

DEPARTMENT 29

FILED
Superior Court Of California,
Sacramento

03/20/2012

emuniz

By _____, Deputy

Case Number:

34-2012-80001091

1 UNITED STATES JUSTICE FOUNDATION
GARY G. KREEP (CA SBN 066482)
2 NATHANIEL J. OLESON (SBN #276695)
932 "D" Street, Suite 2
3 Ramona, California 92065
Tel: (760) 787-9907
4 Fax: (760) 788-6414

5 Attorneys for Petitioners,
John Albert Dummett, Jr., Gil Houston,
6 Larry Lakamp, Milo L. Johnson,
Joe Ott, Markham Robinson,
7 and the Constitution Party

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF SACRAMENTO

10 JOHN ALBERT DUMMETT, JR.; MARKHAM) Civil Action No.:
ROBINSON, Chairman of the Executive)
11 Committee of the State Central Committee of the)
American Independent Party of California; THE) PETITION FOR WRIT OF MANDATE
12 CONSTITUTION PARTY; GIL HOUSTON;) COMPELLING RESPONDENTS TO
LARRY LAKAMP; MILO L. JOHNSON; and) REQUIRE PROOF OF ELIGIBILITY PRIOR
13 JOE OTT;) TO APPROVING PRESIDENTIAL
Petitioners,) CANDIDATE NAMES FOR BALLOT
14) PLACEMENT, AND TO DECLARE
v.) UNCONSTITUTIONAL CALIFORNIA
15) ELECTION CODE SECTION 6901
CALIFORNIA SECRETARY OF STATE)
16 DEBRA BOWEN, in her official capacity;) DATE:
TIME:
17 Respondents.) DEPT:

18
19 PRELIMINARY STATEMENT

20 1. This action challenges the failure of Respondent Debra Bowen, California Secretary of State
21 (hereinafter referred to as "BOWEN"), to verify that all candidates for the office of President of the
22 United States seeking to be placed on the California Presidential primary ballot are eligible for that office
23 under the U.S. Constitution, Article II, Section 1, Clause 5.

24 INTRODUCTION

25 2. This Complaint is brought by Petitioners: John Albert Dummett, Jr. (hereinafter referred

PETITION FOR WRIT OF MANDATE COMPELLING RESPONDENTS TO REQUIRE PROOF OF
ELIGIBILITY PRIOR TO APPROVING PRESIDENTIAL CANDIDATE NAMES FOR BALLOT PLACEMENT
AND TO DECLARE UNCONSTITUTIONAL CA EC § 6901

1 to as "DUMMETT"), a write-in Presidential candidate in the 2012 California Republican Presidential
2 primary; Markham Robinson, Chairman of the Executive Committee of the State Central Committee
3 of the American Independent Party of California (hereinafter referred to as "ROBINSON"); the
4 Constitution Party (hereinafter referred to as "CONSTITUTION PARTY"), a national political party;
5 Gil Houston (hereinafter referred to as "HOUSTON"), a registered California voter; Larry Lakamp
6 (hereinafter referred to as "LAKAMP"), a registered California voter; Milo L. Johnson (hereinafter
7 referred to as "JOHNSON"), a registered California voter; and Joe Ott (hereinafter referred to as
8 "OTT"), a registered California voter (collectively referred to as "PETITIONERS"). PETITIONERS
9 seek a determination by this Court as to whether BOWEN has verified that all candidates for the 2012
10 California Presidential primary election have provided proof that they possess the minimum
11 qualifications for the Office of President of the United States, and, if not, PETITIONERS hereby ask
12 the Court to enjoin BOWEN from placing the names of such unverified candidates on the California
13 Presidential primary election ballot, unless and until such time as BOWEN can show that each of said
14 candidates have so verified their eligibility for the office.

15 3. An unprecedented and looming constitutional crisis is before this court if BOWEN does
16 not require that Presidential candidates provide proof that they meet the Article 2 requirements for the
17 office of President prior to candidate names being placed on the ballot, since the voters can, and will,
18 reasonably rely on the assumption that all names on the ballot have been verified as eligible for the
19 office, and that the only remaining task for the voters is to select a candidate to vote for.

