

GAUTAM DUTTA, Attorney-at-Law

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June 14, 2011

## Via Electronic Mail

The Honorable Dean Logan  
Registrar-Recorder / County Clerk, Los Angeles County  
Attn: Brandi Moore, Esq.  
Office of the Los Angeles County Counsel  
500 West Temple Street, Room 648  
Los Angeles, CA 90012

Re: Request for Write-In Nomination Papers in July 12, 2011 General Election

Dear Registrar Logan:

Our client, Julius Galacki, intends to exercise his fundamental right to run as a write-in candidate – and to cast a write-in vote that will be counted – in the July 12, 2011 special general election for Congressional District 36 (the “General Election”). Towards that end, we ask that your office (1) promptly issue write-in nomination papers to Mr. Galacki, who is registered to vote in Congressional District 36; and (2) state whether write-in votes cast for Mr. Galacki will be counted in the General Election.

Sections 8600 and 8601 of the Elections Code expressly give individuals like Mr. Galacki the right to run as qualified write-in candidates for every federal and state office, as long as they file their nomination papers within 14 days of the date of the election. Thus, the deadline to file write-in nomination papers for the General Election falls on **June 28, 2011** (i.e., 14 days before July 12, 2011).

Disturbingly, a new state law bans votes from being counted in federal and state elections. Namely, Senate Bill 6, which implements Proposition 14’s Top Two Primary, *bans every write-in vote from being counted* in the General Election:

A person whose name has been written on the ballot as a *write-in candidate* at the general election ... *shall not be counted*.<sup>1</sup>

In other words, if a voter casts a write-in vote for Mr. Galacki in the General Election, *his or her vote will be thrown away*. As Secretary of State Debra Bowen’s office has conceded, Senate Bill 6 not only gives “candidates the illusion that they can run as a write-in”, but gives “voters the illusion that they can write in a candidate’s name and have [their votes] counted.”<sup>2</sup>

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<sup>1</sup> Part 8606 of Senate Bill 6, *codified at* Elections Code §8606 (emphases added).

<sup>2</sup> Plaintiffs’ May 6, 2011 Motion for Summary Judgment, *Chamness v. Bowen*, 11-CV-1479 (C.D.Cal.) (ODW), at 9:15-9:18 (emphases added), *available at* <http://gautamdutta.files.wordpress.com/2010/10/plaintiffs-motion-for-summary-judgment-5-6-11-conformed-copy.pdf> (last visited June 14, 2011).

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Senate Bill 6 brazenly violates every Californian's right to run for office and to have his or her vote counted. Mr. Galacki is prepared to take all necessary steps to defend and vindicate those fundamental rights.

We look forward to hearing from you regarding this important matter. Thank you for your time and attention.

Sincerely,

Gautam Dutta

Gautam Dutta, Esq.