



CARSON CITIZENS *for* REFORM

March 16, 2015

Terrie J. Coady, Attorney at Law
Community Liason
Office of the Los Angeles County District Attorney
210 W. Temple Street 18-601
Los Angeles, California 90012

REFERENCE: VIOLATION OF ELECTION CODES

I am requesting an investigation and attaching a letter I sent to the Elections Officer of the City of Carson regarding Election Code Violations by Councilman Elito Santarina amounting to an "offense against the elective franchise".

When all is said and done, the nomination form was filed under penalty of perjury and in fact that was what was done. Elito Santarina did not circulate his nomination paper and should not have signed as the circulator.

Please look into this matter as quickly as possible, prior to the certification of the election on March 24, 2015. I can be reached at 310 549-4219.

Thank you

Vera Robles DeWitt

Encl: Letter and attachments to Carson Election Officer

RECEIVED
CITY CLERK

Vera Robles DeWitt

21316 Avalon Blvd.

Carson, CA 90745

March 15, 2015

15 MAR 16 PM 12:43

VIA: Hand Delivered

CITY OF CARSON

Charles Davis, Elections Officer
City of Carson
701 E. Carson Street
Carson, California 90745

California Election Code Violations **104, 10220** and **10222** (see attached)

I would like to request an investigation of Elito Santarina's nomination form (see attached copy). I am challenging the fact that Elito Santarina did not exclusively circulate his nomination form. It has come to my attention that Zeke Vidauri and Gene Dear circulated the form in violation of the following Election Codes:

104 Declaration signed by circulator Section (1) That the circulator circulated that section and witnessed the appended signatures being written. (3) (c) The circulator shall certify the content of the declaration as to its truth and correctness, under penalty of perjury under the laws of the State of California, with the signature of his or her name.....

10220 Only one person may circulate each nomination paper

10222 Every nomination paper shall have annexed an affidavit of the person who circulated it, to the effect that he or she saw written all the signatures appended thereto.,.....

There are two witnesses that heard Charlotte Brimmer state that Zeke Vedaurri took Elito Santarina's nomination papers to her home to have both Charlotte and her husband sign the form.

There is a witness that Gene Dear was circulating Elito Santarina's nomination forms at a senior Christmas party luncheon on Monday, December 8, 2014.

I am concerned about retaliation or negative action toward the witnesses and will provide their names and additional information to an investigator.

I am requesting an immediate investigation into this matter, prior to certification of election. If you have any questions or concerns, please call me at 310 549-4219.

Thank you



Vera Robles DeWitt

ELECTIONS CODE

102. A person shall not circulate a state or local initiative, referendum, or recall petition or nominating paper unless the person is 18 years of age or older.

104. (a) Wherever any petition or paper is submitted to the elections official, each section of the petition or paper shall have attached to it a declaration signed by the circulator of the petition or paper, setting forth, in the circulator's own hand, the following:

(1) The printed name of the circulator.

(2) The residence address of the circulator, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.

(3) The dates between which all the signatures to the petition or paper were obtained.

(b) Each declaration submitted pursuant to this section shall also set forth the following:

(1) That the circulator circulated that section and witnessed the appended signatures being written.

(2) That according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.

(3) That the circulator is 18 years of age or older.

(c) The circulator shall certify the content of the declaration as to its truth and correctness, under penalty of perjury under the laws of the State of California, with the signature of his or her name. The circulator shall state the date and the place of execution on the declaration immediately preceding his or her signature.

10220. Candidates may be nominated for any of the elective offices of the city in the following manner:

Not earlier than the 113th day nor later than the 88th day before a municipal election during normal office hours, as posted, the voters may nominate candidates for election by signing a nomination paper. Each candidate shall be proposed by not less than 20 nor more than 30 voters in a city of 1,000 registered voters or more, and not less than five nor more than 10 voters in a city of less than 1,000 registered voters, but only one candidate may be named in any one nomination paper. No voter may sign more than one nomination paper for the same office, and in the event the voter does so, that voter's signature shall count only on the first nomination paper filed which contains the voter's signature. Nomination papers subsequently filed and containing that voter's signature shall be considered as though that signature does not appear thereon. Each seat on the governing body is a separate office. Any person who meets the requirements of Section 102 may circulate a nomination paper. Only one person may circulate each nomination paper. Where there are full terms and short terms to be filled, the term shall be specified in the nomination paper.

10222. Every nomination paper shall have annexed an affidavit of the person who circulated it, to the effect that he or she saw written all the signatures appended thereto, and knows that they are the signatures of the persons whose names they purport to be.

