

COURT CASES OF INTEREST - 1998

SUBJECT

CANDIDATE STATEMENT

COUNTY: ALAMEDAWHO SUED WHOM: JOHN TWITCHELL VS. BRADLEY J. CLARKCOURT: ALAMEDA COUNTY SUPERIOR COURTFOR MORE INFORMATION CONTACT:BRAD CLARK, REGISTRAR OF VOTERS 510-272-6933
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DESCRIBE CASE: PETITIONER WAS A VOTER IN THE A/C TRANSIT DISTRICT. P. ANTHONY BRINKMAN WAS A CANDIDATE FOR DIRECTOR AT LARGE (2-YEAR TERM). MR. BRINKMAN'S CANDIDATE STATEMENT CONTAINED THE FOLLOWING STATEMENT, "SOME DIRECTORS BETRAY THE PUBLIC TRUST BY ALIGNING THEMSELVES WITH ORGANIZATIONS IN OPEN CONFLICT WITH MTC. WHILE THEIR PROGRAMS HAVE MERIT, CONFRONTATION SERIOUSLY HARMS THE EFFECTIVENESS OF DIRECTORS ELECTED TO WORK WITH MTC."

MR. TWITCHELL OBJECTED TO THIS STATEMENT ON THE GROUNDS THAT CANDIDATES ARE PROHIBITED FROM MENTIONING THEIR OPPONENTS, CITING THE CASES OF CLARK VS. BURLEY AND DEAN VS. SUPERIOR COURT.

DESCRIBE DECISION: THE SUPERIOR COURT RULED IN FAVOR OF MR. TWITCHELL AND ORDERED THE REGISTRAR OF VOTERS TO STRIKE THE OFFENDING PORTION OF THE CANDIDATE STATEMENT.

ELECTION OFFICIAL OPINION/IMPACT: THIS RULING HAD NO IMPACT ON THE PRODUCTION OF THE SAMPLE BALLOT. HOWEVER, I BELIEVE THAT THIS CASE SETS BAD PRECEDENT FOR ELECTION OFFICIALS BY MAKING THEM CENSORS.

COPIES OF THE CASE AVAILABLE ON REQUEST.