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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 RAYMOND LUTZ,

12 Plaintiff,

13 v.

14 MICHAEL VU, San Diego County Registrar
of Voters, HELEN N. ROBBINS-MEYER,
15 San Diego County Chief Administrative
Officer, SAN DIEGO COUNTY, a
16 Municipality

17 Defendant.
18
19

No. 37-2016-00020273-CL-MC-CTL
Action Filed: June 18, 2016

**DECLARATION OF GAIL PELLERIN IN
SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFF'S MOTION
FOR INJUNCTIVE RELIEF**

IMAGED FILE

Date: July 6, 2016
Time: 1:30PM
Dept.: C-73
ICJ: Hon. Joel Wohlfell

20 I, Gail Pellerin, declare as follows:

21 1. I make this declaration based on my own personal belief and if called upon to
22 testify herein, I could and would competently testify to the following facts:

23 2. I have been employed with the County of Santa Cruz since July 1993.

24 3. I am currently employed by the County of Santa Cruz as the County Clerk. I have
25 held my current position since July 2004.

26 4. As County Clerk of the County of Santa Cruz, I oversee the administration of all
27 federal, state and local elections for the County.

28 5. I am familiar with policies and practices of the County of Santa Cruz Elections

1 Department regarding the handling, processing, and tabulation of ballots both before and after
2 an election and with those practices regarding the completion of the 1 percent manual tally
3 required by Elections Code § 15360.

4 6. The County of Santa Cruz conducts the 1 percent manual tally pursuant to
5 Elections Code § 15360(a)(1).

6 7. The County of Santa Cruz conducts its random draw for purposes of its 1 percent
7 manual tally on the Thursday following the election.

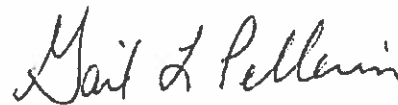
8 8. The County of Santa Cruz does not include provisional ballots in the 1 percent
9 manual tally.

10 9. The County of Santa Cruz does include vote-by-mail (VBM) ballots counted
11 Election Night in the 1 percent manual tally. The County of Santa Cruz does not include VBM
12 ballots that have yet to be processed and added into the official election results.

13 10. If the Elections Department was required to include all VBM ballots and all
14 provisional ballots in the 1 percent manual tally, it would be very difficult, if not impossible, for
15 the Department to complete the canvass of the election results and certify the election within the
16 28-day certification period required for presidential elections.

17
18 Executed this 29th day of June, 2016, at Santa Cruz, California.

19 I declare under penalty of perjury that the foregoing is true and correct.

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21 _____
22 Gail Pellerin
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