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7 Pro Se [Select one: Plaintiff or Defendant]

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 [Select one location: San Francisco / Oakland / San Jose / Eureka]

FILED
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CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

AGT

11 Francis Drouillard et al.)

CV 24-06969

Case Number: _____

12 _____)
13 _____)
14 Plaintiff(s),

Title of Document:

15 vs.

16 Lynda Roberts and

17 Shirley Weber Ph.D.

COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF

18 _____)
19 _____)
20 _____)
21 Defendant(s).

22 SEE ATTACHED

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28 TITLE OF DOCUMENT: _____ CASE NO.: _____

1 **IN THE UNITED STATES DISTRICT COURT**

2 **IN AND FOR THE NORTHERN DISTRICT CALIFORNIA**

3 FRANCIS DROUILLARD (Pro Se)

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1 FRANCIS DROUILLARD, MARK GALPERIN,
2 JOHN TURNACLIFF, CHRIS CARPINIELLO,
3 WALTER JENSEN, MATTHEW BENNETT
4 AND MIA CAMERA

5 Plaintiffs,

6 vs.

7 LYNDA ROBERTS IN HER OFFICIAL
8 CAPACITY AS MARIN COUNTY
9 REGISTRAR OF VOTERS AND SHIRLEY
10 WEBER, PH.D., IN HER OFFICIAL
11 CAPACITY AS CALIFORNIA SECRETARY
12 OF STATE,

13 Defendants

Case No.:

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

- I. Violation of the Fourteenth Amendment – Equal Protection
- II. Violation Of The National Voter Registration Act – Failure to Maintain Voter Rolls
- III. Violation Of The Help America Vote Act – Excessive Ballot Errors

14 I. INTRODUCTION

15 1. This action seeks declaratory and injunctive relief to prevent
16 Defendants Lynda Roberts, in her official capacity as Marin County Registrar of Voters,
17 and Shirley Weber, Ph.D., in her official capacity as California Secretary of State, from
18 violating Plaintiffs’ voting rights under the Fourteenth Amendment, the National Voter
19 Registration Act (NVRA) [52 U.S.C. §§ 20507-20511], and the Help America Vote Act
20 (HAVA) [52 U.S.C. §§ 20901-21145].

21 2. Plaintiffs allege that the actions of Defendants, including the failure to remove
22 ineligible voters from registration rolls, allow illegal votes that dilute the votes of eligible
23 voters, infringing Plaintiffs’ rights to participate in a fair election.

II. VENUE AND JURISDICTION

3. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 as the
claims arise under federal statutes including NVRA [52 U.S.C. § 20507(b)] and HAVA [52
U.S.C. § 21081(a)(5)].

1 4. Venue is proper in this District under 28 U.S.C. § 1391(b), as Defendants
2 perform official duties within this District, and the alleged violations occurred in Sacramento,
3 CA, and Marin County, CA.

4
5 III. PARTIES

6 Plaintiffs:

7 5. Francis Drouillard, Mark Galperin, John Turnacliff, Chris Carpiniello, Walter
8 Jensen, Matthew Bennett, and Mia Camera are California residents and registered voters
9 impacted by Defendants' alleged failure to maintain current and accurate voter rolls.

10 Defendants:

11 6. Lynda Roberts serves as Marin County's Registrar of Voters, responsible for
12 maintaining voter rolls and ensuring the lawful administration of elections in Marin County.

13 7. Shirley Weber, Ph.D. serves as California Secretary of State, tasked with
14 overseeing and implementing statewide election laws, including those concerning voter
15 registration and roll maintenance.

16
17 IV. GENERAL ALLEGATIONS

18 8. In advance of recent elections, Marin County's voter rolls included numerous
19 ineligible voters who had either moved out of state or were otherwise unqualified under state
20 and federal law. Plaintiffs allege this failure has allowed ineligible voters to cast ballots,
21 diluting legally cast votes and diminishing election reliability.

22 9. The National Voter Registration Act (NVRA) requires States to implement
23 systems to maintain accurate voter rolls by removing ineligible voters who are deceased,
have relocated out of state, or otherwise lost eligibility.

