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17 IN THE UNITED STATES DISTRICT COURT  
 18 FOR THE EASTERN DISTRICT OF CALIFORNIA

20 **PROTECTMARRIAGE.COM, ET AL.,**  
 21  
 Plaintiffs,  
 22  
 v.  
 23  
 24 **DEBRA BOWEN, SECRETARY OF STATE FOR**  
**THE STATE OF CALIFORNIA, ET AL.,**  
 25  
 Defendants.

2:09-cv-00058-MCE-DAD

**DECLARATION OF LYNDA CASSADY  
 IN SUPPORT OF STATE DEFENDANTS'  
 OPPOSITION TO PLAINTIFFS'  
 MOTION FOR PRELIMINARY  
 INJUNCTION**

Date: January 29, 2009  
 Time: 11 a.m.  
 Courtroom: 7  
 Judge Morrison C. England, Jr.  
 Trial Date: None Set  
 Action Filed: January 7, 2009

1 I, Lynda Cassady, declare as follows:

2 1. I am the Chief of the Technical Assistance Division of the California Fair Political  
3 Practices Commission ("Commission"). I began my employment with the Commission in August  
4 1989 and served as a Political Reform Consultant in the Technical Assistance Division. In 1992,  
5 I was promoted to Assistant Division Chief and on December 31, 2008, to Division Chief, the  
6 position I currently hold. I have personal knowledge of the matters set forth below and if called  
7 to testify as to these matters, I could competently do so.

9 2. As Division Chief (and previously as Assistant Division Chief), I manage the day-to-  
10 day operations of the Technical Assistance Division. \_\_\_\_ In addition, I review and provide input  
11 on draft regulations, proposed legislation, and other legal issues presented for consideration by  
12 the Commission, as well as formal and informal staff advice letters and other staff projects. I  
13 have played a leadership role in several projects aimed at simplifying reporting rules, deadlines  
14 and instructions, developing electronic filing programs, and improving communications with and  
15 outreach to the regulated community.

17 3 One of the primary purposes of the Act, as stated in California Government Code  
18 Section 81002, is to ensure that receipts and expenditures in election campaigns are fully and  
19 truthfully disclosed so that the information can be used by voters to make decisions on candidates  
20 and ballot measure campaigns in state and local elections and so that improper practices may be  
21 inhibited. Towards that goal, Government Code Section 84211 requires committees to disclose  
22 contributions received of \$100 or more from a single source in a calendar year. This information  
23 is necessary so that the public knows what sources are financing political campaigns.  
24 Government Code Section 84211 requires the name, street address, and if applicable, the  
25 occupation and name of employer for each source that contributed \$100 or more in a calendar  
26 year.  
27  
28

1           4. Campaign committees only report, in a lump sum, the aggregate amount of  
2 contributions received from all sources that contributed less than \$100 in the calendar year. Cal.  
3 Gov't Code §84211. The total number of contributions totaling less than \$100 from a single  
4 source is not reported. The Act does require campaign committees to maintain in the committee's  
5 records the names, street address, and if applicable, the occupation and name of employer of each  
6 source of a contribution of \$25 or more. Cal. Code Regs. tit. 2 §18401. This is a recordkeeping  
7 rule only, however, that facilitates audits of committee accounts. This information is not publicly  
8 disclosed when contributors have given less than \$100 in total to a committee.  
9

10           5. My staff and I examined the campaign reports filed by Primarily Formed Ballot  
11 Measure Committees formed to support and oppose Proposition 8 on the November 2008  
12 California General Election Ballot. The information in this declaration was accessed from the  
13 Secretary of State's online CalAccess Program on January 7 and 8, 2009. From this information,  
14 we developed the spreadsheets that portray the contributions made both for and against  
15 Proposition 8. These spreadsheets are attached hereto as Exhibits A (in support of Proposition 8)  
16 and B (in opposition to Proposition 8).  
17

18           6. There were 27 committees primarily formed to support or oppose Proposition 8. Of  
19 those 27 committees 10 committees opposing the Proposition and four committees supporting the  
20 measure filed campaign statements electronically with the Secretary of State. My staff and I  
21 reviewed data from the 14 committees that filed reports electronically.  
22

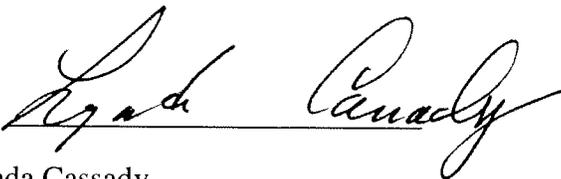
23           7. The total amount of contributions received in support of Proposition 8 from 1/1/08  
24 through 10/18/08 was \$29,835,617 from 36,292 contributions. Of those, \$1,617,325 came from  
25 contributions of less than \$100 from a single contributor (and therefore were not itemized).  
26

27           8. The total amount of contributions received in opposition to Proposition 8 from 1/1/08  
28 through 10/18/08 was \$44,667,429 from 49,706 contributions. Of those, \$2,560,707 came from

1 contributions of less than \$100 from a single contributor.