20 PARTIES

21 4. Petitioner DUMMETT, a citizen of the State of California, is running for President of the
22 United States in the 2012 California Republican primary election (Federal Election Commission
23 registration # P20002499). As a Presidential candidate, DUMMETT has an interest in having a fair
24 competition for winning the Presidency. This interest is akin to the interest of an Olympic
25 competition, where one of the competitors in an athletic competition is found to be using performance

1 enhancing drugs, but is not removed from the competition, despite a violation of the rules, and all of
2 the athletes who had trained for the event legitimately are harmed if that disqualified contestant
3 remains, as the contestants would not be competing on a level playing field. If BOWEN is not
4 required to verify the eligibility of all candidates who apply to be named on the California
5 Presidential primary ballot under U.S. Constitution Article II, Section 1, Clause 5, and candidates
6 enter this race without having met said eligibility requirements, then DUMMETT will be compelled
7 to campaign against unqualified candidates on the California Republican Presidential primary ballot,
8 and on the California Presidential general election ballot, and he will suffer irreparable harm due to
9 his being denied a fair competition for the Presidential nomination, and in the Presidential general
10 election.

11 5. Petitioner ROBINSON is the Chairman of the Executive Committee of the State Central
12 Committee of the American Independent Party of California (hereinafter referred as to "AIP"), he is a
13 citizen of the State of California, and he resides in Solano County. As a result of his position with the
14 AIP, ROBINSON has an interest in ensuring that its candidates for President only have to compete
15 against candidates who are eligible, under the United States Constitution, to run for, and serve as,
16 President of the United States. *Hollander v. McCain*, 566 F.Supp.2d 63 (D.N.H. 2008).

17 6. Petitioner CONSTITUTION PARTY is an FEC recognized national political party, and it
18 has candidates seeking election at all levels of state and national elections. The Constitution Party, as
19 a political party, has an interest in ensuring that its candidates for President only have to compete
20 against candidates who are eligible, under the United States Constitution, to run for, and serve as,
21 President of the United States. *Hollander v. McCain*, 566 F.Supp.2d 63 (D.N.H. 2008).

22 7. Petitioner HOUSTON is a resident of Butte County, California, and is registered as no
23 party preference. HOUSTON, as a California elector, has an interest in all Presidential candidates
24 being verified as having the minimum requirements of eligibility prior to the placement of the
25 candidate's name on the primary ballot. HOUSTON, under Senate Bill 28 (Chapter 898, Statutes

1 2000) has the option to vote for any Republican, Democrat, or American Independent Presidential
2 primary candidate, and, for that reason, he has an interest in all candidates meeting the minimum
3 requirements for eligibility.

4 8. Petitioner LAKAMP is a resident of Riverside County, California, and is registered as a
5 Republican. LAKAMP, as a California elector, has an interest in all Presidential candidates being
6 verified as having the minimum requirements of eligibility prior to the placement of the candidate's
7 name on the primary ballot.

8 9. Petitioner JOHNSON is a resident of Sacramento County, California, and is registered as
9 a Republican. JOHNSON, as a California elector, has an interest in all Presidential candidates being
10 verified as having the minimum requirements of eligibility prior to the placement of the candidate's
11 name on the primary ballot.

12 10. Petitioner OTT is a resident of Santa Clara County, California, and is registered as a
13 Republican. OTT, as a California elector, has an interest in all Presidential candidates being verified
14 as having the minimum requirements of eligibility prior to the placement of the candidate's name on
15 the primary ballot.

16 11. Respondent BOWEN is the California Secretary of State, and, by virtue of her position, is
17 the Chief Elections Officer for the State of California, and she is responsible for enforcing California
18 election law, including verifying eligibility for office, and printing of the ballots for the 2012 primary
19 election.

20 VENUE

21 12. Venue for this writ is proper in the Sacramento County Superior Court under California
22 Elections Code § 13314(b), because the Secretary of State is named as a Respondent.

23 THIS COURT HAS JURISDICTION OVER THIS ACTION BY CONSTITUTIONAL AND

24 STATUORY LAW

25 13. California Constitution, Article 6, § 10, authorizes the California Superior Courts to hear

1 writs of mandate.

