

NOV 21 2011

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10 CHARLES L. HOOPER, KATHERINE TANAKA, C. T. WEBER, CAT WOODS,
11 GREEN PARTY OF ALAMEDA COUNTY, LIBERTARIAN PARTY OF CALIFORNIA,
12 and PEACE AND FREEDOM PARTY OF CALIFORNIA

13 SUPERIOR COURT FOR THE STATE OF CALIFORNIA

14 COUNTY OF ALAMEDA

15 MICHAEL RUBIN, MANJA ARGUE,
16 STEVE COLLETT, MARSHA FEINLAND,
17 CHARLES L. HOOPER, KATHERINE
18 TANAKA, C. T. WEBER, CAT WOODS,
19 GREEN PARTY OF ALAMEDA COUNTY,
20 LIBERTARIAN PARTY OF CALIFORNIA,
21 and PEACE AND FREEDOM PARTY OF
22 CALIFORNIA,

23 Plaintiffs,

24 v.

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

27 Defendant.

28 Case No. **RG11605301**

**VERIFIED COMPLAINT FOR
DECLARATORY, INJUNCTIVE,
AND OTHER RELIEF**

29 Plaintiffs MICHAEL RUBIN, MANJA ARGUE, STEVE COLLETT, MARSHA
30 FEINLAND, CHARLES L. HOOPER, KATHERINE TANAKA, C. T. WEBER, CAT
31 WOODS, GREEN PARTY OF ALAMEDA COUNTY, LIBERTARIAN PARTY OF

1 CALIFORNIA, and PEACE AND FREEDOM PARTY OF CALIFORNIA complain of
2 defendant DEBRA BOWEN, SECRETARY OF STATE OF CALIFORNIA, and allege:

3
4 **PRELIMINARY STATEMENT**

5 1. The Supreme Court has declared, "The right to vote freely for the candidate of
6 one's choice is of the essence of a democratic society, and any restrictions on that right
7 strike at the heart of representative government." *Reynolds v. Sims* (1964) 377 U.S.
8 533, 555. Unfortunately, in June 2010 California voters approved Proposition 14, an
9 electoral scheme which prevents general election voters from selecting their candidate
10 of choice. Under Proposition 14, voters in a general election may select from only two
11 candidates for most political offices. Because Prop. 14 effectively denies voters their
12 fundamental right of choice by precluding small party candidates from the general
13 election ballot, the Act violates the rights of voters under the First and Fourteenth
14 Amendments of the U.S. Constitution and should be overturned.

15
16 2. To protect voters' fundamental right of choice, election officials are required to
17 grant access to the general election ballot to small political parties. *See Munro v.*
18 *Socialist Workers Party* (1986) 479 U.S. 189, 193. Although states may condition a
19 small party's access to the general election ballot upon a showing of a "modicum of
20 support," the threshold may not exceed five percent of the electorate. *Jenness v.*
21 *Fortson* (1971) 403 U.S. 431 (upholding a five percent requirement); *Lee v. Keith* (7th
22 Cir. 2006) 463 F.3d 761 (rejecting a ten percent threshold); *Socialist Labor Party v.*
23 *Rhodes* (S.D. Ohio 1970) 318 F.Supp. 1262 (rejecting a seven percent threshold). Under
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1 Prop. 14, however, defendant Bowen can deny ballot access to candidates who receive as
2 much as 33 percent of the votes cast.¹

3 3. By limiting access to the general election ballot, Prop. 14 effectively bars small
4 political parties, their candidates, and their members from effective political
5 association, precisely at the moment when the highest number of voters are engaged in
6 the electoral process. Thus, like other unconstitutional electoral schema, Prop. 14
7 “denies the disaffected not only a choice of leadership but a choice on the issues as
8 well.” *See Anderson v. Celebrezze* (1983) 460 U.S. 780, 792; *Williams v. Rhodes* (1968)
9 393 U.S. 23, 33. Because Prop. 14 severely burdens voter, candidate, and party
10 associational rights, and because Prop. 14 fails to fulfill any compelling or even
11 significant state interest, Prop. 14 violates voters’ rights under the First and Fourteenth
12 Amendments of the U.S. Constitution and Article I, §§ 2 and 3 of the California
13 Constitution.