2 8. On January 21, 2009, my staff reviewed campaign data on the Cal Access program for  
3 the three committees that filed campaign statements electronically and supported Proposition 22,  
4 another ballot measure addressing the definition of marriage. Proposition 22 was listed on the  
5 March Primary Election ballot in 2000. From this information, we developed the spreadsheet  
6 attached hereto as Exhibit C. The total amount of contributions received by the three committees  
7 in support of Proposition 22 was \$5,186,607. Of this amount, 10,832 sources contributed \$100 or  
8 more. The total amount received by the three committees from sources that contributed less than  
9 \$100 was \$613,874.  
10

11 I declare under the laws of the United States that the foregoing is true of my own  
12 knowledge, and that this declaration was executed in Sacramento, California on January 22, 2009.  
13

14  
15 By: 

16 Lynda Cassady  
17 Chief of the Technical Assistance Division  
18 Fair Political Practices Commission  
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# EXHIBIT A

# Yes on 8 Committees

	Total Contributions 07-08	Contributions of \$100+	\$100-\$499	\$500-\$999	\$1,000-\$9,999	\$10,000+	Under \$100
	Dollars						Dollars
1302592	Protectmarriage.com	\$27,931,045	18,495	4,246	4,849	277	\$1,561,447
1303282	Nat'l Org for Marriage	\$1,825,658	392	48	63	28	\$25,486
1309338	Capitol Resource	\$71,384	208	9	5	1	\$28,664
1301054	Alliance for Marriage	\$7,530	4	0	2	0	\$1,728
1312536	Adventists for 8	no filings					
1309082	High Desert for 8	no filings					
1313175	Stand for Marriage	no filings					
1308367	CA for Tradition Marr.	no filings					
1312752	Convencion Hispanas	no filings					
1313185	Family Research Coun	no filings					
	Totals	\$29,835,617	19,099	4,303	4,919	306	\$1,617,325

Amounts do not include late reporting due 2/2/09

# EXHIBIT B

# No on 8 Committees

	Total Contributions 07-08	Contributions of \$100+	\$100-\$499	\$500-\$999	\$1,000-\$9,999	\$10,000+	Under \$100	
	Dollars						Dollars	
1301573	CA Marriage Equality	\$10,703,984	14,566	12,134	1,311	1,007	114	\$535,665
1308414	Log Cabin	\$67,594	119	88	16	14	1	\$2,367
1307246	Human Rights	\$3,260,725	5,347	4,689	419	222	17	\$367,757
1308178	Am. Civil Liberties	\$2,079,962	80	43	6	22	9	\$451
1308829	Marriage Equality USA	\$59,433	127	102	10	15	0	\$9,102
1308206	Natl Center Lesbian	\$482,108	615	477	58	68	12	\$20,467
1307787	Ca Against Elim. Rights	\$447,849	115	72	8	18	17	\$4,005
1307950	Task Force No on 8	\$271,351	288	221	30	29	9	\$14,635
1259396	No on 8, Equality All	\$26,683,255	27,649	23,920	1,978	1,541	208	\$1,583,884
1259396	No on 8, Equality All	\$611,168	800	630	62	94	14	\$22,374
1308436	Protect Marriage for All	no filings						
1311419	Feminist Majority	no filings						
1309109	Santa Clara County	no filings						
1312996	Justice Ed Fund	no filings						
1310774	Wine Country	no filings						
1307834	GLBT	no filings						
1312672	Santa Clara	no filings						
1308401	Bigots Against Life	no filings						
	<b>Totals</b>	<b>\$44,667,429</b>	<b>49,706</b>	<b>42,376</b>	<b>3,898</b>	<b>3,030</b>	<b>401</b>	<b>\$2,560,707</b>

Amounts do not include late reporting due 2/2/09

# EXHIBIT C

**Yes on 22 Committees**

		Total Contributions 99-00	Total # contributor \$100+	\$ Less than \$100
		Dollars		Dollars
990319	Calfns for Protection	\$4,506,589	9,219	\$248,076
982936	Defense of Marriage	\$590,518	1,610	\$365,798
981204	Calfns for the Defense	\$89,500	3	\$0
1221066	American Needs Fatima	No E-filings		
	<b>Totals</b>	<b>\$5,186,607</b>	<b>10,832</b>	<b>\$613,874</b>