

BARRY FADEM

LAW OFFICE OF  
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July 18, 2022

VIA EMAIL ( )

Marie Weber  
City Clerk  
City of Livermore  
1052 S. Livermore Ave.  
Livermore, CA 94550

Dear Ms. Weber,

Your "Prima Facie Petition Section and Signature Count Summary Page" stated the following:

"Someone attempted to strike signatures on the petitions using a black marker, the prima facie count included all visible signatures, even if they were visible beneath the black marks."

We are not aware of a single jurisdiction anywhere in the state of California that would count signatures that had been blacked-out on a petition. There is a very simple reason for that fact. It would be an absolute waste of government resources to have the County validate signatures that the proponent knows are not valid signatures. During the collection of signatures, many things can happen. Sometimes people forget and sign petitions more than once. Sometimes, a person may think they are registered to vote in Livermore but it turns out they are not.

We consider it our **duty** to check ALL of the signatures that we submit to your office **before** we submit them so as to make sure, to the best of our ability, we are submitting only signatures from residents of the jurisdiction, either confirmed registered voters or potential registered voters and that no voter has signed more than once.

Therefore, including blacked-out signatures in your prima facie count is against the public policy of the State of California and is totally without precedent. Therefore, we request that you amend your prima facie count and exclude from the count any signatures that were blacked-out.

We also note that this is our second letter to you that involves the failure of your office to comply with California law and practice. We would urge you to talk again with the City Attorney concerning these issues since we strongly believe his advice to you has been wrong in both cases.

Sincerely,



Barry Fadem

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cc: Melissa Wilk  
Alameda County Clerk-Recorder