14 4. The Supreme Court of the United States has consistently upheld the principle
15 that, “States may not use election regulations to undercut political parties’ freedoms of
16 speech or association.” *U.S. Term Limits, Inc. v. Thornton* (1995) 514 U.S. 779, 833-
17 834. But today, as a result of the passage of Prop. 14, defendant Bowen permits
18 candidates for various state and federal offices to self-designate a “preferred” political
19 party on the electoral ballot, without such party’s approval. Cal. Const. Art. II. §§ 5, 6.
20 Thus, individual candidates are allowed to “appropriate the parties’ trademarks . . . at
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¹ This calculation is based upon a hypothetical scenario, in which three candidates run
for a particular office. Under Prop. 14, if Candidate A receives 33.5 percent of the votes
cast in a primary election, and Candidate B receives 33.5 percent of the votes cast,
Candidate C could receive 33 percent of the votes cast and still not advance to the
general election.

1 the most crucial stage of election, thereby distorting the parties' messages and
2 impairing their endorsement of candidates." See *Washington State Grange v.*
3 *Washington State Republican Party* (2008) 552 U.S. 442, 471 (Scalia, J., dissenting).
4 As the majority of the U.S. Supreme Court declared in *California Democratic Party v.*
5 *Jones* (2000) 530 U.S. 567:

7 [A] corollary of the right to associate is the right not to associate. Freedom of
8 association would prove an empty guarantee if associations could not limit
9 control over their decisions to those who share the interests and persuasions that
10 underlie the association's being. . . . In no area is the political association's right
11 to exclude more important than in the process of selecting its nominee. *Jones,*
12 *supra*, 530 U.S. at 574-575 (citations omitted).

13 By implementing an electoral process that associates the labels of political parties with
14 individual candidates—without the consent of the political party or a concurrent
15 opportunity to respond—defendant violates those parties' rights of expression and
16 association as guaranteed by the First Amendment of the United States Constitution
17 and Article I, §§ 2 and 3 of the California Constitution.

18 5. Furthermore, because Prop. 14 altered the manner of electing U.S. Senators and
19 Representatives in a way that disadvantages smaller political parties and grants further
20 advantage to the two major political parties and their candidates, its implementation
21 has violated the rights of plaintiffs Green Party of Alameda County, Libertarian Party of
22 California, and Peace and Freedom Party of California as established by the Elections
23 Clause. See, *Cook v. Gralike* (2001) 531 U.S. 510, 523. As the Supreme Court declared,
24 "The Framers intended the Elections Clause to create procedural regulations, not to
25 provide States with license to exclude classes of candidates from federal office." *U.S.*
26 *Term Limits, supra*, 514 U.S. at 822-23.
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1 6. For these reasons, plaintiffs ask this court to enjoin, preliminarily and
2 permanently, all enforcement of Prop. 14 and any other California statutes that permit
3 the abridgment of voter and political party rights of association and expression and that
4 unconstitutionally alter the manner of electing Members of Congress and United States
5 Senators.
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7 JURISDICTION AND VENUE

8 7. Plaintiffs' claims for injunctive and declaratory relief arise under the First and
9 Fourteenth Amendments to the United States Constitution, the Elections Clause of the
10 U.S. Constitution, and Article I, sections 2 and 3 of the California Constitution. The
11 Court's jurisdiction is invoked under Code of Civil Procedure §§ 410.10, 526, and 1060
12 and 42 United States Code § 1983.
13

14 8. Venue is proper in Alameda County. The present action is brought against a
15 state officer, Secretary of State Debra Bowen, based upon acts done by virtue of her
16 office. Cal. Civ. Proc. § 393(b). See also, *California State Parks Found. v. Superior Ct.*
17 (App. 4 Dist. 2007) 150 Cal.App.4th 826, 835. Plaintiffs Michael Rubin, Manja Argue,
18 Marsha Feinland, and Katherine Tanaka reside in Alameda County and frequently
19 support small party candidates for office. Plaintiffs Green Party of Alameda County,
20 Libertarian Party of California, and Peace and Freedom Party of California conduct
21 political activities within Alameda County. Plaintiff Feinland intends to be a candidate
22 for United States Senate representing the State of California, and will conduct campaign
23 activities within Alameda County.
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26 PARTIES

27 9. Plaintiff MICHAEL RUBIN is a resident of Oakland, California, and a member of
28 the Green Party of California and the Green Party of Alameda County. Mr. Rubin is also

1 a member of the State Coordinating Committee of the California Green Party and is an
2 alternate member of the Green Party USA, representing California. He is a regular voter
3 and supporter of Green Party candidates.