2 14. A writ of mandate may be issued by any court to any inferior tribunal, corporation, board,
3 or person, to compel the performance of an act which the law specially enjoins, as a duty resulting from
4 an office, trust, or station, or to compel the admission of a party to the use and enjoyment of a right or
5 office to which the party is entitled, and from which the party is unlawfully precluded by such inferior
6 tribunal, corporation, board, or person (California Code of Civil Procedure § 1085).

7 15. Although courts often deny relief for a writ of mandamus, a writ of mandate should not be
8 denied when the issues presented are of great public importance and must be resolved promptly. *Corbett*
9 *v. Superior Court* (App. 1 Dist. 2002) 125 Cal.Rptr.2d 46, 101 Cal.App.4th 649, review denied.

10 16. A court is not bound by precedent in determining facts and circumstances compelling
11 issuance of writ of mandamus, and a writ will issue against a city or other public body or officer wherever
12 law and justice require. *Banks v. Housing Authority of City and County of San Francisco* (App. 1 Dist.
13 1953) 120 Cal.App.2d 1, 260 P.2d 668, certiorari denied 74 S.Ct. 784, 347 U.S. 974, 98 L.Ed. 1114.

14 17. California State law provides that any voter in California may seek a writ of mandate for
15 errors in placing of a name on the ballot: "An elector may seek a writ of mandate alleging that an error or
16 omission has occurred, or is about to occur, in the placing of a name on, or in the printing of, a ballot,
17 sample ballot, voter pamphlet, or other official matter, or that any neglect of duty has occurred, or is about
18 to occur." California Elections Code § 13314(a)(1).

19 18. Further, the U. S. District Court in *Hollander v. McCain* held, "a candidate or his political
20 party has standing to challenge the inclusion of an allegedly ineligible rival on the ballot, on the theory
21 that doing so hurts the candidate's or party's own chances of prevailing in the election." *Hollander v.*
22 *McCain*, 566 F.Supp.2d 63 (D.N.H. 2008). Here, DUMMETT is a candidate for President and a
23 California voter, who is concerned that one or more unverified candidates for President of the United
24 States will be included on the California primary ballot, and the Constitution Party has a legitimate
25 interest in ensuring that its candidates for President are running only against Presidential candidates who

1 are eligible to run for and serve as President.

2 **LEGAL BASIS**

3 **a. The Secretary Of State Has Failed To Comply With Her Duty To Enforce California Election**

4 **Law**

5 19. The specifications of eligibility for the office of President of the United States are listed
6 in Article II, § I, of the United States Constitution, which provides as follows:

7 "No person except a natural born Citizen, or a Citizen of the United States, at the time of the
8 Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be
9 eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen
10 Years a Resident within the United States."

11 20. These three requirements for holding the office of President, while clearly stated in the
12 U.S. Constitution, are not required by the California Secretary of State to be proven by candidates
13 seeking to be named on the Presidential primary ballot. For this reason, PETITIONERS, upon
14 information and belief, have reason to believe that BOWEN has not required candidates to prove their
15 eligibility for the office and, as a result, have formally placed on the ballot, and will place on future
16 ballots, names of candidates who are ineligible to hold the office of President, and should have been
17 ineligible to run for said office.

18 21. PETITIONERS seek a determination as to whether BOWEN has required candidates to
19 so prove their eligibility, and, if not, to mandate that BOWEN require sufficient proof of eligibility
20 before approving said candidates' names for the ballot.

21 22. There is a reasonable and common expectation by the voters that, to qualify for the ballot,
22 the individuals running for office must meet minimum qualifications, as outlined in the federal and
23 state Constitutions and statutes, and that compliance with those minimum qualifications has been
24 confirmed by the officials overseeing the election process. In some states, a signed statement from the
25 Presidential candidate, attesting to his or her meeting those qualifications, is required. The California

1 Secretary of State, requires no such verification. In 2008, the Democratic National Committee
2 submitted an Official Certification of Nomination to the Hawaiian Secretary of State signed by Nancy
3 Pelosi and Alice Travis Germond, the Chair and Secretary of the Democratic National Committee, to
4 certify that Barack Hussein Obama, Jr. (hereinafter referred to as "OBAMA"), was legally qualified
5 under the U.S. Constitution to run for and serve as President (attached as "EXHIBIT A"). No similar
6 documentation is required or requested by BOWEN. Even though the certification was not
7 accompanied by any documentation proving eligibility under Article 1, Section 2, of the United States
8 Constitution, and despite the fact that it was submitted without a signature from OBAMA, this shows
9 that Hawaii at least requires some affirmative information from a Presidential candidate. This practice
10 represents a much lower standard than that demanded of a person when requesting a California
11 driver's license. PETITIONERS seek a judicial determination as to whether BOWEN must require
12 proof of eligibility from the candidates prior to approving their names for printing on the
13 California Presidential primary ballot.

