

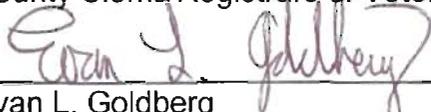


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January 11, 2008

To: County Clerks/Registrars of Voters (08019)

From:


Evan L. Goldberg
Chief Deputy Secretary of State

Subject: Ballot Printing Issue for the February 5, 2008 Presidential Primary Election

We wanted to let you all know as soon as possible about an issue that has arisen regarding ballot printing and to encourage you to check with your vendor or vendors to determine whether you have a problem with your ballots.

Yesterday, one county registrar of voters informed the Secretary of State's office that their vote-by-mail ballots – which were ordered from ES&S and which ES&S contracted with American Litho to print – did not contain the watermark and tinting required by law.

After conducting a preliminary investigation Thursday afternoon and today, we have been informed by ES&S that all of the ballots it contracted with American Litho to print – both vote-by-mail and polling place ballots – fail to contain the watermark and tinting required by law. We have been told by ES&S, but have not been able to independently verify, that the watermark and tinting was done on the ballot stubs, but not on the ballots themselves. According to information provided by ES&S, this problem affects a total of six counties. We have contacted those counties directly to let them know about the information that ES&S has provided to us.

We have been informed by Martin and Chapman, as well as Consolidated Printers, that their ballots do contain the proper watermarks and tinting, as is required by law.

We have formally notified ES&S and American Litho that the un-tinted, un-watermarked ballots they provided violate state law and that their certifications to provide ballots for use in California elections are in jeopardy. We have urged both companies to do everything in their power to comply with the law in time for the election on February 5, 2008.

We are encouraging every registrar, regardless of who your ballot printing vendor is, to ensure that your ballots contain the proper watermark and tinting that are required by law. Furthermore, we certainly want to work with any affected county to determine the best course of action, and we will keep you apprised of any new developments if and when they occur.

If you have any questions, please don't hesitate to contact me at (916) 653-7244 or Evan.Goldberg@sos.ca.gov.