1 10. The Help America Vote Act (HAVA) establishes that federal elections must
2 be administered to strict error rate limits, permitting only one voting system error per
3 500,000 ballot positions. Defendants' failure to remove ineligible voters has generated an
4 excessive number of ballot errors in Marin County elections.

5 11. Plaintiffs bring this action to compel Defendants to enforce federal and state
6 laws that require maintaining current, accurate voter rolls, thereby safeguarding the integrity
7 of elections and ensuring that legitimate voters are not disenfranchised.

8 9 V. CAUSES OF ACTION

10 **First Cause of Action: Violation of the Fourteenth Amendment (Equal Protection)**

11 12. Plaintiffs reallege and incorporate by reference each preceding paragraph as
12 though fully set forth herein.

13 13. The Equal Protection Clause of the Fourteenth Amendment safeguards voters
14 from dilution of their votes by unlawful votes cast by ineligible voters. *Reynolds v. Sims*, 377
15 U.S. 533, 554-55 (1964).

16 14. By failing to remove ineligible voters from the rolls, Defendants have
17 sanctioned election practices that reduce the weight and impact of votes cast by eligible
18 voters, depriving Plaintiffs of equal protection under the law.

19 **Second Cause of Action: Violation of the National Voter Registration Act (NVRA)**

20 15. Plaintiffs reallege and incorporate by reference each preceding paragraph as
21 though fully set forth herein.

22 16. The NVRA mandates that each state conduct programs to ensure only eligible
23 voters remain on voter registration rolls, as stipulated in 52 U.S.C. § 20507(a)(4) and (b).

1 17. Defendants' failure to implement these programs in Marin County has
2 allowed thousands of ineligible voters to remain on the voter rolls, contravening the NVRA's
3 explicit requirements to safeguard the integrity of the electoral process.

4 **Third Cause of Action: Violation of the Help America Vote Act (HAVA)**

5 18. Plaintiffs reallege and incorporate by reference each preceding paragraph as
6 though fully set forth herein.

7 19. HAVA establishes error rate limits for voting systems and requires each state
8 to maintain accurate voter rolls by regularly removing ineligible voters (52 U.S.C. §
9 21081(a)(5)).

10 20. The excessive number of ballot errors generated by votes cast by ineligible
11 voters in Marin County exceeds the error rate permitted under HAVA, rendering recent
12 elections unreliable and violative of federal election law.

13
14 VI. PRAYER FOR RELIEF

15 WHEREFORE, Plaintiffs respectfully request that this Court enter judgment against
16 Defendants and grant the following relief:

- 17 1. Declaratory Relief: A declaration that Defendants' failure to maintain accurate voter
18 rolls violates the Equal Protection Clause, NVRA, and HAVA.
- 19 2. Injunctive Relief: An injunction requiring Defendants to take immediate steps to:
- 20 o Remove ineligible voters from Marin County's voter rolls;
 - 21 o Implement a verification system to ensure only eligible voters are mailed ballots
22 in future elections; and
 - 23 o Comply with NVRA and HAVA requirements to maintain accurate and current
voter registration rolls.

1 3. Order for Compliance: Require the Marin County Registrar to sequester ballots cast
2 by voters identified as ineligible to prevent them from being counted in future elections.

3 4. Attorney’s Fees and Costs: Award reasonable attorneys’ fees and costs pursuant to
4 applicable law.

5 5. Further Relief: Grant any such further relief as the Court deems just and proper.

6 DATED: October 7, 2024,

Respectfully Submitted,

7 

8 FRANCIS DROUILLARD (Pro Se)

9 I, Francis Drouillard, attest, under penalty of
10 perjury, that the six Signatories below have
11 concurred in the filing of this complaint.

12 /s/
MARK GALPERIN (Pro Se)

13 /s/
14 JOHN TURNACLIFF (Pro Se)

15 /s/
16 CHRIS CARPINIELLO (Pro Se)

17 /s/
18 WALTER JENSEN (Pro Se)

19 /s/
20 MATTHEW BENNETT (Pro Se)

21 /s/
22 MIA CAMERA (Pro Se)
23