April 20, 2011

Margarita Campos, CMC
City of Burbank City Clerk
275 East Olive Avenue
Burbank, CA 91502

Re:

Election Protest for the City Council contest of April 12, 2011
Request for a recount by hand of the entire contest

Dear Ms Campos:

I write this request for a recount by hand for the entire City Council contest of April 12, 2011 in the City of Burbank in reference to Burbank Municipal Code 2-3-2107 A and B.

"A. Within five (5) days after the results of the election have been posted, any voter of the City may file a verified written protest with the City Clerk contesting the count of the ballots

B. Should the City Clerk have reasonable cause to believe the ballots in a precinct(s) have been miscounted, he or she may order a recount. [Formerly numbered Section 11-236; renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3787, eff. 9/10/10; 3562.]"

1. *The name and address of the voter protesting;*

   The voters requesting the recount by hand are Kevin and Linda Muldoon, 716 S Sunset Canyon Dr., Burbank, CA 91501. Fronnie Lewis 1415 E Alameda Ave Burbank 91501. Judy Alter Director of the non-partisan election integrity group Protect California Ballots, 8117 Crydon Ave Los Angeles 90045 is another person submitting this "Protest." She, with her group members, will also observe the process. The group and their logo are registered with the California Secretary of State as an unincorporated unaffiliated citizen association.

2. *The name of the person whose right to be nominated or elected to office, stating the office, is being contested; or the proposition being contested;*

   I am asking for a recount by hand of the City Council Contest of April 12, 2011, for the City Council candidate **Emily Gabel**-**Luddy** certified by the City Council April 26 2011 (CAEC 15620 Par 3).

3. *The number of the precinct or precincts wherein it is claimed errors in the counting of ballots would give a different result, if corrected.*

   I am asking that all precincts be included in the recount as provided for in the Burbank Municipal Code 2-3-2107.

4. ***A statement of particulars as to the errors claimed to have been made in the original count.***

    The difference between the two candidates in the contest for City Council, Robert "Bob" Frutos and Emily Gabel Luddy, is 1%, 95 votes (1.07%), and the under-vote (the number of voters not voting in that race) is 139 (1.57%). The 1% difference should automatically trigger an escalation of the 1% manual tally used as an audit from one precinct to at least two precincts. Since Ms Campos has decided not to recount another precinct to double-check that the machine count was accurate, as a concerned citizen, I am requesting that the entire election of all precincts in Burbank be recounted by hand.

5. ***A demand for a recount of the ballots cast in the specified precinct or precincts***.

    I am asking for a recount by hand of all ballots counted and all ballots rejected in the City Council Contest of April 12, 2011.

    Additionally I request to examine and review the chain of custody of the distribution, return, and handling of the ballots, as this was an all mail-in election. Citizens have expressed concern about the delivery of their ballots to the city clerk's office, how the ballots are stored, how accurately their signatures are matched, as well as the accuracy of the vote count.

6. ***A deposit in an amount estimated by the City Clerk to cover the cost of the recount***.

    Ms. Campos I am requesting an itemized list of the costs that make up the protest. Voters are entitled to this itemized list as spelled out in the Secretary of State's recount regulations. I am requesting an estimate of the number of days and the cost per day.

    The law requires notice within 7 days as to the starting date of the re-count. Please provide Kevin and Linda Muldoon, Fronnie Lewis, Judy Alter with that date.

Yours truly,

Kevin and Linda Muldoon

Fronnie Lewis

Judy Alter