14 23. In a related case, *Drake v. Obama* (9th Circuit Court of Appeals No. 09-56827
15 (2010)), argued before the 9th Circuit on May 2, 2011, one of the Justices stated that this
16 question, of whether OBAMA is eligible to run for, and serve as, President was very
17 important, and that the proper time to bring suit on this question would be prior to a
18 Presidential election. 24. PETITIONERS' concern about ineligible candidates gaining
19 approval for placement on primary ballots is not limited to California, as questions concerning
20 the eligibility of OBAMA and Mitt Romney are currently being litigated in other states.

21 **b. Election Code Section 6901 Is An Attempt to Avoid Compliance**

22 **With Article II, Section 1 of the U. S. Constitution, Continued Adherence With Which Will**
23 **Likely Lead to Absurd Results, and, as a Result, the Law Should Be Declared Unconstitutional**

24 25. BOWEN may attempt to explain her failure to comply with her duty to verify the
25 eligibility of Presidential candidates on the grounds that California Elections Code § 6901 supersedes

1 BOWEN'S duty, as to candidates selected by national political parties for the office of President and
2 Vice President. This argument should fail for the following reasons:

3 26. California Elections Code § 6901 is wholly inconsistent with Article II of the United
4 States Constitution, because this election code section places a mandatory duty on the Secretary of
5 State that could end up with absurd and ridiculous results.

6 27. For example, if the Republican Party were to nominate Arnold Schwarzenegger, under
7 Section 6901, the California Secretary of State would be forced to put him on the ballot for the
8 general election, despite the fact that Arnold Schwarzenegger is well known as not being a natural
9 born citizen of the United States.

10 28. Another example would be if the Libertarian Party were to nominate Ayn Rand, as, then,
11 the California Secretary of State would be forced to put her on the ballot for the general election, even
12 though Ms. Rand died in 1982.

13 29. Or, for even more ridiculous results, if the Democratic Party were to nominate Gordon
14 Brown, the current Prime Minister of Great Britain, then the California Secretary of State would be
15 forced to put him on the ballot for the general election, despite the fact that he is a citizen of Great
16 Britain.

17 30. Such nominations are absurd, as these individuals clearly do not meet the eligibility
18 requirements under the United States Constitution, and, therefore, ought to be excluded from the
19 ballot, but the Secretary of State, under California Elections Code § 6901, would have no discretion to
20 exclude these obviously ineligible candidates from the ballot.

21 31. The California Secretary of State website ([http://www.sos.ca.gov/admin/about-the-](http://www.sos.ca.gov/admin/about-the-agency.htm)
22 [agency.htm](http://www.sos.ca.gov/admin/about-the-agency.htm)) lists the duties of that office, including the duty of the chief elections officer for
23 California, to ensure that California election laws are followed (California Government Code §
24 12172), the duty to investigate election fraud (California Government Code § 12172), and the duty to
25 advise candidates and local elections officials on the qualifications and requirements for running for

1 office (California Government Code § 12172).

2 32. In order to fulfill the duty to advise candidates, the Secretary of State provides several
3 documents with information concerning the qualifications and requirements for each elected position.
4 Documents listing the qualifications and requirements are provided for all state and Federal offices,
5 including the offices of Governor and Lieutenant Governor; Secretary of State, Controller, and
6 Treasurer; Attorney General; Insurance Commissioner; Member of the State Board of Equalization;
7 State Senator and Member of the Assembly; United States Senator; United States Representative in
8 Congress; and President of the United States.

9 33. The Secretary of State is required to verify that every candidate for these positions is
10 eligible for the sought position, with one exception: those candidates that have been selected for the
11 office of President of the United States by a national political party are not required to present to the
12 California Secretary of State any documentation proving their eligibility for the office of President.