4 10. Plaintiff MANJA ARGUE is a resident of Oakland, California. Ms. Argue is a
5 member of the California Democratic Party. She is a regular voter. Historically, when
6 Ms. Argue votes in a general election, she has reviewed the statements of candidacy of
7 members of her party as well as the statements of candidates of other political parties.

8 11. Plaintiff STEVE COLLETT is a resident of Venice, California. Mr. Collett is a
9 member of the Libertarian Party of California. He is a regular voter and supporter of
10 Libertarian Party candidates. In 2012, Mr. Collett intends to run for the United States
11 Congress, 33rd Congressional District, as a candidate of the Libertarian Party.

12 12. Plaintiff MARSHA FEINLAND is a resident of Berkeley, California. Ms. Feinland
13 is a member of the Peace and Freedom Party of California. She is a regular voter and
14 supporter of Peace and Freedom Party candidates. In 2012, Ms. Feinland intends to run
15 for the United States Senate as a candidate of the Peace and Freedom Party.

16 13. Plaintiff CHARLES L. HOOPER is a resident of Grass Valley, California. Mr.
17 Hooper is a member of the Libertarian Party of California. He is a regular voter and
18 supporter of Libertarian Party candidates. In 2012, Mr. Hooper intends to run for the
19 California Assembly, District 1, as a candidate of the Libertarian Party.

20 14. Plaintiff KATHERINE TANAKA is a resident of Oakland, California. Ms. Tanaka
21 is a member of the Green Party of California and the Green Party of Alameda County.
22 She is a regular voter and supporter of Green Party candidates.

23 15. Plaintiff C. T. WEBER is a resident of Sacramento, California. Mr. Weber is a
24 member of the Peace and Freedom Party of California and serves as State Chairperson
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1 for the Party. He is a regular voter and supporter of Peace and Freedom Party
2 candidates. He intends to be a candidate for the California State Assembly, District 9, in
3 2012.

4 16. Plaintiff CAT WOODS is a resident of Novato, California. Ms. Woods is a
5 member of the Peace and Freedom Party of California. She is a regular voter and
6 supporter of Peace and Freedom Party candidates.

7 17. Plaintiff GREEN PARTY OF ALAMEDA COUNTY (GPAC) is a geographic
8 division of the Green Party of California, which is a qualified political party under the
9 California Elections Code. Membership in the GPAC is coincident with current
10 registration as a member of the California Green Party and residence in Alameda
11 County. In anticipation of the 2012 state and federal elections, the GPAC will undertake
12 a process to identify and select candidates who will become the official endorsed
13 candidates of the GPAC.

14 18. Plaintiff LIBERTARIAN PARTY OF CALIFORNIA is a statewide political party
15 that has qualified for the ballot in 2012. In anticipation of the 2012 state and federal
16 elections, the Libertarian Party will undertake a process to identify and select
17 candidates who will become its official endorsed candidates.

18 19. Plaintiff PEACE AND FREEDOM PARTY OF CALIFORNIA is a statewide
19 political party that has qualified for the ballot in 2012. In anticipation of the 2012 state
20 and federal elections, the Peace and Freedom Party will undertake a process to identify
21 and select candidates who will become its official endorsed candidates.

22 20. Defendant DEBRA BOWEN is Secretary of State of California. In her official
23 capacity, Secretary Bowen is responsible for administering elections in the State of
24 California.

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STATEMENT OF FACTS

21. On June 8, 2010, California voters approved Proposition 14, labeled as the “Top Two Candidates Open Primaries Act.” The Act, also known as “Prop. 14,” took effect in California on January 1, 2011.

22. Prop. 14 led to amendments to the California Constitution which require that candidates for various state and federal offices run in a single primary election open to all registered voters, with only the top two vote-getters meeting in the general election. As the revised Constitution states:

A voter-nomination primary election shall be conducted to select the candidates for congressional and state elective offices in California. All voters may vote at a voter-nominated primary election for any candidate for congressional and state elective office without regard to the political party preference disclosed by the candidate or the voter, provided that the voter is otherwise qualified to vote for candidates for the office in question. The candidates who are the top two vote-getters at a voter-nominated primary election for a congressional or state elective office shall, regardless of party preference, compete in the ensuing general election. Cal. Const. Art. II, § 5(a).

23. When the California Legislature proposed Prop. 14 as a constitutional amendment, the declared purpose was “to protect and preserve the right of every Californian to vote for the candidate of his or her choice.” Cal. Const. Art. II, §6 (historical notes).

24. On information and belief, the actual intent of the Prop. 14 initiators was to narrow the field of candidates available to voters during a general election and thus cause voters to elect more “moderate” political representatives.

