

NOTICE AND DEMAND

TO:

J. Mark Myles
San Joaquin County Counsel
44 N San Joaquin St # 679, Stockton, CA 95202

Melinda Dubroff
San Joaquin County Registrar of Voters
44 N San Joaquin St # 350, Stockton, CA 95202

Miguel Villapudua, Katherine Miller, Tom Patti, Chuck Winn, Bob Elliott
San Joaquin County Board of Supervisors
44 N San Joaquin St # 627, Stockton, CA 95202

Shabbir A. Khan
San Joaquin County Treasurer-Tax Collector
44 N San Joaquin St # 150, Stockton, CA 95202

Tori Verber Salazar
San Joaquin County District Attorney
222 E Weber Ave # 202, Stockton, CA 95202-2777

Cecilia Mendez, Andrea Burrise, Kathy Garcia, Lange P. Luntao, Maria Mendez, Angela Phillips,
Steve Smith
Stockton Unified School District Governing Board
701 N Madison St, Stockton, CA 95202

RE: Setting Aside Fraudulent Election (June 2018, Measure C)

July 3, 2018

Dear Public Servants,

You are in dishonor. Perhaps, the concept of honor is totally foreign to you.

You have demonstrated by your actions and by your silence, that your VISION is merely propaganda.

VISION (Voting Insures Strength In Our Nation)
Through Precision, With Virtue and Pride, We Are the Silent Support of This System.

NOTICE

Despite the three different notices you received, each of which you ignored, you proceeded to hold and now certify a fundamentally fraudulent special election for Measure C.

Since you have demonstrated a penchant for not following the law, we highly suspect that you did not notify your principals and agents, as required by the Civil Code. Since those people are now being placed on notice as well, for their benefit, links to each of those previous notices are

provided at the end of this notice and as live links in the transmission e-mail.

You did not deny any of the allegations in the three previous notices, so they stand as undisputed, un rebutted facts.

To refresh your recollection:

1. On March 6, 2018 you were notified about the, apparently intentional, omission of material information in what was purported to be an "Impartial" Analysis regarding the nature and consequences of the measure that the voters were being asked to approve.
2. On March 12, 2018 you were notified about the violation of the filing date deadline, when you accepted Stockton Unified's resolution requesting a Proposition 39 bond election be placed on the ballot.
3. On March 19, 2018 you were notified that the ballot measure did not qualify and that the ballot statement for the measure did not conform to, among other things, Elections Code 13119.

For easy reference for all, this was the ballot statement text submitted and authorized by the governing board of Stockton Unified.

MEASURE _:"To repair and improve our schools; upgrade fire alarms, repair leaky pipes and roofs and rehabilitate existing classrooms, shall \$156.38 million of Stockton Unified School District's bonds, approved in 2008, be reauthorized as new bonds, with legal rates, an average tax levy of 4.9 cents per \$100 of assessed valuation while bonds are outstanding (averaging \$10.8 million per year), annual audits, independent taxpayer oversight and no increase in total authorized District debt or current tax rates?"

Subsequent to the notices, you and your agents, going above and beyond your authority, printed and circulated the non-conforming ballots for more than 83,000 voters incurring criminal liability under Elections Code 18401.

After voters began receiving ballots by mail, it was discovered that you didn't merely print and circulate the ballot statement, you modified it, without a court order, to include additional bolded words "STOCKTON UNIFIED SCHOOL DISTRICT BOND." Those words caused the ballot statement to exceed the authorized word count, in addition, to giving an advantage to proponents of the measure.

For easy reference for all, this was the ballot statement that was printed and circulated.

Measure C

STOCKTON UNIFIED SCHOOL DISTRICT BOND

To repair and improve our schools; upgrade fire alarms, repair leaky pipes and roofs and rehabilitate existing classrooms, shall \$156.38 million of Stockton Unified School District's bonds, approved in 2008, be reauthorized as new bonds, with legal rates, an average tax levy of 4.9 cents per \$100 of assessed valuation while bonds are outstanding (averaging \$10.8 million per year), annual audits, independent taxpayer oversight and no increase in total authorized District debt or current tax rates?"

As a result of both the noticed violations, and your own subsequent intentional, willful, and unlawful actions, the ballot statement and other materials that you provided to the voters has resulted in a fraudulent election, in a contest that barely eked out a 23% turnout.

DEMAND

To all:

We demand,

1. That **within 10 calendar days**, you decertify the Measure C election on your own initiative or request a court to set the election aside due to gross violations of due process and fairness that, both individually and collectively, have resulted in a fraud upon the public.

To Board of Supervisors:

We demand,

1. That you immediately relieve the registrar of all public duties and initiate termination proceedings;
2. That you immediately relieve county counsel and the deputy counsel who actually wrote the fraudulent impartial analysis of all public duties and initiate termination proceedings;
3. That upon setting aside the election, you reimburse, from the registrar's funds, to Stockton Unified the entire amount paid to the county with respect to the Measure C election;
4. That you respond to the public records request from Alex Aliferis dated June 7, 2018, which is now 16 days past due.
5. That you prohibit the registrar from implementing ballot measure argument rules that impose arbitrary restrictions beyond the requirements established by the legislature in the Elections Code; and
6. That you prohibit the registrar from setting ballot measure argument due dates earlier than 78 days before the election for any measure over which the registrar has ballot measure argument authority.

WRAP-UP

Could you have held a fair election for Measure C? Yes, in November 2018. It was your duty and wholly within your power and authority to do so.

Instead your first action was to break the rules. How much money have you billed Stockton Unified for this election? Over \$1,000,000 or under \$1,000,000? In any case, it was a lot of money.

According to the rules, you should have rejected the request. You didn't -- even after your violation of due process was pointed out to you.

When you're in a position of official authority with a duty and a mandate to make sure that the rules are enforced, and then you break rules you are acting outside of the law.

Once you started breaking rules to favor one side over another, you and your accomplices were

taking the road to perdition.

Your actions have brought disrepute upon the entire county elections office and also upon all county officials under whose watch this occurred, especially those charged with conducting fair and impartial elections.

Sincerely,

Salvador Frausto, Sr.
Stockton Unified School District Taxpayer

Salvador Frausto, Jr.
City of Stockton Resident

Alex Aliferis
Lodi Unified Measure U Bond Oversight Committee

Richard Michael, Government Accountability Advocate
California School Bonds Clearinghouse (www.bigbadbonds.com)

P.S. The failure of public officials to respond in writing to legitimate public concerns is a marker of a culture of public corruption.

Links:

Mar 06 http://www.bigbadbonds.com/2018-Primary/san_joaquin-measure-c-impartial-analysis-email.pdf

Mar 12 http://www.bigbadbonds.com/2018-Primary/san_joaquin-measure-c-filing-deadline.pdf

Mar 19 http://www.bigbadbonds.com/2018-Primary/san_joaquin-school-measures-notice-and-demand-2018-03-19.pdf