

(OP)

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

FILED

GERTRUDE WILKS, et al.,

Plaintiffs and Appellants,

v.

BARBARA MOUTON, et al.,

Defendants and Respondents.

AO 24878
(S. Ct. No. C-275654)

ORDER MODIFYING OPINION
AND DENYING REHEARING

THE COURT:

It is ordered that the opinion filed herein on August 29, 1984, be modified in the following particulars:

Page 11, footnote 8: Footnote should follow the phrase: "by campaign workers for EPACCI" (line 6 from bottom of second paragraph of text).

Page 11, footnote 8: Should read as follows: "8. We include within this category the ballots punched by Joseph Goodwill, who while not technically a campaign worker for EPACCI, was aligned with that group."

Page 11, (formerly) footnote 8: Change to footnote 9.

Page 14: Delete footnote 9. (See below.)

Page 14: Footnote 9. should be changed to footnote 10. and should read as follows: "Considering the silence of the record as to whether the statutory procedures for assistance to disabled voters were followed for the ballots here at issue, the fact that some absentee voters may have been disabled does not vitiate the secrecy violations. We also opine that such procedures must be followed for disabled absentee voters, just as for any other disabled voters."

Page 18, line 4: after "workers" add "less those ballots as to which appellant's abandoned their challenge at trial;11;"

Page 18, footnote 11 (new): Text is: "We count among this number the ballots of James Fields, Mary Hall, James Howard and Willie Nichols. We also note that the ballots of Joseph Minter and Aron Strong, while void on the ground that they were not voted in secret, were invalid on other grounds and thus cannot also be discounted in this category."

The petitions for rehearing ^{are} ~~is~~ denied.

Racanelli, P.J., is of the opinion that the petition should be granted.

DATED: September 28, 1984

RACANELLI, P. J.

Racanelli, P.J.