25. On information and belief, the actual result of Prop. 14 has been to deny California voters the ability to vote for small party candidates during a general election.

1 By the same token, small political parties and candidates from small political parties are
2 denied the ability to reach voters during the general election.

3 26. One of the principal mechanisms of Prop. 14 is that registered voters from
4 individual political parties—as well as the parties themselves—are now prohibited from
5 nominating their party’s candidate via a primary election. Voters are even prohibited
6 from declaring their party membership upon registration. Cal. Elec. § 2150.

7
8 27. At the same time, Prop. 14 permits political candidates to designate a “preferred”
9 political party. The political parties themselves have no ability to regulate who
10 designates their party as “preferred.” As the revised Constitution reads:

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12 [A] candidate for a congressional or state elective office may have his or
13 her political party preference, or lack of political party preference,
14 indicated upon the ballot for the office in the manner provided by statute.
15 A political party or party central committee shall not nominate a candidate
16 for any congressional or state elective office at the voter-nominated
17 primary. . . . A political party or party central committee shall not have the
18 right to have its preferred candidate participate in the general election for
19 a voter-nominated office other than a candidate who is one of the two
20 highest vote-getters at the primary election, as provided in subdivision (a).
21 Cal. Const. Art. II, § 5(b).

22 28. Prop. 14 permits multiple candidates for a single political office to designate the
23 same political party as their “preferred” party. This statement of party connection
24 constitutes the sole information listed next to candidate names on the ballot.

25 29. Thus, on the face of the ballot, voters are not able to distinguish between
26 candidates who are the official standard-bearers of a political party and those who may
27 not actually represent a party’s interests. The political parties themselves are precluded
28 from using the ballot to reject the claimed association – or to identify the genuine
candidate of their choice.

1 30. The revised Election Code implemented by defendant Bowen reinforces the false
2 impression that candidates represent a particular political party by requiring that, on
3 the face of the electoral ballot, all candidates that declare the same party "preference"
4 must be grouped together. Cal. Elec. § 19301.
5

6 31. As one Supreme Court Justice has written of a similar statute implemented in
7 Washington State, "This does not merely place the ballot off limits for party building; it
8 makes the ballot an instrument by which party building is impeded, permitting
9 unrebutted associations that the party does not itself approve." *Washington State*
10 *Grange, supra*, 552 U.S. at 464 (Scalia, J., dissenting). "[T]hrusting an unwelcome,
11 self-proclaimed association upon the party on the election ballot itself is amply
12 destructive of the party's associational rights." *Id.* at 466. "Not only is the party's
13 message distorted, but its goodwill is hijacked." *Id.*
14

15 32. For parties such as plaintiffs Peace and Freedom Party of California, Libertarian
16 Party of California, and Green Party of Alameda County, the potential for dilution of the
17 party's "brand" or identity is even more pernicious, as the parties already possess
18 relatively limited membership and face potential elimination from the ballot if their
19 support diminishes.
20

21 33. Also as a result of Prop. 14, candidates representing minor political parties are,
22 *de facto*, precluded from consideration on the general election ballot. *See* Cal. Const.
23 Art. II, § 5(b).
24

25 34. Prior to defendant's implementation of Prop. 14, a political party could expect its
26 candidates to appear on a general election ballot so long as it either (1) obtained total
27 registrations equal to one percent of the total vote in the state at the most recent
28 gubernatorial election or (2) polled two percent in any statewide race during the

1 previous gubernatorial election. Cal. Elec. §§ 5100 *et seq.* Now, a party's candidate
2 could conceivably poll as high as 33 percent in the primary election and still fail to
3 appear on the general election ballot.

4
5 35. As the Supreme Court has declared:

6 The right to vote is 'heavily burdened' if that vote may be cast only for
7 major-party candidates. The exclusion of candidates also burdens voters'
8 freedom of association, because an election campaign is an effective
9 platform for the expression of views on the issues of the day, and a
candidate serves as a rallying-point for like-minded citizens. *Anderson v.*
Celebreeze (1983) 460 U.S. 780, 787-788.

10 36. Because the California general election ballot is the moment of peak participation
11 by voters, media, and the candidates themselves, Prop. 14 operates to preclude voters
12 from minor political parties from effective civic engagement at the most important stage
13 of the electoral process.

