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5 *Exempt From Filing Fees (Gov't Code § 6103)*

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8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF SAN DIEGO**
10 **CENTRAL DIVISION**

11 CITIZENS OVERSIGHT, INC., a Delaware
non-profit corporation; RAYMOND LUTZ,
12 an individual,

13 Plaintiffs,

14 v.

15 MICHAEL VU, San Diego Registrar of
Voters, HELEN N. ROBBINS-MEYER,
16 San Diego County Chief Administrative
Officer, SAN DIEGO COUNTY, a public
17 entity; DOES 1-10,

18 Defendants.

) No. 37-2016-00020273-CL-MC-CTL
Action Filed: June 16, 2016

) **DEFENDANTS' NOTICE OF LODGMENT**
) **OF EXHIBITS IN SUPPORT OF**
) **DEFENDANTS' OPPOSITION TO**
) **PLAINTIFFS' MOTION FOR**
) **PRELIMINARY INJUNCTION**

) **IMAGED FILE**

) Date: July 6, 2016

) Time: 1:30 p.m.

) Dept.: 73

) ICJ: Hon. Joel Wohlfell

19
20 Defendants hereby lodge the following documents with the court in support of their
21 opposition to plaintiffs' motion for preliminary injunction:

22 Exhibit 1 – Facebook posting by Mr. Lutz dated June 27, 2016.

23 Exhibit 2 – Redlined copy of Elections Code Section 15360 as amended by AB 1235 in
24 2006.

25 Exhibit 3 – Press Release by Citizens' Oversight dated June 27, 2016

26 DATED: June 30, 2016,

THOMAS E. MONTGOMERY, County Counsel

27 By: /s/Timothy M. Barry
TIMOTHY M. BARRY, Chief Deputy
28 Attorneys for Defendants

**DEFENDANTS' NOTICE OF LODGMENT IN SUPPORT OF DEFENDANTS' OPPOSITION
TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

EXHIBIT 1



Ray Lutz

June 27 at 4:52pm · El Cajon · 🌐

ALERT!

We will have a press conference and rally at 11AM at the San Diego Registrar of Voters. Please come and help promote that EVERY VOTE SHOULD BE COUNTED! Press Release here: <http://www.copswiki.org/Common/M1663>

NOTE: Please park in visitors spaces (2 hours) or parking structure.

Professional "courthouse" attire requested by attorneys (and a good idea since we will be on camera -- this is a performance so please play your roles!)

Citizens' Oversight takes the Registrar of Voters, Secretary of State to Court

Count Every Vote!

Lawsuits Question Election Processing Practices, Statewide Outcome

MEDIA ADVISORY

Press conference & Rally:

WHEN: 11 AM, Tuesday, June 28

WHERE: Outside the San Diego Registrar of Voters,
5600 Overland Ave, San Diego, CA 92123

WHO: Ray Lutz, National Coordinator, Citizens Oversight
Alan L. Geraci, JD, Former Asst. City Attorney
Wm. M. Simplich, Noted Bay Area Attorney

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EXHIBIT 2

EXHIBIT 3

PRESS RELEASE / MEDIA ADVISORY -- FOR IMMEDIATE RELEASE

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Alan L. Geraci, JD, Former Asst. City Attorney
Wm. M. Simpich, Noted Bay Area Attorney**

SAN DIEGO (June 27, 2016) -- Legal action filed in San Diego Superior Court questions elections processing procedures in election districts throughout California in one of the most interesting primary elections in years. Citizens' Oversight, Inc. a 501(c)3 Delaware corporation with primary offices in California is the leading plaintiff in these cases in an attempt to represent all voters in California, and most particularly, those who have submitted a provisional ballot in this election.

Ray Lutz of Citizens Oversight explains, "There were about 10 times the normal number of provisional ballots, particularly by 'No Party Preference' (NPP) voters who may have used a regular DEM ballot or cross-over DEM ballot, and improperly sidelined into the provisional ballot pile. Some voters were given regular DEM ballots but should have received DEM "cross-over" ballots. These votes should be counted even if they were given the wrong ballot at the polling place. If all these ballots are counted, the presidential primary may flip for Bernie rather than for Hillary in the Democratic primary race."

Lutz noted that this is not an issue in the Republican race because they have not opted to allow NPP voters to vote in their primary.

As of the end of last week in San Diego, 48,000 ballots still had to be included in the count. These last set of ballots should include "Provisional" ballots which will be tilted heavily toward Sanders. With a gap of only 24,000 votes, Sanders may win the election in this county, and perhaps even state wide if he has a 75% lead in that last batch. "If that happens, it will be quite interesting indeed," said Lutz.

Lutz filed his own case last week Pro Per, and has since hired former Asst. City Attorney Alan Geraci to fight for a clean 1% Manual Tally including all votes cast. The San Diego Registrar of Voters, Michael Vu, said he was not intending to include Vote-By-Mail (VBM) ballots processed after election night nor any provisional ballots in the state-mandated audit process, excluding more than one-third of

the ballots. "They have had a habit of short-cutting this audit procedure for years. It is time to follow the law and include all ballots cast in the universe of ballots to be sampled in the procedure," Lutz said.

San Francisco Bay Area civil rights attorney William M. Simpich will announce the filing of a new lawsuit designed to ensure that all California primary votes are counted despite the provisional ballot confusion. "This provisional ballot situation is a mess that could have been avoided. At this point we want to make sure every vote is correctly counted even if the voters happened to use the wrong ballot type," Simpich said.

The public is invited to attend the press conference to promote that every vote should be counted.

According to a schedule agreed to last week, the 1% Manual Tally case will be heard on July 6, 2016 at 1:30 pm in San Diego Superior Court, 220 West Broadway, Department C-73 (West Annex, 6th floor). The public is invited to attend.

Please note: There is a slight chance that this hearing may have to change due to the fact that the San Diego Registrar may try to jump the gun and certify the election prior to counting all the votes and prior to fully complying with the law regarding the 1% manual tally. It brings up an interesting question: Is the election certified even if the Registrar does not comply with election law? Because of this issue, there is a slight chance the hearing may occur earlier. The final deadline for certifying the election by the county is July 7.

CONTACT:

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