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7 Attorney for Plaintiffs

8 MICHAEL CHAMNESS, DANIEL FREDERICK,
9 and RICH WILSON

10
11 IN THE UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA

13 MICHAEL CHAMNESS, DANIEL
14 FREDERICK, and RICH WILSON,

15 *Plaintiffs,*

16 vs.

17 DEBRA BOWEN, in only her
18 official capacity as California
19 Secretary of State; DEAN LOGAN,
20 in only his official capacity as
21 Registrar-Recorder / County Clerk of
22 the County of Los Angeles; and
23 DOES 1-10;

24 *Defendants.*

CASE NO. 2:11-CV-01479 ODW
(FFMx)

**DECLARATION OF MICHAEL
CHAMNESS IN SUPPORT OF
MOTION FOR SUMMARY
JUDGMENT**

HEARING DATE: June 6, 2011
HEARING TIME: 1:30 pm
JUDGE: Hon. Otis D. Wright

II
COURTROOM: II_

25 I, Michael Chamness, declare as follows:

26 1. I live and pay taxes in Los Angeles County. I am registered to vote in
27 California Congressional District 36 and Senate District 28, with the party
28 affiliation of the Coffee Party, a minor (i.e., non-state-recognized) party.

2. On February 18, 2011, I filed a Motion for Preliminary Injunction in
this proceeding. After holding a hearing on March 21, 2011, the Court denied that
Motion on March 20, 2011.

3. Today, Plaintiff Daniel Frederick, Plaintiff Rich Wilson, and I filed a

1 Motion for Summary Judgment. I filed that Motion in my capacity as a certified
2 candidate for the May 17, 2011 special primary election in Congressional District
3 36 (the "CD 36 Primary") and as a certified candidate for the February 15, 2011
4 special primary election in Senate District 28 (the "SD 28 Primary").

5 3. On or about October 28, 2010, I filed a voter-registration application
6 with Registrar Logan's office. In that application, I indicated the party affiliation of
7 the Coffee Party. A copy of that application (which has been redacted pursuant to
8 the Court's local rules) has been attached as Exhibit 1 to this Declaration.

9 4. Although I am registered to vote with the party affiliation of the
10 Coffee Party, Senate Bill 6 ("SB 6") forced me to falsely state on the SD 28
11 Primary and CD 36 Primary ballots that I had "No Party Preference".

12 5. Recently, both the California Supreme Court and the California Court
13 of Appeal (First District) denied me permission to intervene in related litigation.

14 6. On July 29, 2010, six plaintiffs (the "State Court Plaintiffs")¹ asked a
15 San Francisco Superior Court judge to grant a preliminary injunction against SB 6.
16 The judge denied their request on October 5, 2010.

17 7. Subsequently, State Court Plaintiffs sought mandamus relief from the
18 California Supreme Court, because SB 6 was poised to be implemented in three
19 special elections: in Senate District 28, Senate District 17, and Assembly District 4.

20 8. I sought to run for the vacancy in Senate District 28, as a candidate
21 affiliated with the Coffee Party. In that regard, SB 6 threatened me with imminent,
22 irreparable harm, because it would force me to falsely state on the ballot that I had
23 "No Party Preference".

24 9. To avert irreparable harm, I asked the California Supreme Court for
25 permission to intervene in State Court Plaintiffs' mandamus proceeding, in which
26

27 ¹ *Mona Field et al. v. Debra Bowen et al.* (San Francisco Superior Court No.
28 CGC-10-502018).

1 Secretary Bowen and Registrar Logan were Real Parties in Interest.² Significantly,
2 Registrar Logan (who administered the SD 28 Primary and is administering the CD
3 36 Primary) took no position with respect to my request to intervene. In contrast,
4 the Secretary Bowen opposed my request.

5 10. On December 15, 2010, the California Supreme Court denied my
6 request to intervene, along with State Court Plaintiffs' underlying petition for
7 mandamus relief.

8 11. Subsequently, I qualified for and appeared on the SD 28 and the CD
9 36 Primary ballots. Ballots for the CD 36 Primary were mailed to military and
10 overseas voters on April 2, 2011; and to vote-by-mail voters beginning April 25,
11 2011.

12 12. By forcing me to falsely state that I had "No Party Preference", SB 6
13 inflicted irreparable harm on my fundamental rights in the SD 28 Primary.

14 13. Subsequently, State Court Plaintiffs appealed the Superior Court's
15 denial of preliminary injunction to the California Court of Appeal (First District).³
16 In response, I asked the Court of Appeal for permission to intervene in that
17 proceeding, so I could bring an as-applied challenge to SB 6. Secretary Bowen and
18 Registrar Logan are Respondents in that proceeding. Once again, Registrar Logan
19 (who administered the SD 28 Primary and is administering the CD 36 Primary)
20 took no position with respect to my request to intervene, while Secretary Bowen
21 opposed my request.