14
15 37. Similarly, the parties themselves are precluded from reaching the populace at the
16 height of the voters' engagement, the general election. Because of this preclusion,
17 parties are denied the opportunity to garner two percent of votes for a particular
18 statewide office, which is one of two ways that a political party can qualify for a
19 subsequent ballot. *See* Cal. Elec. §§ 5100 *et seq.* The result is that small political parties
20 suffer from an increased burden in their quest to qualify for subsequent ballots.

21
22 38. On information and belief, the State of California does not possess regulatory
23 interests that are sufficiently compelling to justify Prop. 14's intrusion on voter,
24 candidate, and small party rights.

25
26 39. Since the implementation of Prop. 14 on January 1, 2011, California voters who
27 support small political parties, including the individual plaintiffs in this action, have
28 suffered a "chilling effect" on their rights of political association. On information and

1 belief, because candidates of minor political parties no longer have a realistic chance to
2 appear on a general election ballot, fewer individuals have undertaken political
3 campaigns on behalf of the small parties, and the small parties themselves suffer a
4 threat of diminution or even destruction. As a result, the small party voter plaintiffs
5 suffer a substantially diminished ability to effectively participate in the electoral process
6 as members of small political parties.
7

8 40. In addition, since Prop. 14's implementation, California voters from major
9 parties, including plaintiff Manja Argue, have suffered and will suffer from a marked
10 decrease in candidate viewpoints on general election ballots. Voters such as Ms. Argue
11 no longer have the opportunity to review candidate statements from small political
12 parties and are denied a free and full exchange of ideas in connection with the electoral
13 issues to be decided.
14

15 41. Also since January 1, 2011, small political parties in California—including party
16 plaintiffs Green Party of Alameda County, Libertarian Party of California, and Peace and
17 Freedom Party of California—have suffered a chilling effect on their rights of
18 association. On information and belief, California voters who participate in primary
19 elections are likely confused when they attempt to determine whether a particular
20 candidate is endorsed by a particular political party, due to the Prop. 14 changes which
21 permit a candidate to self-designate a “preferred” party. As a result, the small party
22 plaintiffs are subject to a deprivation of their rights of association.
23
24

25 42. If defendant's implementation of Prop. 14 is not enjoined, plaintiffs will continue
26 to suffer deprivations of their constitutional rights under the United States and
27 California Constitutions. The declaratory and injunctive relief sought by plaintiffs, on
28 the other hand, will end an electoral scheme that actively deprives small party voters,

1 small party candidates, and the small parties themselves of established rights of
2 political association.

3 **FIRST CLAIM FOR RELIEF: BALLOT ACCESS**
4 (United States Constitution, Amendments 1 and 14;
5 California Constitution, Article 1, sections 2 and 3)

6 43. Plaintiffs reallege and fully incorporate herein paragraphs 1 through 42, above.

7 44. By virtue of the foregoing, Prop. 14 precludes small party voters, small party
8 candidates, and the small parties themselves from participation in California's general
9 elections. Specifically, plaintiff small party voters Rubin, Collett, Feinland, Hooper,
10 Tanaka, Weber, and Woods are precluded from supporting their candidates of choice.
11 Plaintiff small party candidates Collett, Feinland, Hooper, and Weber are denied the
12 ability to communicate their message to general election voters. And plaintiff small
13 parties Green Party of Alameda County, Libertarian Party of California, and Peace and
14 Freedom Party of California are denied the ability to reach general election voters.
15

16 45. Given that the general elections represent the moment of peak public
17 participation in the electoral process, Prop. 14 "denies the disaffected not only a choice
18 of leadership but a choice on the issues as well." *See Anderson v. Celebrezze* (1983) 460
19 U.S 780, 792; *Williams v. Rhodes* (1968) 393 U.S. 23, 33. Because Prop. 14 severely
20 burdens voter, candidate, and party rights without fulfilling a compelling or even
21 significant state interest, it should be declared unconstitutional under the First and
22 Fourteenth Amendments to the U.S. Constitution, and Article 1, sections 2 and 3 of the
23 California Constitution.
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1 **SECOND CLAIM FOR RELIEF: VIOLATION OF RIGHTS**
2 **TO FREEDOM OF SPEECH AND ASSOCIATION**

3 (United States Constitution, Amendments 1 and 14;
4 California Constitution, Article 1, sections 2 and 3)

4 46. Plaintiffs reallege and fully incorporate herein paragraphs 1 through 45, above.

