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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,) No. 37-2016-00020273-CL-MC-CTL
12 Plaintiff,) Action Filed: June 18, 2016
13 v.) **DECLARATION OF JILL LAVINE IN**
14 MICHAEL VU, San Diego County Registrar) **SUPPORT OF DEFENDANTS'**
of Voters, HELEN N. ROBBINS-MEYER,) **OPPOSITION TO PLAINTIFF'S**
15 San Diego County Chief Administrative) **MOTION FOR INJUNCTIVE RELIEF**
Officer, SAN DIEGO COUNTY, a) **IMAGED FILE**
16 Municipality)
17 Defendant.) Date: July 6, 2016
Time: 1:30PM
ICJ: Hon. Joel Wohlfell

18
19 I, Jill LaVine, declare as follows:

- 20 1. I make this declaration based on my own personal belief and if called upon to
21 testify herein, I could and would competently testify to the following facts:
- 22 2. I have been employed with the County of Sacramento since 1987.
- 23 3. I am currently employed by the County of Sacramento as the Registrar of Voters.
24 I have held my current position since August 3, 2003.
- 25 4. As the Registrar of Voters of the County of Sacramento I oversee the
26 administration of all federal, state and local elections for the County.
- 27 5. I am familiar with policies and practices of the County of Sacramento regarding
28 the handling, processing, and tabulation of ballots both before and after an election and with

1 those practices regarding the completion of the 1 percent manual tally required by Elections
2 Code § 15360.

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

5 7. The County of Sacramento conducted its random draw for purposes of its 1
6 percent manual tally on June 6, 2016, the day before the June Presidential Primary Election.

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

20 9. When selecting VBM ballots to be included in the 1 percent manual tally, the
21 Registrar's office randomly selects 1 percent of the VBM ballots based on the semifinal official
22 election results the day after the election. The County of Sacramento does not include VBM
23 ballots that have yet to be processed and added into the official election results, because, again,
24 the processing and tabulation of the VBM ballots not included in the semifinal official election
25 results takes most of the 30 day certification period to complete. If our office was required to
26 wait to include all VBM ballots in the 1 percent manual tally, it would be very difficult, if not
27 impossible, for the Registrar's office to complete the canvass of the election results and certify
28 the election within the 30-day certification period.

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Executed this 28 day of June, 2016, at Sacramento, California.

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



Jill LaVine