13 34. In effect, Elections Code § 6901 forces the Secretary of State to disregard the duties of
14 her office as chief elections official in the State of California with regard to the most important
15 elected office in the United States. Political parties are not, and should not be, responsible for
16 ensuring that Elections Laws are complied with, as the primary goal of the various parties is to
17 promote and elect their candidates.

18 35. For this reason, there are no Federal or State requirements compelling political parties to
19 provide proof that their respective candidates are eligible for the offices sought. Contrary to the
20 interests of the political parties, the duty of the California Secretary of State is to verify that all
21 candidates are eligible for the offices sought.

22 36. This duty should properly extend to all candidates listed on the ballot, and not exempt a
23 candidate simply because a national political party selects a particular candidate for President, and,
24 for the Court to find otherwise would be to substitute the choice of unelected political party officials
25 for the duty that the Secretary of State owes to the citizens of the State of California, to ensure that the

1 state's election laws are fully complied with.

2 37. Finally, the language of California Elections Code § 6901, compelling the Secretary of
3 State to place any candidate nominated by a political party on the ballot, without verifying that the
4 candidate is eligible for the office, is in direct conflict with the requirements for Presidential
5 eligibility in Article II of the United States Constitution.

6 38. This is no trivial matter, as the California Constitution provides; "The State of California
7 is an inseparable part of the United States of America, and the United States Constitution is the
8 supreme law of the land." (California Constitution, Article III, § 1).

9 39. Since the United States Constitution is the supreme law of the land, under both the United
10 States and the California Constitutions (U.S. Constitution, Article VI, Clause 2; California
11 Constitution, Article III, § 1), any statute which conflicts with the United States Constitution is an
12 unconstitutional variance, and is, therefore, void and unenforceable.

13 40. California Secretaries of State have historically exercised their due diligence by
14 reviewing necessary background documents, verifying that the candidates that were submitted by the
15 respective political parties as eligible for the ballot were, indeed, eligible. In 1968, the Peace and
16 Freedom Party submitted the name of Eldridge Cleaver as a qualified candidate for President of the
17 United States. The then Secretary of State, Mr. Frank Jordan, found that, according to Mr. Cleaver's
18 birth certificate, he would be only 34 years old at the time of the general election, one year shy of the
19 35 years of age needed to be on the ballot as a candidate for President. Using his administrative
20 powers, Mr. Jordan removed Mr. Cleaver from the ballot. Mr. Cleaver, unsuccessfully, challenged
21 this decision to the Supreme Court of the State of California, and, later, to the Supreme Court of the
22 United States, which affirmed the actions of the California Secretary of State by denying review of
23 Cleaver's removal from the ballot. *Cleaver v. Jordan* (1968) 393 U.S. 810, 89 S.Ct. 43. Similarly, in
24 1984, the Peace and Freedom Party listed Mr. Larry Holmes as an eligible candidate in the
25 Presidential primary. When the then California Secretary of State, Daniel M. Burns, checked Mr.

1 Holmes' eligibility, it was found that Mr. Holmes was, similarly, not eligible, and Mr. Holmes was
2 removed from the ballot.

3 41. The removal of ineligible candidates is not a relic of historical actions by California
4 Secretaries of State, as BOWEN too exercises this power to remove ineligible candidates from the
5 ballot. Just this year, one Peta Lindsay was selected by the Peace and Freedom Party to be their
6 Presidential candidate on the 2012 California primary ballot. BOWEN, however, rejected Ms.
7 Lindsay, and refused to place her name on the ballot, because she is 27 years old, when the U.S.
8 Constitution, Article 2, § 1, requires that candidates for President to be at least 35 years of age. There
9 now exists a similar situation to that in which California Secretaries of State have removed
10 Presidential candidates from the ballot in the past, namely that the Democratic Party has submitted
11 Barack Hussein Obama, Jr., as a Democratic Party candidate for President, when he is arguably
12 ineligible for the office. Further, a similar situation may exist concerning the Republican Party
13 candidacy of Mitt Romney. Since BOWEN has demonstrated by her actions that she can and does
14 remove ineligible presidential candidates from the ballot, she should be required to make such
15 verification of eligibility for all presidential candidates, and not just verify the eligibility of candidates
16 from third parties.

