

1 GAUTAM DUTTA, ESQ. (State Bar No. 199326)  
2 39270 Paseo Padre Parkway # 206  
3 Fremont, CA 94538  
4 Telephone: 415.236.2048  
5 Email: Dutta@BusinessandElectionLaw.com  
6 Fax: 213.405.2416

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  
(FFM~~x~~)

25 **DECLARATION OF DANIEL  
26 FREDERICK IN SUPPORT OF  
27 MOTION FOR SUMMARY  
28 JUDGMENT**

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

29 I, Daniel Frederick, declare as follows:

30 1. I live and pay taxes in Sacramento County. I am registered to vote in  
31 Assembly District 4. A true and accurate copy of my voter registration card  
32 (which has been redacted pursuant to the Court's local rules) has been attached as  
33 Exhibit 1.

34 2. I am a Plaintiff in this case.

35 3. Today, Plaintiff Michael Chamness, Plaintiff Rich Wilson, and I filed  
36 a Motion for Summary Judgment.

1           4. I sought to run as a write-in candidate in the May 3, 2011 special  
2 general (runoff) election for Assembly 4 (the "AD 4 Runoff").

3           5. The special primary election for Assembly District 4 (the "AD 4  
4 Primary") was held on March 8, 2011.

5           6. If no candidate received a majority in the AD 4 Primary, a special  
6 general (runoff) election would be held on May 3, 2011 (hereinafter, the "AD 4  
7 Runoff").

8           7. By late February 2011, it appeared to me that a runoff election would  
9 be needed to fill the current vacancy in Assembly District 4.

10          8. On or about February 27, 2011, my attorney Gautam Dutta sent a letter  
11 to Secretary of State Debra Bowen on my behalf.

12          9. In that letter, Mr. Dutta asked whether I would be permitted to run as a  
13 write-in candidate in the AD 4 runoff.

14          10. In response, Secretary Bowen's Chief Counsel Lowell Finley sent a  
15 letter on or about March 2, 2011. In that letter, Mr. Finley stated that, under SB 6-  
16 amended Elections Code §8605, I could not participate in the AD 4 Runoff, unless I  
17 was one of the top two votegetters in the AD 4 Primary.

18          11. Put another way, Secretary Bowen's Chief Counsel stated that SB 6  
19 barred me from running as a write-in candidacy in the AD 4 Runoff.

20          12. On March 8, 2011, no candidate won a majority in the special primary  
21 election for Assembly District 4 – triggering the May 3, 2011 AD 4 Runoff.

22          13. Section 8601 of the Elections Code confers upon citizens the right to  
23 run for office as a write-in candidate. Had write-in candidacies been permitted for  
24 the AD 4 Runoff, citizens would have been required (under Elections Code §8601)  
25 to file required candidacy papers within 14 days of the election, in order to qualify  
26 as write-in candidates for the AD 4 Runoff.

27          14. I had been prepared to file timely papers to qualify as write-in  
28 candidate in the AD 4 Runoff. However, because Mr. Finley stated that I would be

1 barred from running as a write-in candidate, I neither requested nor filed any papers  
2 to run as a write-in candidate in the AD 4 Runoff.

3 15. Because I was barred from running as a write-in candidate in the AD  
4 4 Runoff, my fundamental right to run for public office under the First Amendment  
5 was violated.

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I declare under penalty of perjury and the laws of the United States 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 Sacramento, California.

DATED: May 6, 2011

By:   
DANIEL FREDERICK

CERTIFICATION

STATE OF CALIFORNIA }  
COUNTY OF SACRAMENTO } SS.

I, Jill LaVine, Registrar of Voters for the County of Sacramento, and keeper of the records and files thereof, do hereby certify that the following is a true and correct certification of the registration record of:

VOTER INFORMATION

Daniel Dale Frederick  
Address: [Redacted] Sacramento, CA [Redacted]  
Township: [Redacted]  
Precinct: [Redacted]  
Birth Date: [Redacted] Peace And Freedom  
Party: [Redacted]  
Voter Status: Active  
Most Recent Date Registered: 05/15/2008  
Original Date Registered: 11/16/2005

ELECTION INFORMATION - Most recent displayed -

Total Elections Voted: 7  
11/02/2010 2010 Consolidated General Election 11/07/2008 2008 General Election  
06/08/2010 2010 Statewide Direct Primary Peace And Freedom  
05/19/2009 2009 Statewide Special Election  
11/04/2008 2008 November General Election  
06/03/2008 2008 Statewide Direct Primary Election Peace And Freedom  
02/05/2008 Presidential Preference Green Primary Feb 2008

Facsimile Signature of Voter



EX-1

I do hereby certify the above to be a true and accurate copy of records on file in the office of the Sacramento County Registrar of Voters. Certification is not valid unless the seal of Sacramento County, California is affixed.

  
4/9/11  
Date

County of Sacramento  
Deputy Registrar