10223. Each nomination paper shall be accompanied by a verified statement of the candidate that he or she will accept the nomination, and will also accept the office in the event of his election. The statement shall contain a blank space wherein the candidate shall be required to fill in his or her name in the manner in which he or she wishes the same to appear on the ballot and also the designation which he or she wishes to have under his or her name on the ballot, which designation shall conform to one of the designations permitted under this code relating to the forms of ballots generally.

10226. The nomination papers and affidavits shall be substantially in the following form:

"NOMINATION PAPER

We, the undersigned voters of the _____ of _____ hereby nominate _____ for the office of _____ of the city:

Name	Residence
_____	_____
_____	_____
_____	_____

AFFIDAVIT OF THE CIRCULATOR

State of California) ss.

County of _____)

I, _____, solemnly swear (or affirm) all of the following:

1. That I am 18 years of age or older.
2. That my residence address, including street and number, is

(If no street or number exists, a designation of my residence adequate to readily ascertain its location is

- _____.)
3. That the signatures on this nomination paper were obtained between _____, 2__, and _____, 2__; that I circulated this petition and I saw the signatures on this section of the nomination papers being written; and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be.

(Signature)

I certify (or declare) under the penalty of perjury under the laws of the _____

State of California that the foregoing is true
and
correct.

Executed by me at _____, on _____, 2__.

AFFIDAVIT OF THE NOMINEE

State of California) ss.

County of _____)

_____ being duly sworn, says that he or she is
the above-named nominee
for the office of _____, that he or she will
accept the office in the event of his
or her election, that he or she desires his or
her name to appear on the ballot
as follows:

(Print name above),

and that he or she desires the following
designation to appear on the ballot
under his or her name:

(Print desired
designation above),


and that his or her residence address is _____.

(Print residence address
as provided by affiant)

I certify (or declare) under the penalty _____ of
perjury under the laws of the State of California
that the foregoing is true and
correct.

Executed by me at _____, on _____, 2__."

NOMINATION PAPER

OFFICIAL FILING FORM	
	CITY OF CARSON, CALIFORNIA CITY CLERK OR DEPUTY CITY CLERK
Date	March 5, 2011

We, the undersigned voters, hereby nominate _____
 for the office of _____ MEMBER OF CITY COUNCIL
 for the City of _____ CARSON
 to be voted for at the _____
 to be held on Tuesday, _____

	Sign Name ----- Print Name	Residence Address	For Official Use
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Public access to this document shall be limited to viewing the document only. The election official may not copy or distribute copies of documents that contain signatures of voters. (E.C. Section 17100)
 A candidate shall not file nomination papers for more than one municipal office or term of office for the same municipality in the same election. (E.C. 10220.5)

DECLARATION OF CIRCULATOR

Any person that is 18 years of age or older may circulate a nomination paper. (Only 1 circulator may circulate this nomination paper).
(Do NOT type this section. It **MUST** be filled out in your own handwriting.)

I, _____, solemnly swear (or affirm) all of the following:
(print name)

1. That I am 18 years of age or older.
2. That my residence address, including street and number, is _____, (if no street or number exists, a designation of my residence adequate to readily ascertain its location is _____).
3. That the signatures on this nomination paper were obtained between the dates of _____ and _____; that I circulated this petition and I saw the signatures on this section of the nomination papers being written; and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be.

I certify (or declare) under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed by me at _____, on _____.
(place) (date)

(Election Code §§ 102, 104, 10220, 10222, 10226)

(Signature of Circulator)

AFFIDAVIT OF NOMINEE AND OATH OR AFFIRMATION OF ALLEGIANCE

State of California }
County of _____ } ss.

(Print Name of Nominee)

being duly sworn, says that he or she is the above-named nominee for the office of: _____
(Print Name of Office)

that he or she will accept the office in the event of his or her election, that he or she desires his or her name to appear on the ballot as follows:..

Name & Occupation as it will appear on Official Ballot & in Voter Pamphlet:
_____ (Print Name in ALL CAPS as you want it to appear on the ballot (no title or degree is allowed before or after your name)**
<input type="checkbox"/> Male <input type="checkbox"/> Female (Print Designation as it will appear on the ballot)*
_____ (Print residence address as provided by affiant)

and that he or she desires the following designation* to appear on the ballot under his or her name:.....

and that his or her residence address is:.....

I, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

I certify (or declare) under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed by me at _____, on _____.
(place) (date)

(Election Code §§ 200, 10223, 10226, CA Constitution Article XX, § 3)

(Signature of Candidate)

* BALLOT DESIGNATION REQUIREMENTS

* At the option of the candidate, **ONLY ONE** of the following designations may be used:

1. Words designating the elective city, county, district, state or federal office which the candidate holds at the time of filing the nomination papers to which he or she was elected by vote of the people, or to which he or she was appointed, in the case of a superior or municipal court judge.
2. The word "Incumbent" (*without any other word(s)*) if the candidate is a candidate for the same office which he or she holds at the time of filing the nomination papers, and was elected to that office by a vote of the people, or in the case of a superior or municipal court judge, was appointed to that office.
3. No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents. For purposes of this section, all California geographical names shall be considered to be one word. Hyphenated words that appear in any generally available standard reference dictionary, published in the U.S. at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word. The use of the word "Retired" by itself or as a prefix is acceptable, but not after any other word or words (e.g. "Retired" and "Retired Army Officer" is permissible; "U.S.M.C., Retired" is not).
4. The phrase "Appointed Incumbent" if the candidate holds office by virtue of appointment, but may not use the unmodified word "Incumbent".

No candidate shall assume a designation which would mislead the voters.

(Election Code 13107, 13107.5)

** No title or degree shall appear on the same line on a ballot as a candidate's name, either before or after the candidate's name. (Election Code 13106)

DECLARATION OF CIRCULATOR

Any person that is 18 years of age or older may circulate a nomination paper. (Only 1 circulator may circulate this nomination paper).
(Do NOT type this section. It **MUST** be filled out in your own handwriting.)

Elite M. Santarina, solemnly swear (or affirm) all of the following:
(print name)

1. That I am 18 years of age or older.
2. That my residence address, including street and number, is 21033 Catalina Ave Carson, Ca 90745, (if no street or number exists, a designation of my residence adequate to readily ascertain its location is _____)
3. That the signatures on this nomination paper were obtained between the dates of Nov 26, 2014 and Dec 7, 2014 that I circulated this petition and I saw the signatures on this section of the nomination papers being written; and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be.

I certify (or declare) under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed by me at Carson, Ca 90745, on 12-8-2014
(place) (date)
Elite M. Santarina
(Signature of Circulator)

(Election Code §§ 102, 104, 10220, 10222, 10226)

AFFIDAVIT OF NOMINEE AND OATH OR AFFIRMATION OF ALLEGIANCE

State of California }
County of Los Angeles } ss.

Elite M. SANTARINA
(Print Name of Nominee)

being duly sworn, says that he or she is the
above-named nominee for the office of:

CITY COUNCIL
(Print Name of Office)

that he or she will accept the office in the event of his or her election,
that he or she desires his or her name to appear on the ballot as follows:

Name & Occupation as it will appear on Official Ballot & in Voter Pamphlet:

ELITE M. SANTARINA

(Print Name in ALL CAPS as you want it to appear on the ballot
(no title or degree is allowed before or after your name)**

EDUCATOR / Councilmember

Male Female (Print Designation as it will appear on the ballot)*

and that he or she desires the following designation*
to appear on the ballot under his or her name:

(Print residence address as provided by affiant)

and that his or her residence address is:

I, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

I certify (or declare) under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed by me at Carson, California, on December 3, 2014
(place) (date)

Elite M. Santarina
(Signature of Candidate)

(Election Code §§ 200, 10223, 10226, CA Constitution Article XX, § 3)

* BALLOT DESIGNATION REQUIREMENTS

* At the option of the candidate, **ONLY ONE** of the following designations may be used:

1. Words designating the elective city, county, district, state or federal office which the candidate holds at the time of filing the nomination papers to which he or she was elected by vote of the people, or to which he or she was appointed, in the case of a superior or municipal court judge.
2. The word "Incumbent" (*without any other word(s)*) if the candidate is a candidate for the same office which he or she holds at the time of filing the nomination papers, and was elected to that office by a vote of the people, or in the case of a superior or municipal court judge, was appointed to that office.
3. No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents. For purposes of this section, all California geographical names shall be considered to be one word. Hyphenated words that appear in any generally available standard reference dictionary, published in the U.S. at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word. The use of the word "Retired" by itself or as a prefix is acceptable, but not after any other word or words (e.g. "Retired" and "Retired Army Officer" is permissible; "U.S.M.C., Retired" is not).
4. The phrase "Appointed Incumbent" if the candidate holds office by virtue of appointment, but may not use the unmodified word "Incumbent".

No candidate shall assume a designation which would mislead the voters.

** No title or degree shall appear on the same line on a ballot as a candidate's name, either before or after the candidate's name. (Election Code 13107, 13107.5)
(Election Code 13106)