

EXHIBIT F

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11 ATTORNEYS FOR PROPOSED INTERVENORS DENNIS HOLLINGSWORTH,
12 GAIL J. KNIGHT, MARTIN F. GUTIERREZ, HAK-SHING WILLIAM TAM,
and MARK A. JANSSON; and PROTECTMARRIAGE.COM – YES ON 8, A
13 PROJECT OF CALIFORNIA RENEWAL

14 * *Pro hac vice* application forthcoming
+ Application for admission forthcoming

15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**

17 KRISTIN M. PERRY, SANDRA B. STIER, PAUL
18 T. KATAMI, and JEFFREY J. ZARRILLO,

19 Plaintiffs,

20 v.

21 ARNOLD SCHWARZENEGGER, in his official
capacity as Governor of California; EDMUND G.
22 BROWN, JR., in his official capacity as Attorney
General of California; MARK B. HORTON, in his
23 official capacity as Director of the California
Department of Public Health and State Registrar of
24 Vital Statistics; LINETTE SCOTT, in her official
capacity as Deputy Director of Health Information
25 & Strategic Planning for the California Department
of Public Health; PATRICK O’CONNELL, in his
26 official capacity as Clerk-Recorder for the County
of Alameda; and DEAN C. LOGAN, in his official
27 capacity as Registrar-Recorder/County Clerk for
28

CASE NO. 09-CV-2292 VRW

**DECLARATION OF DAVID BAUER
IN SUPPORT OF PROPOSED
INTERVENORS’ MOTION TO
INTERVENE**

1 the County of Los Angeles,

2 Defendants,

3 and

4 PROPOSITION 8 OFFICIAL PROPONENTS
5 DENNIS HOLLINGSWORTH, GAIL J.
6 KNIGHT, MARTIN F. GUTIERREZ, HAK-
7 SHING WILLIAM TAM, and MARK A.
8 JANSSON; and PROTECTMARRIAGE.COM –
9 YES ON 8, A PROJECT OF CALIFORNIA
10 RENEWAL,

11 Proposed Intervenors.

1 I, David Bauer, declare as follows:

2 1. I am the Treasurer of the official campaign committee for Proposition 8:
3 ProtectMarriage.com – Yes on 8, a Project of California Renewal, FPPC ID No. 1302592 (the
4 “Committee”). I have personal knowledge of the facts stated herein, and if called upon to testify, I
5 could, and would, competently testify to those facts.

6 2. In November 2007, the Official Proponents of Proposition 8 and other members of a
7 broad-based coalition of community leaders asked me to serve as Treasurer of the Committee, and I
8 agreed to do so.

9 3. On November 27, 2007, I executed and filed with the Secretary of State a “Statement of
10 Organization” for the purpose of creating and registering the Committee as a “primarily formed
11 ballot measure committee” under the California Political Reform Act.

12 4. Pursuant to California Government Code Section 82047.5(b), the Committee has the
13 legal status of a “primarily formed committee” because the Committee exists primarily to support
14 just one ballot measure—Proposition 8.

15 5. Pursuant to California Government Code Section 82048.7, the Committee is
16 “sponsored” by California Renewal, a California nonprofit organization. That organization is
17 responsible for setting the policies for soliciting contributions and making expenditures of
18 committee funds.

19 6. The Official Proponents of Proposition 8 designated the Committee as the official
20 campaign committee responsible for receiving all contributions and making all expenditures in the
21 campaign to qualify Proposition 8 for the ballot and to pass it into law at the November 2008
22 General Election.

23 7. As the Treasurer, I monitored the raising and spending of all campaign contributions.
24 The contributions were used to pay for professional signature gathering, campaign personnel,
25 television and radio advertisements, newspaper advertisements, media relations, and all other
26 campaign expenses to promote Proposition 8. In my role as Treasurer, I invested a substantial
27 amount of personal time and effort in promoting the enactment of Proposition 8.

28 8. Since it was formed, the Committee has received financial contributions from over

1 83,000 individual donors, the vast majority of which are registered California voters.

2 9. From these financial supporters, the Committee has received over \$39 million in total
3 contributions for the official Proposition 8 campaign.

4 10. Subject only to the statutory powers and duties reserved exclusively to the Official
5 Proponents, the Committee was directly responsible for all other aspects of the campaign to qualify
6 Proposition 8 for the ballot and enact it into law.

7 11. In the campaign, the Committee spent over \$37 million of its financial resources to (1)
8 collect the required number of petition signatures and (2) campaign in favor of Proposition 8.

9 12. After the election, the Committee had a surplus of over \$1.6 million.

10 13. Pursuant to California Elections Code Section 18680(m)(2), the Committee is expressly
11 authorized to spend these surplus funds for, among other things, “attorney’s fees and other costs in
12 connection with litigation where the litigation arises directly out of . . . [t]he enactment, by the
13 initiative process, of any . . . constitutional amendment.”

14 14. After the election, the Committee successfully intervened in three post-election legal
15 challenges to Proposition 8 filed with the California Supreme Court. The petitioners in those cases
16 challenge the legality of Proposition 8 under the California Constitution. On November 19, 2008,
17 the Court permitted the Committee’s intervention in those consolidated cases. The name of that
18 consolidated action is *Strauss v. Horton*, No. S168047. The Committee through its counsel
19 defended Proposition 8 against those legal challenges. On March 26, 2009, the California Supreme
20 Court denied those challenges and upheld Proposition 8.

21 15. Because of the Committee’s statutorily authorized role in providing for the legal defense
22 of Proposition 8, and the Committee’s enormous pecuniary investment of over \$37 million in the
23 campaign to enact Proposition 8, the Committee has a unique stake, not shared by the general
24 public, in any litigation directly challenging the legality of Proposition 8.

25 16. The Committee is in jeopardy of suffering a direct, immediate, and individualized loss if
26 the Court grants the relief sought by the plaintiffs in this case.

27 17. If the Court grants the relief sought by the plaintiffs in this case, all efforts and
28 pecuniary investments by the Committee and its 83,000 financial supporters would be nullified.

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18. I do not feel that any other party can adequately represent the interests of the Committee in this litigation.

19. The Committee has intervened in a case currently pending before the United States District Court for the Central District of California, *Smelt v. United States*, Case No. SACV-09-286 DOC (MLGx). The Committee intervened in that case with the five Official Proponents of Proposition 8—Dennis Hollingsworth, Gail J. Knight, Martin F. Gutierrez, Hak-Shing William Tam, and Mark A. Jansson. That court granted our request for intervention on May 6, 2009. That case, like this one, asserts federal constitutional challenges against Proposition 8. The plaintiffs in that case, like the plaintiffs in this case, request declaratory and injunctive relief invalidating Proposition 8. The Committee through its counsel is currently defending against that legal challenge to Proposition 8.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 28, 2009, at Sacramento, California.



David Bauer