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13 *PRO SE* PLAINTIFFS

14 **IN THE UNITED STATES DISTRICT COURT**

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

16 **SAN FRANCISCO DIVISION**

17 FRANCIS DROUILLARD, MARK GALPERIN,  
18 JOHN TURNACLIFF, CHRIS CARPINIELLO,  
19 WALTER JENSEN, MATTHEW BENNETT  
AND MIA CAMERA

Case No.: 24-cv-06969 – CRB

20 Plaintiffs,

**FIRST AMENDED COMPLAINT  
FOR DECLARATORY AND  
INJUNCTIVE RELIEF**

21 vs.

22 LYNDA ROBERTS in her official capacity as  
23 MARIN COUNTY REGISTRAR OF VOTERS  
24 AND SHIRLEY WEBER, PH.D., in her official  
Capacity as CALIFORNIA SECRETARY OF  
STATE,

- 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

25 Defendants.

I. INTRODUCTION

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

8 2. Plaintiffs allege that the actions of Defendants, including the failure to remove  
9 ineligible voters from registration rolls, allow illegal votes that dilute the votes of eligible  
10 voters, infringing Plaintiffs' rights to participate in a fair election.

11 II. VENUE AND JURISDICTION

12 3. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 as the  
13 claims arise under federal statutes including NVRA [52 U.S.C. § 20507(b)] and HAVA [52  
14 U.S.C. § 21081(a)(5)], as well as 28 U.S.C. § 1367, which confers on federal court the power  
15 to decide state claims under state law.

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

19 III. PARTIES

20 Plaintiffs:

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

24 Defendants:

25 6. Lynda Roberts serves as Marin County's Registrar of Voters, responsible for  
26 maintaining voter rolls and ensuring the lawful administration of elections in Marin County.  
27  
28

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

#### 4                                   IV. GENERAL ALLEGATIONS

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

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

12           10. The Help America Vote Act (HAVA) establishes that federal elections must  
 13 be administered to strict error rate limits, permitting only one voting system error per  
 14 500,000 ballot positions. Defendants' failure to remove ineligible voters has generated an  
 15 excessive number of ballot errors in Marin County elections.

16           11. Plaintiffs bring this action to compel Defendants:

- 17           a. to exclude ballots returned by ineligible voters from the count in the  
 18 November 5, 2024, general election; and
- 19           b. to enjoin the Defendants from opening mail-in-ballot return envelopes  
 20 received from ineligible voters; and
- 21           c. to comply with federal laws that require maintaining current, accurate  
 22 voter rolls by timely conducting in preparations for future elections "a general  
 23 program that makes a reasonable effort to remove the names of ineligible  
 24 voters from the official lists of eligible voters" [52 U.S. Code §20507(a)(4)],  
 25 thereby safeguarding the integrity of elections and ensuring that legitimate  
 26 voters are not disenfranchised.

#### 27                                   V. CAUSES OF ACTION

28

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

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

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

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

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

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

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

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

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

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

21 19. HAVA establishes error rate limits for voting systems and requires each state  
22 to maintain accurate voter rolls by regularly removing ineligible voters (52 U.S.C. §  
23 21081(a)(5)).

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

27 **VI. PRAYER FOR RELIEF**

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

3 21. Declaratory Relief: A declaration that Defendants' failure to maintain accurate  
4 voter rolls violates the Equal Protection Clause, NVRA, and HAVA.

5 22. Declaratory Relief: A declaration that ineligible voters are not "voters" under  
6 the Fourteenth Amendment, NVRA or HAVA.

7 23. Declaratory Relief: A declaration that ballots cast and counted by ineligible  
8 voters result votes that are not "an act of the voter" but rather an election system error that is  
9 subject to the "ballot error" limits under HAVA.

10 24. Injunctive Relief: An injunction requiring Defendants to take immediate steps  
11 to:

- 12 a) Remove ineligible voters from Marin County's voter rolls;  
13 b) Implement a verification system to ensure that only eligible voters are mailed  
14 ballots in future elections; and  
15 c) Comply with NVRA and HAVA requirements to maintain accurate and  
16 current voter registration rolls.

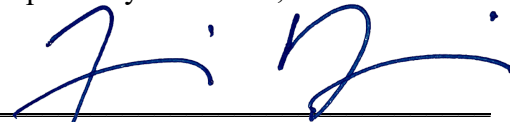
17 25. Order for Compliance: Require the Marin County Registrar of Voters to  
18 intercept and sequester ballots cast by voters identified as ineligible as they are returned to  
19 the Elections Department for processing to prevent them from being counted in the  
20 November 5, 2024 General Election and all future elections.

21 26. Attorney's Fees and Costs: Award reasonable attorneys' fees and costs  
22 pursuant to applicable law.

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

1 DATED: October 12, 2024,

Respectfully Submitted,

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3 

4 FRANCIS DROUILLARD (Pro Se)  
I, Francis Drouillard, attest, under penalty of  
5 perjury, that the six Signatories below have  
6 concurred in the filing of this complaint.

7  
8 /s/  
MARK GALPERIN (Pro Se)

9  
10 /s/  
JOHN TURNACLIFF (Pro Se)

11  
12 /s/  
CHRIS CARPINIELLO (Pro Se)

13  
14 /s/  
WALTER JENSEN (Pro Se)

15  
16 /s/  
MATTHEW BENNETT (Pro Se)

17  
18 /s/  
MIA CAMERA (Pro Se)

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