			72.34%	34.85%	65.15%		65.15%	31.06%	22.47%