17 42. As discussed above, BOWEN is required by California statute to oversee California
18 elections, and to enforce California election law. This requirement cannot be satisfied by attempting
19 to transfer the duty to enforce election law to any other entity, such as to political parties, or even to
20 the California electorate.

21 43. Petitioners HOUSTON, LAKAMP, JOHNSON, and OTT, as California electors, neither
22 have the responsibility, nor are they in a position to be able, to require Presidential candidates to
23 provide sufficient proof that said candidates are eligible for the office. The only responsibility for a
24 California elector is to vote for the candidate that the elector believes to be best able to govern the
25 country, and they all have a reasonable belief that any presidential candidate approved by BOWEN

1 for name placement on the primary ballot has been properly verified by BOWEN, as possessing the
2 minimum requirements of eligibility for the office. If BOWEN is not required to verify the eligibility
3 of Presidential candidates, then that responsibility will improperly be transferred to the electorate,
4 which cannot, despite the possibility of a majority vote for a particular candidate, overcome the
5 Article II, Section I, requirements by voting.

6 44. For these reasons, California Elections Code § 6901 should be held to be unconstitutional
7 and the Secretary of State should be required to verify the eligibility of all candidates for the offices
8 that they seek, without any exception.

9 **WHEREFORE, PETITIONERS** respectfully pray that this Court:

10 1. Determine whether BOWEN has required all candidates for President of the United
11 States to provide proof that they are, in fact, eligible to serve in the office of President of the United
12 States under the United States Constitution, Article II, Section I;

13 2. Enjoin BOWEN from placing the names of candidates who have failed to so prove their
14 eligibility on the 2012 California Presidential primary election ballot;

15 3. Mandate that BOWEN require all candidates for the office of President of the United
16 States provide sufficient proof of eligibility prior to approving their names for the ballot

17 4. Find California Elections Code § 6901 to be unconstitutional and unenforceable,;

18 5. For attorney's fees under CCP § 1021.5, and;

19 6. Grant PETITIONERS such other and further relief as the Court deems just and proper.

20 Dated: February 23, 2012.

21
22 Respectfully Submitted,

23 _____
24 GARY G. KREEP
25 NATHANIEL J. OLESON
UNITED STATES JUSTICE FOUNDATION

Attorneys for PETITIONERS, John Albert
Dummett, Jr., Gil Houston, Larry Lakamp,
Milo L. Johnson, Joe Ott, Markham Robinson
and the Constitution Party.

1 for name placement on the primary ballot has been properly verified by BOWEN, as possessing the
2 minimum requirements of eligibility for the office. If BOWEN is not required to verify the eligibility
3 of Presidential candidates, then that responsibility will improperly be transferred to the electorate,
4 which cannot, despite the possibility of a majority vote for a particular candidate, overcome the
5 Article II, Section 1, requirements by voting.

6 44. For these reasons, California Elections Code § 6901 should be held to be unconstitutional
7 and the Secretary of State should be required to verify the eligibility of all candidates for the offices
8 that they seek, without any exception.

9 **WHEREFORE, PETITIONERS** respectfully pray that this Court:

10 1. Determine whether BOWEN has required all candidates for President of the United
11 States to provide proof that they are, in fact, eligible to serve in the office of President of the United
12 States under the United States Constitution, Article II, Section 1;

13 2. Enjoin BOWEN from placing the names of candidates who have failed to so prove their
14 eligibility on the 2012 California Presidential primary election ballot;

15 3. Mandate that BOWEN require all candidates for the office of President of the United
16 States provide sufficient proof of eligibility prior to approving their names for the ballot

17 4. Find California Elections Code § 6901 to be unconstitutional and unenforceable,;

18 5. For attorney's fees under CCP § 1021.5, and;

19 6. Grant PETITIONERS such other and further relief as the Court deems just and proper.

