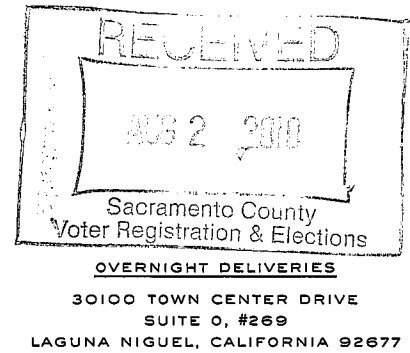


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NONPROFIT ORGANIZATION LAW
ORANGE COUNTY, CALIFORNIA
WASHINGTON, D.C.



BY OVERNIGHT DELIVERY
July 30, 2010

William E. Schultz, Recorder-Clerk/Registrar of Voters
El Dorado County
P.O. Box 678001
Placerville, CA 95667

Jim McCauley, County Clerk-Recorder-Registrar
Placer County
P.O. Box 5278
Auburn, CA 95604

Jill LaVine, Registrar of Voters
Sacramento County
7000 65th Street
Sacramento, CA 95823-2315

Copy:

Hon. Debra Bowen
Secretary of State
1500 11th Street
Sacramento, CA 95814

Regarding: Special Primary Election, 1st State Senate District, 11/2/10

Dear Election Officials:

Our office is special counsel to California State Assemblyman Ted Gaines, who represents residents of the 4th Assembly District, whose geographic borders are within the 1st State Senate District.

Assemblyman Gaines is a candidate for re-election to the Assembly on the November 2, 2010 regular general election ballot. Consistent with the California Election Code and the Governor's Proclamation, he is also a candidate in the consolidated special primary election for the 1st State Senate District to be held on the same day.

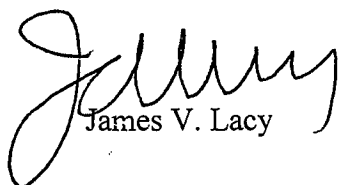
We are very concerned about the possibility that voters within the 4th Assembly District may be confused by the presentation and configuration of the ballot as a result of the consolidation of the special primary election on the same date as the regular general election. We are writing to you to call upon you to help reduce this voter confusion by exercising your authority under Section 10707 of the California Elections Code to print a separate and distinct ballot for the special primary election.

Voters receive their information from a variety of sources, but the primary source is from the County Elections official. As stated by the California Voter Foundation, www.calvoter.org, a charity that encourages voter participation, "voters must feel motivated to vote by contextual information about why an election is important and relevant to them and why in a larger sense in a democracy voting matters." Studies indicate that infrequent and first-time voters often find voting challenging, particularly when there are many choices to make on a number of topics with which they may be unfamiliar. The less voters understand about an election, the less likely they are to vote.

The November 2, 2010 regular general election ballot will indeed be lengthy. Voters will make decisions on all California statewide constitutional offices, a United States Senate seat, Board of Equalization, state legislature, county and local races, and a record total of 10 statewide ballot propositions. It is therefore very important that voters in the 4th Assembly District understand that there are two different elections occurring on November 2, and that one of them is a special primary election that is a predicate to a special general election on January 4, 2011. If the two scheduled elections are "consolidated" on November 2 into one ballot, voters will not receive the clues they need from the County Elections official to understand that another election will be occurring on January 4, 2011, with the logical result being a significant drop-off in subsequent voter participation. Separating the ballots for each election will provide voters more information about the nature of the different elections, and work to increase over-all voter understanding and participation, which is (or should be) a primary goal of County Elections officials.

In order to assure better understanding of the ballot and to potentially increase participation in all the scheduled elections in your county, we therefore formally request that you exercise your authority under the California Elections Code to print a separate and distinct ballot for the special primary election scheduled for November 2, 2010.

Sincerely,


James V. Lacy