

GAUTAM DUTTA, Attorney-at-Law

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November 17, 2011

Molly Dwyer, Clerk of the Court  
U.S. Court of Appeals for the Ninth Circuit  
P.O. Box 193939  
San Francisco, CA 94119-3939

Re: *Chamness v. Bowen* (Case No. 11-56449)  
*Relevant California Election Deadline*

Dear Ms. Dwyer:

Our office represents Plaintiffs in the case captioned above. Yesterday, the Court re-affirmed the briefing schedule for Plaintiffs' appeal. In so doing, the Court took judicial notice of the 2012 California election calendar (attached as Exhibit 1).<sup>1</sup>

As the Court considers an appropriate date on which to calendar this case, Plaintiffs wish to call its attention to a relevant election deadline. Namely, no later than **March 29, 2012**, the Secretary of State must send a final, certified list of federal and state candidates to voting officials in all 58 counties, along with the *ballot label* ("party preference") that must appear next to each candidate's name.<sup>2</sup>

The Secretary of State has told the Court that she will abide by its ruling.<sup>3</sup> Thus, if the Court rules that minor-party candidates may not be banned from using the ballot label of "Independent", the Court can assume that the Secretary of State will allow them to use that ballot label *in the 2012 statewide election*.

Thank you for your time and attention.

Sincerely,

/s/

Gautam Dutta, Esq.

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<sup>1</sup> Court's Nov. 16, 2011 Order, Dkt. No. 22 (*granting* Plaintiffs' Oct. 11, 2011 RJN, Dkt. No. 16).

<sup>2</sup> Plaintiffs' Oct. 11, 2011 RJN Exh. 1, Dkt. No. 16-4 (*attached as* Exh. 1 to this Letter), at 10.

<sup>3</sup> "[T]here is *no reason to suspect* that the Secretary of State would 'refuse' to follow a federal court order." Secretary of State's Oct. 24, 2011 Opp'n, Dkt. No. 12, at 5 (quotations in original, italics added).

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CERTIFICATE OF SERVICE

On Nov. 17, 2011, I electronically filed, via CM/ECF, a copy of the foregoing Letter with the Clerk of the Court of the U.S. Court of Appeals for the Ninth Circuit. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ _____

GAUTAM DUTTA