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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12 AURELIO SALAZAR, JUAN MARTINEZ,  
and BILL MELENDEZ,

13 Plaintiffs,

14 v.

15 MONTEREY COUNTY, CALIFORNIA;  
16 STATE OF CALIFORNIA; KEVIN  
17 SHELLEY, CALIFORNIA SECRETARY OF  
18 STATE,

19 Defendants.

20 AND RELATED ACTION.  
21

Case No. 03-03584-JF  
[Related to Case No. 03-3658-JF]

**AMENDED SECRETARY OF STATE'S  
FIFTH ADVICE OF  
COMMUNICATION FROM THE  
UNITED STATES DEPARTMENT OF  
JUSTICE**

VOTING RIGHTS ACTION

**THREE JUDGE COURT**

The Honorable Consuelo Callahan  
The Honorable Jeremy Fogel  
The Honorable Ronald M. Whyte

22 On August 15, 2003, this Honorable Court issued an Order to Show Cause Re  
23 Preliminary Injunction; Temporary Order Restraining Mailing of Overseas Ballots, which  
24 directs Counsel for Defendants to advise the Court and opposing counsel "of the substance  
25 of any and all communications from the United States Department of Justice concerning  
26 the status of Defendants' request for Section 5 preclearance." Upon information and belief,  
27 on or about August 27 and 28, 2003, the United States Department of Justice (US DOJ)  
28 telephonically requested additional information from the California Secretary of State

1 concerning the publication, printing and distribution of the ballot pamphlet. The source of  
2 that information and belief is John Mott-Smith, Chief of the Elections Division in  
3 California Secretary of State's Office. The In response to this request the Secretary  
4 provided the following information. The US DOJ questions and the Secretary's of State's  
5 answers are set out, *seriatim*, below.

6 Question: When does California start printing the pamphlets?

7 Answer: It comes off public display on August 31 and the printing plant will begin  
8 printing on or about September 2, 2003.

9 Question: When does California start printing the Spanish pamphlets?

10 Answer: It depends on how long it takes to translate them, but they will all be  
11 mailed before September 16, 2003, that is, 21 days before the October 7, 2003 special  
12 statewide election.

13 Question: Why is the Spanish pamphlet printed after the English?

14 Answer: Because it's written in English and placed on public display. It is translated  
15 after it comes off public display because until it comes off public display there is the  
16 potential for court-ordered changes.

17 Question: When is the pamphlet mailed?

18 Answer: In this election, mailing of English pamphlets will begin on September 2  
19 or 3. Mailing will start immediately as the pamphlets come off the presses. Spanish  
20 pamphlets will be mailed later in the process but mailing of ballot pamphlets in all  
21 languages will be complete by September 16, 2003, that is, the 21<sup>st</sup> day before the October  
22 7, 2003 election. *See*, Cal. Elec. Code § 9094. No ballot pamphlet in this election is going  
23 out later than ballot pamphlets have historically gone out in regularly scheduled elections.

24 Question: Will there be public display of the ballot pamphlet and will there be  
25 public display of the ballot pamphlet in areas other than Sacramento?

26 Answer: Yes to both questions. Hard copy of the ballot pamphlet will be on display  
27 in each of the Secretary of State's regional offices (San Diego, Los Angeles, Fresno, and  
28 San Francisco) as well as in Sacramento. The text is also available on the Secretary of

1 State's web site, [www.ss.ca.gov](http://www.ss.ca.gov).

2 Question: Is the Spanish ballot pamphlet on the web site?

3 Answer: It will be. The pamphlet is translated after it comes off public  
4 display. It will be available on the web site on or about September 10, 2003.

5 Question: Did we ever put the Spanish version of the ballot pamphlet on the  
6 web site before?

7 Answer: Yes, for the last two elections.

8 DATED: August 29, 2003

9 Respectfully submitted,

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