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6 MONTEREY COUNTY, CALIFORNIA

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 MARIA BUELL; ANTONIO ALVARO
12 MORALES; and GUADALUPE JOAN
13 PEREZ,
14 Plaintiffs,
15 vs.
16 MONTEREY COUNTY, CALIFORNIA; and
THE STATE OF CALIFORNIA,
17 Defendants.

Case No: CV-10-01952-JF

SUPPLEMENTAL DECLARATION OF
LINDA TULETT REGARDING DATE FOR
SENDING ABSENTEE, OVERSEAS AND
MILITARY BALLOTS BY MONTEREY
COUNTY FOR SPECIAL PRIMARY
ELECTION

VOTING RIGHTS ACTION

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19 I, LINDA TULETT, declare as follows:

20 1. If called to testify in this matter, I would competently testify of my own personal
21 knowledge as to the facts stated herein.

22 2. On May 12, 2010 at 8:54 a.m., the Court sent an email to all parties requesting
23 that “any knowing party inform the court of the special primary election schedule’s date for
24 sending out absentee, overseas and military ballots.” This declaration is in response to the
25 Court’s request.

26 3. Attached as Exhibit B [Document 13-1 pages 3-6] to my declaration [Document
27 13] filed on May 10, 2010 in response to plaintiffs’ motion for temporary restraining order is a
28 true and correct copy of the Secretary of State’s election calendar for the Special Primary

1 Election to be held on June 22, 2010. The election calendar does not expressly address the date
2 for sending out absentee, overseas and military ballots.

3 4. In the absence of a prescribed date in the election calendar, I will comply to the
4 greatest extent possible with the provisions of the California Elections Code (Chapter 2
5 (commencing with Section 3100) of Division 3 of the Elections Code relating to special absentee
6 application and voting procedures. "Special absentee voter" is defined by California Elections
7 Code Section 300(b) as any of the following:

8 "(1) A member of the Armed Forces of the United States or any auxiliary branch thereof.

9 "(2) A citizen of the United States temporarily living outside of the territorial limits of the
10 United States or the District of Columbia.

11 "(3) Serving on a merchant vessel documented under the laws of the United States.

12 "(4) A spouse or dependent of a member of the Armed Forces or any auxiliary branch
13 thereof."

14 For purposes of this declaration, I construe the Court's request for information relating to
15 "absentee, overseas and military ballots" to be a request for information relating to sending
16 ballots to special absentee voters.

17 5. Based on official records in my Office, there are approximately 893 special
18 absentee voters registered in Monterey County.

19 6. Based on my knowledge and experience in conducting previous elections and
20 based on my conversations with representatives of the United States Postal Service, I had and
21 continue to have concerns that any election materials mailed to special absentee voters less than
22 45 days prior to an election may not have sufficient time to be transmitted by the Postal Service,
23 received by the recipient voter, and returned to the Monterey County Elections Department on or
24 before the deadline for receiving the ballot. Therefore, on Monday, May 10, 2010, I mailed to
25 each known special absentee voter a written notice requesting the special absentee voter to
26 contact the Elections Department by telephone or by email so that the Elections Department
27 could send election materials by email. A true and correct copy of the written notice is attached
28 as Exhibit A [Document 13-1, page 21] to my supplemental preclearance submission dated May

1 10, 2010 to the Department of Justice [Document 13-1, Exhibit E, pages 18-20]. The
2 Department of Justice has not yet pre-cleared or interposed objections to the changes affecting
3 voting that Monterey County has submitted for pre-clearance with respect to the procedures or
4 notice for voting by special absentee voters.

5 7. Pursuant to the Secretary of State's special election calendar for the June 22, 2010
6 Special Primary Election, the last day for the Secretary of State to send the certified list of
7 candidates to county elections officials is Monday, May 17, 2010. Upon receiving the certified
8 list of candidates to county elections officials, I will be able to submit ballot materials to
9 Monterey County's ballot printer, K&H Integrated Printing Solutions. Notwithstanding my
10 concerns expressed in Paragraph 6 above about the timeliness of mailing election materials to
11 special absentee voters, on or about Tuesday, May 18, 2010, I will begin mailing a generic write-
12 in ballot and copy of the Secretary of State's certified list of candidates to each of the County's
13 special absentee voters with instructions for filling out the write-in ballot and returning it to the
14 Elections Department by facsimile transmission as provided by California Elections Code
15 Section 3103.5. It will take my Office approximately one day to complete the process of mailing
16 election materials to special absentee voters.

17 8. The Monterey County Elections Department has email addresses for
18 approximately 412 of the special absentee voters; the email addresses may or may not be current
19 because registered voters do not consistently update their email addresses with my Office.
20 Monterey County will, however, on or about Tuesday, May 18, 2010, also email a generic write-
21 in ballot and copy of the Secretary of State's certified list of candidates to each of the County's
22 special absentee voters with instructions for filling out the write-in ballot and returning it to the
23 Elections Department by facsimile transmission as provided by California Elections Code
24 Section 3103.5.

25 9. In addition to the foregoing, for any special absentee voter who telephones,
26 emails, or otherwise communicates with the Monterey County Elections Department and
27 provides a current email address different from the email address on file in my Office on or after
28 May 18, 2010 until the date of the Special Primary Election, Monterey County will email an

1 electronic generic write-in ballot and copy of the Secretary of State's certified list of candidates
2 in portable document format (.pdf) or, when official ballots are formatted by the Elections
3 Department, a sample of the official ballot in portable document format (.pdf), together with
4 instructions for filling out the write-in or official ballot and returning it to the Elections
5 Department by facsimile transmission as provided by California Elections Code Section 3103.5.

6 10. I have had telephone conversations and email communication with the Office of
7 the California Secretary of State regarding the short time frame for sending election materials to
8 special absentee voters and am informed, and on that basis believe, that the Secretary of State
9 will coordinate with the Overseas Voter Foundation to provide outreach and education
10 information to special absentee voters about the Special Primary Election and to provide an
11 Internet website link to the Election Official directory so voters can contact the election official
12 to obtain a ballot. The Secretary of State has also informed me, and on that basis I believe, that
13 the Secretary of State will continue to work with the Federal Voting Assistance Program in an
14 effort to provide special absentee voters with an Internet website from which special absentee
15 voters can download and print an official ballot from each of the counties involved in the Special
16 Primary election, together with instructions on filling out the official ballot and returning it to the
17 Elections Department by facsimile transmission as provided by California Elections Code
18 Section 3103.5.

19 11. I have had telephone conversations and email communication with each of the
20 election officials in the Counties of San Luis Obispo, Santa Barbara, Santa Clara, and Santa
21 Cruz, which are also involved in the Special Primary Election. I am informed, and on that basis
22 believe, that each of the named counties expect to utilize similar procedures on the same or
23 similar timeframe as are being used by Monterey County with respect to distribution of ballots to
24 and receipt of ballots from special absentee voters.

25 12. Upon execution of this declaration, I will provide a copy to the Department of
26 Justice as a further supplemental pre-clearance submission.

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

Executed this 12th day of May, 2010, at Salinas, California.

/S/Linda Tulett
LINDA TULETT