20 Dated: February 23, 2012.

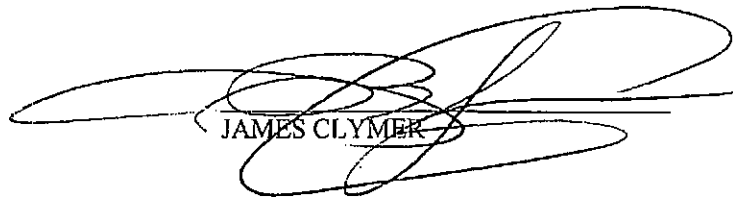
21
22 Respectfully Submitted,

23
24 
25 GARY G. KREP
NATHANIEL J. OLESON
UNITED STATES JUSTICE FOUNDATION

VERIFICATION

I, JAMES CLYMER, am Chairman of the Constitution Party, a party in this matter. I declare that I have read the foregoing PETITION FOR WRIT OF MANDATE and know the contents thereof, and I certify that the said contents are true of my own knowledge, except for those matters stated on my information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 19th day of March, 2012, at Lancaster, Pennsylvania.


JAMES CLYMER

VERIFICATION

I, **MARKHAM ROBINSON**, am a party in this matter. I declare that I have read the foregoing **PETITION FOR WRIT OF MANDATE** and know the contents thereof, and I certify that the said contents are true of my own knowledge, except for those matters stated on my information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 19th day of March, 2012, at Vacaville, California.



MARKHAM ROBINSON

VERIFICATION

I, **JOE OTT**, am a party in this matter. I declare that I have read the foregoing **PETITION FOR WRIT OF MANDATE** and know the contents thereof, and I certify that the said contents are true of my own knowledge, except for those matters stated on my information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 19th day of March, 2012, at SAN JOSE, California.

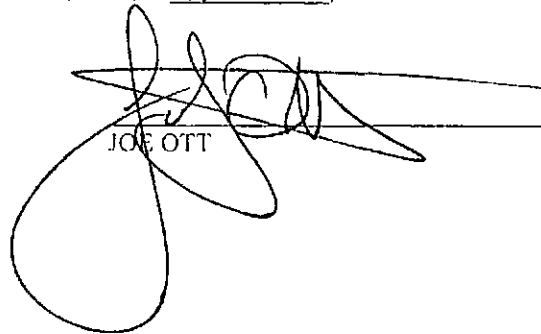

JOE OTT

EXHIBIT A



DEMOCRATIC NATIONAL COMMITTEE

OFFICIAL CERTIFICATION OF NOMINATION

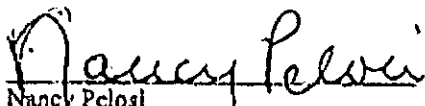
THIS IS TO CERTIFY that at the National Convention of the Democratic Party of the United States of America, held in Denver, Colorado on August 25 through 28, 2008, the following were duly nominated as candidates of said Party for President and Vice President of the United States respectively and that the following candidates for President and Vice President of the United States are legally qualified to serve under the provisions of the United States Constitution:

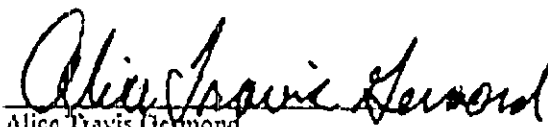
For President of the United States

Barack Obama
5046 South Greenwood Avenue
Chicago, Illinois 60615

For Vice President of the United States

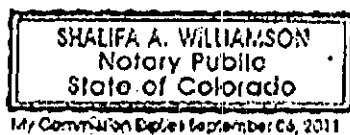
Joe Biden
1209 Barley Mill Road
Wilmington, Delaware 19807

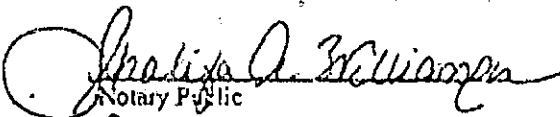

Nancy Pelosi
Chair, Democratic National
Convention


Alice Travis Germond
Secretary, Democratic National
Convention

City and County of Denver)
) ss:
State of Colorado)

Subscribed and sworn to before me in the City and County of Denver, State of Colorado,
this 28th day of August, 2008.




Notary Public
September 6, 2011
Commission expiration date

Democratic Party Headquarters ■ 433 South Capitol Street, SE ■ Washington, DC, 20003 ■ (202) 653-8000 ■ Fax (202) 603-8070
Feld for by the Democratic National Committee. Contributions to the Democratic National Committee are not tax deductible.
Visit our website at www.democrats.org.