

1 THOMAS E. MONTGOMERY, County Counsel
County of San Diego
2 By TIMOTHY M. BARRY, Chief Deputy (State Bar No. 89019)
1600 Pacific Highway, Room 355
3 San Diego, CA 92101-2469
Telephone: (619) 531-6259
4 E-mail: timothy.barry@sdcounty.ca.gov
Exempt From Filing Fees (Gov't Code § 6103)

5
6 Attorneys for Defendants
7

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 WILLIAM
ROUSSEAU 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, William Rousseau, 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 Sonoma since November 15, 1983.

25 3. I am currently employed by the County of Sonoma as the County Clerk- Recorder-
26 Assessor-Registrar of Voters. I have held my current position since my appointment by the
27 Sonoma County Board of Supervisors in December of 2012, and I was formally re-elected to
28 this position by the voters in on June 3, 2014.

1 4. As the Registrar of Voters of the County of Sonoma I oversee the administration
2 of all federal, state, and local elections for the County.

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

7 6. The County of Sonoma conducts the 1-percent manual tally pursuant to Elections
8 Code § 15360(a)(1).

9 7. The County of Sonoma conducts its random draw for purposes of its 1-percent
10 manual tally the not more than two days following the election. The 1-percent sample is
11 randomly generated through the County's election management system. For the most recent
12 election (the June 7 Presidential Primary), the random 1-percent manual tally draw was
13 conducted on June 9, 2016.

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

27 9. When selecting VBM ballots to be included in the 1-percent manual tally, the
28 Registrar's office randomly selects 1-percent of the VBM ballots based on the semi-official
election results not more than two days after the election. The County of Sonoma does not

1 include VBM ballots that have yet to be processed and added into the official election results,
2 because, again, the processing and tabulation of the VBM ballots not included in the semi-
3 official election results the day after the election takes most of the 30 day certification period to
4 complete. If our office was required to wait to include all VBM ballots in the 1-percent manual
5 tally, it would be very difficult, if not impossible, for the Registrar's office to complete the
6 canvass of the election results and certify the election within the 30-day period certification
7 period.

8
9 Executed this 28th day of June, 2016, at Santa Rosa, California.

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

11
12 
13 William Rousseau