22 14. On January 31, 2011, the Court of Appeal denied my request to
23 intervene. If I had been granted permission to intervene in the State Court
24 Plaintiffs' litigation, I would not have brought my claims to this Court.

25 15. On or about February 8, 2011, I learned from media reports that Jane

26 ² *Mona Field et al. v. Superior Court* (California Supreme Court No.
27 S188436).

28 ³ *Mona Field et al. v. Debra Bowen et al.* (California Court of Appeal No.
A129946).

1 Harman, who was recently re-elected by the 36th Congressional District, would
2 resign. According to media reports, her resignation took effect on February 15,
3 2011.

4 16. Subsequently, I sought to run for the vacancy in the 36th
5 Congressional District, as a candidate affiliated with the Coffee Party.

6 17. By forcing me to falsely state that I had "No Party Preference", SB 6
7 inflicted irreparable harm on my fundamental rights in the CD 36 Primary
8 beginning April 2, 2011 (the day on which ballots were mailed to military and
9 overseas voters), continuing on April 25, 2011 (the first day on which vote-by-mail
10 voters could cast ballots), through the present. I will continue to suffer irreparable
11 harm until the CD 36 Primary is held on May 17, 2011.

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I declare under penalty of perjury and the laws of the State of California that the foregoing is true and correct and are based on my personal knowledge, except for matters stated on information and belief; and, as to those matters, I believe them to be true. If called as a witness, I could competently testify thereto.

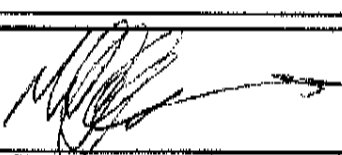
Executed on May 6, 2011, in Venice, California.

DATED: May 6, 2011

By: 
MICHAEL CHAMNESS

Voter Registration Application

Before completing this form, review the General, Application, and State specific instructions.

Are you a citizen of the United States of America? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		This space for office use only. LOS ANGELES COUNTY	
Will you be 18 years old on or before election day? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If you checked "No" in response to either of these questions, do not complete form. (Please see state-specific instructions for rules regarding eligibility to register prior to age 18.)			
1	(Circle one) Mr. Mrs. Miss Ms. chamness	Last Name	First Name michael
			Middle Name(s) todd
			(Circle one) Jr Sr II III IV
2	Home Address [REDACTED]		Apt. or Lot # [REDACTED]
	City/Town venice		State CA
	Zip Code [REDACTED]		
3	Address Where You Get Your Mail If Different From Above		City/Town
			State
			Zip Code
4	Date of Birth [REDACTED]	5	Telephone Number (optional)
	Month Day Year		
6	ID Number - (See item 6 in the instructions for your state)		
	[REDACTED]		
7	Choice of Party (see item 7 in the instructions for your State)	8	Race or Ethnic Group (see item 8 in the instructions for your State)
	Coffee Party		[REDACTED]
9	I have reviewed my state's instructions and I swear/affirm that: <ul style="list-style-type: none"> I am a United States citizen I meet the eligibility requirements of my state and subscribe to any oath required. The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be fined, imprisoned, or (if not a U.S. citizen) deported from or refused entry to the United States. 		 Please sign full name (or put mark) ▲ Date: 10 / 26 / 10 Month Day Year

If you are registering to vote for the first time: please refer to the application instructions for information on submitting copies of valid identification documents with this form.

Please fill out the sections below if they apply to you.

If this application is for a change of name, what was your name before you changed it?

A	Mr. Mrs. Miss Ms.	Last Name	First Name	Middle Name(s)	(Circle one) Jr Sr II III IV
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If you were registered before but this is the first time you are registering from the address in Box 2, what was your address where you were registered before?

B	Street (or route and box number)	Apt. or Lot #	City/Town/County	State	Zip Code
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If you live in a rural area but do not have a street number, or if you have no address, please show on the map where you live.

C	<ul style="list-style-type: none"> Write in the names of the crossroads (or streets) nearest to where you live. Draw an X to show where you live. Use a dot to show any schools, churches, stores, or other landmarks near where you live, and write the name of the landmark. 	NORTH ↑									
	<table border="1"> <tr> <td>Example</td> <td>Route #2</td> <td>Grocery Store</td> </tr> <tr> <td></td> <td></td> <td>Woodchuck Road</td> </tr> <tr> <td>Public School</td> <td></td> <td>X</td> </tr> </table>	Example	Route #2	Grocery Store			Woodchuck Road	Public School		X	
Example	Route #2	Grocery Store									
		Woodchuck Road									
Public School		X									

If the applicant is unable to sign, who helped the applicant fill out this application? Give name, address and phone number (phone number optional).

D	
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Mail this application to the address provided for your State.

Ex. 1

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