

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

FRIENDS OF NORM RYAN and
NORM RYAN,

Petitioners,

vs.

SUPERIOR COURT OF LOS
ANGELES COUNTY,

Respondent,

SHELBA POWELL, CITY OF LONG
BEACH, and DAN MURPHY,

Real Parties in Interest.

**OPPOSITION TO EMERGENCY PETITION FOR
ALTERNATIVE WRIT OF MANDATE, STAY OR OTHER
APPROPRIATE RELIEF; DECLARATION OF
REBECCA BURLESON IN SUPPORT THEREOF**

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SHELBA POWELL, CITY OF LONG
BEACH and DAN MURPHY

In the present case, petitioner is seeking an emergency writ prohibiting the City of Long Beach from printing voter ballots and sample ballots for the upcoming April 9, 2002 Long Beach Primary Nominating Election.

California Elections Code section 13314 provides that such a writ can only be issued if "the issuance of the writ will not substantially interfere with the conduct of the election." California Elections Code § 13314(a)(2)(B).

Due to printing, mailing, and absentee ballot constraints, the absolute last day in which election materials for the upcoming election may be presented to the printer for printing and mailing to voters is February 15, 2002 at 5:00 p.m. (Declaration of Rebecca Burlison, attached hereto). Failure to timely present these items to the printer at that time would, cause serious, if not irreparable harm to the City of Long Beach and substantially interfere with the conduct of the election.

Therefore, Petitioner's petition should properly be denied.

DECLARATION OF REBECCA BURLESON

I, Rebecca Burleson, certify and declare as follows:

1. I am, and at all times relevant herein was, employed by the City of Long Beach in the City Clerk's Department as Chief Deputy City Clerk. In this capacity, I am in charge of the municipal election to occur in Long Beach on April 9, 2002. As such, I have personal knowledge of the facts stated herein and could competently testify thereto if required to do so.

2. On April 9, 2002, the City of Long Beach is holding a primary nominating election for a variety of elected positions including the office of Mayor.

3. Prior to the election, the sample ballots and ballots must be drafted, proofed, approved, then the final proof must be sent off to the printer for printing and collating and then the printed materials must be sent to a mail house for addressing and mailing.

4. The City of Long Beach has 23 separate and distinct "ballot groups" which are distinct ballots for individuals living in different parts of the City.

5. On February 14, 2002, I spoke with Scott Martin, president of Martin & Chapman Company, the company that prints the election materials, including the ballots and sample ballots, for the City of Long Beach. Mr. Martin stated to me that he must receive the final proofs from the City of Long Beach for the ballots and sample ballots no later than 5:00 p.m. on Friday, February 15, 2002 in order to have these materials printed and mailed to the voters in time for the April 9, 2002 election.

6. The reason for this deadline is that the sample ballots to be sent out include applications for absentee ballots and the absentee voting period begins on Monday, March 11, 2002. Therefore, the sample ballots must arrive prior to that date on approximately March 9, 2002. Thus, these ballots must be mailed no later than March 5-6, 2002. Therefore, between February 15, 2002 and March 6, 2002, there are several activities

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1 to be conducted by the printer and mailing house which have specific time limitations.

2 7. The printer needs 3 days for "pre press" activities relating to the 23 ballot
3 types. These activities include time to send these items to film, time to strip, and time to
4 make printing plates.

5 8. The printer requires 10 working days to print and collate the 23 ballot
6 types.

7 9. The mailing house requires 5 working days to attach mailing labels and
8 polling place information on the sample ballots in order to prepare them for mailing.

9 10. The ballots need to have approximately 2-3 days mailing time so that
10 they will arrive in time for the absentee voting period beginning March 11, 2002.

11 11. Delaying the time that the voting materials are presented to the printer
12 beyond 5:00 p.m. on Friday, February 15, 2002, would cause serious, if not irreparable harm
13 to the City of Long Beach and substantially interfere with the conduct of the election.

14 I declare under penalty of perjury under the laws of the State of California that
15 the foregoing is true and correct.

16 Executed this 15th day of February 2002, in Long Beach, California.

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20 Rebecca Burleson

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