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6 Attorneys for Defendants

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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.

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

) **DECLARATION OF JOSEPH E.
CANCIAMILLA 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

19
20 I, Joseph E. Canciamilla, declare as follows:

21 1. I make this declaration based on my own personal belief, except for matters set
22 forth on information and belief, and as to those matters I believe them to be true, and if called
23 upon to testify herein, I could and would competently testify to the following facts:

24 2. I have been employed with the County of Contra Costa since April 1, 2013.

25 3. I am currently employed by the County of Contra Costa as the County Clerk-
26 Recorder-Registrar of Voters. I have held my current position since April 1, 2013.

27 4. As the County Clerk- Recorder-Registrar of Voters for the County of Contra Costa
28 I oversee the administration of all federal, state and local elections for the County.

**DECLARATION OF JOSEPH E. CANCIAMILLA IN SUPPORT OF DEFENDANTS' OPPOSITION TO
PLAINTIFF'S MOTION FOR INJUNCTIVE RELIEF**

1 5. I am familiar with policies and practices of the County of Contra Costa regarding
2 the handling, processing, and tabulation of ballots both before and after an election and with
3 those practices regarding the completion of the 1% percent manual tally required by Elections
4 Code § 15360.

5 6. The County of Contra Costa conducts the 1 percent manual tally pursuant to
6 Elections Code § 15360(a)(2).

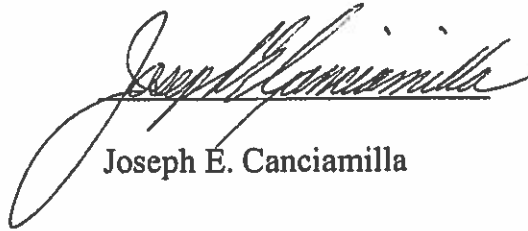
7 7. The only purpose of the 1% manual tally is to verify that there was no
8 programming, mechanical or operator errors which caused a discrepancy between the machine
9 count and the manual count. The term 1% implies that a sampling technique is sufficient for
10 making this determination otherwise it would require that 100% of the ballots be manually
11 recounted.

12 8. The County of Contra Costa does not include provisional ballots in the sample
13 selected for the 1 percent manual tally. If provisional ballots were included in the 1 percent
14 manual tally, it would be very difficult, if not impossible, for the Elections Office to complete
15 the official canvass of the election results and certify the election within the 30-day certification
16 period. This is because, to combat voter fraud, provisional ballots cannot be reviewed,
17 processed and counted until all of the vote by mail (“VBM”) ballots have been processed and
18 counted. Each VBM ballot envelope and provisional ballot envelope must be manually
19 reviewed by my staff. VBM envelopes must be signature checked before ballots are extracted
20 and added to the count. Provisional ballot envelopes are not only signature checked but
21 additional voter information provided on the envelope must also be verified. Due to the time
22 intensive nature of this manual review and the fact that all VBM ballots will not have been
23 received by my office as of date of the election, the processing and tabulation of the provisional
24 and VBM ballots often continues well into the 30 day certification period.

25 9. When selecting VBM ballots to be included in the 1 percent manual tally, the
26 Elections Office randomly selects 1 percent of the VBM ballots based on the semi-official
27 election results the day after the election for the same reasons as pertain to the processing of
28 Provisional Ballots.

1 Executed this 30th day of June, 2016, at Martinez, California.

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

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5 Joseph E. Canciamilla
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