5 47. By virtue of the foregoing, as a result of the passage of Proposition 14 in June
6 2010, the State of California permits candidates for various state and federal offices to
7 self-designate a “preferred” political party on the electoral ballot, without such party’s
8 approval. Individual candidates are allowed to “appropriate the parties’ trademarks . . .
9 at the most crucial stage of election, thereby distorting the parties’ messages and
10 impairing their endorsement of candidates.” *See Washington State Grange, supra*, 552
11 U.S. at 471 (Scalia, J., dissenting). Defendant’s treatment of political parties under
12 Prop. 14 has a chilling effect on those parties’ rights of expression and association as
13 guaranteed by the First Amendment of the United States Constitution and Article 1,
14 sections 2 and 3 of the California Constitution. *See Citizens United v. Federal Elections*
15 *Com’n* (2010) 130 S.Ct. 876, 895 (“As additional rules are created for regulating political
16 speech, any speech arguably within their reach is chilled”).
17
18

19 **THIRD CLAIM FOR RELIEF: ELECTIONS CLAUSE**

20 (United States Constitution, Elections Clause)

21 48. Plaintiffs reallege and fully incorporate herein paragraphs 1 through 47, above.

22 49. As described by the Supreme Court of the United States:

23 [T]he Framers understood the Elections Clause as a grant of authority to
24 issue procedural regulations, and not as a source of power to dictate
25 electoral outcomes, to favor or disfavor a class of candidates, or to evade
26 important constitutional restraints. *Cook v. Gralike* (2001) 531 U.S. 510,
27 523.

28 50. By virtue of the foregoing, defendant has violated the rights of small parties and
small party candidates under the Elections Clause of the United States Constitution by

1 implementing an elections policy that disadvantages smaller political parties and grants
2 further advantage to wealthy parties and candidates. Specifically, Prop. 14
3 unconstitutionally precludes small party candidates for federal office—including
4 plaintiffs Feinland and Collett—from participating in the moments of greatest public
5 interest in the electoral process, the general elections.
6

7 **IRREPARABLE INJURY**

8 51. Plaintiffs are now severely and irreparably injured by Prop. 14, a state law that
9 violates the First Amendment and the Elections Clause of the United States Constitution
10 as well as Article 1, sections 2 and 3 of the California Constitution. Plaintiff small party
11 voters Rubin, Collett, Feinland, Hooper, Tanaka, Weber, and Woods are denied the
12 ability to effectively participate as members of their respective political parties. Plaintiff
13 small party candidates Collett, Feinland, Hooper, and Weber are denied the ability to
14 communicate their message to general election voters. And plaintiffs Green Party of
15 Alameda County, Libertarian Party of California, and Peace and Freedom Party of
16 California are denied the ability to disassociate themselves from political candidates
17 who make false claims of political association on the very ballot itself. Plaintiffs' injuries
18 will be redressed only if this Court declares Prop. 14 unconstitutional and enjoins
19 defendant Bowen from enforcing it.
20
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22 52. An actual and judicially cognizable controversy exists between plaintiffs and
23 defendant regarding whether Prop. 14 violates the First Amendment and the Elections
24 Clause of the United States Constitution and Article 1, sections 2 and 3 of the California
25 Constitution. Defendant is presently enforcing this state law to the detriment of
26 plaintiffs.
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1 a "preferred" political party on the electoral ballot, without such party's
2 approval.

- 3
4 2. Injunctive relief including a preliminary injunction and a permanent injunction
5 against defendant Bowen enjoining enforcement of Prop. 14 in whole or in part;
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7 3. Attorneys' fees;
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9 4. Costs of suit; and
10
11 5. Such other and further relief as the Court may deem proper.

12 Dated: November 18, 2011

13 SIEGEL & YEE

14 By 

15 Dan Siegel
16 Michael Siegel

17 Attorneys for Plaintiffs
18 MICHAEL RUBIN, MANJA ARGUE, STEVE
19 COLLETT, MARSHA FEINLAND, CHARLES
20 L. HOOPER, KATHERINE TANAKA, C. T.
21 WEBER, CAT WOODS, GREEN PARTY OF
22 ALAMEDA COUNTY, LIBERTARIAN PARTY
23 OF CALIFORNIA, and PEACE AND
24 FREEDOM PARTY OF CALIFORNIA
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VERIFICATION

I, MICHAEL RUBIN, declare as follows:

I am a plaintiff in this action. I have read the foregoing Verified Complaint for Declaratory, Injunctive, and Other Relief and know the contents thereof. The same is true of my personal knowledge except where stated on information and belief and, as to such matters, I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 18, at Oakland, California.


Michael Rubin